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Legislative Decree

Of the President of Islamic Republic of Afghanistan

Regarding Endorsement of the Penal Code

Article One:

Pursuant to provisions of paragraph (16) of Article 64 and Article 79 of Afghanistan Constitution, I endorse the Penal Code approved by approval number (24) dated March 2, 2017 of Cabinet of Islamic Republic of Afghanistan.

Article Two:

The Minister of Justice and State Minister for Parliamentary Affairs are obligated to present the Penal Code to National Assembly in accordance to Article 79 of Afghanistan Constitution.

Article Three:

The Penal Code shall come into force nine months after its publication in the Official Gazette.

Article Four:

This decree shall be enforced from endorsement date and shall be published along with approval of Cabinet of Islamic Republic of Afghanistan and the Penal Code in the Official Gazette.

Mohammad Ashraf Ghani

President of Islamic Republic of Afghanistan

Number: 24

Date: March 2, 2017

Approval

Of Cabinet of Islamic Republic of Afghanistan

Regarding Draft Penal Code

Pursuant to provision of Article 79 of Afghanistan Constitution, I endorse the approval number (24) dated March 2, 2017 of Cabinet of Islamic Republic of Afghanistan regarding the Penal Code.

Mohammad Ashraf Ghani

President of Islamic Republic of Afghanistan

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Penal Code

Book One
General Provisions
Part one
Preliminary Provisions
Chapter one
Objectives and Terminologies

Basis
Article 1:

This law is enacted pursuant to Article 7 and 27 and observance of provisions contained in articles (22, 23, 24, 25, 26, 29, 56, and 59) of the Afghanistan Constitution.

Scope of Implementation
Article 2:

(1) This law regulates the *Taziri* crimes and penalties.
(2) Perpetrators of *Hudud, Qisas* and *Diat* shall be punished in accordance with the provisions of *Hanafi* jurisprudence of Islamic Sharia.

Objectives
Article 3:

The objectives of this law are:

1- To regulate the principles, rules and provisions related to *Taziri* crimes and penalties;

2- To guarantee observance of provisions of the Constitution and other laws;

3- To ensure criminal justice and maintain public order and security;

4- To protect independence, national sovereignty and territorial integrity of the country;

5- To prevent commission of crime and to combat against crimes

6- To rehabilitate and reform the perpetrator of crime;

7- To guarantee observance of human rights and fundamental freedoms of individuals;

8- To insure protection of corporeal and incorporeal properties of individuals;

9- To increase the level of accountability of individuals;

10- To compensate the loss caused by commission of crime.

Terminology
Article 4:

The below terminologies in this law have the following meanings:

1- Crime: as defined in Article (27) of this law;

2- Public Instrument: includes speech, action and other instruments;

   a. Speech is considered public when it is delivered in a public place, public way or other places loud enough or is broadcast in cyberspace or through other instruments that if a person were present he/she could have heard it.

   b. Action is considered public when it takes place in a public place, public way or other places in a way that if a person was present there he/she could have seen it.

   c. Other instruments such as drawing/painting, picture, film, writing, cipher, chart, shows or electronic instruments are considered public when distributed, sold or offered for sale to more than one person, or displayed in a public gathering or public way or cyberspace.

3- Public Official: is a person who is assigned to perform public services and includes the following persons:

   a. Employee of government, governmental companies and enterprises;

   b. Employee of public organizations or enterprises providing public services;

   c. Members of established branches of the state and members of elected institutions;

   d. Judge, prosecutor, defense lawyer, arbitrator, expert, and other persons whose credentials are valid;

   e. A person who is formally assigned to perform public services.

4- Criminal motive: is the internal stimulus for commission of criminal act or omission of legal obligation.

5- Noble Motive: is a humanitarian reason, feeling and driving force which directs the intention of a person toward achieving specific humanitarian objectives with good faith and results in criminal act.

6- Base Motive: Reasons and conditions that emerge as driving force to direct the intention of the person for achieving base desires and results in criminal act.

7- Internationally protected persons: president, vice presidents, prime minister, ministers, ambassadors, and other political representatives of foreign states, representatives of international and intergovernmental organizations, and other persons who have diplomatic protection based on 1969 Vienna Convention on Diplomatic Immunity and 1973 Convention on Prevention and Punishment of Crimes against Internationally Protected Persons, including their family members.

8- Security Forces: Armed forces (Army), police and national directorate of security or military personnel of other ministries and institutions with military structures.

9- Absolute verdict: is a verdict which:

   a. Based on the law, it is finalized in primary and appellate court;

   b. The appellate court has issued a final verdict therein;

   c. The Supreme Court has issued a verdict about the case after revision;

   d. The deadline for submitting appeal or cassation has elapsed according to the law.

10- Negligence: includes recklessness and neglect, and means carelessness in performing an act that should be performed;

11- Carelessness: is to perform an act without anticipating consequences of the act which is customarily predictable.

12- Unskillfulness: is to perform an act due to lack of relevant knowledge and experience resulting in harm to another person.

13- Victim: is a person who has suffered moral, physical, material or spiritual loss as a result of the crime,

14- Public Interest: anything which is considered to be for the benefit of society.

Chapter Two
General Principles and Rules

Presumption of Innocence
Article 5:

Innocence is the original state. A person is innocent until he/she is proven guilty by the final verdict of a competent court.

Equality of Persons before the Law
Article 6:

Suspect, accused and convict, without consideration of nationality, race, language, tribe, religion or sect, political ideology, gender, education, profession, lineage, wealth, social status, place of residence and domicile, have absolute equal rights before the law.

Legality of Crime and Punishment and Fair Trial
Article 7:

(1) No act shall be considered a crime, but in accordance to the law enacted before its commission.

(2) No punishment shall be enforced, unless it is stated in this law.

(3) No one shall be punished, except by the verdict of a competent court, in accordance with the provisions of the law enacted before commission of the said act.

(4) Punishment shall be applied on perpetrator, in consideration of other conditions and circumstances stated in this law, proportionate to the committed crime.

Non-Recognition of Crime and Punishment Outside of Penal Code:
Article 8:

(1) Crime recognition and punishment determination based on analogy is not permissible.

(2) Criminalization and execution of punishment for an action, which is not considered crime and no punishment is prescribed for it in this law, is not permissible.

Personal Liability of Crime and Punishment
Article 9:

Crime is a personal act and its punishment shall not incriminate another person.

Criminal Responsibility
Article 10:

Criminal responsibility and execution of punishment shall be directed to a person who perpetrates a criminal act with free will, sound state of mind and perception.

Ignorance of Provisions of the Law
Article 11:

Ignorance of provisions of the law shall not be deemed as an excuse.

Observance of the Principle of Human Dignity
Article 12:

(1) Sentencing to punishment contrary to human dignity is not permissible.

(2) Carrying out punishment on the perpetrator shall be in observance of human dignity.

Prohibition of Double Jeopardy
Article 13:

(1) A person who has been tried for perpetration of a crime in domestic courts and the verdict was issued on him/her, shall not be retried due to emergence of new evidence for perpetration of the same crime.

(2) A person who has been tried in foreign state courts or international courts for perpetration of a crime and the final verdict was issued on him/her shall not be retried in a domestic court for the same crime.

Return of Original Property and Compensation
Article 14:

(1) A person who is punished in accordance with the provisions of this law, if he/she has acquired property through crime, shall be sentenced to return the original property and if the property is not available, to return its similar property or its price to its owner.

(2) A person who inflicts loss as a result of committing a crime shall be sentenced to pay compensation of the inflicted loss, including material and moral, in addition to the prescribed legal penalty. This provision shall be applied in circumstances where the law has not ordered compensation of loss explicitly.

(3) The amount of inflicted loss and its compensation shall be determined by the relevant experts, appointed by the competent court.

Right of Return or Demand of Replacement
Article 15:

The provisions of this law shall not interfere with the right of return and demand of replacement by claimant.

Chapter Three
Scope of Application of the Law in Terms of Place, Time, and Persons

Application of the Law in Terms of Place
Article 16:

(1) Provisions of this law shall be applied on every citizen of Afghanistan, a person who does not have citizenship or any foreign national who commits a crime within territory of Afghanistan.

(2) Territory of Afghanistan encompasses the following places:

1- Surface and depth of land, and air space within the country's borders;

2- Internal waters;

3- Border rivers and lakes up to border lines that are determined based on international documents and intergovernmental agreements of Islamic Republic of Afghanistan with neighboring states;

4- Afghan airplanes and ships within Afghanistan territory or outside, unless considered a part of foreign country's territory based on international documents.

5- Airplanes and ships that are situated outside of the country under flag of Islamic Republic of Afghanistan, unless considered a part of foreign country's territory based on international documents.

(3) A crime is considered to be committed within territory of Afghanistan when the criminal act or criminal result takes place within territory of Afghanistan.

(4) A person who commits an act beyond the territory of Afghanistan as a result of which he/she is identified as a perpetrator, accomplice, or accessory of the crime that took place entirely or partially in Afghanistan shall be tried in courts of Afghanistan.

Application of the Law in terms of Time
Article 17:

(1) Perpetrator of a crime shall be punished based on the law which was enacted before commission of the crime, unless before issuance of the final verdict a new law is enacted that is in favor of the accused.

(2) A law is considered in favor of the accused in the following circumstances:

1- It has reduced the minimum punishment;

2- Maintaining the minimum; it has reduced the maximum punishment;

3- The punishment has been decreased to a lower degree;

4- It has added to mitigating circumstances;

5- It has decreased aggravating circumstances;

6- Other circumstances in the new law which are in favor of the accused.

(3) If a law is enacted before or after issuance of a final verdict that de-criminalizes the act for which the accused is sentenced to punishment, execution of the sentence shall be suspended and the penal effects based on it shall be removed.

Calendar
Article 18

Deadlines contained in this law are calculated based on Solar Calendar.

Suspension of Enforcement of Temporary Law
Article 19:

If a person is sentenced to punishment for an act under a temporary law whose enforcement expires on a certain date, the expiration of the enforcement of the temporary law does not hinder proceeding of the trial and execution of the punishment on defendant, unless the temporary law states otherwise.

Applicability of Law in Terms of Persons
Article 20:

(1) The provisions of this law shall be applicable to a person committing any of the following crimes outside the territory of Afghanistan:

1- Crimes against internal and external security of Islamic Republic of Afghanistan or a foreign state;

2- Forgery of official documents contained in articles (436 to 443) of this law or importing such forged documents into Afghanistan;

3- Counterfeiting bank notes, metal coins, and valuable documents contained in article (284) of this law or importing them into Afghanistan;

4- Counterfeiting state emblems or medals or importing counterfeited emblems or medals to Afghanistan;

(2) Provisions of this law shall also be applied to a person who resides in territory of Afghanistan and his/her extradition was revoked, based on Law on Extradition of the Accused, Convicted Individual and Legal Cooperation, by the relevant authorities.

Commission of Crime by Employees of the United Nations, International Organizations, and Political Representatives of States
Article 21:

If an employees of the United Nations or other International Organization or political representative of foreign state commits a crime under this law shall be treated based on inter-state treaties and international conventions, regulating the status, privileges, and immunities of aforementioned employees and representatives, to which the Islamic Republic of Afghanistan is a party.

Commission of Crime by or against Government Official Outside the Territory of Afghanistan
Article 22:

(1) If a government official, including Afghans or foreign nationals assigned by Afghanistan government to perform public services, commits a crime during the performance of duty or as a result of its performance outside territory of the country, the provisions of this law shall be applicable to him/her.

(2) If another person commits a crime against the person stated in paragraph (1) of this Article during the performance of duty or as a result of its performance, the provisions of this law shall be applicable to him/her.

Commission of Crime against Citizen or Interest of Afghanistan
Article 23:

The provisions of this law are applicable on the person committing crime against the interest or a citizen of Afghanistan outside the territory of the country.

Commission of a Crime by an Afghan Citizen outside Territory of the Country
Article 24:

(1) If a citizen of Afghanistan commits an act outside the territory of the country, which is considered crime based on provisions of this law, shall be punished based on provisions of this law upon return to the country, provided that the said act is punishable based on the law of the country where the crime is committed.

(2) If the person stated in paragraph (1) of this Article proves that regarding the attributed crime the foreign state court has acquitted him/her or is sentenced to punishment by final verdict of the court and the punishment is applied on him/her or the criminal case has been dismissed before issuance of final verdict or punishment of the act is revoked based on the law of the country where the crime is committed, a criminal case shall not be filed against him.

Counting Duration of Detention and Imprisonment in Case of Extradition
Article 25

If the accused or convict is tried or sentenced to punishment outside the country, in case of extradition, transfer or return to Afghanistan, the time spent in detention and imprisonment shall be credited against his/her punishment.

Universal Jurisdiction
Article 26

The perpetrator of crimes which are recognized as crime according to international documents and he/she is available in Afghanistan shall be prosecuted according to provisions of Afghanistan laws provided that these acts are considered crimes in internal laws and specific punishment and other territorial, personal and inherent jurisdictions are not applicable.

Part Two
Crimes
Chapter One
Concept and Types of Crimes in Terms of Severity of the Punishments

The Concept of Crime
Article 27:

Crime: act or omission of an act that is considered a crime under the provisions of this law, its elements are specified, and the law has prescribed punishment or preventive measures for it.

Types of Crime in terms of Severity of the Punishment
Article 28:

In terms of severity of punishment, crimes are classified to felony, misdemeanour and petty crimes.

Petty Crimes
Article 29:

Petty crime is a crime for which the penalty in this law is cash fine of up 30,000 AFN.

Misdemeanour
Article 30:

Misdemeanour is a crime for which the penalty in this law is medium imprisonment, short imprisonment, alternatives to imprisonment or cash fine.

Felony
Article 31:

Felony is a crime for which the penalty in this law is long imprisonment, grade two continued imprisonment, grade one continued imprisonment, or capital punishment.

Chapter Two
Elements of Crime
Section One
Legal Element of Crime

Concept of Legal Element of Crime
Article 32:

(1) Legal element of crime is the stipulation of criminal act and its penalty in this law.

(2) The principle of legality of crime and punishment is stated in article (7) of this law.

Section Two
Material Element of Crime

The Concept of Material Element of Crime
Article 33:

The material element of a crime is an act contrary to the law or omission of a legal act that the law requires in a way that commission or omission results in a crime and a causal relationship is established between the act and the result.

Act Contrary to the Law and Omission of Legal Act
Article 34:

(1) Act contrary to the law, is the commission or attempt of an act which is prohibited and considered a crime by the law.

(2) Omission of a legal act, is an act that the law requires or failure to perform an obligation that the law requires.

Crime Result
Article 35:

Crime result is the result of a criminal act produced because of commission of a criminal act or omission from performing a legal act.

Causation
Article 36:

Causation is the reasonable connection between criminal act and its result.

The Relationship between Act and Result
Article 37:

(1) A person shall not be held responsible for a crime which is not the result of his/her criminal action.

(2) A person whose criminal act contributes in producing the effect with a previous cause or concurrent with the act or next cause, shall be considered responsible, even if the person is not cognizant of the effectiveness of his/her criminal act in causing the effect.

(3) If act of the person alone is considered sufficient for producing a criminal result, he/she shall be considered responsible for his/her criminal act.

Section Three
The Moral Element of Crime

Concept of Moral Element of Crime
Article 38:

Moral element of crime is the criminal intention, knowledge and awareness about crime and its result or criminal offence.

Criminal Intention
Article 39:

(1) Criminal intention is to direct the intention of the perpetrator to commission of an act which results in crime, in a way that it results in materialization of intended crime or a different crime.

(2) Criminal intention includes immediate intention, concurrent with premeditation, specific and nonspecific.

Premeditated Intention
Article 40:

Intention is considered premeditated when the perpetrator prior to committing the crime has planned its commission. Premeditated intention may be directed to the specific or nonspecific persons.

Immediate Intention
Article 41:

An intention is considered immediate when a person without prior decision, under influence of external factors or as a result of immediate anger and emotion, commits a criminal act.

Specific Intention
Article 42:

An intention is considered specific when the intention of the perpetrator is directed toward specific result and the perpetrator of the crime has predicted the specific and particular result of his/her action.

Nonspecific Intention
Article 43:

An intention is considered unspecific when the intention of the perpetrator is not directed toward a specific result and the perpetrator does not have the intention of a specific act or result.

Intentional Crime
Article 44:

(1) Crime is considered intentional when perpetrator has criminal intention.

(2) Crime is also considered intentional in the following circumstances:

1- If the perpetrator is aware of the consequences of commission of an act or omission of legal obligations and commits illegal act or avoids performance of a legal obligation;

2- If the person is obligated based on law provision or agreement to perform a duty and intentionally refuses its performance, in a way that his/her refusal results in occurrence of crime.

Mistake or Unintentional Crime
Article 45:

A crime is considered unintentional or mistake when it is committed as result of negligence, carelessness or noncompliance with the laws and regulations and the actor has not predicted the consequences of his/her action.

Criminal Motive
Article 46:

Criminal motive has no effect on moral element of crime, it is only relevant in determining the minimum and maximum of punishment.

Chapter Three
Attempt to Commit Crime and its Conditions

Attempt to Commit Crime
Article 47:

Attempt to commit crime is the initiation of an act with the intention of committing a felony or misdemeanor, in a way that its effects are stopped or neutralized by reasons beyond the will of the actor.

Thinking and Deciding Stage for Commission of a Crime
Article 48:

Circumstances related to thinking about or only deciding to commit a crime are not considered attempt to commit a crime.

Procuring Equipment and Performing Preliminary Acts
Article 49:

(1) Procuring equipment and performing preliminary acts are obtaining tools and equipment or preparing the ground for the purpose of commission crime.

(2) Procuring equipment and performing preliminary acts, is not considered crime, unless obtaining equipment and committing preliminary acts are considered crime by its nature.

Incomplete or Impossible Crimes
Article 50:

Performing of an act with the intention of committing a felony or misdemeanor whose fulfillment is impossible due to factors related to the object of crime or the means used, is considered as attempt to commit a crime provided that the belief of the perpetrator of the act with respect to producing the criminal effect did not arise from mistake or absolute ignorance.

Willful Withdrawal
Article 51:

A person who withdraws willingly from commission of the criminal offense is not criminally responsible.

Penalty for Attempted Felony
Article 52:

A person who attempts to commit felony shall be sentenced to the following punishments, unless otherwise stipulated in this law:

1- In case the original punishment of the crime is death, to grade two continued imprisonment;

2- In cases the original punishment of the crime is grade one continued imprisonment, to long imprisonment;

3- In case the original punishment of the crime is grade two continued imprisonment, to medium imprisonment;

4- In case the original punishment of the crime is long imprisonment, to short imprisonment;

Punishments for Attempted Misdemeanor
Article 53:

Punishment for attempted misdemeanor shall not exceed one quarter of the minimum punishment prescribed for the original crime in the law, unless otherwise stipulated in this law.

Observing the Proportionality of Penalty in Attempt to Commit a Crime
Article 54:

The court is obligated, while determining the penalty for attempt to commit a crime, to observe the nature and level of social danger of the act, the personality of the perpetrator, and other reasons that prevented completion of the crime.

Attempt of Petty Crime
Article 55:

Attempt of petty crime is not considered a crime and shall not be punished.

Observing Consequential and Complementary Punishments as well as Safety Measures in Criminal Attempt
Article 56:

When sentencing the perpetrator to punishment of attempt to commit a crime, the special provisions related to consequential and complementary punishments as well as safety measures considered for a complete crime shall be applicable.

Chapter Four
Principal Offender, Accomplice, and Accessory

Principal Offender
Article 57:

(1) Principal Offender is a person who has perpetrated the material element of the crime alone or with participation of others.

(2) Principle offender shall be sentenced to determined punishment of the committed crime.

Accomplice
Article 58:

(1) Accomplice is a person who knowingly and directly participates in one or more material elements of the crime with the principle offender or other offenders.

(2) Accomplice shall be sentenced to punishment of the crime that he/she has participated.

Accessory
Article 59:

(1) Accessory in crime means participation in a criminal action in the form of causality in a way that the accessory has not directly participated in commission of material element of crime.

(2) A person shall be considered accessory in the following circumstances:

1- When he/she instigates, threatens, entices or encourages a person to commit a crime or causes the commission of crime by trick or deceit or misuse of authority.

2- When he/she enters into an agreement with another person to commit a crime and the crime takes place because of this agreement.

3- When he/she knowingly assists the principal offender by providing equipment or facilities for committing the crime and the crime takes place because of this assistance.

(3) Accessory shall be sentenced to one degree lower punishment of the committed crime unless otherwise stipulated in this law.

Organizer
Article 60:

(1) Organizer is a person who forms, leads, directs, or organizes an organized criminal group.

(2) The organizer shall be sentenced to one and a half times the maximum punishment of the committed crime; provided that the imprisonment period does not exceed 30 years.

Organized Criminal Group
Article 61:

(1) An organized criminal group is a structured group of three or more persons which operates systematically to commit one or more felony or misdemeanor crimes to obtain direct or indirect benefit.

(2) Perpetrators of organized crime shall be sentenced to maximum punishment of the committed crime.

Observing the Exonerating Causes and Lack of Responsibility regarding the Accomplice or Accessory
Article 62:

(1) In cases where the principal offender is not punished due to existence of exonerating causes, the accomplice and accessory shall also not be punished.

(2) In circumstances where the principle offender is not punished due to lack of criminal responsibility, this instance does not prevent punishment of the accomplice and accessory.

Unexpected Result of the Crime
Article 63:

If the principle offender and accomplice of the crime commit an act with no intention of materialization of a crime, shall be sentenced to the punishments of the committed crime, provided that the said crime is predictable and is the result of their actions.

Alteration in Nature of Crime or Punishment
Article 64:

In case during commission of a criminal offense some material circumstances occur as a result of which the nature of crime or punishment is altered, the result shall affect all principle offenders, accomplices, and accessories provided that the said circumstances are as result of action of all of them.

Special Conditions that Alter the Nature of Crime or Punishment
Article 65:

(1) If a special condition exists about one of the accomplices or accessories that results in alteration of nature of crime specific to him, these results shall not affect other accomplices or accessories.

(2) The result of special conditions shall affect the accomplice or accessory if he/she had the knowledge of it.

(3) If a special condition exists that causes alteration in penalty of an accomplice or an accessory, its results shall not affect other accomplices or accessories.

Alteration in the Intention of the Principle Offender
Article 66:

If due to intention of the principle offender or manner of his/her action, the nature of crime is altered, other accomplices, accessories, and principle offenders shall be punished in accordance with their intention and manner of action for commission of crime.

Plurality of Principle Offenders and Aggravating Circumstances
Article 67:

If this law considers plurality of the principle offenders as an aggravating circumstance, existence of accomplice in perpetration of a crime is considered as plurality.

Application of Cash Fine Individually or Collectively
Article 68:

(1) Whenever several principle offenders and accomplices are sentenced to cash fine for commission of a single crime, this verdict shall be enforced on each one of them individually.

(2) Whenever cash fine is equivalent to the financial benefit obtained or expected from the commission of the crime, the application of verdict on convicts who are sentenced to cash fine based on a single verdict shall take place collectively unless otherwise stipulated in law.

Withdrawal from Commission of the Crime
Article 69:

Whenever a principle offender, accomplice, organizer, or accessory withdraws from perpetration of an occurring crime by their own will, he/she shall not be prosecuted provided that he/she provides information about the occurring crime to the criminal investigation departments or takes action that prevents the perpetrator(s) from committing a criminal offense.

Chapter 5
Conspiracy in Crime

Conspiracy in Crime
Article 70:

Conspiracy to commit a crime is the systematic and regular alliance of two or more people to commit a felony or misdemeanor.

Penalty for Conspiracy
Article 71:

Perpetrator of conspiracy shall be sentenced to short imprisonment in a misdemeanor, and medium imprisonment in a felony, unless otherwise stipulated in this law.

Immunity in case of providing information
Article 72:

(1) Punishment stated in Article 71 of this law shall not be enforced on those who inform the relevant authorities of the conspiracy in a crime, provided that the information is delivered before the occurrence of the felony or misdemeanor.

(2) The informer who informs the authorities after commencement of an investigation shall not be exempted unless the information reveals/determines the identities of suspects unknown to the authorities.

(3) Informer, after initiation of search and inspection by relevant authorities, shall be exempted from punishment provided that his/her information results in verification of identity of accused unknown to the authorities.

Chapter Six
Plurality of Crimes

Material Plurality of Related Crimes
Article 73:

If several crimes result from commission of several acts and a single purpose ties the crimes together in a way that makes them inseparable, the court shall pronounce the prescribed punishments for each crime and order the enforcement of the most severe punishment only. This order shall not prevent enforcement of consequential and complementary punishments as well as safety measures.

Plurality of Conviction to Related Crimes
Article 74:

A person who as result of commission of crime is sentenced to minor punishment, and later on due to commission of its related crime is sentenced to more severe punishment, in this case the last punishment shall be applied on him/her and the time he has served in prison for the first conviction shall be deducted from his/her imprisonment.

Material Plurality of Unrelated Crimes
Article 75:

If a person commits two or more crimes and before issuance of an absolute verdict about one of them, there is no sign of a joint purpose for committing these crimes, he/she shall be sentenced to the prescribed punishment of each crime and the punishments shall be applied to him/her consecutively, unless otherwise stipulated in this law.

Moral Plurality of Crimes
Article 76:

If as a result of commission of a single act, several crimes are perpetrated, the perpetrator shall be sentenced to the punishment of the crime which has more severe punishment. If the prescribed punishments are the same, the court shall order punishment for one of them.

Plurality of Conviction to Punishment
Article 77:

If a person is convicted as a result of a crime, and subsequently he/she is convicted for commission of another crime and these two crimes are not related to each other, both punishments shall be enforced consecutively even though the prison period exceeds thirty years.

Plurality of Cash Fines and Safety Measures
Article 78:

Cash fine in observance of provisions of Article 142 of this law and safety measures regardless of the extent of its plurality, shall be applied on the convict.

Chapter Seven
Recidivism in Crime

General Recidivist
Article 79:

A person is considered recidivist of crime when sentenced to punishment as a result of commission of felony or misdemeanor and commits another intentional felony or misdemeanor after issuance of the absolute verdict and before restitution of honor.

Specific Recidivist
Article 80:

A person is considered specific recidivist of crime when sentenced to punishment as a result of commission of felony or misdemeanor and commits another similar intentional felony or misdemeanor after issuance of the absolute verdict and before restitution of honor.

Similar Crimes
Article 81:

Crimes that are stated in one part in this law, shall be consider similar crimes.

Revision in Verdict Issued by Foreign Courts
Article 82:

Verdicts of foreign government's courts or international courts shall not be considered credible in case of recidivism, unless concerned with crimes against humanity, genocide, war crimes, aggression against government and crime of counterfeiting money stated in this law.

Punishment of Recidivism in Crime
Article 83:

Recidivist criminal shall be sentenced to the following punishments:

1- In specific recidivism the perpetrator shall be sentenced to punishment up to twice the maximum punishment of the actual crime.

2- In general recidivism the perpetrator shall be sentenced up to one-and-a-half times the maximum punishment of the actual crime.

Part Three
Criminal Responsibility and its Obstacles
Chapter One
Criminal Responsibility

Criminal Responsibility
Article 84:

(1) Criminal responsibility is a personal act.

(2) Criminal responsibility comes into existence when a person with free will and in a state of healthy mind and senses, commits an act that is considered crime in the law.

Responsibility of Legal Persons
Article 85

Legal person except governmental organizations, offices, and enterprises shall be held responsible for the crimes committed by its representatives, directors, or lawyers during performance of their duties using the name or account of the legal person.

Penalty of Legal Person
Article 86:

(1) A legal person, considering the circumstances, shall be sentenced to the following punishments:

1- Cash fine;

2- Confiscation of assets;

3- Termination of activity for a specific time;

4- Dissolution in observance of relevant laws and regulations

(2) Conviction of legal person as stated in paragraph (1) of this Article shall not prevent application of the prescribed punishments of this Law on the natural person who has committed the crime.

Exemption from Legal Prosecution, and Mitigation of Criminal Responsibility
Article 87:

(1) A person who in one way or other had connection and assistance with the perpetrators of crimes stated in this law, but before commission of the crime, assists

the relevant authorities in disclosing or arresting of the perpetrators, shall not be prosecuted.

(2) If the assistance stated in paragraph (1) of this article is provided after commission of the crime in a way that results in arrest of the other members of the criminal group, the court shall order reduction of prescribed punishments.

Chapter Two
Obstacles of Criminal Responsibility

Types of Obstacles of Criminal Responsibility
Article 88:

Obstacles of criminal responsibility are as follows:

1- Insanity and mental diseases;

2- Intoxication, sleep or unconsciousness;

3- Child

4- Necessity

5- Coercion

Section One
Insanity or Mental diseases

Failure of Comprehension and Reasoning
Article 89:

A person who while committing a crime lacks complete mental capacity or senses due to insanity or other mental diseases has no criminal responsibility and shall not be punished.

Partial Failure of Comprehension and Reasoning
Article 90:

(1) A person who is suffering from partial deficiency of comprehension or reasoning during committing a felony or misdemeanor, the court shall excuse him/her and apply mitigating provisions stated in this law.

(2) If the person mentioned in paragraph (1) of this article commits a petty crime, he/she shall not be punished.

Compulsory Medical Measures
Article 91:

(1) A person who loses his/her comprehension and reasoning after committing a crime and before issuance of verdict, and is not able to identify and control his/her acts shall not be tried and punished till restoration of health.

(2) Regarding persons stated in paragraph (1) of this article compulsory medical measure stated in this law shall be applied in accordance with the ruling of the court.

Section Two
Intoxication, Sleep or Unconsciousness

Compulsory Usage of Intoxicant or Drug
Article 92:

(1) A person who has completely lost his/her comprehension and reasoning during commission of crime due to usage of drugs and intoxicants, provided that its usage is involuntarily and without his/her will or consumed unknowingly, shall not be criminally responsible and the criminal case shall not be filed against him/her.

(2) A person who commits a crime while being asleep or unconscious shall not have criminal responsibility and criminal case shall not be filed against him/her unless the person knows he/she commits crime while being asleep or unconscious and intentionally sleeps or gets unconscious.

(3) If the person mentioned in paragraph (1 or 2) of this article has not lost his/her comprehension and reasoning completely, paragraph (1) of article 90 shall be applied on him/her.

Commission of Crime While Being Drunk
Article 93:

A person who uses drugs or intoxicants voluntarily and with his/her consent, and commits a crime shall be criminally responsible and is considered to have committed the act with full comprehension and reasoning.

Usage of Intoxicants or Drugs for the Purpose of Commission of Crime
Article 94:

A person who uses drugs and intoxicants for the purpose of committing crime, the court it obligated to apply on him/her provision related to aggravating circumstances stated in this law.

Section Three
Criminal Responsibility of Children

Child
Article 95:

A child is a person who has not reached the age of 18.

Lack of Criminal Responsibility of Child
Article 96:

A child who has not reached the age of 12 is not criminally responsible and a criminal case shall not be filed against him/her.

Confinement of Children 12 – 15 Years of Age
Article 97:

A child who has reached the age of 12 but not yet reached the age of 16, and commits a felony shall not be sentenced to more than one-quarter (1/4) of the maximum punishment of the same crime as determined for adults of more than 18 years in this law.

Confinement of Children 16 – 18 years of Age
Article 98:

A child who has reached the age of 16 but not yet reached the age of 18, commits a felony shall not be sentenced to more than one-third (1/3) of the maximum punishment of the same crime as determined for adults of more than 18 years in this law.

Non-conviction of Children to Death Penalty, Imprisonment or Cash Fine
Article 99:

A child shall not be sentenced to death, imprisonment or cash fine.

Credit for Confinement Served in Juvenile Rehabilitation Centre
Article 100:

The duration the child spends in detention or in the Juvenile Rehabilitation Centre before trial shall be deducted from his/her confinement period.

Age Determination Based on Citizenship ID Card *(Tazkira)*
Article 101:

(1) The age of a child at the time of commission of a crime shall be recognized as the basis for determining criminal responsibility.

(2) The age of a child during investigation and trial is determined on the basis of his/her citizenship ID Card.

Age Determination based on Forensic Opinion
Article 102:

(1) In case a child has no ID card or his/her physical appearance indicates an age difference from that indicated in the ID card, the court or prosecution office shall seek the opinion of an expert.

(2) If the prosecution office or court finds that the opinion of the medical expert contradicts the case record or child's physical appearance, or if the defendant or

his/her defence attorney objects, the court shall refer the redetermination of the child's age to a medical team of not less than three doctors.

Jurisdiction of Juvenile Court
Article 103:

If the crime is committed by a child who has not completed age of 12 and the reaches the age of 18 during the trial, proceeding of his case remains within jurisdiction of juvenile court.

Transfer of a Child above the Age of 18 to Prison
Article 104:

If the child while serving his/her confinement period reaches the age of 18, he/she shall be transferred to the relevant prison for serving his/her remaining confinement period. The prison administration is obligated to provide separate place for a person who has not reached age of 20.

Plurality of Offences by Child
Article 105:

If the child is accused of more than one crime, the court shall try all of his/her offenses in a single session, the court based on provisions of this law is obligated to sentence the child to the punishment of the most serious offense for which he/she is found guilty.

Multiple Confinement Sentences
Article 106:

If a child is sentenced to multiple confinement terms, the total term of his/her confinement shall not exceed ten years.

Repetition of Offences by Child
Article 107:

(1) Provisions related to recidivism in crime and complementary and consequential punishments are not applicable to children; safety measures, confiscation, closure of the place and prohibition from going to places morally inappropriate are exception to this order.

(2) Repetition of violation by the child shall not prohibit application of punishment to the child for each offense, and other measures anticipated in this law.

(3) Plurality of Crimes and their repetition shall not prohibit prescription of alternatives to imprisonment, unless the crime is a felony.

Non-deprivation of the Child from Judicial Leniency
Article 108:

The court, in observance of Articles 97, 98, and 99 of this law, is obligated to consider the minimum confinement prescribed in this law while determining confinement period for child.

Commission of Misdemeanor by a Child
Article 109:

If the child commits a misdemeanor, the court may order one of the following measures:

1- Submission to parents;

2- Home Confinement;

3- Delay of the trial;

4- Suspension of punishment;

5- Sending to special social services organizations;

6- Performance of community services;

7- Confinement in open center of Juvenile Rehabilitation Center;

8- Confinement in closed center of Juvenile Rehabilitation Center.

Repetition of Misdemeanor or Felony due to Negligence of Legal Guardian of Child
Article 110:

In case of repetition of the crime resulting from negligence or intentional failure by legal guardian of the child to comply with his/her responsibilities, the court may take the following measures:

1- Transfer the child to one of the social services institutions or Juvenile Rehabilitation Center;

2- Impose cash fine on the legal guardian of the child in the amount of 5000 to 10,000 AFN if the child has committed a misdemeanor and 10,000 to 20,000 AFN if the child has committed a felony.

Release of Child or his/her Submission to Parents, or Legal Representative or Legal Guardian
Article 111:

(1) If a child has not reached 18 and has spent 2/3 of his/her confinement in Juvenile Rehabilitation Center, the court may issue a release order based on the request of child, one of the parents or his/her guardian, provided that the in-charge person of

Juvenile Rehabilitation Center has attested to child's good behavior during his/her confinement period in the center and the prosecutor has approved. In this case the child shall be submitted to parents, legal representative, legal guardian, or another reliable person who guarantees his/her good behavior in the future.

(2) A child who has reached 18 and has spent 2/3 of his/her confinement period in Juvenile Rehabilitation Center shall be released when he/she in writing guarantees his/her good behavior in the future.

Commission of Petty Crime by the Child
Article 112:

(1) If the child commits a petty crime, instead of sentencing him/her to confinement, the court may issue a warning and handover the child to his/her parents, legal guardian or legal representative. In this case the parents, legal guardian or legal representative are obligated to promise in writing to nurture/bring up the child well.

(2) In case the parents refuse to promise in writing to nurture/bring up the child well, the court shall transfer the child to one of the organizations established for this purpose.

End of Obligation of the Child's Legal Guardian
Article 113:

The obligation of a child's legal guardian ends when the child reaches 18.

Non-enforcement of Death Penalty
Article 114:

A person who has not reached 20 years of age, shall not be sentenced to death penalty.

Section Four
Necessity

Necessity
Article 115:

Necessity is a condition in which a person is exposed to danger such that the fear of death, serious injury or destruction of his/her or another's property is obvious, and to avoid that he/she commits a criminal act; provided that, there is no other way to avoid the danger.

No Criminal Responsibility in Necessity
Article 116:

A person who commits an illegal act because of an imminent and serious danger to protect his/her or another's life and property shall not be held criminally responsible, provided that he/she cannot avoid the danger in any way other than illegal act and has not caused the said danger intentionally and also the danger is more serious than the loss arising from the unlawful act.

Section Five
Coercion

Coercion
Article 117:

(1) A person who commits a crime under such a material or moral force that there is no other way of avoiding it, shall not have criminal responsibility.

(2) A person who commits a crime to ward off the risk from himself/herself, relatives or another person shall be considered coerced when he/she encounters imminent risk of losing life, body part or freedom and the said risk could not be avoided any other way.

(3) Commission of murder in circumstances stated in paragraph (1) of this article shall not result in removal of criminal responsibility.

Chapter Three
Instruments of Freedom

Instruments of Freedom and its Types
Article 118:

(1) Criminal act in case of existence of any of the instruments of freedom shall not be considered a crime and does not cause criminal responsibility to the perpetrator.

(2) The instruments of freedom are as follows:

1- Agreement of victim;

2- Performance of duty;

3- Executing order of superior;

4- Legitimate defense;

Agreement of Victim
Article 119:

Commission of an act in the following circumstance which takes place with the consent of the victim shall not be considered a crime:

1- During sport, provided that it is within the accepted rules and regulations of sport.

2- During surgical operations or other necessary medical measures with the consent of the patient, spouse, guardian, legal representative or up to third degree relatives, provided that it is exercised in accordance with the professional principles of the medical profession. Performance of surgical operation in emergency cases which is carried out according to professional principles of medical profession is also not considered a crime.

Performance of Duty
Article 120:

(1) Commission of the act during performance of the duty that the public official is obligated to perform based on law, shall not be considered crime.

(2) Commission of a criminal act shall be considered performance of duty in the following circumstances.

1- In circumstances where the act is committed by in charge official based on law and with good faith during performance of duty.
2- In circumstance where the in-charge official believes that performance of the said duty is one of his/her lawful authorities.

Execution of Order of Superior
Article 121:

Commission of an act in the following circumstances is execution of order of superior and shall not be considered a crime:

(1) When the in charge official executes the order of a competent authority, whose obedience is an obligation based on the law.
(2) When the in charge official believes that execution of order of competent authority is one of his/her legal obligations.

Determination of Good Will
Article 122:

In conditions stated in article (121) of this law, the assigned official is obligated to prove that the criminal act resulted from logical reasons and was committed after observing necessary caution.

Order of Superior in Crimes against Humanity
Article 123:

Order of superior in genocide, crimes against humanity, war crimes, aggression against state and torture is exempted from the provision stated in Article 121 of this law.

Having no Right to Object to the Order of Superior
Article 124:

In case the assigned employee has no right to object to the order of his/her superior in accordance with the law, in case of committing a criminal act, observing the provisions of Articles (120, 121 and 122) of this law he/she shall not be criminally responsible. In this case the superior shall be considered responsible.

Legitimate Defense
Article 125:

(1) Commission of act for the purpose of exercising the legitimate right of defense shall not be considered crime.

(2) Legitimate right of defense permits the threatened person to make use of necessary means for the purpose of defending against any criminal act that poses a danger to life, honor, freedom or distraction of property to defender or another person.

Establishment of Legitimate Right of Defense
Article 126:

(1) Legitimate right of defense arises when the defender is assured by rational instruments and logical reasons that a danger of transgression is directed to life, honor, freedom, or property of him/herself or another person.

Conditions of Legitimate Defense
Article 127:

(1) Defense is considered legitimate when it is carried out within conditions stated in this law.

(2) Legitimate right of defense arises under all of the following conditions:

1- Defense is against an illegal and unjust act;

2- Defense is against a current or imminent attack and aggression;

3- Defense is concurrent with the attack of transgressor;

4- Defense is proportionate to the danger of the threat;

5- Defense is the only way to avoid the danger;

6- The defender did not deliberately cause the opposite side to perpetrate a criminal act

Duration of Legitimate Defense
Article 128:

Legitimate right of defense continues up to existence of danger and ends when the danger has ended.

Commission of Murder in Legitimate Defense
Article 129:

Commission of murder on the basis of exercising the legitimate right of defense is not permitted, unless it takes place for defense against one of the following acts:

1- Defense against an act which fear of death or serious injury is obvious due to logical reasons.

2- Defense against rape or imminent threat of rape.

3- Defense against kidnapping or taking hostage.

4- Defense against intentional and dangerous arson.

5- Defense against that act of larceny which is considered felony based on provisions of this law.

6- Defense against unauthorized entry at night into residential house and/or its annexes.

Possibility of Resort to Security Official
Article 130:

When it is possible to resort to security official to avert the danger, the legitimate right of defense shall not come into existence.

Using Legitimate Right of Defense against Security Official
Article 131:

Legitimate defense is not permitted against security officials who carry out their duties with good faith and in accordance with the law even though it exceeds their legal authority while performing duty, unless fear of death or serious injury or transgression to honor or freedom is proved as a result of the act by logical reasons.

The Penalty for Exceeding the Legitimate Right of Defense
Article 132:

If a person has exceeded the limits of legitimate right of defense with good faith, his/her punishment may be reduced to misdemeanor if it is a felony and to petty crime if it is a misdemeanor.

Part Four
Penalty, its Types and Safety Measures
Chapter one
General Provisions of Penalty

Penalty
Article 133:

Penalty is a punishment anticipated for criminal acts in the law and is applied on the perpetrator by the court in observance of principles of this law.

Objectives of Penalty
Article 134:

The objectives of a penalty are:

1- To condemn illegal behavior;

2- To observe provisions of the laws and ensuring justice;

3- To deter the convicted person and other persons from committing criminal offenses;

4- To assist in rehabilitating, training, and promoting a sense of social responsibility of criminals with sincere spirit of social works;

5- Compensation of inflicted damages to society and victims;

6- Penalty for commission of crime;

7- To guarantee and observe the rights of citizens and society.

Prohibition on Determination of Penalty against Human Dignity
Article 135:

Determining or applying any punishment that is contrary to human dignity or is humiliating or insulting is not permitted.

Types of Penalty
Article 136:

Types of penalties include principal penalties, consequential penalties, and complementary penalties.

Chapter Two
Principal Penalty

Principal Penalty
Article 137:

The principal penalty is the punishment anticipated in this law for commission of crime and it is not used as consequence of or for completion of other penalties.

Types of Principal Penalties
Article 138:

The types of principal penalties are as follows:

1-

2- Cash Fine;

3- Imprisonment;

4- Death Penalty;

Section One
Cash Fine

Definition of Cash Fine
Article 139:

Cash fine is to obligate the convict to pay a specified amount of money to the government treasury.

Type of Cash Fine and its Minimum
Article 140:

(1) Cash fine shall be determined in Afghani currency.

(2) Cash fine determined by the court may not be less than 5,000 AFN.

(3) The amount of cash fine stated in this law considering the exchange rate of the currency shall be updated after every five years.

Observing conditions of Cash Fine
Article 141:

The court in determination of cash fine anticipated in this law between minimum and maximum shall observe the following conditions and circumstances:

1- Securing the purpose of punishment.

2- Personal, social and economic conditions of the perpetrator;

3- The amount of benefit gained from the crime or was expected to be gained;

4- The type of right or interest violated.

Increase in Cash Fine
Article 142:

The court may, based on its assessment or request of the prosecutor, increase the maximum of prescribed cash fine, in observance of conditions stated in article (141) of this law, up to two times, provided that increasing the maximum of cash fine does not cover all the properties of the convict.

Non-imposition of Cash Fine in Felony
Article 143:

Imposition of cash fine in felony crime is not allowed, unless specifically authorized in this law.

Payment of Cash Fine
Article 144:

Payment of cash fine shall be carried out according to provisions of Criminal Procedure Code.

Section Two
Imprisonment

Imprisonment
Article 145:

Imprisonment is to confine a convict based on absolute verdict of court in one of the prisons allocated by the government for this purpose.

Types of Imprisonment
Article 146:

Imprisonment includes the following types:

1- Short imprisonment;

2- Medium imprisonment;

3- Long imprisonment;

4- Grade two continued imprisonment;

5- Grade one continued imprisonment;

Duration of Imprisonment
Article 147:

The durations of imprisonment are as follows:

1- Short imprisonment is more than 6 months up to 1 year

2- Medium imprisonment is more than 1 year up to 5 years

3- Long imprisonment is more than 5 years up to 16years;

4- Grade two continued imprisonment is more than 16 years up to 20 years;

5- Grade one continued imprisonment is more than 20 years up to 30 years;

Section Three
Alternatives to Imprisonment
Sub-Section One
General Provisions of Alternative to Imprisonment

Alternatives to Imprisonment
Article 148:

Alternative to imprisonment is a punishment applied on perpetrator instead of imprisonment in the form of conditional release issued by the court.

Determination of Alternatives to Imprisonment
Article 149:

The alternatives to imprisonment shall be determined taking into consideration the type and characteristics of the crime committed, personality of accused, frequency of commission of crime, condition of the victim, consequences resulting from commission of the crime and other mitigating circumstances of the crime.

Types of Alternatives to Imprisonment
Article 150:

Alternatives to imprisonment include probation, performing community services, deprivation from social rights, and home imprisonment that will be implemented in accordance with the provisions of this chapter.

Applicability of Alternatives to Imprisonment
Article 151:

(1) The court may sentence the perpetrator of crime, whose maximum punishment is up to five years, to alternative to imprisonment in accordance to provisions of this law.

(2) The court shall specify the reasons for applying or not applying alternatives to imprisonment in its verdict based on Paragraph (1) of this article.

(3) Perpetrators of crimes of internal and external security, terrorism, financing terrorism, rape, financial and administrative corruption, war crimes, and crimes against humanity, genocide, and aggression against government are exempted from the provisions of paragraph (1) of this article.

Commission of Crime during Enforcement of Alternatives to Imprisonment
Article 152:

If the convicted person, during spending alternative to imprisonment period, is sentenced to imprisonment for committing a new crime, he/she shall serve the remaining time of the alternative punishment upon completion of the imprisonment period.

Non-Applicability of Alternatives to Imprisonment in Case of Mitigation
Article 153:

For those crimes whose actual punishment in the law is more than five years, in case of mitigation of punishment to less than five years, application of alternative to imprisonment shall not be permitted.

Specifying the Entity Monitoring Alternatives to Imprisonment
Article 154:

The court shall specify in its verdict the monitoring institution for implementation of alternatives to imprisonment and obligate its performance.

Notice on Consequences of Non-compliance with the Court's Decision
Article 155:

The court shall state clearly in its decision regarding alternatives to imprisonment the consequences of not complying with the court order(s) and notify the accused.

Obstacle to Implementation of Alternative to Imprisonment
Article 156:

If implementation of the court decision regarding alternative to imprisonment is not possible or the accused person is unable to perform it, the issue shall be referred to the competent court for removal of barriers.

Implementation Method of Alternatives to Imprisonment
Article 157:

Other issues related to method and form of implementation and enforcement of alternatives to imprisonment and the conditions for observation and monitoring the convict shall be regulated by a separate legislation.

Sub-Section Two
Probation Period

Instances of Probation
Article 158:

Probation period is the period for which the court, in observance of the conditions stipulated in this chapter, shall sentence the accused to maximum of five years to perform one or more of the following activities:

1- To reside in a specific place;

2- To prohibit from residing at or movement to specific place(s);

3- To participate in monthly or more frequent consultative meetings;

4- To learn a vocation or thoroughly attend in vocational and skills learning courses;

5- To provide services to the victim to remove or reduce the harmful effects of physical or mental damage caused by the crime and obtain the victim's agreement;

6- To physically report to police station or any other institution determined by the court;

7- To terminate association with the people the court considers harmful for the defendant;

8- To prohibit activities which facilitate commission of crime;

9- To require education and/or learning family and community etiquettes and adherence to them;

10- To take action for treatment of psycho-behavioral and physical illnesses.

Failure of the Accused Person to Comply with Decision of the Court
Article 159:

(1) If, for the first time, the convict fails to comply with the courts decisions, the court shall increase his/her probation period by a maximum of one and a half times.

(2) If the convict fails to comply with the court' s decision for the second time, his/her probation period upon decision of competent court shall be nullified and the remaining period shall be changed to custodial imprisonment.

(3) If the convict commits a new crime during probation period, in this case the perpetrator shall be sentenced to the punishment of the new crime and the remaining period of the probation period shall be changed to custodial imprisonment.

Decrease in Probation Period
Article 160:

If the condition of the convict indicates reform in his/her behavior, the court may, only once, reduce the probation period maximum to half of term, or terminate one or more of the conditions of the issued orders.

Method of Observation and Monitoring of Convict
Article 161:

(1) The court, taking into consideration the type of the crime committed and personality of the convict, shall determine the method of observation and monitoring of convict.

(2) The convict shall be obligated to inform the entity responsible for enforcement of the order about a change of occupation, permanent place of residence or resettlement in a new location.

Sub-Section Three
Performing Community Service

Community Service Definition
Article 162:

(1) Community services are those activities which the convict is sentenced to perform for the interest of the society while receiving partial or no salary.

(2) The court shall obligate the perpetrator to community service taking into consideration his/her type of crime, gender, age, physical and psychological abilities, occupation, skills, and economic and social status.

(3) In determination of community service punishment, consent of the convict is necessary.

(4) Persons under 15 years of age shall not be sentenced to community services.

(5) The court shall determine the intensity of community service proportionate to degree of severity and leniency of the committed crime and personality of the perpetrator.

Community Service Working Hours
Article 163:

The total duration of the community service shall be determined in hours. The minimum hours for performing community services are four hours and the maximum are eight hours within 24 hours.

Work Conditions while Performing Community Service
Article 164:

The court is obligated to observe the laws and regulations and in particular the work conditions of women and juveniles, work sanitation and rules of hard and harmful labors while issuing verdict to community service.

Suspension or Change of Community Service
Article 165:

The court may upon the request by the convict, defense attorney or assigned prosecutor, considering the physical situation and need for medical care of the convict or his/her family problems, suspend the community service provisionally for a maximum of three months, or change it to another alternative to imprisonment.

Failure to Perform Community Service
Article 166:

If the convicted person fails to perform community service or fails to fulfill the work conditions specified without reasonable justification, 80 hours will be added to his community service obligation upon his first failure. In case of a second failure, the court may upon request of the assigned prosecutor change his/her remaining time of

community service to imprisonment. In this case the convict shall serve a term of imprisonment of one day for every eight hours of remaining community service time.

Sub-Section Four
Deprivation from Social Rights

Deprivation from Social Rights as Alternative to Imprisonment
Article 167:

The court may, in observance of the conditions contained in this chapter, deprive, for a specific period of time, the convict sentenced to short imprisonment from one or more social rights as alternatives to imprisonment, such as the following:

1- Demotion of one rank or grade

2- Reduction of one third of salary for one year

3- Temporary suspension of six months up to two years from employment and service with state and public non-governmental organizations and institutions, considering the committed crime.

4- Prohibition from specific employment, job or profession up to one year if the crime is related to the convict's occupation.

5- Deprivation of one up to three years from obtaining work license of a specific occupation.

6- Deprivation of one year from membership to board of founders and board of directors of commercial companies, banks and institutions or serving as managing director.

7- Deprivation of one up to five years from dealing with state administrations and non-government organizations or participation in bidding and tendering.

8- Deprivation of six months up to three years from driving.

9- Closure of specific accounts or deprivation from opening a current account or deprivation from receiving facilities and credits from banks and other financial institutions, for one to three years.

10- Deprivation from possessing weapons up to two years if the convict possesses a weapon's license.

11- Expulsion of foreign nationals from the country and prohibition on their reentrance in to Afghanistan from one up to five years.

12- Prohibition on Afghan nationals to leave Afghanistan for six months up to one year.

Sub-Section Five
Home Imprisonment

Home Imprisonment as an Alternative to Imprisonment
Article 168:

(1) The court may in observance of the conditions stated in this chapter sentence the convict, who is sentenced to five years of imprisonment, to home imprisonment.

(2) Convict sentenced to home imprisonment shall not leave the house unless by permission of the competent court for doing necessary tasks.

(3) The duration for home imprisonment shall be from six months up to two years.

(4) The convict shall be monitored by an electronic device which exists in Monitoring Center for Implementation of Alternatives to Imprisonment or by a social worker.

(5) If the convict does not observe the conditions of home imprisonment stated in the court's order, this punishment shall be changed to custodial imprisonment.

Section Four
Death Penalty

Death Penalty
Article 169:

Death Penalty is to take the life of a natural person based on the law, after the order of competent court and approval of the president.

Instances of Death Penalty
Article 170:

Death Penalty shall be applied in the following circumstances, unless otherwise stipulated in the law.

1- Genocide, Crimes against humanity, war crimes, crimes of aggression against state, assassination and explosion, kidnaping and taking hostage or highway robbery resulting in death of person(s).

2- Murder in conditions anticipated in this law;

3- Crimes causing territory of Afghanistan partly or entirely to fall under sovereignty of a foreign country or it harms the national sovereignty, territorial integrity, or independence of the country.

4- Gang raping of female.

5- Gang raping of male that results in his death.

Chapter Three
Consequential Penalties

Consequential Penalty
Article 171:

Consequential penalty is the punishment applied to the convict as result of application of principle penalty based on provision of the law, without being mentioned in the court's ruling.

Type of Consequential Penalty
Article 172:

A person who is sentenced to imprisonment for more than ten years or less than ten years to crimes stated in part one and part two of book two of this law shall be deprived of the following rights and privileges, unless his/her prestige has been restored based on court's order or provision of the law.

1- Employment in the three pillars of government or other governmental institutions.

2- To be nominated for elected positions;

3- Use of lapel pins, medals and honorary titles of the government;

4- Membership in board of directors of companies, banks and organizations, in case of being convicted of committing a corruption crime;

5- Concluding contracts with governmental and mixed administration, enterprises, organizations or obtaining privilege from the government, in case of committing financial crime.

Other Forms of Consequential Penalty
Article 173:

The person stated in article 172 of this law, during conviction, shall be deprived of the following rights and privileges:

1- Participating in transactions and disputes as executor of will, attorney or guardian;

2- Testifying in contracts and transactions;

3- Direct administration of properties and estates, except in endowment and will.

Effect of Consequential Penalty
Article 174:

If the convict enjoys the privileges and rights stated in article 172 of this law before issuance of the verdict, he/she shall be deprived of them after the verdict is absolute.

Removing Deprivation from Administration and Possession of Property
Article 175:

(1) If required, deprivation from administration and possession of property may be removed temporarily by court.

(2) Validity and invalidity of the commitment that the convict has made without permission of court is up to discretion of court.

Administration of Convict's Property by his/her Guardian
Article 176:

(1) Based on demand of the convict who is sentenced to more than 10 years, the court may appoint a guardian to administer his/her property.

(2) Court obligates the guardian to give collateral guarantee and determine appropriate wage for him/her for taking this responsibility.

(3) Access of the guardian to the property under his/her control is subject to oversight of the court appointed him/her.

(4) The property of convict administered by the guardian shall be returned to the convict after the punishment is enforced or for any reason the legal representation is expired.

(5) Guardian is obligated to present the inventory related to properties under guardianship to convict.

Administration of Property of the Convict Sentenced to Death
Article 177:

(1) A person who is sentenced to death shall be deprived of the rights and privileges stated in Article 172 of this law until execution date.

(2) Possession of property of a person who is sentenced to death shall be invalid except based on endowment and will. The court may, based on the request of the convict, appoint a guardian to administer his/her property.

Chapter Four
Complementary Penalties and its Types

Complementary Penalties
Article178:

(1) Complementary penalty is a punishment which is stated in the court's verdict in addition to the principle penalty.

(2) Complementary penalties are as follows:

1- Deprivation from the rights and privileges stated in sub-paragraphs (3, 4 and 5) of Article 172 and Article 173 sub-paragraphs (1, 2 and 3);

2- Confiscation of properties;

3- Publication of verdict;

Deprivation of the Convict from his/her Rights:
Article 179:

(1) The court may when issuing a ruling to long imprisonment up to 10 years or medium imprisonment, in addition to principle punishment, deprive the convict of rights and privileges mentioned in sub-paragraphs (3, 4 and 5) of Article 172 of this law.

(2) Complementary punishment shall be enforced after enforcement of the principle punishment or its cancellation due to any reason.

(3) The court may, in case otherwise stipulated in this law, deprive the convict of other rights and privileges.

Confiscation of Property:
Article 180:

(1) Confiscation is an uncompensated and compulsory taking of moveable or immovable properties of the convict or other criminal items whose ownership will be transferred to the Government in accordance with the provisions of the law and order of competent court.

(2) Confiscation shall take place only in circumstances stated in the law.

Non-confiscation of Properties Needed by the Convict:
Article 181:

(1) The property of a convict needed for food, clothing, and other expenses of him/her or his/her family shall not be confiscated.

(2) The list of properties stated in Paragraph (1) of this article shall be determined through separate legislation.

Instances of Confiscation and Rights of Third Persons
Article 182:

(1) The court shall order confiscation of property and money obtained through commission of crime or used in commission of crime or prepared to be used in commission of crime or proceeds of crime or instruments that their possession is a crime by its nature.

(2) Order of confiscation, shall not violate the rights of third persons having good faith.

Instances of Publication of Verdict
Article 183:

(1) The court may, in its ruling, order publication of the verdict in mass media as a complementary punishment;

(2) The verdict shall not be published until it is absolute. This order shall not prohibit convening public trial and publishing the flow of the case by mass media.

(3) In crimes such as rape, defamation, insult, and abuse, the agreement of the victim is necessary in publication and disclosure of the verdict.

(4) In case defamation, insult, and abuse crimes are committed through media, the court shall, in observance of paragraphs (2 and 3) of this Article, order its publication in the same media.

Chapter Five
Safety Measures
Section one
General Provisions of Safety Measures

Safety Measures
Article 184:

Safety measures are those measures imposed and stated in the verdict by the competent court, for the purpose of rehabilitation of accused or convict, reintegration of him/her to social life or prevention of commission or repetition of crime, considering the condition and dangerousness of accused and convict.

Instances of Safety Measures
Article 185:

(1) The court shall order enforcement of safety measures stated in this law when it is proved that the person has committed an act which is considered a crime based on provision of law and the condition of accused or convict is considered dangerous to public interest.

(2) The condition of suspect and accused shall be considered a danger to public interest when his/her behavior at present and in the past, or based on circumstances and causes of the crime, strongly indicates that he/she shall commit another crime.

(3) The court is obligated to order safety measures only in circumstances and conditions stipulated in this law.

Types of Safety Measures
Article 186:

Safety measures are as follows:

1- Measures for deprivation of freedom;

2- Measures for limitation of freedom

3- Measures for deprivation of rights

4- Economic and financial measures

Section Two
Measures for deprivation of freedom

Measures for deprivation of freedom
Article 187:

Measures for deprivation of freedom is the conviction of a person suffering from mental illness to confinement in mental health centers.

Confinement of a Convict who has Mental Illness
Article 1 88:

The court may order confinement of the convict suffering from mental illness, upon request of the prosecutor or legal representative of the person suffering from mental illness, and after approval of the expert, to a mental health center designated for this purpose.

Extension of Confinement Period
Article 189:

(1) The court may upon request of the prosecutor or legal representative of the person suffering from mental illness and certification of relevant mental health center, extend the confinement period based on recommendation of medical experts.

(2) Extension or termination of confinement period stated in paragraph (1) of this Article shall be decided by an independent commission of medical experts of not less than three members.

Obligation of Relevant Mental Health Center to Report
Article 190:

(1) The relevant mental health center is obliged to report the health condition of the convict sentenced to confinement to the competent court once every three months.

(2) The court may order termination of quarantine based on the report.

Compulsory Treatment of the Convict
Article 191:

If a person addicted to drugs or alcohol is sentenced for commission of a felony or a misdemeanor, the court may, in addition to the punishment of committed crime, based on request of relevant public health office, police, prosecutor, or legal representative of the person, order compulsory treatment of the convict. In this case the treatment period shall be counted in prison period of the convict.

Penalty for Violating Safety Measures
Article 192:

(1) A person who violates the provisions of safety measures stated in this law shall be sentenced to short imprisonment of six months or cash fine from 5,000 to 20,000 AFG.

(2) Provisions related to dismissal of guardianship, executorship and trusteeship, confiscation, confinement and compulsory medical measures are exceptions to this ruler.

Section Three
Measures for Limitation of Freedom

Prohibition of Convict from Movement in Certain Areas
Article 193:

The court may prohibit the convict from entering certain locations when the presence of the person in such places most likely will result in the repetition of crime.

Prohibition of the Accused Person from Living in Specific Places
Article 194:

The court may, in addition to the principle punishment, prohibit the convict of felony or misdemeanor from residing in specific places. In this case the court will consider the personal and social condition of the convict.

Duration of Implementation of Measures for Limitation of Freedom
Article 195:

(1) Measures for limitation of freedom stated in articles 193 and 194 of this law shall be implemented as follows:

1- In case of conviction to custodial imprisonment, after completion of sentence or pardon or conditional release;

2- In case of being sentenced to suspended imprisonment after issuance of court verdict on suspension;

3- In case of being convicted to alternative to imprisonment after absolute verdict of the court on alternative to imprisonment;

4- In case of being sentenced to cash fine after absolute verdict.

(2) The duration of measures stated in paragraph (1) of this article shall not be less than six months or more than three years.

Cancellation or Decrease of Prohibition of Movement and Residence in Specific Places
Article 196:

The court may cancel or decrease the duration of prohibition of movement and residence stated in articles (194 and 195) of this law upon request of the convict, his/her defense lawyer or prosecutor, or local representative.

Section Four
Measures for Deprivation of Rights

Types of Measures for Deprivation of Rights
Article 197:

Types of measures for deprivation of rights are as follows:

1- Termination of guardianship, executorship, or trusteeship

2- Deprivation from engagement in specific profession and occupation

Termination of Guardianship, Executorship and Trusteeship
Article 198:

Termination of guardianship, executorship, and trusteeship is the deprivation of convict from exercising authority of guardianship, executorship and trusteeship over another's life or property.

Instances of Deprivation of Guardianship, Executorship and Trusteeship
Article 199:

The court may order termination of guardianship, executorship and trusteeship when the guardian, executor, or trustee commits a crime which disrupts his/her relevant legal obligations or demonstrates his/her incompetence in the performance of the duties of guardianship, executorship or trusteeship.

Deprivation of Engagement in a Specific Profession or Occupation
Article 200:

Deprivation of engagement in specific profession or occupation includes the prohibition of the person from engagement in industrial, commercial or technical activities; provided that engagement to that profession or occupation legally requires permission of a competent authority.

Instances of Deprivation of Engagement in Specific Profession or Occupation
Article 201:

(1) If a person is sentenced to imprisonment due to violating obligations related to profession or occupation, the court may, in addition to principle punishment, deprive him/her of engagement in related profession or occupation. The duration of this deprivation shall not be less than one month and more than one year.

(2) If the convict mentioned in paragraph (1) of this article, after expiration of conviction period of deprivation of engagement in related profession or occupation, commits the same crime again within five years from issuance date of the absolute verdict, the court may, in addition to principle punishment, deprive him/her of engagement in related profession or occupation. The duration of this deprivation shall not be less than one year and more than three years.

(3) The deprivation stated in paragraphs (1 and 2) of this article, shall be applied after enforcement of the principal punishment.

Prohibition of Engagement in Driving Occupation
Article 202:

If a person is sentenced to punishment for a traffic crime, the court may, in case of repetition of traffic crime, deprive him/her from the right to drive and renewal of driving license for three months up to three years, in addition to the principle punishment.

Section Five
Economic and Financial Measures

Types of Economic and Financial Measures
Article 203:

Economic and financial measures are as follows:

1- Confiscation of objects;

2- Closure of place;

3- Suspension of activities of the natural person;

4- Suspension of the activities of legal person.

Confiscation of Objects
Article 204:

Objects whose manufacture, use, possession, import, export, supply, purchase or sale is a crime by its nature, the court shall order their confiscation, even if the said item(s) are not property of the convict or the accused is acquitted by the court.

Closure of Place of Activity
Article 205

(1) If a place is frequently used for commission of crime, the court shall, in addition to the anticipated punishments in this law, order the closure of the place for one up to six months.

(2) If the convict mentioned in paragraph (1)[1] of this article, after expiration of conviction period, commits the same crime again within five years from issuance date of the absolute verdict, the court may, in addition to principle punishment, order closure of the said place for one up to five years.

(3) If the place is not designated for commission of the crime but it is used for the commission of crime, the court shall, in addition to the anticipated punishments in this law, order the temporary closure of the place. The duration shall not be less than one month or more than one year.

(4) The provision contained in paragraphs (1, 2 and 3) of this article shall not violate the rights of other persons who have good faith.

Effects of Sentencing to Closure of Place
Article 206:

(1) Order for closure of place of commission of crime also includes prohibition of the person from engagement in specific profession or occupation.

(2) In case of closing the location of crime stated in paragraph (1) of this article, the person may not give or lease the place of commission of crime to his/her relatives or other people for the purpose of pursuing the same profession or occupation.

(3) The owner of the place or any other person who may have genuine or profitable right in the place of commission of crime shall not be subject to the above deprivation if they have no relation with the criminal act.

[1] Translator Note: Convict is not mentioned in paragraph 1 in the original Dari.

Chapter Six
Determination of Punishment and Observing Mitigating and Aggravating Circumstances
Section One
General Provisions of Determination of Punishment

Observing the Principles and Rules in Determination of Punishment
Article 207:

The determination of punishment is carried out by the court in observance of the provisions of Article (2 and 3) and other general rules and principles within the provisions of this law which have stipulated criminal responsibility.

Court's Obligation in Determination of Punishment
Article 208:

The court, while determining the punishment, shall consider the motive and nature of the crime, proportionality of danger and loss to society or to an individual as a result of committed crime, personality, circumstances, and background of the accused, and mitigating and aggravating circumstances of the crime.

Consideration of Judicial Mitigating Circumstances
Article 209:

The court in addition to legal mitigating circumstances stated in this law, shall derive the judicial mitigating circumstances from circumstances related to the crime and the accused.

Observing the Aggravating Circumstances of Crimes and Penalty in Special Provisions Part
Article 210:

The court, while determining the penalty, is obligated to observe the aggravating circumstances of each crime based on their specific provision, in addition to general aggravating provisions of this law.

Aggregation of Aggravating and Mitigating Circumstances
Article 211:

(1) Whenever legal excuses, aggravating circumstances and mitigating circumstances come together in one crime, the court shall observe the aggravating circumstances first, then the legal excuses and finally the mitigating circumstances.

(2) If the aggravating circumstances are equal to mitigating circumstances and legal excuses, the court may without considering the conditions stated in Paragraph (1) of this article, order the anticipated principle punishment of the crime.

(3) If the aggravating or mitigating circumstances or legal excuses have different effects, the court may, for the purpose of insuring justice, prefer the strongest one of them.

Section Two
Legal Excuses and Judicial Mitigating Circumstances

Legal Excuses
Article 212:

(1) Legal excuses are instances that result in pardon, mitigation of punishment or acquittal. The instances of pardon, mitigation and acquittal from crime are stipulated in this law.

(2) The court is obligated to mention the acquitting excuses in its order.

(3) Acquitting excuses from punishment shall prevent criminal responsibility.

(4) Acquitting excuses shall prevent issuance of principle, consequential and complementary punishments.

Mitigating Circumstances of Criminal Responsibility and its Types
Article 213:

(1) Mitigating circumstances of criminal responsibility are circumstances and conditions whose existence may result in mitigation of punishment for a committed crime.

(2) The mitigating circumstances of criminal responsibility are as follows:

1- Commission of crime based on noble motives.

2- Immediate commission of crime as a result of strong mental excitement, produced by unlawful and provoking act of victim or a third person.

3- Commission of crime during legitimate defense when the perpetrator goes beyond limits of legitimate defense

4- Commission of crime as a result of threat or compulsion, from moral or material force, or compulsion to perform duty, and the act is outside the bounds of the said threat or compulsion or duty.[1]

5- Efforts of perpetrator to avoid consequences of committed crime.

6- Voluntary compensation of the incurred loss or removing the loss resulting from commission of crime.

7- Commission of crime for the first time.

[1] Translator Note: Translated literally from the Dari. It may have been an attempt to say "The act was committed at the request or demand of a person of powerful influence over the accused."

8- Confession and profession of the accused to commission of crime and expressing serious remorse in a way that helps in verification of facts or identification or arrest of accomplices and accessories.

9- Commission of crime by a pregnant woman or a woman who has a breastfeeding baby.

10- Forgiveness by the victim.

11- Old age for a man who has reached the age of 70 and a woman who has reached age of 65.

12- Other instances stated in this law or instances which the court derives from circumstances and conditions of crime and accused.

Effects of Mitigating Circumstances in Determination of Punishment for Felony

Article 214:

If one or more mitigating circumstances of criminal responsibility exist in a felony crime, the punishment may be reduced as follows:

1- If the punishment of the committed crime is death, to grade one continued imprisonment.

2- If the punishment of the committed crime is grade one continued imprisonment, to grade two continued imprisonment.

3- If the punishment of the committed crime is grade two continued imprisonment, to long imprisonment.

4- If the punishment of the committed crime is long imprisonment, to medium imprisonment.

Effects of Mitigating Circumstances in Determination of Punishment for Misdemeanor

Article 215:

If one or more mitigating circumstances of criminal responsibility exist in a misdemeanor crime, the court shall order reduction of punishment as follows:

1- If the prescribed punishment is medium imprisonment and it has minimum, to less than the minimum imprisonment.

2- If the prescribed punishment is maximum of short imprisonment, to six months imprisonment.

3- If the prescribed punishment includes imprisonment and cash fine, to one of them.

4- If the prescribed punishment in the law is imprisonment or cash fine, to cash fine.

Stating the Reason of Mitigating Punishment in the Verdict
Article 216:

(1) If the court orders reduction of punishment due to existence of mitigating circumstance of criminal responsibility, the circumstances as a result of which the punishment is reduced shall be stated in its verdict.

(2) If the convict or his/her defense attorney presents existence of mitigating circumstances of criminal responsibility, in case it is not accepted by the court, the court is obligated to state reasons for rejection in its verdict.

Section Three
General Aggravating Circumstances of Criminal Responsibility and its Types

General Aggravating Circumstances of Criminal Responsibility
Article 217:

General aggravating circumstances of criminal responsibility are conditions, the existence of which results in more severe punishment for the perpetrator.

Types of General Aggravating Circumstances
Article 218:

General aggravating circumstances of criminal responsibility are as follows:

1- Commission of a crime with low or corrupt motive.

2- Commission of a crime by taking advantage of physical or mental weakness of the victim.

3- Commission of crime in a brutal manner or disfiguration/mutilation of the victim.

4- Commission of crime by public official using his/her official duty, position or influence.

5- Commission of crime by the person who is responsible to protect the physical and emotional integrity, freedom and property of the victim.

6- Commission of crime by taking advantage of financial weakness of the victim.

7- Commission of crime by a person who has taken drugs or intoxicants for the purpose of committing crime.

8- Commission of a crime as a result of race, tribe, religion, sect, gender, region, social status or political ideology based discrimination.

9- Other circumstances stipulated in this law.

Increase of Penalty in General Aggravating Circumstances
Article 219:

If general aggravating circumstances exist in the crime, the court in consideration of the prescribed punishment of the crime in the law, shall order as follows:

1- If the punishment of the crime is grade one continued imprisonment, to maximum of grade one continued imprisonment.

2- If the punishment of the crime is grade two continued imprisonment, to grade one continued imprisonment.

3- If the punishment of the crime is long or medium imprisonment, to more than maximum of the said punishment, provided that the total of punishment does not exceed maximum of one and half times the original punishment.

4- If the punishment of the crime is short imprisonment, to maximum of short imprisonment.

Stating the Reasons for Aggravating the Punishment in the Verdict
Article 220:

If the court orders increase of punishment due to existence of general aggravating circumstances, it is obligated to mention in its verdict the reasons as a result of which the punishment is increased.

Chapter Seven
Suspension of Enforcement of Verdict

The Concept of Suspension of Enforcement of Verdict
Article 221:

Suspension of enforcement of verdict occurs when the court, in consideration of one of the instances of suspension of enforcement of verdict stated in this chapter, suspends enforcement of verdict on accused for a period of up to five years, in crimes whose punishment is imprisonment of up to five years.

Suspension of Enforcement of Cash Fine
Article 222:

(1) If a person is sentenced to cash fine up to 60,000 AFN due to commission of misdemeanor or petty crime, the court may suspend his/her cash fine up to five years.

(2) If the person stated in paragraph (1) of this article voluntarily pays his/her cash fine in the determined period, his/her criminal background shall be cleared.

Conditions for Suspension of Enforcement of Verdict
Article 223:

(1) The court may suspend enforcement of verdict in any of the following conditions:

1- The crime is due to carelessness or neglect in duty or mistake in understanding of the law.

2- The accused person of a traffic accident has helped the injured and has not escaped.

3- The perpetrator has never been convicted of committing a crime.

4- The court finds that the accused person does not have any criminal record and he/she him/herself has informed or has surrendered to the relevant authorities and his/her behavior suggests that he/she will follow the law in the future.

5- The plaintiff has dropped the charges or the accused has compensated the incurred loss voluntarily.

6- In case the crime is committed by a teacher or student or a pregnant woman or a person from 18 to 20 years old, provided that he/she is not a recidivist.

7- Other circumstances considering the conditions of the crime and perpetrator based on court determination.

(2) If as a result of crime stated in paragraph (1) of this article a loss has incurred to the victim, suspension of enforcement of verdict shall be subject to the compensation or satisfaction of the victim.

(3) The court is obligated to consider the morality, marital status, personality, and possibility of rehabilitation of the convicted person while issuing the suspension of enforcement of verdict.

(4) Punishment of crime against internal and external security, terrorism, financing terrorism, drugs, rape, kidnapping, financial and administrative corruption, war crimes, crimes against humanity, genocide, and aggression against state shall not be suspended.

Stating the Reason for Suspension of Enforcement of Punishment
Article 224:

The court is obligated to include the reasons for suspension of enforcement of punishment in its verdict.

Reduction of Period of Suspension of Punishment before its Completion
Article 225:

The court may reduce the duration of suspension before its completion, if the accused demonstrates to the court his/her rehabilitation through honest and appropriate behavior, upon request of the prosecutor, defense attorney, social organizations, state administrations, educational organizations, and state enterprises or companies.

Duration for Suspension of Enforcement of Verdict:
Article 226:

(1) The duration of suspension of enforcement of verdict shall be five years.

(2) The duration of suspension of enforcement starts from the issuance date of suspension order.

Suspension of Complementary Punishments and Safety Measures
Article 227:

The court may order suspension of enforcement of complementary punishment, consequential punishment, and safety measures.

Effect of Termination of Duration of Suspension on Safety Measures
Article 228:

When the suspension duration ends and no termination order is issued on suspension, the order on complementary penalty or safety measures shall expire and it will be considered as if no order has been issued.

Suspension of Safety Measures
Article 229:

(1) The court may, after issuance of an order on safety measures, amend or terminate the safety measures anticipated by this law, upon the request of the convict, defense attorney or any other related person. Confiscation and dissolution of a legal person is exempted from this order.

(2) In case the request on suspension, amendment, or termination of safety measures is not accepted by the court, a re-request shall not be accepted before the completion of one year.

Circumstances for Revocation of Suspension of Enforcement of Verdict
Article 230:

Suspension of enforcement of verdict shall be revoked in any of the following circumstances:

1- If the convict commits a similar or a more severe crime during the period of suspension of enforcement of punishment.

2- If it is proved during suspension period that the person before issuance of suspension of enforcement of verdict is sentenced to the punishment of misdemeanor or felony and court was unaware of it.

Competent Court for Revocation of Suspension of Enforcement
Article 231:

(1) Revocation of suspension of enforcement shall be carried out by the court that issued the order of suspension of enforcement.

(2) If the reason for revocation of suspension is the punishment ordered after suspension of enforcement of punishment, then the revocation of suspension shall be issued by the court that has ordered the punishment. It does not matter if the order is issued upon request of prosecutor or the court's own discretion.

Effect of Termination of Suspension of Verdict
Article 232:

Revocation of suspension of enforcement of verdict requires restoration of punishment including complementary punishments and safety measures.

Commission of Crime during Suspension
Article 233:

If the convict commits another similar or more severe crime during the suspension of enforcement of verdict, the court, after revoking the suspension of enforcement of verdict, shall add the previous punishment to the punishment of the new crime.

End of Suspension Period and its Effects
Article 234:

If the convict does not commit another crime during the suspension period, the suspension order will be nullified and it will be considered as if no order has been issued.

Simple Suspension
Article 235:

In circumstances stated in this chapter if the sentence period is up to one year, the convict shall benefit from suspension of enforcement of verdict without any conditions.

Conditional Suspension of Enforcement of Verdict
Article 236:

(1) In circumstances stated in this chapter if the sentence period is more than one year, the court may obligate the perpetrator to perform one or more of the following during suspension of enforcement of verdict:

1- Not to travel outside of his/her residential city without permission of police.

2- Appear every week or every month to the police station.

3- Avoid carrying a firearm and/or non-firing weapons.

4- Avoid driving for the period of time that court has determined.

5- Comply with his/her family, social and moral obligations.

6- Not to perform activities that may result in disturbance of the victim.

7- Other conditions that the court deems necessary.

(2) If the convict stated in paragraph (1) of this article violates the specified conditions, the suspension of enforcement of verdict shall be nullified and the punishments shall be imposed on him/her.

Book Two
Crimes and Penalties
Part One
Crimes against State, Public Security and Safety

Chapter One
Crimes against Internal and External Security

Terminologies
Article 237:

For the purpose of this law these terms have the following meanings:

(1) Military, defensive or security secrets of the country: A letter, writing, document, drawing, map, picture, graph/chart, cassette, film, micro film, digital document, cyber document, oral speech or other instrument that:

1- Contains information on defensive, military, political, diplomatic, economic or industrial affairs related to military or defense that due to interest of the country, no one has the right to access this information, other than the relevant public official

2- Belongs to military organizations and movements, war equipment, military and strategic affairs and competent officials have not issued written permit for their publication.

3- Belongs to measurements and proceedings taken for detection or investigation of perpetrator of crimes contained in this chapter that its disclosure without written permission of the relevant authorities is not allowed.

(2) State of War: shall mean a state of animosity or real conflict between Afghanistan and foreign government's military forces, military unions, foreign governments and anti-government armed groups.

National Treason
Article 238:

(1) Commission of any of the following acts by an Afghan citizen shall be considered as national treason:

1- Commission of an act as a result of which, in whole or in part, the territory of Afghanistan comes under the domination of a foreign State or armed opposition forces of Afghan government or its independence is endangered;

2- Act as a result of which all or part of the territory under the domination of the State is separated from its control;

3- To submit control of forces to the enemy

4- To [willingly] provide facilities, arms and ammunition, military vehicles, food stores, facilities owned by military forces to the enemy to assist them or providing facilities for entrance of the enemy;

5- To gather information containing military, defensive or security secrets of the country, for the purpose of giving it to a foreign country, or to an anti-government organization or group, or to a person who works for them.

6- To recruit persons, preparing goods or military equipment for a foreign state which is at war with Islamic Republic of Afghanistan or armed forces at war or armed conflict with government of Islamic Republic of Afghanistan;

7- Armed uprising of armed forces against Afghan government;

8- To steal, destroy or counterfeit documents containing military, defensive or security secrets of the country;

9- To join armed forces of a foreign state or with an armed group which is fighting with government of Islamic Republic of Afghanistan;

10- Armed uprising or conspiracy against government to get the state power;

11- To disclose information about military, defensive or security secrets to persons or foreign states or a person who works in favor of them or to armed groups opposed to the government of Islamic Republic of Afghanistan;

12- To refrain to provide information that aims to commit crimes stated in sub-paragraphs 1-8 of this article and the person is duty bound under the law to detect it or is obligated in one way or other to disclose it to competent authorities.

Punishment of National Treason
Article 239:

Considering the circumstances the perpetrator of national treason shall be sentenced to the following punishment:

1- In case of commission of crimes stated in sub-paragraphs (1-9) of Article 238 to grade two continued imprisonment.

2- In case of commission of crimes stated in sub-paragraphs (10, 11 and 12) of Article 238 to long imprisonment.

Espionage
Article 240:

(1) Commission of any of the following acts by a foreign state citizen or a stateless person in the following cases shall be considered espionage:

1- To submit military, defensive or security secrets of the government of Islamic Republic of Afghanistan to a foreign state, anti-government group or organization or their agents;

2- To steal or collect information containing military, defensive or security secrets of the country to surrender to a foreign state, anti-government group or organization or their agents;

3- To collect or submit information by the instruction of a foreign state intelligence unit that can be used against of Islamic Republic of Afghanistan.

(2) The perpetrator of the crime stated in paragraph (1) of this Article shall be sentenced to grade two continued imprisonment.

Aggravating Circumstances of Crime of Espionage
Article 241:

If the act stated in Article 240 of this law is committed during time of war or armed conflict with a foreign state or anti -Afghan government armed group or it has resulted in death, the perpetrator shall be sentenced to grade one continued imprisonment.

Negligence or Carelessness of Public Official
Article 242:

If the crimes stated in articles (238 and 240) of this law are due to negligence or carelessness of a public official, he/she shall be sentenced to maximum medium imprisonment.

Propaganda
Article 243:

(1) If a person, during war, by publishing false news, declarations, statements deliberately propagandizes in writing or orally, or by any other means to support the enemy in a way that harms the defensive power of the country or military operations of the armed forces or causes chaos or demoralization amongst the population, the perpetrator shall be sentenced to long imprisonment up to 10 years.

(2) If the crimes stated in paragraph (1) of this Article is committed through telecommunication means or other electronic devices with a foreign State or anti Afghan government armed forces in war with the government of Islamic Republic of Afghanistan, the perpetrator shall be sentenced to long imprisonment.

(3) If a person commits the crime stated in paragraph (1) of this article in conditions other than war shall be sentenced to medium imprisonment.

Crime against Diplomatic Relations
Article 244:

(1) If a person commits an illegal act to create convulsion between Afghan government and a foreign state or an international organization or to disrupt or break up the diplomatic relationship and as a result the relationship of Afghanistan with the foreign state or international organization is harmed, the perpetrator shall be sentenced to medium imprisonment.

(2) If the act stated in Paragraph (1) of this article results in breaking off diplomatic relations with a foreign state or international organization the perpetrator shall be sentenced to maximum of medium imprisonment.

(3) If the act stated in paragraph (1) of this Article results in minor and major battery or murder of the representative of the foreign state or an international organization, the perpetrator shall be sentenced to maximum punishment of the injury and murder crime stated in this law.

Transgression on a Foreign State
Article 245:

(1) If a person from inside the country commits armed transgression on territory of a foreign state, he/she shall be sentenced to medium imprisonment more than three years.

(2) If the crime stated in paragraph (1) of this article results in breaking-off the political relations or reciprocal act, the perpetrator shall be sentenced to long imprisonment.

(3) If the crime stated in paragraph (1) of this article results in war, the perpetrator shall be sentenced to grade one continued imprisonment.

(4) A person who participates in wars or internal armed conflicts of other countries shall be sentenced to long imprisonment not more than seven years.

Establishment of Business Relations with a Foreign State at the Time of War
Article 246:

(1) If a person himself or through someone else, establishes commercial links without the approval of government of Islamic Republic of Afghanistan with the state that is at war with the Afghan government, or its representatives or commercial agents or anti-government armed group, wherever they may be resident, in addition to confiscation of the objects of crime he shall be sentenced to long imprisonment up to ten years and cash fine from 100,000 AFN to 1,000,000 AFN.

(2) If the objects of crime mentioned in paragraph (1) of this Article have not been seized, the court shall order the payment of its price.

(3) The provisions stated in paragraphs (1 and 2) of this article may not prohibit export or import of humanitarian aids from outside to the country in war with Islamic Republic of Afghanistan.

Failure in Fulfilling Commitment during War
Article 247:

(1) If a person, at a time of war, deliberately and for the purpose of harming Islamic Republic of Afghanistan, interrupts the performance of all or part of his obligations before the state concerning the import or delivery of the requirements of military forces or food commodities or other commodities used for protection of the population or, one way or another, resorts to trickery or fraud in the performance of his obligations, he shall be sentenced to long imprisonment. This provision also covers the attorney, representative, or intermediary in the mentioned obligations.

(2) If the crime mentioned in paragraph (1) of this article results in the weakening of the country's defensive power and movements or operations of the military forces or causes people's deaths, the perpetrator shall be sentenced to grade two continued imprisonment or punishment of the crime of murder stated in this law.

Destruction of Vehicles or Establishments
Article 248:

(1) If a person deliberately destroys or renders unusable, without authorization by competent authority, all or part of an air, land or water transportation means or establishment, and other establishments related to military forces of Afghanistan or allocated for the use of Afghan military forces, he/she shall be sentenced to long imprisonment.

(2) If the crimes mentioned in paragraph (1) of this article are committed in one of the following circumstances, the perpetrator shall be sentenced to grade two continued imprisonment:

1. If the act is committed for the interest of a state which is at war with the government of Islamic Republic of Afghanistan.

2. When the act seriously endangers the defensive power or military movements of the government of Islamic Republic of Afghanistan.

Receiving Money or Benefit
Article 249:

(1) If a person for the purpose of harming the government of Islamic Republic of Afghanistan or national interest of the country, other than conditions stated in this law, demands, accepts or receives, or promises to receive or give money, property or any benefit, for himself or someone else, from a foreign State or an international organization or persons working for them, he/she shall be sentenced to long imprisonment of up to 10 years and cash fine of equivalent to the amount paid or promised.

(2) If the crime stated in Paragraph (1) of this article is committed during war or by a public official, the perpetrator shall be sentenced to grade two continued imprisonment and the cash fine mentioned in paragraph (1) of this Article.

(3) A person who himself or by another person, with the intention of acting against national security, gives offers or promises to give money or benefit to another person or acts as a mediator, shall be punished as a principle offender.

(4) If the demand, acceptance, mediation or promise is made in writing, the crime shall be considered committed upon issuance of the letter.

Agreement in a Negotiation against Interests of Afghanistan
Article 250:

(1) A person who is assigned to negotiate State affairs with a foreign state or an anti - Afghan government armed group and deliberately agrees against national interest of Afghanistan shall be sentenced to grade two continued imprisonment.

(2) If the person stated in paragraph (1) of this article agrees against economic interest of Afghanistan, he/she shall be sentenced to long imprisonment.

Weakening Country's National Security and Financial Credibility
Article 251:

(1) A person, who deliberately disseminates untrue information, statements or rumors concerning internal affairs of the country inside or outside the country to weaken financial credibility or national security of the State, shall be sentenced to medium imprisonment.

(2) If the crimes stated in Paragraph (1) of this article are committed during time of war, the perpetrator shall be sentenced to long imprisonment of up to ten years.

(3) If the person commits the crime stated in paragraph (1) of this article in conditions other than war, he/she shall be sentenced to medium imprisonment.

Un-authorized Security Measures and Actions:
Article 252:

(1) The following persons shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN:

1- A person who enters without permission in forts, defense or security establishments, bases of the military forces, aircrafts, military vehicles or other military or security strongholds and defense related factories of the country, in case the entrance is prohibited.

2- A person who takes pictures, draws, films or sketches maps of the places or establishments mentioned in subparagraph (1) of paragraph (1) of this Article without authorization.

(2) If the crimes stated in Paragraph (1) of this article are committed by deception, forged documents, concealment of identity or citizenship, or the crime is committed during time of war, the perpetrator shall be sentenced to maximum of medium imprisonment.

(3) If both of the crimes mentioned in paragraph (1 and 2) of this Article are committed, the perpetrator shall be sentenced to long imprisonment up to 10 years.

(4) Attempt to commit the crimes mentioned in paragraphs (1 and 2) of this Article is equivalent to its commission.

Flight Over Afghanistan Territory without Permission of Relevant Authorities
Article 253:

(1) A person, who without permission of relevant authorities flies aircraft or drone in Afghanistan airspace, shall be sentenced to medium imprisonment up to two years.

(2) If the act stated in paragraph (1) of this article is committed for the purpose of collecting information from forts, defense or security establishments, bases of the security forces, aircrafts, military vehicles or other military or security strongholds and defense related factories of the country, the perpetrator shall be sentenced to maximum medium imprisonment.

(3) A person, who flies an airplane or any other object capable of collecting information in restricted places over Afghanistan airspace, shall be sentenced to long imprisonment.

(4) Attempt to commit the crimes mentioned in paragraph (1, 2 and 3) of this Article is equivalent to its commission.

Provocation to Internal War
Article 254:

(1) A person who provokes people to internal war shall be sentenced to the punishment for the crime(s) committed as a result of his/her provocation.

(2) If the provocation stated in paragraph (1) of this article does not work, the perpetrator shall be sentenced to medium imprisonment.

Leading an Armed Group for the purpose of Looting or Usurpation
Article 255:

(1) A person who leads an armed group for the purpose of looting or usurpation of property or estate of government or leads a group of people for this purpose, or commits armed resistance against security forces tasked to suppress the mentioned group, shall be sentenced to grade two continued imprisonment.

(2) Considering the circumstances members of the group stated in paragraph (1) of this Article shall be sentenced to long imprisonment.

Provocation to Discrimination or Factionalism
Article 256:

(1) A person who invites or provokes people to religious, racial, tribal, linguistic or regional discrimination or factionalism considering the circumstances shall be sentenced to medium imprisonment.

(2) If the crime stated in paragraph (1) of this article causes another criminal result, or is accompanied by force or threat, the perpetrator shall be sentenced to long imprisonment of not more than seven years.

Cooperation in Commission of Crime
Article 257:

For the purpose of this chapter deliberate commission of one of the following acts is considered accessory in the crime and the perpetrator shall be sentenced to the punishment of an accessory.

1- Providing weapon, military equipment or other criminal equipment used for commission of crimes stated in this chapter;

2- Providing residence or a gathering place for perpetrators stated in this chapter;

3- Providing food for perpetrators stated in this chapter.

Attempt to Occupy State Establishments
Article 258:

A person who by use of military force attempts to occupy government buildings, institutions or other buildings which are built for public benefit, considering the circumstances shall be sentenced to long imprisonment.

Destruction of Buildings and Properties
Article 259:

(1) A person who deliberately destroys buildings, public or government property, property designated for state administrations, public organizations or social organizations established legally for ensuring public interests in a way that causes loss of profitability partly or wholly shall be sentenced according to the circumstances to long or medium imprisonment.

(2) If the crime stated in paragraph (1) of this article is committed during state of emergency or to create chaos or to create terror and fear among people, the perpetrator shall be sentenced to long imprisonment of more than ten years.

(3) If the act stated in paragraph (1) of this article results in murder, the perpetrator shall be sentenced to punishment of the committed crime.

Insult to the Flag
Article 260:

(1) A person who openly insults the flag of the Islamic Republic of Afghanistan with the intention to insult it shall be sentenced to short imprisonment.

(2) A person, for the purpose of insulting, who lowers the flag of Islamic Republic of Afghanistan, shall be sentenced to short imprisonment up to six months.

(3) A person, for the purpose of insulting, who tears, burns, or steps the flag of Islamic Republic of Afghanistan, shall be sentenced to medium imprisonment,

Interrupting the Public Domain:
Article 261:

A person who commits an act which is only authorized to the authorities of crime investigation, prosecution and trial, his/her act is considered interrupting the public domain and he/she shall be punished as follows:

1- If the act results in battery or major battery to another person to medium imprisonment;

2- If the act results in mutilation of another, to grade two continued imprisonment.

3- If the act results in death of another, to grade one continued imprisonment.

Ordering Violation during Gathering, Strikes, and Protests:

Article 262:

(1) If lead persons of gatherings, strikes and protests, orders participants to perform violent acts during gatherings, strikes or protests and it results in battery or major battery, murder or financial harm, the organizer, lead person, person who orders or performs the act, shall be sentenced to maximum punishment of the committed crime.

(2) A person who organizes, leads or orders others to gathering, strike, demonstration or protest in favor of a group or a foreign country in opposition to the government of Afghanistan shall be sentenced to maximum of long imprisonment.

(3) If the participant of gatherings, strikes, demonstrations or protests, disseminates rumors and baseless propaganda that create horror in the society, shall be sentenced to medium imprisonment.

(4) A person who carries firearms in gatherings, strikes, demonstrations or protest shall be sentenced to maximum punishment anticipated under chapter of crimes related to firearms, ammunition and explosives of this law.

(5) A person who uses firearms in gathering, strike, demonstration or protest, in case of causing fear, shall be sentenced to maximum of medium imprisonment.

(6) In case the action stated in paragraph (5) of this article results in death or injury, the perpetrator shall be sentenced to the punishment of the perpetrated crime in addition to punishment of mentioned paragraph.

(7) If the organizer without prior written notice and having permission of competent official, conducts gathering, strike, demonstration or protest shall be sentenced to cash fine from 30,000 AFN - 60,000 AFN.

Chapter Two
Terrorism

Terrorist Offences
Article 263

The below terminologies in this chapter convey the following meanings:

1. Terrorist Offences: commission of crime stated in this chapter, in order to influence the political affairs of the Government of Afghanistan or a foreign government or national or international organizations or to destabilize the government system of Afghanistan or of a foreign government.
2. Terrorist and Terrorist Organization: is natural or legal person which has committed one of the offences stated in this chapter or is determined as a terrorist or terrorist organization by Resolution of the Security Council of the United Nations, provided that the Resolution is certified by the National Assembly.
3. Severity: is any physical action (attack) with weapon including beating and lacerating tools and firearms or use of physical force which the person has acted upon its commission and continues with such threat.
4. Support: is providing financial resource, residence, training, shelter, counsel and assistance, forged identification documents, telecommunication equipment, weapons, chemical, nuclear and other explosive substances, human resources, transportation services and other facilities.
5. Internationally Protected Person: is a person who is entitled to special protection rights, based on international legal documents.
6. Infrastructural Establishments: are governmental and non-governmental establishments that provide public services including production, storage and distribution of gas, fuel and water, water supply and canalization systems, generation of electricity, financial services, education, banking, health, Fire brigade and rescue services, transportation including land, air, sea and ocean, surveillance of roads and highways, defensive, security and communication or other social and economic services.
7. Naval or Sea Fixed Platforms: means an area or an infrastructure built permanently attached to the sea-bed for the purpose of research and extraction of resources or other economical purposes.

8. Explosive Materials and Lethal Devices: Incendiary device, toxic chemical substances, biological experiments that have the capability to cause death or serious injury or infection of diseases, or inflection of physical damages.
9. Nuclear Materials: include the following materials:

   - Plutonium

   - Uranium not in the form of ore or ore residue that contains the mixture of isotopes in their natural form.

   - Enriched uranium is the uranium that contains isotope 233 and/or 235 or the difference between the number of these isotopes and the number of isotope 238 is larger than the difference between isotope 235 and isotope 238 as found in their natural form.

   - Uranium 233.
10. Radioactive substances: are nuclear substances and other radioactive substances that contain nucleus and spontaneously get dismantled (a process accompanied by emission of one or more types of ionizing radiation, such as alpha, beta, gamma rays and neutron particles) and which may, due to their radiological or fissile properties, cause death, serious body injuries, psychological damage or considerable damages to properties or to the environment.
11. Aircraft in flight: An aircraft from the moment all external doors are closed for the purpose of flying and until the moment when one of the external doors is opened to allow passengers leave the aircraft. In case of forced landing, until the moment when the competent authorities take over responsibility for the aircraft, passengers and the property on board, the aircraft shall be considered in flight.

Terrorism Offences
Article 264:

A person who commits any of the acts stated in this chapter against Islamic Republic Government of Afghanistan, foreign state, national or international organizations, or any other person or entity to destabilize Afghanistan or a foreign state or to influence the policy of the Islamic Republic Government of Afghanistan, foreign State, or an international organization, has committed a terrorism offense and shall be punished according to provisions of this chapter.

Suicide Attack
Article 265

(1) Perpetrator of suicide attack, his accomplice or accessory considering the circumstances shall be sentenced to grade one continued imprisonment or capital punishment.

(2) For the purpose of paragraph (1) suicide attack is an attack in which the attacker intends to kill or harm one or more people or destroy the establishments or property and has the knowledge that he/she will die as a result of this act.

Offences related to the Use of Explosive or Lethal Devices
Article 266:

(1) If a person for the purpose of committing terrorism offenses detonates or disseminates any of the explosive or lethal devices in a public place or infrastructure or establishment or shoots toward it or mixes lethal material with food or drinking water, the perpetrator shall be sentenced to grade one continued imprisonment and in case of murder to capital punishment.

(2) A person who intentionally and illegally produces, imports, exports, possesses, exchanges, transfers, transports, buys or sells or offers to sell the substance stated in paragraph (1) of this article shall be sentenced to grade two continued imprisonment.

(3) For the purpose of this article, explosive substances and lethal materials are inflammable material, poisonous chemical material, biological factors and other substances capable of killing or inflicting serious physical, psychological, economical harm or infects with disease.

Crimes against Persons
Article 267:

(1) A person who kidnaps and takes freedom of other for the purpose of committing terrorism offense shall be sentenced to long imprisonment of up to 10 years.

(2) If the person dies as a result of the act stated in paragraph (1) of this Article or as a result of any other terrorism offence the perpetrator shall be sentenced to capital punishment.

Offences Related to Nuclear Material
Article 268:

(1) A person who uses, disseminates or destroys nuclear or radioactive materials for the purpose of committing terrorism offense and as a result causes death or inflicts harm to the people, property or establishment, shall be sentenced to capital punishment.

(2) A person who produces, imports, exports, possesses, exchanges, transfers, transports, buys, sells or offers to sell or demands to buy nuclear or radioactive materials for the purpose of terrorism offense shall be sentenced to grade two continued imprisonment.

(3) A person who demands nuclear or radioactive material stated in paragraph (1) of this article by threat, use of force or any other form of intimidation, considering the circumstances, shall be sentenced to grade one continued imprisonment.

(4) A person who threatens to commit one of the offences stated in paragraphs (1, 2 and 3) of this Article for the purpose of forcing the Islamic Republic Government of Afghanistan or any other government, international or private organization or natural or legal person to do or refrain from doing an act, shall be sentenced to long imprisonment.

Destruction of Infrastructure
Article 269:

(1) A person who for the purpose of terrorism offenses destroys or causes severe damage to the public infrastructures or disrupts their activities shall be sentenced to the maximum of long imprisonment.

(2) If the crime mentioned in Paragraph (1) of this Article causes death, the perpetrator shall be sentenced to capital punishment.

Crime of Hostage Taking
Article 270:

(1) If a person who takes hostage another person and threatens to kill, injure or continue to detain the person in order to force the Islamic Republic Government of Afghanistan, a foreign government, an international organization or any other natural or legal person to do or abstain from doing an act and makes his/her release a condition for performance or abstention from that act shall be sentenced to maximum of grade two continued imprisonment.

(2) If as a result of the crime stated in paragraph (1) of this Article the hostage or any other person is killed, the perpetrator shall be sentenced to capital punishment.

(3) If as a result of the crime stated in Paragraph (1) of this article the hostage suffers physical or psychological harm, the perpetrator in addition to punishment stated in paragraph (1) of this article shall also be sentenced to punishment of the committed crime.

Offences against Internationally Protected Persons
Article 271:

A person who commits any of the following acts against internationally protected person shall be sentenced as follows:

1- If the person is killed, to capital punishment;

2- If the person is kidnapped or taken hostage, to grade two continued imprisonment;

3- In case of inflicting physical or psychological harm, to long imprisonment of more than ten years;

4- In case of attack on official office, private accommodations or means of transport to long imprisonment up to ten years;

5- In case of threat to commit acts stated in sub-paragraphs (1 to 4) of this article to force the internationally protected person to do or refrain from doing an act to medium imprisonment.

Crimes against Aviation Safety
Article 272:

(1) A person who commits any of the following acts shall be punished as follows:

1- If the person destroys an aircraft in service, to capital punishment;

2- If the person performs an act of violence against a person on board of an aircraft or threatens to do such and if his/her act endangers the safety of that aircraft, to long imprisonment of up to 10 years;

3- If the person destroys an aircraft in flight in a way that renders it incapable of flight or endangers its safety in flight, or destroys or damages an aircraft not in service, considering the circumstance to maximum of long imprisonment;

4- If a person places or facilitates the placement of a device or a material that can cause destruction of aircraft or can cause harm in a way that can make the aircraft incapable of flight or endangers its safety during the flight, to grade two continued imprisonment;

5- If the person who destroys or damages air navigation facilities or interferes with their operation in a way to endanger the safety of flight, to long imprisonment of more than 10 years.

6- If the person intentionally communicates false information that the safety of the aircraft is in danger, to long imprisonment of up to 10 years;

(2) If a person threatens another person, to commit the crimes stated in paragraph (1) of this article, shall be sentenced to long imprisonment.

Crimes against Airport Safety
Article 273:

(1) If a person using weapon or any other means commits any of the following acts that endangers safety of an airport serving civil aviation, or ends up to this result, shall be punished as follows:

1- If the act of violence at the airport causes serious injury or death of the person who is at the service of airport, according to circumstances to grade two continued imprisonment or capital punishment.

2- If the act destroys or seriously damages the airport establishments in service of civil aviation or disrupts the services of the airport, to maximum of long imprisonment.

3- If a person threatens to commit the crimes stated in subparagraph (1 and 2) of Paragraph (1) of this article to force a public official or any natural or legal person to do or abstain from doing an act, to medium imprisonment more than three years.

(2) If the threat stated in sub-paragraph (3) of paragraph (1) of this article causes physical or psychological harm to another person, the perpetrator shall be sentenced to maximum long imprisonment.

Seizure of or Exercise Control over an Aircraft, Ship, or Fixed Platform
Article 274:

(1) A person who by use of force or other intimidating means seizes or exercises control of an aircraft in flight or a ship or the fixed platform or part of them, shall be sentenced to long imprisonment.

(2) If crime contained in paragraph (1) of this article causes death or serious physical injury, the perpetrator shall be sentenced to grade one continued imprisonment.

(3) The person who threatens to commit the acts stated in Paragraph (1) of this Article shall be sentenced to medium imprisonment up to three years.

(4) If as a result of the threat mentioned in Paragraph (3) of this Article, a person comes under physical or psychological pressure, the perpetrator shall be sentenced to medium imprisonment of more than three years.

Crimes against Persons on a Ship or Fixed Platform
Article 275:

If a person who commits violent act for the purpose of committing terrorism offense against persons on a ship or fixed platform shall be sentenced to long imprisonment and if the act results in murder to capital punishment.

Crimes against Ship or Fixed Platform Safety
Article 276:

(1) A person using weapon or any other means who commits one of the following acts that endanger the safety of a ship or a fixed platform shall be punished as follows:

1- If perpetrator destroys the ship or the fixed platform, to continued imprisonment;

2- If perpetrator inflicts serious damage to the ship or the fixed platform, to maximum of long imprisonment;

3- In case of putting devices or material in a ship or fixed platform that causes destruction or damage to the ship, cargo or fixed platform or paves the ground for its placing the device or material, shall be sentenced to long imprisonment of more than 10 years.

4- If the perpetrator intentionally communicates false information that the safety of the ship or fixed platform is in danger, to long imprisonment up to seven years.

5- If the perpetrator intentionally communicates false direction or information to harm the safety of the ship or fixed platform, to long imprisonment up to eight years.

(2) A person who threatens to commit the acts stated in subparagraphs (1, 2, and 3) of Paragraph (1) of this Article to force a public official or a natural or a legal person to do or refrain from doing an act, shall be sentenced to long imprisonment up to seven years.

Establishment of Terrorism Organization, Obtaining its Membership and Cooperating with It
Article 277:

(1) If a person for the purpose of committing crimes stated in this chapter, establishes, leads or cooperates with a terrorism organization or recruits individuals shall be sentenced to grade one continued imprisonment.

(2) A person who obtains membership in a terrorism organization shall be sentenced to long imprisonment.

(3) A person stated in paragraph (2) of this article who commits another crime shall be sentenced to the punishment of the committed crime.

(4) A person who with the purpose of planning or participating in terrorism actions, to train or to be trained in terrorism, or otherwise for the purpose of facilitating terrorism actions, travels, or attempt to travel or paves the ground for someone to travel out of the country, shall be sentenced to long imprisonment.

(5) If the perpetrator of crimes contained in this chapter is a foreign citizen, he/she shall be sentenced to grade one continued imprisonment.

Punishment of Accomplice, Accessory, Conspirator and Attempt
Article 278

The punishment for accomplice, accessory, conspirator, and attempt in crimes stated in this chapter is the same as principle offender.

Chapter Three
Financing Terrorism

Criminal Offence of Financing Terrorism
Article 279:

(1) A person commits the criminal offense of financing terrorism when he or she directly or indirectly and intentionally prepares, provides or collects funds, property, or financial services or attempts to provide or collect funds, property or financial services having the knowledge or information that they are used, in full or in part, to carry out any of the following offenses:

1- Terrorism offenses stated in this law;

2- Act which causes murder or serious physical injury of civilians during the armed conflict or other persons who do not have active participation in the armed conflict provided that the purpose of it is to create fear and terror in the society or to force the government or an international organization to commit an act or omission of an act.

(2) A person shall be considered a perpetrator of criminal offence of financing terrorism in the following additional circumstances:

1. Participates, or assists in the commission of offences stated in paragraph (1) of this article.

2. Organizes, assists, or trains other people in commission of offences stated in paragraph (1) of this article.

3. For the purpose of committing one or more offences in this article, cooperates with a group of people having a common purpose to commit the offence stated in paragraph (1) of this article, having prior knowledge of their intention or provides necessary facilities for achieving their goals.

(3) The criminal offence of financing terrorism shall be criminalized wherever or in the territory of any government it occurs or attempt is made for its commission, regardless of the fact that the perpetrator or the organization is located in the territory of any country, unless:

1- The terrorism offence has not occurred or attempt is not made for its commission.

2- The funds are not used in commission of the terrorism offence or no attempt is made for the commission.

3- There is no connection between the funds and the offence of terrorism.

(4) Political, belief, racial, ethnical, religious, moral, or any other similar instances shall not justify the commission of offences stated in this article.

(5) Funds or property for the purpose of this Article shall mean any kind of movable and immovable property, and legal documents including electronic or digital documents which prove the ownership or interests in such funds or assets.

Punishment of Natural Persons
Article 280:

(1) The perpetrator of the criminal offense of financing terrorism considering the amount of funds, property or value of financed services shall be sentenced according to circumstances as follows:

1- If the amount of funds, property or value of financed services is up to 10,000 AFN to short imprisonment or cash fine twice the amount of funds, property or value of financed services;

2- If the amount of funds, property or value of financed services is more than 10,000 AFN – 100,000 AFN, to medium imprisonment more than three years and cash fine equivalent to the amount of funds, property or value of financed services;

3- If the amount of funds, property or value of financed services is more than 100,000 AFN to 1,000,000 AFN, to long imprisonment up to ten years and cash fine equivalent to the amount of funds, property or value of financed services;

4- If the amount of funds, property or value of financed services is more than 1,000,000 AFN, to long imprisonment more than ten years and cash fine equivalent to the amount of funds, property or value of financed services.

Punishment for Legal Person
Article 281:

(1) When the criminal offense of financing terrorism is committed by the founder, director, actor, legal representative or employee of a legal person in the name and

account of the legal person, the perpetrator considering the funds, property or value of financed services according to circumstances shall be punished as follows:

1- If the amount of funds, property or value of financed services is up to 10,000 AFN to cash fine of 100,000 AFN;

2- If the amount of funds, property or value of financed services is more than 10,000 AFN – 100,000 AFN to cash fine of 1,000,000 AFN;

3- If the amount of funds, property or value of financed services is more than 100,000 AFN to 1,000,000 AFN to cash fine of 10,000,000 AFN;

4- If the amount of funds, property or value of financed services is more than 1,000,000 AFN to cash fine twice of the amount of funds, property or value of financed services;

(2) In addition of punishment listed under paragraph (1) of this Article, the legal person may be sentenced to the following punishments.

1- Temporary or permanent ban from directly or indirectly carrying out the relevant activities partly or entirely.

2- Prohibition of use the same facility and for the same purpose it had been used.

3- Dissolution if they were established for the purpose of committing of the offenses stated in this chapter.

4- Publication of the court order through mass media.

(3) Application of the cash fines stated in this Article shall not prohibit application of punishment, and payment and compensation of loss stated in the relevant legislative documents on legal persons related to criminal offense of financing terrorism.

Punishment of Terrorism Organization
Article 282:

When the offense of financing of terrorism is committed by a terrorism organization or a legal person owned or controlled by a terrorism organization, the perpetrator shall be punished as follows:

1- Member of the terrorism organization shall be sentenced to grade two continued imprisonment.

2- Terrorism organization shall be dissolved and its assets shall be confiscated.

Providing Forged Documents
Article 283:

If a person knowingly provides forged documents pertaining to crimes stated in this chapter to judicial and justice authorities shall be sentenced to maximum punishment of crime of forgery stated in this law.

Chapter Four
Counterfeit of Currency, Coins and their Punishments

Counterfeit of Currency and Coins:
Article 284:

(1) A person who commits any of the following acts has committed the crime of counterfeiting currency and shall be punished according to provisions of this chapter:

1- Imitation of currency, decreasing the original weight of metal content of coins or to cover the coins with metal to cause it to look like a more expensive currency.

2- Transaction or promotion of counterfeited coin or currency that resembles the common coin or currency or can be exchanged instead of it.

3- Making a counterfeit engraved or blank banknote whether complete or incomplete.

4- Alteration or changing of an original coin or currency to resemble or exchange for a current coin or currency of a higher value;

5- Making of a coin covered with gold, silver or nickel to resemble or being accepted as common gold, silver or nickel coin.

6- Making token (sign of value)

7- Making a common coin from which the milling is removed by filing or cutting the edges and on which new milling is made to restore its appearance;

8- A coin, a piece of metal or mixed metals that look like gold, silver or nickel or covered or colored by these metals to resemble or being accepted as common gold, silver or nickel coin;

(2) For the purpose of paragraph (1) of this article "*counterfeited token or sign of value*" is a counterfeited tax stamp, postage stamp or a counterfeit certificate having financial value, by whatever technical, trivial or deceptive designation it may be described. This provision also includes original coin or currency that has no value as money;

Punishment of Counterfeit of Money
Article 285:

(1) A person who commits the acts described in subparagraph (1, 2, 3, 4, 5 and 6) of paragraph (1) of Article 284 shall be sentenced to long imprisonment.

(2) A person who commits the acts described in subparagraph (7 and 8) of paragraph (1) of Article 284 shall be sentenced to medium imprisonment.

(3) Conspiracy or attempt to commit one of the acts described in Article 284 of this law is considered as its complete commission and the perpetrator shall be sentenced to the same punishment as a principal offender.

Possession of Counterfeited Currency
Article 286

(1) A person who knowingly possesses counterfeited Afghani currency or its equivalent foreign currency, considering the circumstances and amount of currency shall be sentenced to the following punishments:
   1. If the amount of currency is up to 10,000 AFN, to short imprisonment;
   2. If the amount of currency is more than 10,000 AFN up to 50,000 AFN, to medium imprisonment of up to two years;
   3. If the amount of currency is more than 50,000 AFN up to 100,000 AFN, to medium imprisonment of more than two years;
   4. If the amount of currency is more than 100,000 AFN up to 500,000 AFN, to long imprisonment of up to seven years;
   5. If the amount of currency is more than 500,000 AFN to long imprisonment of more than seven years.

(2) A person who knowingly himself or through another person brings in or takes out of Afghanistan counterfeited currency, considering the circumstances and amount of currency shall be sentenced in accordance to the punishments stated in sub-paragraphs of paragraph (1) of this Article.

(3) A person who makes or uses or sells or offers for sale or leases or without legal justification possesses the tools and equipment used for counterfeiting currency, shall be sentenced to long imprisonment.

(4) A person who possesses splinter or fragments or pieces of gold or silver or its mixture in liquid or powder form which is obtained or produced through damaging, decreasing or lightening the weight of the common golden or silver coin shall be sentenced to medium imprisonment more than two years.

Dealing with Counterfeit Money after Acceptance with Good Will
Article 287:

A Person who accepts counterfeit money with good will and exchanges it knowingly shall be sentenced to cash fine equivalent to the twice amount of the counterfeit money.

Melting Coins
Article 288:

A person who without permission of De-Afghanistan Bank or against conditions stated in the license, melts the common and legal coin of the country, in addition to short imprisonment shall be sentenced to cash fine equivalent to value of melted coin.

Using Coin or Mixture of Metals
Article 289:

A person who with intent to defraud, knowingly uses a coin that is not current, or a piece of metal or mixture of metals that resembles in size, shape or color a current coin shall be sentenced to medium imprisonment.

Metal Slugs and Tokens
Article 290:

A person who manufactures, produces or sells, or has in his possession anything that is intended to be fraudulently used in substitution for a coin or valuable token used for operating devices shall be sentenced to short imprisonment or a cash fine of 30,000 - 60,000AFN.

Defacing or Impairing Current Gold or Silver Coins:
Article 291:

The following persons shall be sentenced to maximum medium imprisonment:

1. A person, who impairs, diminishes or lightens a current gold or silver coin with intent that it should be exchanged for a current gold or silver coin.

2. A person who knowingly uses or exchanges a coin contained in Paragraph (1) of this article

Impairing or Defacing Currency
Article 292:

The following persons shall be sentenced to short imprisonment or 30,000 - 60,000AFN cash fine or both:

1. A person who defaces a current coin.

2. A person who uses, exchanges or offers to use or exchange a current coin that has been defaced,

3. A person who without the authorization of Da Afghanistan Bank defaces any banknote by putting sign, stamping pasting words or by any similar means defaces the lines and figures of it;

4. A person who uses a current banknote that has been defaced as stated in paragraph (3) of this article;

Making Fake Banknotes
Article 293:

(1) A person who intentionally makes, distributes, prints, promotes, exports, imports, possesses or uses a fake current banknote or coin, a collateral, or a valued document of the government or a financial organization using electronic or computer based devices or through any other mean shall be sentenced to medium imprisonment provided that the similarity is very accurate and differentiating it with the original money or security is not easily possible shall be sentenced to medium imprisonment.

(2) In conditions stated in paragraph (1) of this article if the similarity is not very accurate and differentiating it with the original money or valued document is easily possible the perpetrator shall be sentenced to short imprisonment.

(3) If The following persons commit the acts stated in paragraphs (1, and 2,) of this article based on their duties shall not be prosecuted:

1- Da Afghanistan Bank or its employees;

2- Police;

3- Any person acting under a contract or license from Da Afghanistan Bank or the Police;

(4) A person who prints banknotes similar to banknotes of De Afghanistan Bank shall not be prosecuted in following circumstances provided that the size of this banknote is less than three forth of the current banknote or one and half times bigger than that:

1. The said banknote is only black-and-white;

2. The similarity appears only on one side of the banknotes.

Taking out the Equipment of Coining from Mint
Article 294:

A person who takes out the following equipment from a licensed mint in one way or other without legal authorization shall be sentenced to long imprisonment.

1. Machine, tools, instrument, material or things used for making coins,

2. A useful part of the items stated in paragraph (1) of this Article,

3. Coin, metal cylinder or a mixture of metals,

Punishment of Advertising and Trading of Counterfeit Currency or Token Article 295:

(1) A person who commits one of the following acts, shall be sentenced to medium imprisonment:

1. Advertising or broadcasting of any kind of slogan for the purpose of offering to sell, providing or transferring counterfeit currency or valuable counterfeit tokens;

2. Providing information regarding the usage of means that facilitates the selling, providing or transferring of the counterfeit currency or valuable counterfeit tokens.

3. Purchasing, acquiring, negotiating, or offering to negotiate on buying or acquiring counterfeit valuable tokens in any way.

(2) A person who has good faith regarding paragraph (1) of this article shall not be prosecuted.

Counterfeiting Currency or Token In spite of not Being Identical Article 296:

Counterfeiting valued money or tokens in spite of not being identical with the current ones and expiration of their usage and exchange shall be considered complete crime and the perpetrator shall be sentenced to the punishment of *a* complete crime.

Unauthorized issuance of Banknotes, Coins, Documents, and Tokens Article 297:

A person who, without authorization of De Afghanistan Bank, prints or issues banknotes, coins, tokens or other documents whose issuance authority is given to De Afghanistan Bank shall be sentenced in addition to compensation of loss to long imprisonment.

Aggravating Circumstances in Crime of Counterfeiting Currency: Article 298:

If as a result of commission of any of the crimes contained in this chapter the value of Afghani currency decreases or domestic and/or foreign markets become unstable, the perpetrator shall be sentenced to the next higher level of punishment of the principle crime that would otherwise apply for the offense.

Chapter Five
Trafficking Narcotics

Terminologies
Article 299:

These terms in this chapter have the following meanings:

1- Narcotics and psychotropic drugs: are natural and industrial substances classified in the annexed schedules (1, 2, 3, and 4) of counter narcotics and intoxicants Law.

2- Narcotics and psychotropic drugs trafficking: cultivation of drug producing crops and production, procurement, process, purchase, sell, posses, distribution, commissioning, import, export, transport, transfer, send, supply, storage, and concealment of any narcotics and psychotropic drugs included in the annexed schedules (1, 2, and 3) of counter narcotics and intoxicants law, or any other substance produced from them, or activities related to any chemical precursors listed in the annexed schedule (4) of counter narcotics and intoxicants law, for using them in unlawful activities including processing and production of narcotics and psychotropic drugs without license and permit stated in counter narcotics and intoxicants law; knowingly manufacture, transport, purchase, sell, distribute tools and equipment used in cultivation, production and preparing of narcotics and psychotropic drugs are also considered trafficking narcotics and psychotropic drugs.

3- Narcotics and psychotropic drugs trafficker: A person who commits any of the acts stated in sub-paragraph 2 of this article.

Crimes related to Narcotics and Psychotropic Drugs
Article 300:

Trafficking of narcotics and psychotropic drugs and other relevant activities is a crime and the perpetrator shall be punished based on provisions of this chapter.

Penalty for Cultivation of Plants Producing Narcotics and Psychotropic Drug Article 301:

(1) When a person is not owner of the land and as a farmer, cultivates cannabis for himself, owner of the land, lessee or a tenant, shall be sentenced according to the given size of cultivated area to the following punishment:

1- If the cannabis cultivated area is up to 10 *Besw*[1], to cash fine from 30,000 AFN - 60,000 AFN.

[1] Translator note: One Beswa is 100 square meters and one twentieth of a Jerib

2- If the cultivated area is more than ten *Beswa* to one Jerib[1], to short imprisonment.

3- If the cultivated area is more than one Jerib, to one month imprisonment for each additional Beswa in addition to one year imprisonment. In this case the imprisonment may not be more than five years.

(2) When a person is not owner of the land and cultivates opium or cocaine for himself or for the owner of the land, lessee or a tenant as a farmer shall be sentenced according to the given size of the cultivated area as below:

1- If the opium or cocaine cultivated area is up to one *Beswa,* to short imprisonment or cash fine of 30,000 - 60,000AFN.

2- If the opium or cocaine cultivated area is more than one *Beswa* to one *Jerib,* to medium imprisonment up to two years.

3- If the opium or cocaine cultivated area is more than one *Jerib,* to two months imprisonment for each additional Beswa in addition to two year imprisonment. In this case the imprisonment may not be more than ten years.

(3) If the act of cultivation stated under paragraphs (1 and 2) of this article is committed by the owner, lessee or a tenant according to the given area of the farm, the perpetrator shall be convicted to two folds of the predicted penalties stated in paragraphs (1 and 2) of this article.

Punishments for Trafficking Heroin, Morphine and Cocaine
Article 302:

(1) A person who commits trafficking of heroin, morphine or cocaine, considering the amount of drug, according to circumstances shall be sentenced as follows:

1. If the amount of drug is up two 10 grams to short imprisonment.

2. If the amount of drug is more than 10 grams to 100 grams, to medium imprisonment up to three years.

3. If the amount of drug is more than 100 grams to 500 grams, to medium imprisonment more than three years.

4- If the amount of drug is more than 500 grams to 1kg, to long imprisonment up to ten years.

[1] Translator note: One Jerib is 2000 square meters and almost half an acre.

5- If the amount of drug is more than 1kg, to six months imprisonment for each additional 500g in addition to ten years imprisonment. In this case the imprisonment may not be more than thirty years.

(2) A person who traffics Heroine, Morphine or cocaine mixed with other substances, considering the amount of mixed Heroine, Morphine or cocaine in other substances, shall be punished in accordance to sub-paragraph (1,2,3,4 and 5) of paragraph (1) of this Article.

Punishment for Trafficking Acetic Anhydrite and Syntactic Article 303:

(1) A person who commits trafficking of acetic anhydrite, shall be sentenced to the following punishments in accordance to given amount of drug:

1- If the amount of drug is up to 250g/cc, to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

2- If the amount of drug is more than 250g/cc to 500g/cc, to short imprisonment more than nine months.

3- If the amount of drug is more than 500g/cc to 1kg/Lr, to medium imprisonment up to two years.

4- If the amount of drug is more than 1kg/Lr to 5kg/Lr, to medium imprisonment more than two years.

5- If the amount of drug is more than 5kg/L to 10kg/Lr, to long imprisonment up to seven years.

6- If the amount of drug is more than 10kg/Lr, to one day imprisonment for each extra 5g/cc in addition to seven years imprisonment. In this case the imprisonment may not be more than maximum, of long imprisonment.

(2) A person who smuggles Syntactic drugs (Amphetamine, Meta-amphetamine, MDMA), given the amount of drug , shall be sentenced as follows:

1- If the amount of drug is up to 5g/cc, to short imprisonment up nine months or cash fine from 30,000 AFN to 60,000 AFN.

2- If the amount of drug is more than 5 to 10 g/cc, to short imprisonment more than nine months.

3- If the amount of drug is more than 10 to 50 g/cc, to medium imprisonment.

4- If the amount of drug is more than 50 to 100 g/cc, to long imprisonment up to ten years.

5- If the amount of the drug is more than 100 g/cc, to one day imprisonment for each additional gram in addition to ten years imprisonment. In this case the imprisonment may not be more than maximum of long imprisonment.

Punishment for Trafficking Opium
Article 304:

(1) A person who commits trafficking of opium, shall be sentenced to the following punishments in accordance to given amount of drug:

1. If the amount of substance is less than 10 grams of opium cash fine from 30,000 to 60,000 AFN.

2. If the amount of substance is more than 10g to 100g of opium short imprisonment.

3. If the amount of substance is more than 100g to 500g of opium, medium imprisonment up to two years.

4. If the amount of substance is more than 500g to 1kg of opium, medium imprisonment from two to three years.

5. If the amount of substance is more than 1kg to 5kg, medium imprisonment more than three years.

6. If the amount of substance is more than 5Kg, to six months imprisonment for each additional 500grams in addition to five years imprisonment. In this case the imprisonment may not be more than maximum of long imprisonment.

(2) A person, who traffics opium mixed with other substances, considering the amount of mixed opium in other substances, shall be punished according to subparagraph (1, 2, 3, 4, 5 and 6) of paragraph (1) of this Article.

Punishment for Hashish Trafficking
Article 305:

(1) A person who commits trafficking of hashish shall be sentenced to the following punishments in accordance to given amount of drug:

1- If the amount of substance is up to 25 grams of hashish, to cash fine of up to 5000AFN;

2- If the amount of substance is more than 25 grams to 100 grams of hashish, to cash fine from 5,000 AFN to 30,000 AFN;

3- If the amount of substance is more than 100 grams up to 500 grams of hashish, to short imprisonment;

4- If the amount of substance is more than 500 grams up to 1kg of hashish, to medium imprisonment up to two years;

5- If the amount of substance is more than 1kg up to 5kg of hashish, to medium imprisonment more than two years;

6- If the amount of substance is more than 5kg to 20kg of hashish, to long imprisonment up to seven years;

7- If the amount of hashish is more than 20kg, to six months imprisonment for each additional 1kg in addition to seven years imprisonment. In this case the imprisonment may not be more 10 years.

(2) A person who traffics hashish mixed with other substances, considering the amount of mixed hashish in other substances, shall be punished in accordance to subparagraph (1, 2 , 3, 4, 5, 6 and 7) of paragraph (1) of this Article.

Punishment for Trafficking Substances Contained in Tables of Counter Narcotics and Intoxicants Law
Article 306:

(1) A person who traffics drugs contained in tables attached to Counter Narcotics and Intoxicants law except heroin, morphine, cocaine, hashish opium, acetic anhydrite and syntactic drugs shall be sentenced according to circumstances as follows:

1- If the amount of drug is up to 100g/cc, to alternative to imprisonment or cash fine of 5000 AFN up to 30,000 AFN.

2- If the amount of drug is more than 100g/cc and less than 250g/cc, to short minimum of imprisonment.

3- If the amount of drug is more than 250g/cc to 500g/cc, to short imprisonment more than nine months.

4- If the amount of drug is more than 500g/cc to 1kg/Lr, to medium imprisonment up to three years.

5- If the amount of drug is more than 1kg/Lr to 5kg/Lr, to medium imprisonment more than three years.

6- If the amount of drug is more than 5kg/Lr, to six months imprisonment for each extra 500g/cc in addition to five years imprisonment. In this case the imprisonment may not be more than ten years.

(2) A person who traffics a drug containing substances contained in tables attached to Counter Narcotics and Intoxicants law, with the exception of heroin, morphine, cocaine, hashish, opium, acetic anhydrite and syntactic drugs shall be sentenced

considering the percentage of mixed substances in the drug stated in attached tables according to sub-paragraphs (1, 2, 3, 4, 5 and 6) of paragraph (1) of this article.

Punishment of the Owner and Mortgagee
Article 307:

(1) If owner or mortgagee or its legal representative mortgages or rents land, building, transport and other relevant property for the purpose of trafficking drugs or lets others use them shall be sentenced to the same punishment of the main perpetrator.

(2) If the person stated in paragraph (1) of this article mortgages or rents the land, building, transport or properties for legitimate activities, but it is used for the purpose of committing crimes stated under this chapter, and the person having the knowledge if the case does not prevent its usage or does not notify competent authorities shall be sentenced to medium imprisonment.

Confiscation of Vehicle
Article 308:

(1) A person who intentionally places or conceals in his/her vehicle more than 1 kilogram of heroin, cocaine, morphine, 2 kg opium, 5 kg hashish, or 2 Kg of chemical substances or other substances stated in table (1, 2 and 3) under annex of Counter Narcotics and Intoxicants law, or rents, leases or consents to place and conceal drugs, shall be sentenced to the main penalty of crime, in addition the vehicle will be confiscated.

(2) If the vehicle stated in paragraph (1) of this article is leased, rented or borrowed by another person without advantage or if the owner was coerced, deceived or had no knowledge of the borrower's illegal purpose, the vehicle shall not be seized.

Punishment of Person Preparing Means and Equipment for the Production of Psychiatric Drugs
Article 309:

(1) A person who intentionally prepares, transports, imports, exports, purchases, sell and distribute means and equipment especially used for production, or manufacture of psychiatric drugs, or possesses it, shall be sentenced to maximum of medium imprisonment and confiscation means and equipment related to the crime.

(2) A person who has license and imports means and equipment, stated in paragraph (1) of this article but uses or sells them for the purpose of illicit production and processing of drugs shall be sentenced to long imprisonment more than ten years.

(3) If crimes stated under paragraph (1 and 2) of this article are committed by a legal person, in addition to punishment of the principle offender, the legal person shall be sentenced for the first time to cash fine of two to five million AFN and for the second

time in addition to five million cash fine, the legal person shall have its business license revoked.

Punishment for Recruiting Persons to Smuggle Narcotics and Psycotropic Drugs
Article 310:

(1) A person who recruits another person without coercion or compulsion for the purpose of trafficking narcotics and psychotropic drugs, in addition to the penalty for original crime, shall be punished to medium imprisonment; in case the recruitment is with force and compulsion, shall be punished to long imprisonment up to 10 years.

(2) A person who recruits a child or a person with insanity and mental incompetence or a drug addict to commit trafficking crimes stated in this chapter, in addition to the maximum of punishment for the actual crime, shall be sentenced to long imprisonment of more than seven years. In case, the crime is committed by force, the offender shall be sentenced to long imprisonment of more than 10 years.

Punishment for Selling and Distribution of Narcotics and Psychotropic Drugs to Addicts
Article 311:

A person who himself or through another person sells or distributes narcotics and psychotropic drugs to drug addicts, shall be sentenced to following punishments:

1- For the first time, the person, in addition to the punishment prescribed for trafficking of narcotics and psychotropic drugs contained in this chapter shall be punished to medium imprisonment up to 3 years.

2- In case of repetition, the person, in addition to the punishment prescribed for trafficking of narcotics and psychotropic drugs contained in this chapter shall be punished to long imprisonment up to ten years.

Punishment for Armed Resistance
Article 312:

(1) A person who resists and uses a weapon, explosive device or poisonous material during destruction of forms of cannabis, poppy or cocaine, or seizure of drugs or arrest of a smuggler, and threatens, injures, disables or kills a public official or official assigned to the process shall also be sentenced to committed crime in addition to punishment of trafficking drugs.

(2) A person who carries or orders another to carry a weapon, explosive device, or poisonous material for the purpose of committing the crimes stated in this chapter shall be punished to medium imprisonment more than three years.

Punishment for a Person who Mixes Narcotics and Psychotropic Drugs
Article 313:

(1) A person who for the purpose of providing heroin, cocaine or morphine to others, mixes the substance with food or drink shall be sentenced to maximum medium imprisonment.

(2) A person who for the purpose of providing opium to others mixes opium with food or drink shall be sentenced to medium imprisonment up to three years.

(3) A person who for the purpose of providing drugs to others, mixes substances in annex (1, 2, or 3) of Counter Narcotics and Intoxicants Law with food, drink or other substances, considering the type of the substance shall be sentenced to short imprisonment.

(4) A person who for the purpose of providing hashish to others mixes hashish with food or drink shall be sentenced to minimum of short imprisonment.

(5) A person who commits an act stated in paragraphs (1 to 4) for the purpose of getting others addicted, deceiving or misusing others shall be sentenced to long imprisonment.

Punishment for the Person who Allows Use of Narcotics and Psychotropic Drugs
Article 314:

A person who allows use of Narcotics, psychotropic drugs or a mixture of it in a restaurant, hotel, cinema, shops or other places under his control, shall have his/her business license revoked and be sentenced to short imprisonment. If he/she is a public official, he/she shall be sentenced to medium imprisonment up to three years.

Punishment for Violation of Drug Regulatory Committee:
Article 315:

If a member of Drug Regulatory Committee stated in the Counter Narcotics and Intoxicants Law issues a license or permit stated in the Counter Narcotics and Intoxicants Law or paves the ground for its issuance having the knowledge that the license or permit will be misused or its illegal use has been reported shall be punished to long imprisonment up to 10 years.

Punishment for Prescription, Selling, or Illegal Use of Drugs
Article 316:

(1) If a person buys or uses medicine containing a drug listed in the Tables (2 and 3) annexed to Counter Narcotics and Intoxicants Law, by using a forged medical prescription or sells it despite having knowledge about its forgery or without

prescription, the offender, in addition to the punishment for the actual crime of drug trafficking, shall also be punished to prescribed punishments contained in this law.

(2) If a medical officer prescribes a medicine through a medical prescription, despite having knowledge that its use is illegal the offender, in addition to the punishment for the actual crime shall be punished to medium imprisonment up to three years.

(3) If the crime stated in paragraph (2) of this article is committed by medical entities, in addition to punishment of the principle offender, the medical entity shall be sentenced to cash fine from 500,000 AFN to 2,000,000 AFN for the first time and in case of repetition, in addition to 2,000,000 AFN cash fine, it's business license shall also be revoked.

Possession of Drugs by Drug Addict
Article 317:

(1) If the Drug Addict possess up to two grams of Heroin, Morphine or Cocaine, or 10 grams of Opium, or 50 grams of Hashish and the assigned doctor confirms his/her addiction, the drug addict shall be exempted from prosecution and shall be sent to Drug Addicts Treatment Center for treatment.

(2) If the drug addict possesses amount in excess of those prescribed in paragraph (1) of this article, the person will be under police surveillance at the Treatment Center, and shall be punished, as per the provisions of this chapter.

(3) In charge of drug Addicts Treatment Center is responsible to submit report on the health conditions of the drug addict stated in paragraph (2) of this article to the relevant court through prosecution office every 15 days. The court, based on the report, can abrogate or extend the period of police monitoring and treatment according to circumstances.

(4) In case of conviction to imprisonment or confinement, the time spent in the Treatment Centre will be considered in drug addict's period of imprisonment or confinement.

Punishment for Forced Addiction
Article 318:

(1) A person who illegally forces another person to consume, eat, drink, or forcefully inject the person with drugs other than hashish the offender shall be punished to long imprisonment.

(2) A person who forces another person to consume hashish and the person gets addicted as a result of it shall be punished to short imprisonment.

(3) If the victim of the crime stated in paragraph (1) of this article is a child or a person with mental problems, the offender shall be punished to the maximum of long imprisonment.

(4) If the person under compulsion in paragraphs (1, 2 and 3) of this Article commits a crime due to influence of this act, the perpetrator who forces another in addition to the punishment stated in paragraphs (1, 2, 3) of this Article, shall be sentenced to the punishment of the committed crime.

(5) If the purpose of the acts stated in paragraphs (1, 2 and 3) of this Article is to make the victim commit a crime the perpetrator who forces another in addition to punishment stated in this Article shall also be sentenced to the punishment for the committed crime.

Punishment for Violations of Covert Informant/Undercover Cop
Article 319:

If the covert informant/undercover cop acts against the provisions of the law, shall be sentenced to medium imprisonment up to three years.

Punishment of Violations in Execution of Covert Surveillance
Article 320:

A person who commits one of the following acts shall be sentenced to medium imprisonment. Conditions which are permitted based on Counter Narcotics and Intoxicant Law shall be excluded from this provision:

1- Discloses the court order or location, use or existence of wiretapping and electronic communication surveillance device,

2- Discloses the information or results of a covert surveillance operation that has been obtained in accordance to the provisions of Counter Narcotics and Intoxicants Law regarding trafficking of drugs to another person in the following circumstances.

   a. Having the knowledge that this information has been obtained through covert surveillance operation.

   b. For the purpose of interfering with prosecution of the perpetrator.

Illegal Covert Detective Measures
Article 321:

A public official who conducts covert detective measures in conditions other than stated in this law shall be sentenced to medium imprisonment more than two years.

Executions Regarding Seized Drugs
Article 322:

The provisions stated in Counter Narcotics and Intoxicants Law is applicable to confiscated drugs stated in this chapter.

Chapter Six
Crimes of Insulting Religions

Insult of Religions
Article 323:

A person who intentionally insults a religion or disrupts its rites or destroys its permitted places of worship shall be deemed as perpetrator of the crime of insulting religions and shall be punished according to provisions of this chapter.

Disturbance of Rites or Religious Ceremony
Article 324:

(1) The following persons shall be sentenced to short imprisonment or cash fine of 30,000 AFN up to 60,000 AFN:

1. A person who forcefully and coercively disturbs or stops the conduct of religious rituals or rites of any religion which is carried out according to the law.

2. A person who destroys or damages the permitted places of worship where religious rituals of one of the religions are conducted, or destroys or damages any other symbols respectable to followers of that religion.

(2) If commission of crime contained in this article results in murder or injury, the perpetrator, according to circumstances, shall be sentenced to punishment prescribed for murder or intentional injury contained in this law.

Attack to Followers of Religions through Words or Action
Article 325:

(1) A Personal who insults or distorts beliefs or provisions of sacred religion of Islam shall be sentenced to medium imprisonment.

(2) A person, who attacks, a follower of any of the religions who performs his religious rituals according to the law, through words, act, writing and other public means, shall be sentenced to short imprisonment.

Chapter Seven
Crimes against Strategic and Nuclear Materials and Services

Strategic Materials and Services
Article 326:

The following terminologies in this Chapter have the below meaning:

1- Strategic Materials: Military materials, materials capable of dual-use including nuclear, chemical, biological, poisonous materials and useable equipment for their production, possession, transfer, and use, and other materials considered strategically important.

2- Strategic Services: brokerage, technical or technological assistance, transportations and services including financial procurements, insurance, and any other type of services related to strategic materials.

3- Materials capable of dual-use: products, including software and its technology that is useable for the purpose civil and military or mass killing.

Strategic Materials
Article 327:

A person who imports, exports, produces, purchases, sells, evacuates, transfers, provides, places, hides or stores material capable of dual-use without license or legal permit, or orders its provision or funds any of these activities, considering the circumstances shall be sentenced to medium or long imprisonment up to 10 years.

Provision of Strategic Services
Article 328:

A person who provides strategic services without license or legal permit shall be sentenced to medium imprisonment.

Dissemination, Theft or Unlicensed Export of Nuclear Materials
Article 329:

A person, who commits any of the following acts, shall be sentenced to long imprisonment of more than 10 years.

1- Acquisition, process and dissemination of nuclear or radioactive materials in a way that its harm is inevitable to the environment.

2- Stealing of nuclear or radioactive materials.

3- Acquisition of nuclear or radioactive materials through illegal means.

4- Export of nuclear or radioactive materials without having license or legal permit.

Interfering in the Process of Materials and Nuclear Establishments
Article 330:

A person, who commits any of the following acts, according to circumstances shall be sentenced to long imprisonment up to 12 years or grade two continued imprisonment.

1. Commission of act against nuclear establishments.
2. Interference in affairs of nuclear establishments and materials in a way that death, physical harm or harm to the environment is inevitable, unless written agreement for it is provided by nuclear energy authority.
3. Usage of nuclear or radioactive materials for the purpose of creation of danger to nuclear centers or interfering to it.
4. Disclosure of nuclear secrets.

Nuclear Crimes Qualified for Alternative to Imprisonment
Article 331:

A person, who commits any of the following acts, shall be sentenced to cash fine of 30,000AFN or alternative to imprisonment:

1. Lack of using anti-radiation tools during work with the sources of radiation
2. Lack of implementing the relevant manuals and guidelines.
3. Recruiting employees without previous health checkup and lack of its matching with current health checkup.
4. Using of radiation sources without following specified guidelines given by the authority or using of radioactive sources without protective measures.
5. Using of radioactive sources without control and observation of responsible person.
6. Lack of cooperation for control and observation of radiation source, not providing information and other relevant documents or reporting falsely to nuclear energy administration.
7. Break in activities of radiative establishments or radiation source that result in violation.
8. Not following the conditions of license or legal permit or changing it.

Part Two
Crimes against Humanity

Chapter One
Genocide

Terminologies
Article332:

The terms below have the following meanings in this chapter:

1- Vast or organized attack against any civilian population: is the condition in which several acts from the ones stated in article 335 of this law have been committed by a state or an organization to process its policy against any civilian population.

2- Extermination: is the intentional infliction of certain conditions of life such as deprivation of access to food or medicine in an organized way to bring about the destruction of part of a population;

3- Enslavement: means the exercise of any possession of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

4- Deportation or forcible transfer of population: is deportation or transfer of population through using power and force from an area in which they lawfully present, without grounds permitted under international law;

5- Forced Pregnancy: is the illegal imprisonment of a woman in which she is forcibly pregnant to affect the ethnic composition of any population and it is along with serious violations of international law.

6- Constant persecution and prosecution: means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

7- The crime of apartheid means inhumane acts of a character similar to those referred to in article 335 of this law, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

8- Enforced Disappearance of persons: is arrest, detention, imprisonment or abduction of persons by, or with the authorization, support or agreement of, the government of a country or a political organization and after the arrest, detention, imprisonment or abduction, the government or organization refuses to acknowledge the deprivation of freedom of, or to give information of the fate or

whereabouts of the person or persons to remove them from the protection of the law for a prolonged period of time.

9- Sexual slavery: is the condition that the perpetrator enslaves the victim with use of force and threat to provide sexual services constantly and the victim cannot cease providing sexual services or leave the place where the person provides sexual services.

10- Enforced prostitution: is the condition in which the perpetrator forces the victim to provide sexual services for financial reasons constantly.

11- Enforced Sterilization: is the condition in which the perpetrator forcefully deprives one or more persons of biological reproductive capacity, provided that the deprivation is not effected by a birth-control measure or medical treatment.

12- Armed conflict: is using military power or resorting to it in a form that considering its nature, intensity and broadness it is considered state of war between one or more countries, one or more groups against one or more countries, between one or more groups regardless of the fact that the war actually occurred or officially announced;

Commission of Genocide Crime
Article 333:

(1) A person commits the criminal offense of genocide when he or she commits any of the following acts with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such:

1- Killing members of the group;

2- Causing serious bodily or mental harm to members of the group;

3- Inflicting on the group or part of a group conditions of life in an organized way;

4- Imposing measures intended to prevent births within the group;

5- Forcibly transferring children of the group to another group.

Punishment for Genocide Crime
Article 334:

(1) Perpetrator of genocide contained in article 333 of this law shall be sentenced to grade two continued imprisonment.

(2) If genocide contained in paragraph (1) of this article results in death, the perpetrator shall be sentenced to capital punishment.

Chapter Two
Crime against Humanity

Commission of Crimes against Humanity
Article 335:

Commission of the following acts is considered crime against humanity provided that it is committed intentionally and knowingly as a part of a widespread or systematic attack directed against a civilian population:

1- Murder;

2- Extermination;

3- Enslavement;

4- Deportation or forcible transfer of population

5- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international laws;

6- Torture

7- Rape, Sexual slavery, Enforced prostitution, Forced Pregnancy, Enforced Sterilization or any other type of sexual violence in that level;

8- Persecution and prosecution of any identifiable group on political, racial, national, ethnic, cultural, religious, gender or other grounds regarding any acts stated in this article or any crime within the jurisdiction of the International Criminal Court and final document of Rome Diplomatic Conference which is recognized impermissible under international law in all over the world;

9- Enforced Disappearance of persons;

10- Apartheid;

11- Other similar inhumane acts committed deliberately and intended to cause great suffering, or serious injury to body or to mental or physical health.

Punishment for Crimes against Humanity
Article 336:

(1) The perpetrator of the crimes against humanity contained in Article 335 shall be sentenced as follows:

1- The perpetrator of act stated in Subparagraph (1) shall be sentenced to grade one continued imprisonment or capital punishment.

2- The perpetrator of one of the acts stated in Subparagraphs (2- 5) shall be sentenced to grade one continued imprisonment.

3- The perpetrator of one of the acts stated in Subparagraphs (6-7) shall be sentenced to grade two continued imprisonment.

4- The perpetrator of one of the acts stated in Subparagraphs (8-11) shall be sentenced to long imprisonment.

(2) If as a result of committing acts stated in article (335) of this law, the victim dies, the perpetrator shall be sentenced to capital punishment.

Chapter Three
War Crimes

Commission of War Crime
Article 337:

Committing any of the following acts against persons or property protected under the provisions stated in the Geneva Convention shall be considered war crime:

1- Willful killing;

2- Torture or inhumane treatment including biological experiment;

3- Intentionally inflicting great suffering, or serious injury to body or health of people;

4- Extensive destruction and seizure of property which does not justify military necessities and it is committed illegally and wantonly;

5- Compelling a prisoner of war or other persons protected by Geneva Convention to serve in the forces of a hostile power;

6- Willfully depriving war captives/prisoners or other persons protected under convention of a fair and regular trial;

7- Unlawful deportation or transfer or unlawful imprisonment;

8- Taking hostage;

Punishments for War Crimes
Article 338:

The perpetrator of war crimes contained in Article (337) of this law shall be sentenced as follows:

1- In case of committing the crime stated in subparagraph (1) to capital punishment.

2- In case of committing any of the crimes stated in subparagraphs (2 and 3) to grade one continued imprisonment.

3- In case of committing any of the crimes stated in subparagraphs (4 and 6) to grade two continued imprisonment.

4- In case of committing any of the crimes stated in subparagraphs (7 and 8) to long imprisonment.

Crimes Considered as War Crimes
Article 339:

1) Committing any of the following acts by those who are involved in the armed conflict which violates laws and custom of international law applicable in armed conflicts are as war crimes:

   1. Intentionally directing attacks against the general civilian population or against individual civilians not taking direct part in armed hostilities;

   2. Intentionally directing attacks against non-military objects;

   3. Intentionally directing attacks against employees, installations, materials, units or land or air transportation involved in humanitarian assistance or peacekeeping mission in accordance with the charter of the United Nations, as long as they are entitled to the protection under the Geneva Convention and its related protocols;

   4. Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to the civilian objects or widespread, long-term and severe damage to the natural environment that would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

   5. Attacking or bombarding towns, villages, dwellings or buildings that are undefended and are not military objectives;

   6. Killing or wounding a combatant who, having laid down his or her arms or having no longer means of defense, has surrendered at discretion;

   7. Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;

   8. The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;

9. Intentionally directing attacks against buildings dedicated to religion, education, art, science, or charitable purposes including schools, mosques, religious schools and other holy places; Historic monuments, hospitals, and places where the sick and wounded are collected as long as these places are not used for military purposes.

10. Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

11. Killing or wounding treacherously individuals belonging to the hostile nation or army;

12. Declaring that no quarter will be given;

13. Destroying or seizing the enemy's property unless such destruction or seizure is demanded by the necessities of war,

14. Declaring abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party,

15. Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;

16. Pillaging a town or place, even when taken by assault;

17. Employing poison or poisoned weapons;

18. Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

19. Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;

20. Employing weapons, projectiles, and material and methods if warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and method of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions contained in articles 121 and 123;

21. Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

22. Committing rape, sexual slavery, enforced prostitution, forced pregnancy enforced sterilization, or any other form of sexual violence constituting a grave breach of the Geneva Conventions;

23. Utilizing the presence of civilians or other protected persons as human shield to render certain points, areas or military forces immune from military operations;

24. Intentionally directing attacks against buildings, material, medical units and transport, and personnel using distinctive emblems of the Geneva Conventions in conformity with international law;

25. Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions;

26. Compulsory or voluntarily recruitment of children who have not reached the age of 15 for the armed forces or employing them for active participation in conflicts.

2) Perpetrator of crimes contained in Paragraph (1) of this article shall be punished as follows:

1. In case of committing any of the crimes stated in subparagraphs (1 - 11) to grade one continued imprisonment.

2. In case of committing any of the crimes stated in subparagraphs (12 - 20) to grade two continued imprisonment.

3. In case of committing any of the crimes stated in subparagraphs (21 - 26) to long imprisonment more than 10 years.

Other Instances of War Crimes
Article 340:

(1) In the case of an armed conflict not of an international character, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

1. Violence to life of a person, in particular murder, mutilation, cruel treatment and torture;

2. Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

3. Taking of hostages;

4. The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

(3) The perpetrator of crimes stated in paragraph (1) of this article shall be punished as follows:

1- In case of committing any of the crimes stated in subparagraph (1) to maximum punishment of the committed crime stated in this law;

2- In case of committing any of the crimes stated in subparagraphs (2 and 3) to long imprisonment more than ten years;

3- In case of committing the crime stated in subparagraph (4) to maximum of long imprisonment; however, if a sentence of death was issued to grade one continued imprisonment and if the death sentence was applied to capital punishment.

Chapter Four
Aggression against a State

Crime of Aggression against a State
Article 341:

(1) Commission of any of the following acts by a person who leads the political or military power of a State and by its nature, gravity and scale, constitutes a manifest violation of the Charter of the United Nations shall be considered crime of aggression against a state.

1- The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

2- Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

3- The blockade of the ports or coasts of a State by the armed forces of another State;

4- An attack by the armed forces of a State on the land, sea or air forces of another State;

5- The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

6- The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

7- The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts stated in subparagraphs (1 – 6) of paragraph (1) of this article , or its substantial involvement therein.

(2) Perpetrator of one of the crime(s) stated in paragraph (1) of this article shall be sentenced to grade one continued imprisonment.

(3) Initiation of criminal case for the perpetrator of crime of aggression against a state shall be subject based on the complaint of the state which has been subjected to aggression.

Responsibility of the Commander in Crimes against Humanity Article 342:

An armed Commander or any person who works as acting commander in war, in case of committing crime of genocide or war crime or crimes against humanity or crime of aggression against state, by forces under his command in any of the following conditions shall have criminal responsibility and according to circumstances shall be sentenced to long or grade two continued imprisonment:

1- He/she is aware of criminal act of forces under his/her command and does not prevent its commission.

2- Considering circumstances should have recognized his/her forces committing these crimes or intent to commit such crimes.

3- He/she does not take any necessary measures to avoid commission of these crimes or neglects to do so.

4- He/she does not refer the issue to related authorities for review and prosecution.

Responsibility of High Ranking Officials in Crimes against Humanity Article 343:

High Ranking Officials in crimes of genocide, war crime, crimes against humanity or crime of aggression against state in any of the following circumstances shall have criminal responsibility and shall be sentenced to long or grade two continued imprisonment:

1- In case he/she has knowledge of committing crime of genocide or war crime or crimes against humanity or crime of aggression against state by persons who are under his/her command or knowingly has ignored information on commission of these crimes;

2- In case the committed crimes are related to any activities, which are under his /her direct control and responsibility.

3- In case high ranking officials have not applied necessary measures within their ability or authority to prevent or stop commission of these crimes.

4- In case, he/she does not refer the issue to related authorities for review and prosecution.

Part Three
Crimes against Safety and Public Order

Chapter One
Arson

Punishment of Arson
Article 344:

(1) A person who intentionally sets fire on movable or immovable property for the purpose of causing harm to him/her or others, shall be sentenced to short imprisonment.

(2) If crime contained in paragraph (1) of this article causes death or physical harm the perpetrator considering the result shall be sentenced to punishment of the crime stated in this law as well.

(3) If arson happens in any of the following places, the perpetrator shall be sentenced to grade two continued imprisonment.

1- Factory and depot of military force requirements or weapons or its annexes:

2- Mine or petroleum or gas wells;

3- Storage for fuel or inflammable materials or explosive materials;

4- Thermal power, water or nuclear stations;

5- Train stations, locomotives or wagons in which a person or persons are present, and/or airport, or airplane or ship or its ports;

6- Residential area;

7- A building where a state administration or an enterprise or a public organization is located.

(4) If the purpose of the crime, mentioned in paragraph (3) of this article, is to prepare the grounds for commission of felony or to destroy its traces the perpetrator in

addition to punishment of the committed crime shall be sentenced to medium imprisonment up to three years.

Punishment of Unintentional Arson
Article 345:

(1) If as a result of negligence or carelessness of a person fire occurs on a movable or immovable property of others, the perpetrator shall be sentenced to cash fine from 30,000 up to 60,000 AFN.

(2) If the crime stated in paragraph (1) of this article results in death or injury, the perpetrator, considering the result, shall be sentenced to punishment of unintentional arson contained in this law.

(3) If the crime stated in paragraph (1) of this article results in delay in public transportation or causes big loss to property, the perpetrator shall be sentenced to medium imprisonment.

Transporting Ignitable Material
Article 346:

(1) A person who transports ignitable material through land, sea or air transportation or sends illegally through post contrary to the related regulations shall be sentenced to cash fine from 30,000 AFN to 60,000AFN.

(2) Ignitable materials include gas, petrol, sulfur, or other materials which are easily ignitable.

Setting the Forests on Fire Intentionally
Article 347:

(1) If a person intentionally sets fire on a private forest, shall be sentenced to medium imprisonment.

(2) If a person intentionally sets fire on a government forest, shall be sentenced to long imprisonment.

Setting Pasture on Fire
Article 348:

If a person sets the pasture on fire shall be sentenced to cash fine from 5,000 AFN to 30,000 AFN.

Compensation of Loss
Article 349:

In all conditions stated in this chapter, the perpetrator shall also be sentenced to compensation of loss.

Chapter Two
Crimes against Civil Aviation Safety

Flight Using Forged Capability Certificate or While Intoxicated:
Article 350:

(1) A person who flies a plane using a forged flight capability certificate shall be sentenced to medium imprisonment more than three years.

(2) A person who flies a plane while intoxicated shall be sentenced to medium imprisonment up to three years.

(3) If the crimes stated in Paragraphs (1 and 2) of this article results in an injury or a financial loss of another person, the perpetrator shall be sentenced to maximum of medium imprisonment unless more severe punishment has been determined for it in this law.

(4) If the crimes stated in Paragraphs (1 and 2) of this article results in death of passengers or plane crew or any other person, the perpetrator shall be sentenced to long imprisonment unless more severe punishment has been determined for it in this law.

Punishments of Legal Person
Article 351:

If crime contained in article 350 of this law is committed in the name or account of civil aviation organization, in addition to punishment for the natural person, the civil aviation organization shall be sentenced to cash fine of more than 5,000,000 AFN – 50,000,000 AFN or temporary suspension of the operation for three months.

Entry to Forbidden Areas
Article 352:

(1) A person who intentionally enters in forbidden area/premises of the airport which has been marked by special symbols shall be sentenced to minimum of short imprisonment or cash fine of 30,000 AFN.

(2) If the act stated in paragraph (1) of this article results in commission of another crime, the perpetrator in addition to punishment stated in paragraph (1) of this article shall be sentenced to punishment of the committed crime.

Violation of Regulation on International Flights
Article 353:

If entering and exiting the air space of the country is done without formal permission and lack of consideration of specific permitted routs, air gates and height of flight and other violations of international flights, the perpetrator shall be sentenced to medium imprisonment.

Chapter Three
Violation against Public Officials

Violation of or Attempt to Violate a Public Official:
Article 354:

A person who commits a violation against public official by use of force, intimidation or threat or attempts to do so, shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN or both punishments.

Continued Pursuit, Stopping beside the Home or Duty Station of Public Officials
Article 355:

(1) A person who continually pursues a public official or stops beside his/her home or duty station for the purpose of threatening or preventing him/her from performing duty in one way or other shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

(2) If the perpetrator is a public official, in addition to punishment contained in paragraph (1) of this article shall be sentenced to isolation from his/her profession or separation from duty.

Violation Resulting to Battery and Major Battery
Article 356:

If resistance or violation against public official results in battery or major battery, the perpetrator shall be sentenced to medium imprisonment or cash fine from 60,000 AFN to 300,000 AFN.

Permanent Disability or Inability of the Victim to Work
Article 357:

(1) If as a result of battery or major battery contained in article 356 of this law, the victim cannot perform his/her duty for more than 20 days, the perpetrator shall be sentenced to medium imprisonment up to two years.

(2) If battery or major battery results in permanent disability or it is done with premeditation or it is done using a weapon or by more than two persons, the perpetrator shall be sentenced to long imprisonment.

Insulting Public Official
Article 358:

(1) A person who insults a public official by gesture, speech or action or through any other way during performance of duty or as a result of his/her duty, shall be sentenced to cash fine from 5,000 AFN to 30,000 AFN.

(2) Person, who insults a judge performing his /her duty, or the judgment, shall be sentenced to medium imprisonment.

(3) Criticism or objection of performance of a public official or a political figure is exempted from provisions contained in paragraphs (1 and 2) of this article.

Interference with Public Official by Presenting False Information
Article 359:

A person who interferes with a public official through false information, false claim or provides him/her with information about occurrence of unreal incidents shall be sentenced to short imprisonment or cash fine from 20,000 AFN to 60,000 AFN and compensation of incurred loss.

Chapter Four
Crimes Related to Transportation and Communications

Endangering the Safety of Transportation
Article 360:

1) A person who deliberately endangers the safety of instruments, a road, a compound, public motorized transportation facilities or infrastructure used in sea or land or a railway or renders them idle; depending on circumstances he/she shall be sentenced to medium or long imprisonment.

2) If commission of the acts referred in Paragraph (1) of this article leads to injury of the person, the perpetrator shall be sentenced to long imprisonment, and in case of death, according to circumstances he/she shall be sentenced to continued or grade one continued imprisonment.

Endangering the Safety of Transportation as the Result of Carelessness: Article 361:

(1) A person who, as a result of carelessness, endangers the safety of instruments, a road, a compound, public motorized transportation facilities or infrastructure used in sea or land or a railway, shall be sentenced to medium imprisonment up to three years.

(2) If commission of the acts referred in Paragraph (1) of this article leads to severe physical injury, the perpetrator shall be sentenced to medium imprisonment up to three years or in case of death of a person shall be sentenced to maximum medium imprisonment.

Railway Crimes
Article 362:

A person who commits one of the following acts shall be sentenced to short imprisonment:

1- An act, which causes damage to merchandise of passengers on a road, compound, railway facilities or infrastructure;

2- An act, without written permission of railway administration or officials of railway stations and terminals, which causes danger and damage to railway and train by opening safety doors and allowing vehicles, animals and persons to pass it.

3- An act which causes danger or harm to railway lines, terminals, equipment and movable and immovable properties, passenger and cargo railway train, personnel and other affairs pertinent to the railway.

Using Forged Documents
Article 363:

A person who commits one of the following acts shall be sentenced to medium imprisonment of more than three years:

1- Providing forged documents for the purpose of obtaining permit/license.

2- Riding rail by forged riding license.

Installation of Indications, Identification Marks or a Fake Sign or Altering or Destroying it
Article 364:

A person who commits one of the following acts shall be sentenced to short imprisonment:

1- Installing indications, identification marks or a fake sign on the railway;

2- Altering or destroying indications, identification marks, sign and useable documents in a railway system, safety terms and instructions.

Destroying Telecommunication System
Article 365:

A person who deliberately destroys telecommunication system shall be sentenced to short imprisonment.

Destroying Telecommunication System as a Result of Negligence or Carelessness
Article 366:

A person who destroys a telecommunication system as a result of negligence or carelessness shall be sentenced to a cash fine of 5000 AFN up to 30000 AFN.

Misuse of Telecommunication Instruments
Article 367:

A person who deliberately harasses or annoys others through misuse of telecommunication means shall be sentenced to a cash fine of 5,000 AFN up to 30,000 AFN.

Chapter Five
Destruction of Public Buildings and Estates

Destruction of Buildings or Estates
Article 368:

A person who deliberately destroys a public building or estate or a building or estate allocated for the benefit of the State, public utility institutions, or public use, shall be sentenced to short imprisonment or cash fine 30,000 AFN to 60,000 AFN.

Cutting of Trees and Destruction of Roads, Parks or Public Resorts
Article 369:

A person who deliberately cuts the trees or destroys parks or public recreational places, in addition to compensation of loss which includes the price and expenses of rehabilitation of the trees and establishment, shall be sentenced to minimum short imprisonment or cash fine from 5,000 AFN to 30,000 AFN.

Part Four
Corruption and Financial Crimes

Chapter One
Bribery and its Punishment

Bribery, Bribe taker and Bribe giver
Article 370:

(1) When a public official or official of a foreign government or employee of an international organization or inter-governmental organization or non-governmental organization or official of the private sector which performs economic, financial or commercial services or other public services, for the purpose of performance or abstention of the duty which is assigned to him/her or for the purpose of obtaining or maintaining a specific position in his/her name or name of another person or entity directly or indirectly receives, solicits, or receives a promise of payment of money, property or illegal benefit or accepts it as a gift or any person who offers or promises to give money, property or other illegal benefit to such person for the said purposes directly or indirectly, the action shall be called bribery.

(2) When persons stated in paragraph (1) of this article, for the purpose of performance or abstention of the duty which is assigned to him/her, by his/her name or name of another person directly or indirectly solicits, receives or accepts money, goods, or other illegal benefits or accepts a promise on its payment or accepts it as a gift, he/she shall be called a bribe-taker.

(3) A person who offers or promises to give money, goods or other illegal benefits directly or indirectly for the purpose stated in paragraph (1) of this article to persons stated in the same paragraph shall be called bribe-giver.

(4) Any person who facilitates between a bribe-taker and bribe-giver shall be called mediator of the crime of bribery.

(5) Official of a foreign state for the purpose of this part is a person who is selected or elected for executive, administrative, legislative or judicial position of a foreign state or any person who serves in a public administration or public enterprise of a foreign state or is civil official of international organization or inter-governmental organization or non-governmental organization or any person who is assigned for performing specific duty by these organizations.

Punishment of Bribe-Taker
Article 371:

(1) Bribe-taker with regard to bribe amount shall be punished as follows:

1- If the bribe amount is up to 10,000 AFN, the perpetrator shall be sentenced to short imprisonment.

2- If the amount of bribe is more than 10,000 AFN up to 20,000 AFN, the perpetrator shall be sentenced to medium imprisonment up to two years.

3- If the amount of bribe is more than 20,000 AFN up to 50,000 AFN, the perpetrator shall be sentenced to medium imprisonment from two up to four years.

4- If the amount of bribe is more than 50,000 AFN up to 100,000 AFN, the perpetrator shall be sentenced to maximum of medium imprisonment.

5- If the amount of bribe is more than 100,000 AFN up to 1,000,000 AFN, the perpetrator shall be sentenced to long imprisonment up to 10 years.

6- If the amount of bribe is more than 1,000,000 AFN, the perpetrator shall be sentenced to long imprisonment more than ten years.

(2) If the subject of bribe is not cash, property, or material benefit, the perpetrator according to circumstances shall be sentenced to short or medium imprisonment.

Punishment of the Bribe-Giver
Article 372:

(1) Bribe-giver shall be punished as follow:

1- If the bribe amount is up to 10,000 AFN, the perpetrator shall be sentenced to cash fine five times of the amount of the bribe.

2- If the bribe amount is more than 10,000 AFN up to 20,000 AFN, the perpetrator shall be sentenced to cash fine five – ten times of the amount of the bribe.

3- If the bribe amount is more than 20,000 AFN up to 50,000 AFN, the perpetrator shall be sentenced to short imprisonment.

4- If the bribe amount is greater than 50,000 AFN up to 100,000 AFN, the perpetrator shall be sentenced to a term of one year up to three years imprisonment.

5- If the bribe amount is more than 100,000 AFN up to 1,000,000 AFN, the perpetrator shall be sentenced to medium imprisonment from three years to five years.

6- If the bribe amount is more than 1,000,000 AFN, the perpetrator shall be sentenced to long imprisonment up to ten years.

(2) If the subject of the bribe is not cash, property or material benefit, the perpetrator according to circumstances shall be sentenced to short or medium imprisonment.

Punishment of Mediator of Bribery Crime
Article 373:

The mediator of bribery crime shall be sentenced to the same punishment of bribe-giver stated in this chapter.

Punishment of Bribery by a Legal Person
Article 374:

If the crime of bribery is committed by the director or legal representative of a legal person using the name or account of the legal person or it is committed for the benefit of the legal person, the legal person shall be sentenced to cash fine ten times of the amount of bribery. This provision shall not prohibit enforcement of punishment on natural persons.

Punishment of Bribery by a Public Official
Article 375:

(1) If the bribe taker, bribe giver or mediator, is a Judicial officer, Prosecutor, Prosecution official, a Judge or a Court official, a *Huquq* and government cases official, Military personnel ranked General and Civil service employees of second grade or higher, the perpetrator in addition to maximum punishment prescribed in this chapter shall be relinquished or dismissed from his/her profession or duty.
(2) Other Public officials shall be relinquished or dismissed from duty if the bribe amount is more than 10,000 AFN.
(3) If a competent authority with knowledge of person convicted under paragraphs (1 and 2) of this article recommend this individual to a higher authority for employment shall be sentenced to short imprisonment.

Punishment of Bribery in the Private Sector
Article 376:

If the crime of bribery stated in article (370) of this law is committed in the private sector, the bribe taker, bribe giver, accomplice or mediator according to circumstances shall be sentenced up to half of maximum punishment of the committed crime stated in this chapter.

Bribery for Commission of another Crime
Article 377:

If the purpose of bribery is commission of another crime and the penalty of that crime is more severe than bribery, the bribe-taker, bribe-giver and mediator, in addition to cash fine anticipated for bribery, shall be sentenced to determined penalty for that crime.

Refusal of Bribe
Article 378:

If a person offers bribe, but the persons stated in paragraph (1) of article 370 of this law, do not accept the bribe, he/she will be exempted from punishment, and the bribe-giver shall be punished according to the provisions of this chapter.

Solicitation, Accept or Taking Gift by Members of Electoral Institutions
Article 379:

If a member or members of any electoral institutions in order to obtain a verdict, ruling, order, obligation, discharge, agreement, import, recruit, contract, promotion, maintaining a position or requests vote of confidence or no confidence from an authority, money, property or any other benefit or any service or privilege or reward for himself or other person or accepts its promise or receives gift or threatens or uses his/her influence for this purpose, shall be punished according to provisions of this chapter.

Reporting of Bribery
Article 380:

If a person from whom bribe has been demanded, informs the competent authorities and the bribe taker receives or accepts the bribe, the bribe-taker shall be sentenced in accordance with the provisions of this chapter and the informer shall not be prosecuted.

Reporting of Bribe Offering
Article 381:

If the person who has been offered bribe, informs the competent authorities before taking the bribe and, as a result, the bribe-giver is caught red-handed, the bribe giver shall be sentenced according to the provisions of this chapter and the informer shall not be prosecuted.

Destruction of Property Resulting from Bribery
Article 382:

If the bribe has resulted in the destruction of public property or annulment or concealment of a right or achievement of an undue/unentitled benefit, the perpetrator shall be sentenced to the maximum punishment anticipated in this chapter.

Punishment for Attempt to Bribery
Article 383:

Attempt to bribery shall be considered as its commission.

Confiscation of Paid Amount in Bribery Crime
Article 384:

The amount presented or paid by a bribe-giver or mediator of bribery shall be confiscated unless the responsible authorities are informed in advance.

Conviction to Cash Fine
Article 385:

(1) Bribe giver, bribe taker or mediator in bribery in addition to punishment stated in this chapter shall also be punished to cash fine equal to bribe amount.

(2) In case the bribe is not cash, property or financial interest, in addition to punishment contained in this chapter, the perpetrator shall be sentenced to cash fine from 30,000 AFN to 300,000 AFN.

Mitigating Circumstances of Bribery
Article 386:

If the bribe giver is entitled to do an act or omission of that, but forced to give bribe, the action is considered mitigating circumstance and the perpetrator shall be sentenced to alternative to imprisonment or cash fine equal to bribe amount.

Publication of Conviction and Nullification of the Advantage Resulting from Bribery
Article 387:

(1) The absolute decision of the court regarding the conviction of a person for bribery shall be published through mass media.

(2) If as a result of commission of crimes stated in this chapter, direct or indirect material or intellectual benefit has been obtained, the material benefit shall be confiscated and the intellectual benefit shall be invalid.

Chapter Two
Embezzlement and It's Punishment

Embezzlement
Article 388:

Any public official or responsible person of a non-governmental organization or a private organization or a social organization who has been recruited to do public services by the government, non-governmental organization or private sector or performs public services or official of a private entity to whom the funds or securities or property of the relevant entity or a person are entrusted based on duty or he/she has the obligation to preserve it, takes its ownership illegally or removes it from the account of the relevant entity or person in favor of him/her or another person or conceals or misappropriates it,

has committed embezzlement and shall be punished according to provisions of this chapter.

Imposing Harm to the Public Interests:
Article 389:

(1) Any public official or responsible person of a non- governmental organization or a private sector or a social organization in a contract or calculation or assessment or obtaining customs duties, taxes or rights of the government or the relevant entity is responsible for ensuring benefit of the relevant administration, intentionally harms or interrupts the rights of the relevant entity in his/her favor or favor of another person, his/her act shall be considered as embezzlement and the perpetrator considering the incurred loss to the public interest shall be punished according to provisions stated in this chapter.

(2) If the crime stated in article 388 of this law and paragraph (1) of this article is committed in a foreign government representation office or an international organization or an inter-governmental organization or a NGO or private sector, the initiation of the criminal case and prosecution or its withdrawal is subject to request of the relevant effected authority. Persons with diplomatic immunity are exempted from this provision.

Imaginary Structures and Recruitments
Article 390:

Any public official who presents reports on imaginary projects or establishing unreal structures or recurring to get benefits from related specific budget, his/her act shall be considered as embezzlement and considering embezzled amount and conditions of the committed crime shall be sentenced to punishment according to provisions of this chapter.

Punishment of Embezzlement by a Public Official
Article 391:

Public official shall be punished for commission of embezzlement as follows:

1- If the amount of embezzlement is up to 100,000 AFN to medium imprisonment up to two years.

2- If the amount of embezzlement is more than 100,000 AFN up to 500,000 AFN to medium imprisonment up to three years.

3- If the amount of embezzlement is more than 500,000 AFN to 1,000,000 to long imprisonment up to 10 years.

4- If the amount of embezzlement is more than 1,000,000 to 10,000,000 to maximum of long imprisonment.

5- If the amount of embezzlement is more than 10,000,000, to grade two continued imprisonment.

Punishment of Embezzlement Committed by a Responsible person of a Non-Governmental Organization (NGO):
Article 392:

The responsible person of an NGO, private sector or a social organization shall be punished for commission of embezzlement according to circumstances as follows:

1- If the amount of embezzlement is up to 100,000AFN the perpetrator shall be sentenced to medium imprisonment up to two years.

2- If the amount of embezzlement is more than 100,000 AFN up to 500,000 AFN the perpetrator shall be sentenced to medium imprisonment more than two years.

3- If the amount of embezzlement is more than 500,000 AFN up to 1,000,000AFN the perpetrator shall be sentenced to maximum period of medium imprisonment.

4- If the amount of embezzlement is more than 1,000,000 AFN to 10,000,000 ATN the perpetrator shall be sentenced to long imprisonment up to seven years.

5- If the amount of embezzlement is more than 10,000,000 AFN, the perpetrator shall be sentenced to long imprisonment up to 10 years.

Aggravating Circumstances of Embezzlement
Article 393:

If the treasurer, storekeeper, collection officer, cashier, person in-charge of stock, cash or material trustee or other officials assigned to preserve embezzled or hidden goods, committing embezzlement crime, shall be sentenced to maximum punishment of the committed crime stated in this chapter.

Gaining Benefit through Treachery
Article 394:

A person who by contract or calculation of taxes or customs duties, gain a profit illegally, shall be punished to medium imprisonment up to three years.

Gaining profit by a Public Official from Incomes Related to State
Article 395:

(1) When a public official, who has a direct obligation in the administration of contracts/procurement, revenues, imports or other matters of the State, or the

supervision thereof, and as a result of it gains in any of the above matters a profit in his own or someone else's name, or tries to gain it, shall be sentenced to short imprisonment.

(2) If the amount of gained benefit anticipated in paragraph (1) of this article is more than 100,000 AFN, the perpetrator shall be sentenced to medium imprisonment up to three years.

Illegal Ownership of Money, Valuable Documents or Other Documents
Article 396:

The public official takes the ownership of state money, securities, financial documents, goods, or other government properties or damages or destroys the said items, shall be sentenced to medium imprisonment up to three years.

Using Cash Illegally
Article 397:

If a public official in circumstances other than this chapter uses the cash given to him/her illegally, he shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN.

Complementary Punishment of Embezzlement
Article 398:

(1) The perpetrator of crimes stated in this chapter, besides, the punishment fixed in this chapter shall be sentenced to return of obtained money and property and confiscation of their consequent proceeds.

(2) If the amount of embezzlement is more than 100,000 AFN, the perpetrator shall also be dismissed and relinquished from his/her professional duties.

(3) If a competent authority with knowledge of person convicted under paragraphs (2) of this article recommend this individual to a higher authority for employment shall be sentenced to short imprisonment.

Chapter Three
Trading in Influence and it's Punishment

Trading in Influence
Article 399:

A person who commits any of the following acts shall be considered perpetrator of trading in influence offense:

1- To demand or accept undue advantage directly or indirectly by a public official, official of a foreign government, international organization, inter-governmental

organization, non-governmental organization, or another person in a way that these people use their real or presumptive influence or real or unreal influence of another person with a view to obtain from a state administration or a public official undue material or intellectual advantage.

2- To promise or offer or to give undue advantage directly or indirectly to a public official, official of a foreign government, international organization, inter-governmental organization, non-governmental organization, or another person in a way that these people use their real or presumptive influence or real or unreal influence of another person with a view to obtain from a state administration or a public official un undue advantage in favor of principal instigator or another person.

3- When a public official or an influential person misuses his/her authority in order to employ a person.

Punishment of the Perpetrator of Trading in Influence
Article 400:

(1) Person contained in Article 399 of this law shall be punished as follows:

1- If the value of advantage is up to 20,000 AFN, the perpetrator shall be sentenced to alternative to imprisonment.

2- If the value of advantage is more than 20,000 AFN – 50,000 AFN, the perpetrator shall be sentenced to short imprisonment.

3- If the value of advantage is more than 50,000 AFN – 100,000 AFN, the perpetrator shall be sentenced to medium imprisonment up to three years.

4- If the value of advantage is more than 100,000 AFN – 1,000,000 AFN, the perpetrator shall be sentenced to medium imprisonment more than three years.

5- If the value of advantage is more than 1,000,000 AFN, the perpetrator shall be sentenced to maximum of medium imprisonment.

6- If the value of the advantage is not material, according to the circumstances the perpetrator shall be sentenced to short or medium imprisonment.

(2) If the perpetrator of the crime stated in paragraph (1) of this article is a public official, he/she shall also be dismissed and relinquished from profession and duty

Punishment of Instigator of Trading in Influence
Article 401:

(1) Instigator of trading in influence shall be punished as follows:

1- If the value of advantage is up to 20,000 AFN, the instigator shall be sentenced to twice of the amount of undue advantage.

2- If the value of advantage is more than 20,000 AFN – 50,000 AFN, the instigator shall be sentenced to alternative to imprisonment.

3- If the value of advantage is more than 50,000 AFN – 100,000 AFN, the instigator shall be sentenced to short imprisonment.

4- If the value of advantage is more than 100,000 AFN – 1,000,000 AFN, the instigator shall be sentenced to medium imprisonment up to two years.

5- If the value of advantage is more than 1,000,000 AFN, the instigator shall be sentenced to medium imprisonment up to three years.

6- If the value of advantage is not material, the instigator shall be sentenced to short imprisonment.

(2) If the perpetrator of the crime stated in paragraph (1) of this article is a public official, he/she shall also be dismissed and relinquished from profession and duty

(3) Instigator according to Paragraph (1) of this article is the promisor, proposer or presenter of direct or indirect undue profit to the person who has real or presumptive influence for the purpose of trading in influence.

Confiscation of Cash Paid in the Trading in Influence Offense
Article 402:

(1) Cash offered or paid by the instigator for trading in influence shall be confiscated unless he/she has already informed the responsible officials.

(2) If as a result of commission of crimes stated in this chapter, direct or indirect material or intellectual benefit has been obtained, the material benefit shall be confiscated and the intellectual benefit shall be invalid.

Chapter Four
Misuse of Duty or Authority and it's Punishment

Misuse of Public Official
Article 403:

(1) If a public official for the purpose of obtaining undue advantage for himself/herself or another person commits an illegal act or omits a legal act, this act shall be considered abuse of function and he/she shall be sentenced to medium imprisonment or cash fine from 60,000 AFN – 300,000 AFN.

(2) If the perpetrator of the crime stated in paragraph (1) of this article is a public official, he/she shall also be dismissed and relinquished from profession and duty

(3) If one of the authorities stated in article 151 of constitution conducts a profitable contract with the government during work tenure, he/she shall be sentenced to cash fine equivalent to price of contract.

Intermediation of a Public Official before Judge
Article 404:

If a public official approaches the judge with an order, entreaty, request, or recommendation for the purpose of benefiting or harming one of the parties in a case, the official shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

Abstention or Procrastination of the Judge of Issuing Verdict
Article 405:

If the judge refuses or delays to issue a verdict without a legal ground, or if it is proven that due to one of the reasons mentioned in article (404) of this Law has issued an unlawful decision intentionally he/she shall be sentenced to medium imprisonment and separation from profession.

Refusal or Stopping Verdict Issuance by Judge
Article 406:

If the judge, after a legal demand, stops or refuses the issuance of verdict, it shall be considered an abstention form issuance of verdict, even if he argues on the grounds of non-availability of legal provision, or its clarity, unless the law has stipulated otherwise.

None Observing or Stopping of Orders of Authorized Officials
Article 407:

(1) If a public official, making use of his official authority, deliberately ignores the provisions of laws, regulations, decision/ruling of the court, or orders issued by competent authorities of the government, or stops collection of goods and taxes stipulated by the law without legal grounds, he/she shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

(2) If the act stated in paragraph (1) of this article results in delay or interruption in execution of State plans or inflicts damage to public property, perpetrator according to circumstances shall be sentenced to medium or long imprisonment.

Refusal or Abandonment of Duty by Public Official
Article 408:

(1) If more than three public officials for reaching to an illegal aim refuse to perform their duties or leave their duties, each of the perpetrator shall be sentenced to cash fine from 10,000 to 30,000 AFN.

(2) If as a result of commission of the crime stated in paragraph (1) of this article, the life, health and public security is endangered, or disturbance and chaos is created among the people, each of the perpetrators according to circumstances shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN or punishment of the committed crime anyone which has higher punishment.

Discrimination in Administrations
Article 409:

(1) If a public official or official of a foreign government or employee of an international organization or inter-governmental organization or non-governmental organization who makes discrimination between individuals because of their personal, ethnic, regional, lingual, religious, sexual, political or belief considerations or for being supporter of a certain group or party discriminates in performance of duty or providing services or other conditions shall be sentenced to short imprisonment or cash fine from 30,000 to 60,000 AFN:

(2) Circumstances stated in paragraph (1) of this article shall not prohibit positive discrimination for the purpose of promoting gender equality and fair representation of certain group or party.

(3) If the act stated in paragraph (1) of this article is committed by the high ranking governmental officials or high officials of other organizations, the perpetrator shall be sentenced to the maximum medium imprisonment or to cash fine of 300,000 AFN.

Crimes Related to Audit Officials
Article 410:

(1) If the auditor while auditing commits any of the following acts shall be sentenced to medium imprisonment:

1- Concealing proceedings contrary to legislative documents provisions;

2- Failure to report suspicious and lost papers and documents;

3- Concealing or destroying papers and documents for the purpose of misuse.

4- Presenting unreal report;

(2) If the perpetrator of the crime stated in paragraph (1) of this article is a public official, he/she shall also be dismissed and relinquished from profession and duty.

Crimes Related to Inspection and Calculation:
Article 411:

(1) If an inspection or calculation organization or inspector or accountant who is duty bound for the purpose of inspection of the accounts, with the intention of exemption of the tax payer, presents or prepares wrong or unreal report contrary to provisions of this law, shall be sentenced to medium imprisonment.

(2) If the crime stated in paragraph (1) of this article results in financial loss to government more than 500,000, the perpetrator of the crime shall have his/her business license permanently revoked. In case the financial loss to government is less than 500,000, the business license of audit or calculation organization or duty of the inspector or accountant according to circumstances shall be suspended from one to five years.

Unlawful Search
Article 412:

Any public officer who unlawfully searches a person or his belongings is sentenced to cash fine from 5,000 AFN to 30,000 AFN.

Disclosure of Office Secrets or Confidential Documents
Article 413:

(1) Any public officer who discloses or publicizes the office secrets or confidential documents, decisions or orders or other confidential data delivered to him as duty or became aware by virtue of office, or facilitates access to such information and documents to third parties shall be punished to short imprisonment.

(2) The same punishment is applicable for the person who performs the acts stated in paragraph (1) of this article upon expiry of office period.

(3) If as a result of negligence or carelessness of a foreign state official or international or intergovernmental organization or NGO or private sector that is obligated to protect documents and information and the documents and information is disclosed, the perpetrator shall be sentenced to short imprisonment.

Threatening the Informer of the Corruption Crimes
Article 414

(1) A person who threatens the informer or presenter of documents and information of a financial and administrative corruption crime shall be sentenced to medium imprisonment up to three years.

(2) If the threat stated in paragraph (4) of this article results to financial or physical harm, the perpetrator shall be sentenced to punishment of committed crime too.

Concealment of Membership in Political Parties
Article 415:

If member of supreme court, judge, prosecutor, officer of Ministry of Defense, Ministry of Interior, National Directorate of Security, military officer of the organizations with military structure or other public officials who based on the law cannot have membership of a political party during their employment, have this membership or works in its favor and conceals it, he/she shall be sentenced to cash fine from 100,000 AFN to 500,000 AFN and termination from duty.

Assignment of an Employee or other Officials for Personal Work during Official Time
Article 416:

When a public official assigns a contract employee or his/her other subordinates for his/her personal business or outside the scope of official duty during official time, the public official shall be sentenced to cash fine from 5,000 AFN up to 30,000 AFN.

Duty offences of prosecutor
Article 417:

If a prosecutor, related to his/ her duty perpetrates one of the following actions shall be sentenced to short imprisonment:

1- Carelessness in observation from the circumstances of the detainees, prisoners or confined children in prisons or detention centers or in juvenile rehabilitation centers, withdrawal of prosecution of the accused when the crime has happened and there is sufficient incriminating evidence.
2- Recklessness to report commission of a crime or complaint of a plaintiff or ignoring that without logical reasons.
3- Failure to stop judicial prosecution of a case while its prosecution is based on the plaintiff complaint and he/she has withdrawn.

Complementary Penalty of Misuse of Duty or Position
Article 418:

If as a result of commission of crimes stated in this chapter, direct or indirect material or intellectual benefit has been obtained, the material benefit shall be confiscated and the intellectual benefit shall be invalid.

Chapter Five

Illicit Enrichment of Assets
Article 419:

(1) When assets of a public official or his/her spouse and children significantly increase in proportion to his/her registered assets and lawful income and he or she cannot reasonably explain the reason and due source of the increase, the official shall be guilty of illicit enrichment and punished according to provisions of this chapter.

(2) Significant increase of assets according to paragraph (1) of this article occurs when the value of registered assets increases by an amount greater than 500,000 AFN during one year.

Punishment of Illicit Enrichment
Article 420:

(1) The perpetrator of illicit increase of assets stated in paragraph (2) of article (419) shall, be punished as follows:

1- In case of increase of assets up to 10 million AFN, to short imprisonment.

2- In case of increase of assets more than 10 million to 100 million AFN to medium imprisonment.

3- In case of increase of assets to more than 100 million AFN, to long imprisonment.

Punishment for false Declaration of Assets and Confiscation
Article 421:

(1) If a public official makes false or misleading declaration on his/her assets declaration form based on the circumstance shall be sentenced to 30,000 to 180,000 AFN.

(2) The funds and assets earned through commission of crimes stated in this chapter shall be confiscated based on court order.

Chapter Six
Election Crimes

Misuse of Equipment and Signs to Cause Fear
Article 422:

(1) A military official including Afghan National Police, Afghan National Army, and National Directorate of Security who misuses military equipment and signs for the purpose of frightening and influencing voter, candidate, supervisor or observer in favor or against a candidate, he/she shall be sentenced to short imprisonment.

(2) If perpetrator of the act stated in paragraph (1) of this article is not a military official, he/she shall be sentenced to maximum short imprisonment.

Receiving or Paying Bribe or threatening or Violating Honor
Article 423:

A person who commits one of the following acts shall be sentenced to medium imprisonment.

1- Receiving or paying bribe for the purpose of influencing the phases of elections.

2- Threatening, intimidating, violating honor, or influencing voter, candidate, supervisor, observer, media, or employees of election.

Concealing Ballots
Article 424:

A person who conceals ballots or result sheet/form for the purpose of concealing facts shall be sentenced to medium imprisonment up to three years.

Changing the Election Documents or Receiving Assistance
Article 425:

A person who commits one of the following acts shall be sentenced to medium imprisonment up to three years:

1- Relocating, transferring, or acquiring election documents contrary to the provisions of law.

2- Receiving funds from illegal sources.

3- Receiving or accepting financial assistance in cash or in kind from foreign citizens and foreign countries or from political agencies of foreign countries situated in Afghanistan.

4- Changing the number of counted votes on the result sheet in a way that it does not match the number of available votes in the box.

Interference in Software and Hardware Systems
Article 426:

A person who interferes in software and hardware systems of ballot collection centers without legal permit, he/she shall be sentenced to medium imprisonment more than three years.

Violence for the Purpose of Disrupting Election Process
Article 427:

(1) A person who resorts to violence in the process of election for the purpose of disrupting and disturbing security, he/she shall be sentenced to medium imprisonment up to two years.

(2) If the act stated in Paragraph (1) of this article leads to disturbance in election process, the perpetrator shall be sentenced to medium imprisonment of more than two years.

Theft or Destruction of Ballots and Sensitive Election Materials
Article 428:

A person, who steals or destroys ballots and/or sensitive election materials, shall be sentenced to the maximum of medium imprisonment.

Using Forged Documents
Article 429:

A person who commits one of the following acts, in addition to deprivation from rights enshrined in election law, shall be sentenced to medium imprisonment:

1- Registration in the list of candidates using forged documents.

2- Voting through forged document.

Voting in Absence of a Person
Article 430:

A person who uses ballot of a person in his/her absence shall be sentenced to short imprisonment.

Buying and Selling Vote
Article 431:

A person who buys or sells votes shall be sentenced to medium imprisonment up to three years.

Altering or Changing Documents, Increasing or Decreasing Votes
Article 432:

A person who commits one of the following acts shall be sentenced to maximum medium imprisonment:

(1) Altering or changing election documents including registration book, result sheets/forms and ballots in favor of or against a candidate.

(2) Decreasing or increasing ballots during election in favor of or against a candidate.

Failure to Process Objection and Complaint for the Purpose of Concealing Facts
Article 433:

A person who conceals a registered objection and complaint and/or doesn't process it timely for the purpose of concealing facts shall be sentenced to short imprisonment.

Failure to Notify or Conceal or Prevent Presence of Supervisor, Observer or Media
Article 434:

An official of independent commission of election who commits one of the following acts shall be sentenced to medium imprisonment up to three years:

1- To conceal or failure to report violation in a polling station;

2- To prevent supervisor, observer or media during the poll's process and vote counting.

Abetting in Commission of Election Crimes
Article 435:

A person who abets in commission of the crimes stated in this chapter shall be sentenced to the same punished of the perpetrator.

Chapter Seven
Forgery

Forgery Crime
Article 436:

(1) Forgery for the purpose of this law is, duplication of writing, document, stamp, signature, scratching or scraping or amending or eliminating or proving or blackening or preponing or postponing document date or attaching a text to another text or using another person's stamp without his/her permission for the purpose of forgery.

(2) A person who forges one of the following items, or being aware of their forgery, uses them or brings them into Afghanistan shall be sentenced to medium imprisonment more than three years:

1- Official documents of the government, Law, presidential decree, approval of the government, Prime Ministry's decree or the absolute decision of the court.

2- State seal, seal or signature of the president.

Punishment of Forgery Crime
Article 437:

(1) A person who makes one of the following items with the aim of forgery or being aware of its forgery, uses them or brings them into Afghanistan shall be sentenced to medium imprisonment:

1. Seal, stamp or symbol of one of the government administrations or enterprises.

2. Seal, signature or symbol of one of the public officials.

3. Formal sign for specification of gold and silver grade

4. Payroll or issued documents of state treasuries.

5. Financial documents of banks which their issuance is legally allowed.

6. Degrees and educational documents, both domestic and foreign.

7. Work permits of unreal (imaginary) companies;

8. License and vehicle permit;

9. National ID (Tazkira);

10. Passport;

11. Traveling document;

12. Visa;

13. Other formal documents which are prepared and issued by government authorities;

(2) A person who forges the documents stated in sub-paragraphs (8 up to 13) of paragraph (1) of this article, for the purpose of committing terrorist crime shall be punished in accordance with the provision of article 278 of this law.

Forgery by Public Official or Other Persons
Article 438:

(1) If a public official during duty performance intentionally forges the issued orders, approvals, documents, document registration books, registries; and other official documents, he/she shall be sentenced to long imprisonment.

(2) If the forgery stated in Paragraph (1) of this article is committed in customary document, the perpetrator according to circumstances shall be sentenced to short imprisonment or medium imprisonment not exceeding two years.

(3) If the crimes stated in paragraphs (1 and 2) of this article are committed by other persons, the perpetrator shall be sentenced according to circumstances to medium imprisonment or long imprisonment not exceeding 10 years.

Forgery in the Text or in the Format of Document While Writing It
Article 439:

If a public official with the intention of forgery alters the text or format of the document during performing duty, in conditions other than stated in article (437) of this law, whether this change is in the confession of the person for whom the document is written or writes the fake incident having knowledge of its fakeness as a real incident or vise versa shall be sentenced to medium imprisonment.

Using the Stamp without Authority
Article 440:

(1) A person who obtains the stamp of a state administration or enterprise without authority and uses it against public or private interest, in accordance with circumstances shall be sentenced to medium imprisonment.

(2) A person who obtains the stamp of a non-governmental administration without authority and uses it against public or private interest, shall be sentenced to short imprisonment.

Preparing Forged Certificate
Article 441:

(1) A doctor, surgeon, midwife or other medical officials who knowingly give a person a forged certificate/statement of existence or non-existence of conditions such as pregnancy, mental or psychological illness, battery or major battery, fracture, defect or death or other cases, shall be sentenced to medium imprisonment up to three years.

(2) If the crime stated in paragraph (1) of this article is committed because of requesting something for oneself or someone else or in return for accepting or receiving a promise or gift, the perpetrator shall be sentenced to the punishment of bribery contained in this law.

Forging Document to Prove Disability
Article 442:

A person who forges a disability certificate on behalf of a doctor for the purpose of illegitimate use for himself or another person or to present it to government competent authority according to circumstances shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

Using Forged Document
Article 443:

(1) A person who presents the forged certificate stated in Articles (436 and 437) of this Law knowingly to court or to a government competent authority shall be sentenced to short imprisonment or cash fine from 30,000 AFN to – 60,000 AFN.

(2) A person who uses the forged documents stated in sub-paragraph 7 of article 437 of this law or other unreal documents for the purpose of attending in procurement process or signing contract shall be sentenced to medium imprisonment not less than 3 years.

Fingerprint
Article 444:

In implementation of the provisions of this chapter, finger-print has the same value as the signature.

Chapter Eight
Extortion and Misconduct of Public Officials against People

Extortion of Public Officials
Article 445:

(1) If military or other public officials who illegally demand or ask money, property or benefits from people in a public way, highway or any other ways , shall be sentenced to short imprisonments or termination of his/her duty.

(2) If the crime contained in Paragraph (1) of this article is committed by ordinary citizens in stocks, markets and other public places, the perpetrator shall be sentenced to short imprisonment.

Order to Implementation of Severer Punishment
Article 446:

If the public official punishes the convict to more than what he has been sentenced to, or issues an order to this effect, or applies to him a punishment to which he has not been sentenced, in addition to medium imprisonment, he/she shall be sentenced to exclusion from profession or separation from duty.

Illegal Entrance of Public Official to Private House Using Official Authority
Article 447:

If a public official, making use of his official authority, enters the house of any person without his permission and in cases other than stipulated in the law, he/she shall be sentenced to medium imprisonment up to two years or cash fine of 60,000 AFN to 120,000 AFN.

Violence of Public Official against Person
Article 448:

If a public official using his official authority treats any person so offensively and abusively to cause him/her physical pain, or degrades his/her honor and prestige, he/she shall be sentenced according to circumstances to medium imprisonment up to two years and cash fine of 60,000 AFN to 120,000 AFN.

Forcing of Owner to Sell his/her Property
Article 449:

If a public official using his/her official authority, forces the owner to sell his/her movable or immovable property in his/her own name or another person's name illegally, he/she shall be sentenced to medium imprisonment up to two years or cash fine of 60,000 AFN to 120,000 AFN, and to exclusion from profession or separation from duty.

Chapter Nine
Torture and its Punishment

Torture
Article 450:

(1) Torture is an action committed by a public official or any other official authority or by his/her order, agreement, satisfaction or silence resulting in severe physical or mental pain to suspect, accused, convict or any other persons for the purpose of:

1- Obtaining a confession

2- Obtaining information about a suspect, accused, convict or any other person

3- Disciplining the person for the act committed by him/her or another person.

4- Coercing or intimidating the person to perform or refrain from an action

5- Discriminating against the perpetrator

(2) Taking security measures and implementation of punishments stated in this law is not considered torture.

Punishment for Torture
Article 451:

(1) Person who commits torture shall be sentenced to medium imprisonment of more than three years.

(2) If the victim of torture is a child or a female, the perpetrator shall be sentenced to maximum punishment of torture.

(3) If the accused is murdered as a result of torture, the person committing it shall be sentenced to the punishment of murder anticipated in this law and in case of battery and major battery, in addition to punishment of torture he/she shall be sentenced to punishment of battery and major battery.

Compensation
Article 452:

(1) In all circumstances stated in this chapter, the perpetrator in addition to punishment of the committed crime shall be sentenced to compensation of loss resulting from torture.

(2) If the perpetrator does not have the financial ability or his/her property is not determined, the entity he/she is working for is obligated to pay the compensation stipulated in paragraph (1) of this article.

Chapter Ten
Plagiarism of Duties and Titles

Interference in Public Duties
Article 453:

If a person who, without official permission of the State or without being given the assignment, interferes in one of the public services, or performs any of the obligations of such services, shall be sentenced according to circumstances to medium imprisonment up to two years or cash fine from 60,000 AFN – 120,000 AFN.

Misusing Military Uniform
Article 454:

A person who without having the rank and right, uses a military uniform in public or without legal grounds carries a distinctive military emblem and rank shall be sentenced to short imprisonment or cash fine from 30,000 AFN - 60,000 AFN.

Misusing medal or Title
Article 455:

(1) If a person without legal grounds endows himself with honorary or occupational title or introduces himself as a judicial officer or publicly decorates himself with a medal which has not been given to him, he/she shall be sentenced to cash fine from 5,000 AFN - 20,000 AFN.

(2) If a person without legal grounds endows himself with a foreign honorary or occupational title, or without legal grounds or permission of the president publicly decorates himself with a foreign medal, he/she shall be sentenced to punishment stated in paragraph (1) of this article.

Chapter Eleven
Breaking or Destroying the Seal

Destroying Seal of Protected Area
Article 456:

(1) A person, who destroys the seal of a place, papers, or goods which are sealed for the purpose of protection at the instruction of a State institution, shall be sentenced to cash fine from 10,000 AFN - 30,000 AFN.

(2) If the perpetrator stated in paragraph (1) of this article is the relevant guard, he/she shall be sentenced to short imprisonment.

(3) If the place, papers or goods stated in paragraph (1) of this article is sealed by the court order, perpetrator shall be sentenced to maximum punishment of short imprisonment.

(4) If the crime stated in paragraph (1) of this article is committed due to negligence of the relevant guard, he/she shall be sentenced to cash fine from 10,000 AFN up to 30,000 AFN.

Breaking of Seal by a Person Accused or Convicted to Felony
Article 457:

If the crime stated in article (456) of this law is committed by a person convicted or accused of felony, the perpetrator shall be sentenced to medium imprisonment and the guard whose negligence has been resulted to destruction or breakage of the seal shall be sentenced to maximum of short imprisonment.

Chapter Twelve
Theft and Destruction of Official Papers and Documents

Theft of Official Documents
Article 458:

(1) If as a result of neglect of the public official who is assigned to maintain documents, papers and files related to the government or documents related judicial cases, the stated documents is stolen, concealed or destroyed, the assigned public official shall be sentenced to cash fine from 30,000 AFN up to 60,000 AFN.

(2) The thief, or a person who conceals or destroys goods stated in paragraph (1) of this article, shall be sentenced to medium imprisonment.

(3) If the perpetrator of the crime stated in paragraph (1) of this article is the relevant guard, he/she shall be sentenced to maximum of medium imprisonment.

(4) If the theft, concealment, or destruction of items stated in paragraph (1) of this article takes place based on coercing the guards, the perpetrator shall be sentenced to long imprisonment.

(5) If as a result of negligence or carelessness of a foreign state official or international or intergovernmental organization or non-governmental organization or private sector entity that is obligated to protect documents and information, documents and information is stolen, hidden, or destroyed, the perpetrator shall be sentenced to cash fine from 30,000 AFN – 60,000 AFN.

Theft or Destruction of Documents with National Value
Article 459:

(1) A person who steals, conceals or destroys documents with national value shall be sentenced to the maximum of long imprisonment.

(2) If theft or destruction of documents stated in paragraph (1) of this article takes place as a result of negligence of the public official, the person committing it shall be sentenced to medium imprisonment.

Concealment, Disclosure or Opening of Letter, Post or Parcel by the Public Official

Article 460:

If the official of post or parcel or another person who is assigned to perform this task hides, discloses or opens a letter, post or parcel, or provides others with facilities to do so, he shall be sentenced to cash fine from 10,000 AFN up to 30,000 AFN.

Part Five
Obstruction of Justice Crimes
Chapter One
Obstruction of Justice and Its Punishment

Intimidation or Enticement of Victim or Witness

Article 461:

(1) The following acts shall be considered obstruction of justice:

1- The use of power, threat or intimidation or a promise, offering or giving of an undue advantage to the witness or victim to give false testimony, or abstain from testimony, or to interfere in testimony.

2- The use of power, threat or intimidation on victim, informer or a person who provides evidence or information relevant to crime, or to promise, offer or give an undue advantage to him/her to prevent provision of information or evidence relevant to crime.

3- Presenting unreal documents and evidence related to the crimes stated in this chapter knowing that they are unreal.

4- The use of force, threat or intimidation in all phases of judicial proceeding to interfere in the exercise of official duties of judge, prosecutor, judicial officer, defense counsel, expert, in relation to commission of the acts stated as crime in this law.

(2) The perpetrator of the offences stated in paragraph (1) of this article shall be sentenced to medium imprisonment.

(3) If the persons stated in paragraph (1) of this article are injured or killed in relation to their official duties, the perpetrator shall be sentenced to the maximum punishment of the crime of major battery or murder stated in this law or any crime which has higher punishment.

(4) If a public official presents documents, evidence and information contrary to reality to competent state authorities or hides the evidence and documents shall be sentenced to short imprisonment.

Disclosure of Identity
Article 462:

A person who discloses the identity of a witness or informer or the person who provides evidence or information regarding crimes against his/her will or without permission of court, shall be sentenced to medium imprisonment.

Protection of Witness or Informer
Article 463:

(1) If police, National Directorate of Security (NDS) official, or prosecutor is obligated to take protective measures regarding protection of witness or informer of the crime, and in case of negligence of the assigned person, the perpetrator shall be sentenced to alternative to imprisonment.

(2) If the act stated in paragraph (1) of this article results from negligence of the official and ends up to disability or murder of witness or informer or their relatives, the perpetrator shall be sentenced to medium imprisonment.

(3) If failure in protection of witness or informer is intentional, according to circumstances, the perpetrator shall be considered as accomplice or accessory of the committed crime.

Disclosure of Protective Measures or Concealing Witness Identity
Article 464

A person who reveals the ruling or verdict of the competent authorities on taking protective measures or concealing witness identity or other relevant documents and information to a person who does not have the right to receive it, the perpetrator shall be sentenced to medium imprisonment or cash fine from 60,000AFN up to 300,000 AFN.

Act of Vindictiveness against Public Official or Informer or Witness
Article 465:

(1) A person who commits a vindictive act against public official, expert or victim or informer or witness in relation to crimes stated in this law shall be sentenced to medium imprisonment.

(2) If as a result of commission of the act stated in paragraph (1) of this article physical, financial or moral loss is caused to the victim, the perpetrator shall be sentenced to maximum punishment anticipated for the committed crime or medium imprisonment or the penalty which is higher.

Obstruction of justice in Terrorist Crimes
Article 466:

(1) If the crime of obstruction of justice stated in this chapter is committed in terrorist crimes, the perpetrator shall be sentenced to long imprisonment up to 10 years.

(2) If the crime stated in paragraph (1) of this article results in escape of a person from prosecution or non-application of justice, the perpetrator shall be sentenced to the same anticipated punishment for the perpetrator of the terrorist crime.

Commission of the Crime of Obstruction of Justice by a Public Official Article 467:

If the crimes stated in this chapter are committed by a public official, the perpetrator in addition to maximum punishment stated in this chapter shall be sentenced to separation from duty.

Failure to Disclose Indications of Crime Found During Examination Article 468:

(1) A person who has medical profession and notices injuries on the body of a dead or injured person during examination or treatment which have been inflicted to the body as a result of a crime and does not inform competent authorities, shall be sentenced to alternative to imprisonment or cash fine from 5000 AFN up to 30000 AFN.

(2) If the official of forensic medicine intentionally refuses to examine or present the professional opinion or necessary details about the result of examination to the competent official or refuses the court request to participate in judicial session to provide description shall be sentenced to alternative to imprisonment.

Chapter Two
Misleading of Justice and Its Punishment

Misleading of Justice or Concealing the Truth Article 469:

(1) If a person who for the purpose of misleading justice or concealing the truth, changes the condition of persons, places or items or conceals or destroys the material evidence of crime or presents wrong information about crime while being aware of its inaccuracy, shall be sentenced, according to circumstances, to the following penalties:

1- If the crime is misdemeanor, to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN

2- If the crime is felony, to medium imprisonment.

(2) If the crime stated in paragraph (1) of this article is committed by the relevant public official, the perpetrator shall be sentenced to maximum penalties anticipated in Paragraph (1) of this article.

Providing Unreal Identification
Article 470:

A person who provides in writing or orally false information about his identity to police, prosecutor or court and results in conviction of another person or results in his acquittal, shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN.

Theft, Concealment or Destruction of Property to Mislead Justice
Article 471:

(1) A person, who steals, conceals or destroys the deed or a criminal object presented to the court or judicial officers with the intention to mislead justice shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

(2) If the crime stated in paragraph (1) of this article is committed by a public official in such a way that the deed or the criminal object has been entrusted to him/her or deposited with him/her officially, he/she shall be sentenced to maximum medium imprisonment.

Providing False Expert Report or Unreal Translation
Article 472:

(1) If the assigned expert provides the report or his/her opinion contrary to the facts of the case, he/she according to circumstances shall be sentenced to medium imprisonment up to three years.

(2) If the assigned translator translates the statements or documents of a case contrary to the facts, he/she shall be sentenced to the punishment stated in Paragraph (1) of this article.

(3) If the acts stated in Paragraphs (1 and 2) of this article result in escape of the person from prosecution or non-application of justice, the perpetrator, according to circumstances, shall be sentenced to maximum medium imprisonment.

Failure to Observe the Order of Trial Session
Article 473:

If a person during the trial session, does not observe the order of the court and disrupts the trial shall be sentenced to cash fine up to 5,000 AFN.

False Oath (Perjury)
Article 474:

(1) If in a judicial case one party is required to take an oath and he/she takes a false oath,[1] the perpetrator shall be sentenced to medium imprisonment.

[1] Translator note: this is translated literally and meaning in Dari is not clear

(2) A person, who returns to truth after taking false oath and before issuance of verdict by court, shall not be sentenced to punishment.

Refusal to Take Oath
Article 475:

If a witness or an expert or a translator is summoned by judge to state the truth (by taking oath) and he/she refuses to take oath without legal justification shall be sentenced to cash fine from 20,000 AFN up to 60,000 AFN.

Chapter Three
False Information or Abstention from Stating the Truth

False Information
Article 476:

A person who falsely informs a responsible authority of a crime despite knowing that the crime has not taken place, or informs the aforesaid authorities, with malicious intention on commission of a crime by a person, despite knowledge of his/her false information, or falsely creates material evidence against a person that he/she has committed a crime, or causes legal proceedings against a person despite knowledge of his/her innocence, shall be punished in accordance with the provisions stated below:

1- If subject of the false information is misdemeanor, the offender shall be sentenced to cash fine from 30,000 AFN up to 60,000 AFN.

2- If subject of the false information is felony, the offender shall be sentenced to maximum short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN.

Providing False Information to Judicial or Administrative Authorities
Article 477:

A person who falsely informs judicial or administrative authorities or a public official of a great disaster, incident or a danger, shall be sentenced to medium imprisonment up to two years or cash fine from 60,000 AFN up to 300,0000 AFN.

False Information by a Public Official
Article 478:

A person who has been officially assigned to report to a public official and he/she provides false information to the public official or any other person, cognizant of the untruthfulness of the matter, who officially provides false information to public official for the purpose of compelling to or abstention from performance of a certain duty contrary to obligations, such that if the truth of the incident was known to the public official he/she would have performed it properly, shall be sentenced to medium imprisonment up to two years or cash fine from 60,000 AFN up to 300,000 AFN.

Non-Prosecution of an Informer and Compensation of Loss
Article 479:

(1) A person who, truthfully and without malicious intention, informs judicial or administrative authorities of the commission of an act whose offender deserves punishment, shall not be punished.

(2) A person who informs the administrative or judicial authorities with malicious intention regarding commission of an act or a crime, in addition to punishment stated in this chapter shall be sentenced to compensation of operational expenses.

Abstention from Informing within the Specified Timeframe
Article 480:

(1) A person who has been legally assigned to report on a matter to a public official and intentionally abstains to do it properly and within the specified time frame shall be sentenced to medium imprisonment of two years or cash fine from 60,000 AFN up to 120,000 AFN.

(2) A public official who is assigned to detect crime and arrest offenders and he/she after learning about a crime neglects to report it shall be sentenced to the punishment stated in Paragraph (1) of this article, provided that, in the stated crime filing of the claim is not subject to complaint or the offender is not the spouse, one of the ascendants or descendants, brother or sister or in-laws of the public official.

Chapter Four
False Testimony and Its Punishment

Instances of False Testimony
Article 481:

If a witness, after taking an oath before court or judicial officer, intentionally makes false statement, denies the truth, conceals the whole or part of the events pertaining to his/her testimony, his/her testimony shall be considered false.

Punishment of False Testimony
Article 482:

(1) A person who gives false testimony concerning a crime in favor of or against the accused person, shall be sentenced to medium imprisonment up to two years or cash fine from 60,000 AFN up to 120,000 AFN.

(2) If as a result of false testimony, the accused is convicted, the witness shall be sentenced to the same punishment to which the convict has been sentenced.

(3) A person who presents false testimony in a non-criminal case or before a judicial officer, shall be sentenced to short imprisonment or cash fine from 10,000 AFN up to 20,000.

Asking or Accepting a Gift or Taking a Promise
Article 483:

If a person for the purpose of presenting false testimony asks for money, property or benefit or receives or accepts its promise, he/she and the person who has offered the gift or the promise or has mediated in it shall be sentenced to the anticipated punishment of bribery or the crime of false testimony, whichever has severe punishment.

Sentencing to the Punishment of Perpetrator of False Testimony
Article 484:

The following persons shall be sentenced to the same anticipated punishment of false testimony:

1- A person who compels a witness through deception or any other means not to give testimony or to give a false testimony even though he/she doesn't attain his/her objective.

2- A person who, as a result of a promise or a gift, abstains from giving testimony.

Sentencing to the Punishment of Forgery
Article 485:

The following persons shall be sentenced to the anticipated punishment of forgery other than circumstances stated in article 472 of this law:

1- A person who is assigned, by a prosecution office, court or justice and judicial institutions as an expert or interpreter and intentionally alters the truth.

2- A person who forges the translation of a document which can possibly be used by the court for establishing the truth.

3- A person who issues or signs a forged document, cognizant of the fact that it is forged, to be used in a judicial case, provided that issuing or signing of such document is legally desirable.

4- A person who uses a forged certificate, statement, translation, document, deed, or any other forged document, despite being cognizant of the fact that it is forged, as a proof in a judicial case or investigation.

5- A person during an investigation or a judicial case inserts matters contrary to facts in records or case file, or other papers which can be used for establishing the truth, as a result of which the verdict of court is altered.

Mitigating Excuses/Circumstances of False Testimony
Article 486:

The following circumstances are considered as mitigating excuses in the crimes of false testimony:

1- The return of the witness from false testimony and expressing the facts before issuance of the verdict in a case or in investigation before issuance of rulings of prosecutors' panel.

2- When the disclosure of truth puts the witness in great danger in a way that inflicts harm to his dignity or freedom or as a result of it the spouse, one of his ancestors or descendants, brother or sister is endangered.

Non- Implementation of False Testimony Punishment
Article 487:

The provisions of false testimony are not applicable to a person whose testimony as a witness is not required or a person who is not legally required to testify.

Chapter Five
Escaping of Prisoners and Hiding the Criminals

Escape of the Arrested Person
Article 488

(1) A person who has been arrested legally and escapes shall be sentenced up to six months imprisonment or cash fine of 30,000 AFN.

(2) If a person sentenced to imprisonment is arrested for the purpose of implementation of the court verdict and escapes after being arrested, the person shall be sentenced, in addition to the punishment to which he has already been sentenced, to medium imprisonment up to two years or cash fine from 60,000 AFN to 120,000 AFN.

(3) If the escape of the person in cases of paragraphs (1 and 2) of this article takes place as a result of use of force or commission of another crime, the perpetrator in addition to punishment of escape shall be sentenced to punishment of committed crime.

Punishment of the Guard Who Transfers the Person
Article 489:

A person who is assigned to protect, accompany or transport a detainee and due to his/her neglect the detainee escapes shall be sentenced as follows:

1- If the detainee has been sentenced to felony, to medium imprisonment not more than two years or cash fine from 60,000 AFN to 120,000 AFN.
2- In conditions other than sub-paragraph (1) of this article the assigned person shall be sentenced to minimum short imprisonment or cash fine of 30,000 AFN.

Assisting the Convict or Accused to Escape from Prison:
Article 490:

(1) A person who is assigned to protect, accompany or transport a convict or an accused person and assists him/her in escaping or facilitates his escape shall be sentenced as follows:

1- If the person has been sentenced to death, the assigned person shall be sentenced to long imprisonment.

2- If the person has been sentenced to punishment for "Had" or grade one or two continued imprisonment or is accused of a crime whose punishment is death, the assigned person shall be sentenced to medium imprisonment.

(2) In conditions other than stated in paragraphs (1 and 2) of this article, the assigned person shall be sentenced to short imprisonment.

Assisting the Accused to Escape from Prosecution
Article 491:

Any public official who is assigned to arrest a person and who hesitates in the detention of the accused for the purpose of assisting him to escape from prosecution shall be sentenced medium imprisonment.

Assisting in Hiding or Escaping the Accused:
Article 492:

A person who, himself or through someone else, hides another person who has escaped after legal arrest or is accused of a crime and his arrest has been issued, or knowingly assists the person to escape from prosecution shall be punished as follows:

1- If the person who was hidden or assisted to escape from prosecution was sentenced to execution , to long imprisonment up to 10 years.

2- If the person stated in paragraph (1) of this article is sentenced to the punishment of "Had" or grade one or two continued imprisonment or long imprisonment or is accused of a crime whose punishment has been anticipated to be death, the person shall be sentenced to medium imprisonment.

3- In cases other than sub-paragraphs (1 and 2) of this article, to short imprisonment or cash fine from 30,000 AFN – 60,000 AFN.

Assisting in Escape of the Accused
Article 493:

A person who has become aware of happening a felony or misdemeanor and assists in escaping of its accused from prosecution, including assisting him/her in hiding or concealing the incriminating evidence shall be sentenced to cash fine from 10,000 AFN – 30,000 AFN.

Non-Application of Punishment on Relatives of the Accused in case they assist in Escaping Him/Her:
Article 494:

If hiding or assisting the accused is committed by spouse, ancestors, descendants, brother or sister, the perpetrator shall not be punished.

Part Six
Organized Crimes
Chapter One
Organization or Being a Member of a Criminal Group

Perpetrator of an Organized Crime
Article 495:

(1) The perpetrator of an organized crime is a person who commits one or more crimes stated in this part or felonies stated in this law through an organized criminal group.

(2) Organized criminal group shall mean a structured group of three or more persons, existing for a period of time and having determined roles for its members and acting in concert with the aim of committing one or more crimes stated in this chapter or felony in order to obtain financial or other benefits.

(3) Perpetrators of organized crimes shall be sentenced to the maximum punishment of the committed crime.

(4) If the perpetrator of the crimes stated in this chapter is a foreign national, he/she shall be sentenced to one and a half times of the committed crime.

Organizer of the Organized Criminal Group
Article 496

(1) Organizer is a person who establishes, structures, leads, directs or manages an organized criminal group.

(2) The organizer shall be sentenced to one and half times the maximum punishment of the committed crime provided that his/her imprisonment does not exceed a term of grade one continued imprisonment. If the organizer has not committed any crime he/she shall be sentenced to long imprisonment up to ten years.

Participation in an Organized Criminal Group
Article 497:

(1) A person having knowledge of aim, activity or intention of an organized criminal group regarding determined or undetermined criminal activities takes part directly or indirectly in criminal activities of the organized criminal group knowing that his/her participation will contribute to the achievement of the above described

criminal aims has committed the crime of participation in an organized criminal group.

(2) Accomplice or accessory in organized crimes shall be sentenced to same punishment as the principle offender.

Chapter Two
Money Laundering and Its Punishment

Money Laundering
Article 498:

(1) The commission of the following acts, when having knowledge that the funds or property is from an illicit source, shall be considered Money Laundering:

1- Transfer or conversion of funds or property of illicit origin;

2- To assist the suspect of the principal crime to evade detection or prosecution;

3- Concealment or disguise the true nature, source, location, quality, possession, movement or ownership of the funds and property;

4- Acquiring, possessing or using the funds and assets which are proceeds of crime.

(2) Knowledge for the purpose of paragraph (1) of this article as constituent element of crime may be inferred from the consequences and indications related to crime.

(3) Proof of the illicit origins of funds/assets stated in paragraph (1) of this article does not depend on the identification or conviction of the suspect of the principal crime.

Punishment of Money Laundering Offense for Natural Person
Article 499:

The perpetrator of money laundering, considering the value of the fund or asset shall be punished as follows:

1- If the value of the laundered amount is up to 100,000 AFN, to cash fine up to 100,000 AFN.

2- If the value of the laundered amount is more than 100,000 AFN up to 1,000,000 AFN, to minimum of short imprisonment or cash fine from more than 100,000 up to 1,000,000AFN.

3- If the value of the laundered amount is more than 1,000,000 up to 5,000,000 AFN, to medium imprisonment up to two years.

4- If the value of the laundered amount is more than 5,000,000 AFN up to 10,000,000 AFN, to medium imprisonment more than three years.

5- If the value of the laundered amount is more than 10,000,000 AFN, to long imprisonment up to 10 years.

Punishment of Money Laundering Offense for Legal Person
Article 500

(1) When the offence of money laundering is committed by Director, Acting Director, or legal representative of the legal person using the name, account or benefit of the legal person, the legal person shall be sentenced to cash fine equivalent to amount of money or asset.

(2) Legal Person in addition to the punishments stated in paragraph (1) of this article shall be sentenced to one of the following punishments:

1- Prohibition from doing business activities directly or indirectly related to the crime up to five years.

2- Dissolution of the legal person if it was established for the purpose of committing money laundering offence or allowed its resources and assets to be used for such purposes;

3- Publication of the verdict through mass media.

(3) If insufficient supervision or management of the employee/representative of the legal person enables participation of the legal person or its employee/representative in the offense of money laundering and as a result the legal person benefits, the legal person shall be sentenced to paragraphs (1 and 2) of this article.

(4) Implementation of the punishment stated in this article shall not prevent implementation of punishment on natural person.

Failure to Present Report about Suspicious Transaction
Article 501:

(1) A reporting institution's official who does not present report about suspicious transaction to the relevant authorities, shall be sentenced to medium imprisonment up to two years or cash fine from 60,000 AFN up to 120,000 AFN or both punishments.

(2) Reporting institution in conditions contained in paragraph (1) of this article, in accordance with circumstances shall be sentenced to cash fine from120, 000 AFN up to 500,000 AFN.

Destruction of Documents or Commission of Forgery in Money Laundering Crime

Article 502:

(1) A person who commits one of the following actions regarding money laundering, shall be sentenced to maximum of prescribed punishment for crime of destruction of formal documents or forgery crime in this law:

1- Intentionally eliminates or deforms/impairs documents and records' register books, which shall be maintained, based on Anti-Money Laundering and Proceeds of Crime Law.

2- To send deeds or documents to relevant authorities in spite of having knowledge about their forgery;

(2) If crimes contained in paragraph (1), sub-paragraphs (1 and 2) of this article is committed by a reporting entity contained in Anti-Money Laundering and Proceeds of Crime Law, the perpetrator shall be sentenced to cash fine from 1,000,000 AFN up to 5,000,000 AFN.

Illegal Disclosure of Confidential Information, Reports or Registered Documents

Article 503:

(1) An official of a reporting agency who commits any of the following acts shall be sentenced to medium imprisonment up to two years or cash fine from 60,000 AFN up to 120,000 AFN or both punishments.

1- Intentionally discloses information related to a person or an authority who doesn't have the right to receive it;

2- If during his work or business in one way or other learns about measures of authorized entity or assessment or investigations of law enforcement authorities in a money laundering case and discloses them, before it is legally public, to a person who is being investigated or any other person who does not have the right to know about it.

3- Disclosing the documents which are confidential under the Anti-Money Laundering and Proceeds of Crime Law to irrelevant individuals.

(2) In case crimes contained in sub-paragraphs (1, 2 and 3) of paragraph (1) of this article are committed by a legal person, the perpetrator shall be sentenced to cash fine from120, 000 AFN up to 240,000 AFN.

Lack of Cooperation with Competent Monitoring Entities
Article 504:

A person who is duty bound by Anti-money Laundering and Proceeds of Crime Law to cooperate with competent monitoring entities but he/she intentionally abstains to perform his/her legal obligations against competent monitoring authorities, shall be sentenced to short imprisonment and cash fine from 30,000 AFN to 60,000 AFN.

Illegal Import or Export of Cash
Article 505

A person who illegally imports or exports cash or nameless negotiable instrument, with a value exceeding the limit specified in the relevant legislative document or imports and exports by mail, courier, transportation and logistics companies or otherwise, and cannot provide document on the origin, purpose or usage of the transferred amount or nameless negotiable instrument, the perpetrator in addition to confiscation of the cash or nameless negotiable instrument shall be sentenced to the following punishment:

1- Natural person, to short imprisonment or cash fine of 30,000 AFN to 60,000 AFN.

2- Legal person to cash fine of 60,000 AFN to 240,000 AFN.

Conceal, Transfer or Disguise
Article 506:

If a person conceals, disguises or transfers cash, nameless securities or precious metals/stones which are related to money laundering crime, terrorism financing crime or principle crime and a relevant legislative document orders its seizure, freezing or confiscation shall be sentenced to punishment as follows:

1- Natural person to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN or both.

2- Legal person to cash fine from 60,000 AFN to 240,000 AFN, suspension or deprivation of work permit for one year.

Deprivation of Work Permit
Article 507:

If a natural or legal person commits the crimes contained in this chapter more than once, in addition to anticipated punishment, their work permit shall be invalidated for the period of one up to five years.

Punishment of the Member of Criminal Organization
Article 508:

If an organized criminal group or a legal person under its sovereignty or control commits money laundering crime, the perpetrator shall be sentenced to the below punishment:

1- A natural person shall be sentenced to long imprisonment and a cash fine from 500,000 AFN to 2,000,000 AFN.

2- The legal person shall be dissolved and its assets shall be confiscated.

Confiscation of funds, assets and the obtained benefit
Article 509:

(1) The following fund and assets shall be confiscated based on court order, in case of conviction of person to attempt to commit or commission of money laundering, financing terrorism or principal crime:

1- Proceeds of crimes including funds and properties which are directly or indirectly earned from criminal proceeds or they are mixed with such proceeds or they are derived from it or obtained as a result of its exchange.

2- Tools and equipment that are used for commission of money laundering, financing terrorism or principal crime or if there is a plan of using them for such purpose.

3- Funds and assets which are proceeds of crime and assets used for the purpose of committing crimes stated in law on prevention of financing terrorism or there is a plan to use them or they are allocated for commission of those crimes.

4- Funds and assets stated in subparagraph (1 to 3) of this paragraph which are transferred to another person, unless the owner proves in the court that he/she has paid reasonable price for receiving such assets and funds or has achieved it in exchange of equivalent services or by other legal ways and he/she was not aware that such assets and funds were from illegal source.

(2) If the funds and assets earned directly or indirectly by a criminal act are mixed with funds and assets earned from legal resource, the order of confiscation of such funds and assets shall be conducted based on evaluation of the court and equivalent to value of earned funds and assets from proceeds of crime.

(3) If the funds and assets subject to confiscation are inaccessible, an order on confiscation of their equivalent shall be issued.

(4) The amount of funds and assets subject to confiscation and necessary details for determination and identification of its place shall be determined in confiscation order.

Chapter Three
Trafficking in Person

Crime of Trafficking in Person:
Article 510:

(1) Human Trafficking: Recruiting or dominating, transferring, transporting, harboring or receiving a person to exploit him/her through following ways:

1- Threat or use of power or other form of compulsion

2- Kidnapping

3- Trick and deception

4- Trading in influence

5- Misuse of vulnerability or necessity

6- Paying or receiving money or benefit to gain the consent of the victim of the human trafficking or his/her guardian.

(2) Dominating a child for the purpose of exploitation shall be considered human trafficking even though the stated methods have not been used.

(3) Exploitation: taking advantage of the victim through buying, selling, sexual exploitation, forcing to dance, employing in production of pornographic pictures/films, enslavement, forced labor, begging, armed conflicts, removal of his/her body organ or tissues or compulsory medical experiments or forcing to do other illegal activities.

Punishment for Trafficking in Persons
Article 511:

(1) Any person who commits the offence of trafficking in persons shall be punished to long imprisonment up to ten years.

(2) If the victim is a woman or a child or has been exploited in the act of dancing, the perpetrator shall be punished to long imprisonment more than 10 years.

Aggravating Circumstances in Trafficking in Persons
Article 512:

Perpetrator of trafficking in person in following circumstances shall be sentenced as follows:

1- If the perpetrator of the trafficking in persons is a public official or the spouse, parent, or guardian of the victim, the perpetrator shall be sentenced to long imprisonment more than ten years;

2- If the trafficker has committed Zina or sodomy with the victim, considering the provisions of article 2 (2) of this law and considering provisions related to multiplicity of the crimes stated in this law shall be sentenced to maximum long imprisonment or grade two continued imprisonment.

3- If the victim has been sexually exploited or used in producing of pornographic pictures or films, the human trafficker shall be sentenced to maximum of long imprisonment.

4- If the victim is designated to armed conflict or his/her body part or tissues have been removed which results in permanent physical or mental disability or is subject to compulsory medical experiment, the perpetrator shall be sentenced to grade two continued imprisonment and in case of death of the victim shall be sentenced to grade one continued imprisonment.

Punishment of the Person who has Cut and Removed the Organ and Tissues or has Carried out Medical Experiment
Article 513:

(1) A person[1] who has removed or cut the organ or tissues of the victim or has conducted a compulsory medical experiment on him/her and this act has not resulted in permanent physical or mental disability or his/her death shall be sentenced to long imprisonment of more than 10 years.

(2) If the act stated in paragraph (1) of this article results in permanent physical or mental disability, the perpetrator shall be sentenced to grade two continued imprisonment.

(3) If the act stated in paragraph (1) of this article results in death of the victim, the perpetrator shall be sentenced to grade one continued imprisonment.

Punishment of Abduction
Article 514:

If the victim of human trafficking has been dominated through abduction, the perpetrator shall be sentenced to punishment of kidnapping or human trafficking, whichever has the higher punishment.

Penalty of Legal Person
Article 515:

(1) If the crime of trafficking in persons is committed by a legal person, in addition to the punishment of the perpetrator, the legal person shall be sentenced to cash fine of 3,000,000 to 5,000,000 AFN.

(2) The cash fine stated in paragraph (1) of this article considering currency exchange rate shall be amended based on recommendation of High Commission on combating human trafficking and smuggling of immigrants and approval of the government.

[1] Translator note: This applies to a person who commits the act but who is not necessarily the trafficker

(3) The legal person in case of repetition of the crime stated in paragraph (1) of this article in addition to the prescribed punishment shall be sentenced to revocation of license.

Punishment of Public Official Negligence in the Trafficking in Persons Crime
Article 516:

If negligence of a public official has facilitated the commission of trafficking in persons, the public official shall be sentenced to medium imprisonment up to three years.

Punishment of Accomplice or Accessory of Trafficking in Persons
Article 517:

Accomplice and accessory of trafficking in persons shall be sentenced to the same punishment as the principle offender.

Immunity of Victim of Trafficking in Persons from Prosecution:
Article 518:

Victim of trafficking in persons shall not be prosecuted in the following circumstances:

1- Illegal entrance or exit from the country;

2- Illegal residence in Afghanistan;

3- Having or using fraudulent travel documents or Tazkira (identification);

4- In conditions stated in paragraphs (2 and 3) of article 512 of this law;

5- Other criminal actions he/she was forced to perform.

Exemption from Criminal Responsibility and Mitigation of Punishment
Article 519:

(1) Any person who has in one way or other connection to or cooperates with the human trafficker or organized criminal group, but before commission of the crime reveals the identity of the perpetrators or assists the authorities to arrest them, shall be exempted from criminal responsibility.

(2) If the assistance stated in paragraph (1) of this article is provided after commission of the crime of trafficking in persons and that cooperation results in the arrest of the other members of the criminal group, the court shall issue verdict that mitigates his/her punishment.

Attempt to Commit Human Trafficking
Article 520:

A person who attempts to commit human trafficking shall be sentenced to the same punishment as the trafficker.

Chapter Four
Smuggling of Immigrants

Crime of Smuggling Immigrants
Article 521:

(1) Whenever a person, for the purpose of obtaining money or benefit paves the way of illegal entrance or residence of a foreign citizen or a person without citizenship to the country or paves the ground for exit of an Afghan national, a person without citizenship or a foreign national from Afghanistan to another country without travel documents or with forged travel documents shall be considered as the perpetrator of the crime of smuggling immigrants and shall be punished according to the provisions of this chapter.

(2) For the purpose of this article "forged travel or identity document" shall refer to any identity or travel document which has been forged or has been changed or has been obtained through false statement or corruption or coercion or through any illegal way, or a person who is not the legal owner of it and has used the stated document.

Punishment for the Crime of Smuggling Immigrants
Article 522:

(1) A person who commits the crime of smuggling shall be sentenced to medium imprisonment more than three years.

(2) A person who engages in organized crime of smuggling of immigrants or has instructed others to do so shall be sentenced to maximum of medium imprisonment.

(3) If the crime of smuggling of immigrants has been committed by organized criminal group, the organizer of the group shall be sentenced to maximum of medium imprisonment.

Aggravating Circumstance in the Crime of Smuggling Immigrants
Article 523:

(1) If commission of smuggling of immigrants results in the death of the smuggled immigrant due to negligence or any act of the smuggler, the perpetrator shall be sentenced to grade two continued imprisonment.

(2) If smuggling of immigrants results in permanent physical or mental disability of the smuggled immigrant, the perpetrator shall be sentenced to long imprisonment up to 10 years.

(3) If as a result of smuggling the life or safety of the smuggled migrant is in danger, the perpetrator shall be sentenced to the maximum of medium imprisonment.

(4) If the crime of smuggling immigrants results in inhuman or degrading behavior of the smuggled migrant the perpetrator shall be sentenced to maximum of medium imprisonment.

Immunity of smuggled immigrant
Article 524:

A smuggled migrant shall not be prosecuted based on illegal entrance or residence to the country.

Penalty of Legal Person
Article 525:

(1) If the crime of smuggling is committed by a legal person, in addition to the punishment anticipated for the perpetrator in this chapter, the legal person shall be sentenced to cash fine of 3,000,000 to 5,000,000 AFN.

(2) The cash fine stated in paragraph (1) of this article considering currency exchange rate shall be amended based on recommendation of High Commission on combating human trafficking and smuggling of immigrants and approval of the government.

(3) The legal person in case of repetition of the crime stated in paragraph (1) of this article in addition to the prescribed punishment shall be sentenced to revocation of license.

Punishment of Public Official Negligence in the Smuggling of Migrant
Article 526

If negligence of the public official has facilitated the commission of smuggling of a migrant, the public official shall be sentenced to medium imprisonment up to two years.

Cooperation in Arrest of the Perpetrators
Article 527:

A person who has connection to or cooperates with the smuggler of immigrants or organized criminal group in one way or other, but reveals the identity of the perpetrator or assists the authorities to arrest them before commission of the crime or after the commission of the crime of smuggling of immigrants but that cooperation results in the arrest of the other members of the criminal group, the provisions of article 519 of this law is applicable in this regard.

Punishment of Accomplice and Accessory of Smuggling Immigrants
Article 528:

Accomplice or accessory of smuggling immigrants shall be sentenced to the same punishment of the principle offender.

Chapter Five
Offenses Involving Firearms, Ammunition and Explosives

Terminologies
Article 529:

Bellow terms shall mean in this chapter as follows:

1- Firearm: shall mean any portable barreled weapon that is designed to shoot a bullet or a projectile by the action of an explosive or it could easily be transformed to this purpose. Antique firearms, hunting weapon, sport weapon and their ammunitions shall not include firearms.

2- Parts and components: shall mean any instrument or replacement toll specifically designed for a firearm and essential to its operation.

3- Ammunition: shall mean a collection of material or their parts which is launched or fired by a weapon.

4- Explosives: means any chemical structure, mixture, or any device or tool that its primary or common purpose is explosion.

5- Trafficking of firearm: means import, export, transport, production, and possession of firearms and its parts and components and ammunition and explosives for the purpose of sell, buy and sell, distribute and transfer. Antique firearms, hunting weapon, sport weapon shall be subject to smuggling goods chapter of this law.

Making Ammunition and Explosives without Authorization of Competent Authority:
Article 530:

(1) A person who without authorization of the competent authority makes or imports or possesses explosive and ammunition, in addition to confiscation of the stated materials shall be sentenced to long imprisonment up to seven years.

(2) The material which is used in making explosives and ammunition shall be determined based on the relevant legislative document.

(3) Material, tools and equipment used in its making or exploding is considered as explosives.

Use of Ammunition and Explosives
Article 531:

(1) A person who uses ammunition and explosives which jeopardizes lives of people shall be sentenced to long imprisonment.

(2) If as a result of the act stated in paragraph (1) of this article the property of people is in jeopardy, the perpetrator shall be sentenced to medium imprisonment.

Use of Ammunition and Explosives without Inflicting Loss
Article 532:

A person who uses the ammunition and explosives and as a result no loss is inflicted shall be sentenced to short imprisonment.

Transferring Ammunition and Explosives in Vehicle:
Article 533:

A person who transfers or attempts to transfer ammunition or explosives through land, water or air transportation or through post contrary to related regulation shall be sentenced to medium imprisonment or cash fine from 60,000 AFN – 300,000 AFN or both.

Firearms Trafficking:
Article 534:

Firearm trafficking is a crime and the perpetrator shall be punished based on provisions of this chapter.

Punishment of Trafficking in Firearms:
Article 535:

(1) A person who traffics firearms shall be sentenced as follows:

1- If there are up to three firearms which its diameter is 9.19 mm, the perpetrator shall be sentenced to medium imprisonment and if there are more than three firearms to long imprisonment up to seven years.

2- If there are up to three firearms which its diameter is from 7.62 mm, the perpetrator shall be sentenced to long imprisonment up to seven years and if there are more than three bars to long imprisonment of more than seven years.

3- If there are up to five missiles, the perpetrator shall be sentenced to long imprisonment up to seven years and if its more than five missiles, shall be sentenced to long imprisonment of more than seven years.

(2) A person who traffics bullets of firearms shall be sentenced as follows:

1- If there are up to 50 bullets of firearms, the perpetrator shall be sentenced to cash fine from 5,000 AFN to 20,000 AFN.

2- If there are 50 to 500 bullets of firearms, the perpetrator shall be sentenced to short imprisonment.

3- If there are more than 500 bullets of firearms, the perpetrator shall be sentenced to medium imprisonment.

(3) A person who traffics explosives shall be sentenced to long imprisonment up to ten years.

Illegal Possession of Firearm and its Necessary Parts:
Article 536:

A person who possesses up to three firearms which diameter of each one is 9.19mm or their required ammunition for personal safety without permit shall be sentenced to cash fine from 30,000 AFN – 60,000 AFN.

False Marking
Article 537:

A person who marks falsely the firearm during its production or produces it without marking, considering the type, and amount shall be sentenced to long imprisonment up to eight years.

Illegal destruction, Removal, or Altering of Markings on Firearms
Article 538:

A person who removes or alters the marking of a firearm to avoid tracing of the producer, considering the type and amount of firearms shall be sentenced to medium imprisonment or cash fine from 60,000 AFN – 300,000 AFN.

Exemption from Punishment
Article 539:

A person who possesses, controls or owns firearms, ammunition, explosives or other types of weapon and surrenders them voluntarily to government prior to their disclosure or seizure shall not be punished.

Unlawful Use of Firearms
Article 540:

A person who uses or exposes a firearm for the purpose of threat, intimidation or other illegal aims, shall be sentenced to medium imprisonment or cash fine from 30,000 AFN – 300,000 AFN.

Destruction or Loss of Firearm
Article 541:

(1) A person who loses or destroys his/her personal registered firearm or ammunition without justification shall be sentenced to cash fine equivalent to its price

(2) If the firearm or ammunition stated in paragraph (1) of this article belongs to the government, he/she shall be sentenced to cash fine double the value of the item(s).

(3) If it is proved that the firearm or ammunition stated in paragraphs (1 and 2) of this article is sold or handed over to another person, it shall be considered smuggling and the perpetrator shall be punished according to provisions of this chapter.

Forgery in Documentations of Weapon
Article 542:

A person who forges documents, stamps or permits for manufacturing, importing, supplying, possessing, transporting or acquiring firearms, ammunition, and explosives or transfers it to another person shall be sentenced to maximum of anticipated punishment of forgery stated in this law.

Aggravating Circumstances
Article 543:

Commission of crimes stated in this chapter shall be considered aggravating in following conditions:

1- If the crime stated in this chapter is committed by a public official or by use of influence, position or duty.

2- If the crime stated in this chapter is committed by a natural person, director or legal representative of a legal person by the name, account or benefit of the legal person as a profession.

3- If the number of firearms is more than five or their parts or ammunitions is more than requirement of five firearms.

4- If the amount of explosives is more than 2kg.

Punishment of Weapon Trafficking by a Legal Person
Article 544:

(1) If the crimes stated in this chapter are committed by the director or legal representative of the legal person in the name, account or benefit of the legal person, the legal person shall be sentenced to cash fine equivalent to price of the firearm, ammunition or explosives.

(2) The legal person in addition to punishment stated in paragraph (1) of this article shall be sentenced to following punishments:

1- Prohibition from engagement in some business activities related directly or indirectly to crime up to five years,

2- Dissolution of legal person provided that it is established for commission of crime stated in this chapter or it has allowed usage of its facilities and assets for commission of the crime;

3- Publication of verdict through mass media

(3) If as a result of poor management or insufficient monitoring over employee or representative of legal person, the ground for participation of legal person, its

employee or representative is paved for commission of crime stated in this chapter and the legal person benefits as a result, the legal person shall be sentenced to punishment stated in paragraph (1) of this article.

(4) Implementation of punishment stated in this article on legal person shall not prevent application of punishment over natural persons.

Confiscation
Article 545:

In conditions stated in this chapter the court in addition to specified punishment shall order confiscation of firearms, their parts, ammunitions, explosives and other weapons and its proceeds.

Part Seven
Crimes Related to Life, Limb, and Spiritual Rights of Persons

Chapter One
Murder and Its punishment

Murder
Article 546:

(1) Murder is to take life of another living human being intentionally.

(2) If in the crime of murder, the conditions for application of "Qisas" are not available or due to doubts or any other reason "Qisas" punishment is revoked, the perpetrator shall be sentenced according to provisions of this chapter.

Punishment of Murder:
Article 547:

(1) The perpetrator of murder shall be sentenced to death or grade one continued imprisonment in one of the following circumstances:

1- If murder is committed with premeditation;

2- If murder is committed using deadly poisonous substances, explosives materials or incineration;

3- If murder is committed with base intention or against ransom or with torture and assault;

4- If the victim was a public official and was murdered while performing duty or because of his/her official position.

5- If the murderer had the intention of killing more than one person and as a result of his single act all of them are killed;

6- If the murder is accompanied by another felony or intentional misdemeanor;

7- If the murderer is sentenced to grade one continued imprisonment, and during serving his/her conviction period commits another intentional murder;

8- In case the murderer mutilates the body after the murder;

9- In case the victim is one of the ancestors of the murderer;

10- If the murder is committed for the purpose of preparation or facilitation or to be able to commit a felony or misdemeanor, whose punishment is not less than one year imprisonment, or for the purpose of avoiding punishment.

(2) Perpetrator of murder in conditions other than paragraph (1) of this article shall be sentenced to grade two continued imprisonment.

Incitement to Suicide
Article 548

(1) A person who incites another to commit suicide or in one way or other assists him/her in commission of suicide and this incitement or assistance results in suicide, shall be sentenced to long imprisonment of up to seven years.

(2) If as a result of the act stated in paragraph (1) of this article the person becomes disabled, the provoker shall be sentenced to medium imprisonment.

(3) If the incitement stated in paragraph (1) of this Article results in attempt to commit suicide, the inciter shall be sentenced to short imprisonment.

(4) Person who attempts to commit suicide shall not be punished.

Coercion in Murder
Article 549:

(1) Coercion in murder shall not remove the responsibility of the person being coerced.

(2) If a person coerces another person to kill an individual, in case the murder takes place, the coercer shall be sentenced to grade one continued imprisonment and the coerced person shall be sentenced to long imprisonment of up to seven years.

Hiding the Victim's Body
Article 550

(1) A person who, having the knowledge about the murder, hides or buries the victim's body without notifying the relevant authorities and prior to detection of causes and conditions of murder, shall be sentenced to medium imprison of up to three years.

(2) If the act stated in paragraph (1) of this article is committed for concealment of murder or to assist the perpetrator to escape from prosecution or to destroy the evidence and proof related to the crime, the perpetrator shall be sentenced to long imprisonment of up to ten years.

Chapter Two
Battery or Major Battery Resulting in Death and its Punishment

Battery or Major Battery Resulting in Death
Article 551:

A person who without having intention of killing another person, intentionally beats, lacerates or gives harmful materials and or by committing any unlawful act, attacks in a way that his/her action results in death of the victim, has committed the crime of battery or major battery resulting to death and shall be punished according to provisions of this chapter.

Punishment of Battery or Major Battery Resulting in Death
Article 552:

Perpetrator of battery and major battery resulting in death shall be sentenced to long imprisonment.

Aggravating Circumstances in the Crime of Battery or Major Battery Resulting in Death
Article 553:

Commission of battery or major battery resulting in death is considered aggravating in following circumstances and the perpetrator shall be sentenced to grade two continued imprisonment:

1- If the crime is committed with premeditation.

2- If the crime is committed against public official during performance of duty or because of it.

3- If the victim is the ancestor of the perpetrator.

Chapter Three
Manslaughter and Its Punishment

Manslaughter
Article 554:

A person who, as a result of negligence, carelessness, recklessness or by not observing the law, regulations, or orders kills another or unintentionally causes the death, has committed manslaughter and shall be punished in accordance to provisions of this chapter.

Punishment of Manslaughter
Article 555:

Perpetrator of manslaughter shall be punished to medium imprisonment or cash fine from 60,000 to 180,000 AFN.

Aggravating circumstances of Manslaughter
Article 556

Commission of manslaughter is considered aggravating in any of the following circumstances and the perpetrator shall be sentenced to maximum punishment of the committed crime:

1- If manslaughter is committed due to severe violation of the principles related to perpetrators duty or profession;

2- If the perpetrator refuses to assist the victim of the accident, even though he/she has the ability;

3- If as a result of the act more than one person is killed.

Chapter Four
Road Traffic Offenses

Traffic Accident
Article 557:

(1) Traffic accident is an incident which occurs as a result of negligence, carelessness, recklessness or failure to obey traffic laws, regulations or by-laws and results in death or physical or financial loss.

(2) Perpetrator of traffic accident stated in paragraph (1) of this article shall be punished according to provisions of this chapter.

Types of Traffic Accident
Article 558:

Considering the results, traffic accident includes major, medium and minor traffic accidents.

1- Major traffic accident which causes death or permanent disability to the person or financial loss of more than 100,000 AFN.

2- Medium traffic accident which causes serious battery or injury or broken body organ or financial loss of more than 50,000 AFN - 100,000 AFN.

3- Minor traffic accident which causes minor battery or injury or financial loss of up to 50,000 AFN.

Punishment of Perpetrator of Traffic Accident
Article 559:

(1) A person who commits a major traffic accident, in case of death or permanent disability shall be sentenced to medium imprisonment in addition to compensation of inflicted harm; and in case of incurring financial loss, in addition to compensation of loss, shall be sentenced to cash fine of more than 50,000 AFN – 100,000 AFN.

(2) A person who commits a medium traffic accident, in case of causing serious battery or injury or broken body organ, shall be sentenced to medium imprisonment up to three years in addition to compensation of inflicted harm; and in case of incurring financial loss, in addition to compensation of loss, shall be sentenced to cash fine from 25,000 AFN 50,000 AFN.

(3) A person who commits a minor traffic accident, provisions contained in Road Traffic Law shall be applied to him/her.

Illegal Use of Vehicle
Article 560:

(1) If a person uses motor based vehicle without legal vehicle registration document and number plate or temporary document, shall be sentenced to cash fine of 20,000 AFN.

(2) If a person uses another person's vehicle registration document or plate number or gives his/her vehicle registration document or plate number to another person shall be sentenced to cash fine from 30,000 AFN to 60,000 AFN.

Altering Engine or Chassis Number:
Article 561:

A person who removes or alters the engine or chassis number of motor based vehicles, shall be sentenced to short imprisonment.

Interruption of Traffic Safety
Article 562:

A person who intentionally interrupts the safety of traffic, and as a result of that physical or financial harm is inflicted to the people, shall be sentenced to punishment of the committed crime in addition to compensation of loss.

Driving While Being Intoxicated or Drunk
Article 563:

(1) A person who drives while being intoxicated shall be sentenced to short imprisonment or cash fine from 30,000 to 60,000 AFN.

(2) If a person commits traffic accident while being drunk, in addition to punishment stated in paragraph (1) of this article, shall be sentenced to punishment of committed crime.

Escaping from Crime Scene
Article 564:

A person who commits crimes contained in this chapter and escapes from crime scene or he/she refuses to assist the injured, considering the circumstances, in addition to punishments of the committed crime, shall be sentenced to cash fine of 30,000 AFN to 60,000AFN.

Providing Vehicle
Article 565:

If the vehicle owner or possessor gives his/her vehicle to another person knowing that he/she does not have a driving license and as a result of that traffic accident happens, he/she shall be sentenced to cash fine from 5,000 AFN – 60,000 AFN.

Aggravating Circumstances for Traffic Accident
Article 566:

Commission of a traffic accident in any of the below circumstances shall be considered aggravating and the perpetrator shall be sentenced to maximum of anticipated punishment:

1- Absence of driving license.

2- Commission of traffic accident due to severe violation of professional and technical principles.

3- Intentional violation of traffic regulations resulting in death, disability or injury to a person.

4- In case more than one person is killed or severely injured as result of the accident.

Altering Traffic Signs
Article 567:

A person who alters or destroys the traffic sign installed or built on public roads, or the signs installed for the purpose of determination of distances or guidance to the cities, roads or other public places or changes its direction, shall be sentenced to cash fine from 5000 to 10,000 AFN.

Failure to Place Warning Signs on locations
Article 568:

The following persons shall be sentenced to cash fine of 5,000 AFN:

1- A person who neglects in placing warning sign or warning light on public roads where he digs or puts things on it.

2- A person who destroys the warning sign or warning light mentioned in sub-paragraph (1) of this article.

3- A person who turns off, destroys or removes the light which is used for lighting a public road or place.

Chapter Five
Abortion of Fetus and its Punishments

Abortion of Fetus:
Article 569:

(1) A person who intentionally aborts fetus of a pregnant woman or removes it from pregnant women's womb before its natural birth time shall be considered as perpetrator of abortion of fetus.

(2) If in crime of abortion of fetus, the condition for application of *Diyat* is not completed or in one way or other is revoked, the perpetrator shall be punished based on provisions of this chapter.

Abortion of Fetus as a Result of Beating:
Article 570:

A person who intentionally aborts the fetus of a pregnant woman by beating or any other type of assault shall be sentenced to long imprisonment of up to seven years.

Abortion of Fetus by giving Drug or by Persons:
Article 571:

(1) A person who intentionally causes abortion of fetus by giving drugs or using other tools, shall be sentenced to medium imprisonment, even if the act has been committed with the consent of the pregnant women.

(2) If the person causing the abortion is a medical doctor, surgeon, pharmacist, or a midwife, the offender shall be sentenced to medium imprisonment of more than two years.

(3) If drug is given to the pregnant woman with good faith or mistakenly, the perpetrator shall be sentenced to a cash fine of 30,000 to 60,000 AFN.

(4) If abortion is carried out by prescription of physician for the purpose of saving the life of the mother the perpetrator shall not be punished.

Consent of a Pregnant Woman for Abortion of Fetus:
Article 572:

A pregnant woman who is cognizant of the result of the act, intentionally uses drugs or other means or allows someone else to apply these means to her, as a result of which abortion takes places, shall be sentenced to short imprisonment or cash fine from 30,000 up to 60,000 AFN.

Attempt to Crime of Abortion of Fetus
Article 573:

Attempt to crime of abortion of fetus shall not be punished.

Aggravating circumstance in Crime of Abortion of Fetus
Article 574

If abortion results in sterility of woman, the perpetrator shall be sentenced to maximum punishment anticipated in this chapter.

Chapter Six
Battery or Major Battery and Their Punishments

Battery or Major Battery
Article 575:

(1) Battery is to inflict bodily harm to someone causing swelling, bruising, twisting of joints without breaking, or internal bleeding and does not result in cutting of tissue or external bleeding.

(2) Major Battery is to injure someone causing scratches, cutting, laceration, mutilating, burning or fracture and results in cutting of tissue and external bleeding.

Battery or Major Battery Resulting in Mutilation or Maiming of Limb Article 576:

(1) A person who intentionally beats or injures another person in a way which results in failure of one of body organs or causes permanent disability or loss of one of senses, shall be sentenced to long imprisonment of up to ten years.

(2) A person who intentionally beats or injures another person in a way which results in loss of mind/intellect of the victim shall be sentenced to long imprisonment of more than ten years.

(3) If the act stated in paragraph (1) of this article does not cause permanent disability the offender shall be sentenced, to medium imprisonment of up to two years.

Battery or Major Battery Resulting in Inability to Work: Article 577:

If battery or major battery does not result in disability and failure of organs but causes inability to work, the perpetrator, considering the duration, shall be punished as follows:

1- If it results in up to one week of inability to work, to cash fine from 5,000 AFN up to 15,000 AFN.

2- If it results in more than one week and up to one month of inability to work, to cash fine from 15,000 AFN up to 30,000 AFN.

3- If it results in more than one month up to three months of inability to work, to short imprisonment.

4- If it in inability to work for a period of more than three months, to medium imprisonment of up to two years.

Aggravating Circumstances for Battery and Major Battery Article 578:

Commission of battery and major battery shall be considered aggravating in any of the following circumstances and the perpetrator shall be sentenced to maximum punishment of the committed crime:

1- If the act of perpetrator is accompanied with premeditation.

2- If the victim is from ascendants, descendant, teacher, student, spouse or a person who is under protection or guardianship of offender.

3- If the act is committed using physical weakness of the victim.

4- If the act is committed by more than one person.

5- If the act is committed using weapon.

Battery and Major Battery for the purpose of committing another misdemeanor or felony
Article 579:

A person who beats or injures another person for the purpose of committing another misdemeanor or felony, shall be sentenced to punishment of the committed crime, in addition to punishment of battery and major battery mentioned in this chapter.

Unintentional Battery and Major Battery:
Article 580:

A person who as result of mistake caused by negligence, carelessness or lack of skill injures or beats another, shall be sentenced to cash fine of 5000 AFN up to 20,000 AFN.

Major Battery Caused by Group Fighting:
Article 581:

(1) If death or major battery occurs as a result of group fighting, each one of the people participating in the fight shall be sentenced to medium imprisonment, unless their luck of responsibility is proved.

(2) If, in situation mentioned in paragraph (1) of this article, the initiator of the fighting or the perpetrator of murder or major battery is identified, the perpetrator and the initiator shall be sentenced to the prescribed punishment of the original crime.

(3) In circumstances other than stated in paragraphs (1 and 2) of this article, if battery takes place, each of the participants shall be sentenced to short imprisonment or cash fine of 30, 000 AFN up to 60, 000 AFN.

(4) Group fighting for the purpose of this article is fighting of more than three people which the principle offender of the criminal act is unknown.

Giving Harmful and Non-Lethal Substance
Article 582:

A person who intentionally gives harmful and non-lethal substance to another person resulting in his/her permanent disability, limb dysfunctionality or its failure or loss of one of his/her senses, shall be sentenced to medium imprisonment of more than three years or long imprisonment.

Physical or Mental Disciplining of a Student or an Intern
Article 583:

A person who disciplines a student, intern or employee for the purpose of reform without battery or major battery shall be sentenced to alternative to imprisonment.

Compensation
Article 584:

(1) In all circumstances stated in this chapter, the perpetrator is also obligated to compensate the inflicted harm to the victim.

(2) If the perpetrator voluntarily compensates the inflicted harm and regrets the commission of the act and he/she is not a recidivist criminal, shall be sentenced to one fourth of punishment of the committed crime.

Chapter Seven
Arrest, Detention or Limiting Freedom

Arrest, Detention or Limiting Freedom
Article 585:

A person who illegally arrests or deprives or limits another's freedom or continues to deprive or limit the freedom of another after completion of sentence, has committed the crime of arrest, detention or limiting freedom and shall be punished in accordance to provisions of this chapter.

Punishment of arrest, detention or limiting freedom
Article 586:

The perpetrator of the crime of arrest, detention or limiting freedom shall be sentenced to medium imprisonment.

Aggravating Circumstances
Article 587:

Commission of the crime of arrest, detention or limiting freedom is considered aggravating in any of the following circumstances, and the perpetrator will be punished to long imprisonment of up to seven years:

1. If the crime is committed by a public official;

2. If the crime is committed by force, coercion, threat to life or threat to physical torture;

3. If the crime is committed by using official uniform without having the authority to use it or using fake identity.

4. If the crime is committed using fraudulent warrant of authorized governmental authority.

5. If the period of illegal detention is more than one month.

Providing Place for the Purpose of Unlawful Detention
Article 588:

A person who knowingly leases, rents or lends a place to be used for the purpose of illegal detention, shall be sentenced to medium imprisonment of up to three years.

Unlawful Detention of Suspect, Accused, or Convict in Freedom Deprivation Centers:
Article 589:

(1) If police, NDS official, prosecutor, or freedom deprivation center's official [warden] detains, imprisons or confines a person more than one day past the fixed legal period, he/she shall be sentenced to short imprisonment or cash fine of 3,000 AFN per day.

(2) If the act is committed with bad faith or committed repeatedly, the perpetrator shall be sentenced to medium imprisonment.

Chapter Eight
Kidnapping and Its Punishment

Crime of Kidnapping:
Article 590:

(1) Kidnapping is to abduct a person by using force or threat, or by any other means of intimidation or using trick or deceit, or by taking advantage of physical or mental disabilities of abductee or exchanging a new born infant with another one or by taking away the infant from the parents or legal guardians or abandoning the infant in a non-residential area, whether these acts are for the purpose of exploitation or inflicting harm.

(2) A person, who commits the act mentioned in paragraph (1) of this Article personally or through someone else, shall be punished in accordance to provisions of this chapter.

Kidnapping for the Purpose of Asking or Obtaining Property or Benefit
Article 591:

A person who kidnaps another person using force or threat, or by any other means of intimidation or using sedative substances or weapon or firearm or by trick or deceit and

demand or receive property or benefit in exchange for his/her release, shall be sentenced to long imprisonment of not less than twelve years.

Abandoning of Child in a Non-Residential Area:
Article 592:

(1) A person who abandons a child of less than seven years old in a non-residential area, in case the child is not harmed, shall be sentenced to medium imprisonment.

(2) If as a result of the crime stated in paragraph (1) of this article the child is harmed, the perpetrator, in addition to medium imprisonment, shall be sentenced to the punishment of committed crime.

Exchanging or Hiding an Infant
Article 593:

A person who takes away or hides an infant from his/her legal guardian or exchanges with another child or falsely attributes the child to a person other than his/her mother, shall be sentenced to maximum of medium imprisonment.

Aggravating Circumstances of Kidnapping
Article 594:

Commission of kidnapping shall be considered aggravating in any of the following circumstances and the perpetrator shall be sentenced to maximum of long imprisonment.

1- In case the victim is a child or a woman, or the crime is perpetrated by servant of the victim or a person who is responsible for supervision or guardianship or upbringing of the victim, or by use of physical or mental inability of the victim.

2- In case the victim has been exploited by assigning to armed conflict or forced labor, medical experimentation or mutilation of body organs or other illegal activities.

3- In case the victim has been exploited through sexual activities and procuring pictures and films against morality (pornography).

Rape of Victim of Kidnapping
Article 595:

If as a result of kidnapping the victim is raped, the perpetrator shall be punished considering provisions of plurality of crimes stated in this law.

Threatening Victim of Kidnapping
Article 596:

If in crime of kidnapping threat of death or cutting limb takes place, the kidnapper shall be sentenced to maximum of punishment stated in this chapter.

Commission of Crime by Military Personnel
Article 597:

If kidnapping is committed by military personnel or public official using government vehicle or government weapon or his/her official status or influence, the perpetrator shall be sentenced to grade two continued imprisonment.

Death or Mutilation of Victim as a Result of Kidnapping
Article 598:

A person who kidnaps another person and as a result of that an organ from body of the victim is mutilated or disabled shall be sentenced to maximum of long imprisonment, and if it results in death shall be sentenced to the punishment of murder.

Taking for the Purpose of Marriage
Article 599:

If a person takes away a female who has completed the legal age of marriage from her parent's residence for the purpose of marriage and if the marriage takes place legally with the consent of female this act shall not be considered kidnapping.

Chapter Nine
Robbery and Its punishment

Robbery
Article 600:

Any person who takes position on a public road or any other places away from the city or settlements with a weapon or an object similar to a weapon and commits one or more of the following acts for the purpose of looting property of others shall be considered robber and punished in accordance to provisions of this chapter:

1. Intimidation of travelers;
2. Taking property of other by threat;
3. Murder;
4. Murder and taking property of another.

Taziri Punishment of Robbery:
Article 601:

(1) If in the crime of robbery the conditions for application of *Had* are not available or in one way or another *Had* punishment is revoked, the *Taziri* punishments of the perpetrator are as follows:

1. If the action causes intimidation of travelers, to medium imprisonment of more than three years;

2. If the action causes intimidation of travelers and looting of property, to long imprisonment;

3. If the action caused murder, to death penalty.

(2) If the perpetrator of robbery commits rape in addition to intimidating and taking property of travelers, and if conditions for application of *Had* are not available, the offender shall be sentenced to grade one continued imprisonment.

Piracy
Article 602:

A person who commits crime of piracy, considering the circumstances shall be sentenced to long or grade two continued imprisonment and return of property.

Murder in Robbery
Article 603:

If murder takes place during commission of crime of robbery, it shall be considered intentional murder.

Punishment for Accomplices of Robbery
Article 604:

If one of the robbers commits any of the acts stated in article 600 of this law, other accomplices shall be sentenced to the same punishment as the principle offender.

Chapter Ten
Prohibition of Recruitment of Child in Military Units

Prohibition of Recruitment
Article 605:

A person who recruits a child in military services or uses them for military purposes has committed a crime and shall be punished in accordance with the provisions of this chapter.

Punishment for Recruiter of the Child
Article 606:

A military official who recruits a child into a military unit shall be sentenced to short imprisonment.

Recruitment Using Forged Documents
Article 607:

A person who provides the grounds for recruitment of a child in a military unit using forged documents shall be sentenced to punishment of forgery stated in this law.

Continuation of Duty of a Child
Article 608:

An official of a military unit who knowingly continues the employment of a child in a military unit shall be sentenced to short imprisonment.

Chapter Eleven
Crimes Related to violation of Child's Rights

Deprivation of Child from the Rights of Education, Learning and Access to Health Services
Article 609:

A person who commits any of the following acts, shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN:

1- Deprivation of the child from the right of education or technical and professional learning.

2- Deprivation of the child from access to health services.

Punishments for Using a Child in Political Activities
Article 610:

(1) A person who uses a child for political purposes shall be sentenced to the maximum of short imprisonment.

(2) Participation of child in strikes and demonstrations for acquiring their own rights is exempted from the provisions of this Article.

Punishment of Carrying or Keeping a Child without Permission of his/her Legal Representative
Article 611:

(1) A person who keeps or carries a child abroad without permission of his/her parents, guardian, executor of will or trustee shall be sentenced to short imprisonment of

more than nine months or cash fine from 45,000 AFN - 60,000 AFN provided that the purpose of the perpetrator is not exploitation.

(2) In the circumstances stated in paragraph (1) of this Article, if parents of the child are separated and in case of the disagreement of one of them, permission of the court shall be required.

Beating of the Child
Article 612:

(1) A person who beats, or physically or mentally disciplines or mistreats a child, but it does not result in his/her disability or injury, shall be sentenced to short imprisonment.

(2) A person who commits the crime stated in paragraph (1) of this Article frequently shall be sentenced to maximum of short imprisonment.

(3) If the perpetrator stated in paragraph (1) of this article is the legal guardian of the child, shall be sentenced to short imprisonment of six months or cash fine from 10,000 AFN up to 30,000 AFN.

Recruitment of Child in Hard Physical, Unhealthy and Underground Labors
Article 613:

A person who recruits a child in hard physical, unhealthy or underground labors or night work or overtime work or forces him/her to travel for working shall be sentenced to cash fine from 10,000 AFN up to 30,000 AFN.

Prohibition of Obligating a Child to Testify
Article 614:

A person who forces a child to testify or confess, shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN.

Failure to Surrender Child to his/her Legal Guardian
Article 615:

(1) A person who is the custodian of a child and refuses to surrender the child to a person to whom the right of custody and guardianship has been transferred based on court's order shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN even if the custodian is one of the parents or ancestors of the child.

(2) If one of the parents or ancestors takes away his/her child or grandchild personally or through another person from the person who is the legal custodian or guardian of the child by the order of the court, shall be sentenced to the punishment stated in paragraph (1) of this Article, even if it is without trick or coercion.

Endangering the Child
Article 616:

(1) A person who personally or through another person endangers the life of a child shall be sentenced to medium imprisonment of up to two years or cash fine of 60,000 AFN up to 120,000 AFN.

(2) A person who forces a child to beg in conditions other than stated in trafficking in person chapter of this law shall be sentenced to short imprisonment.

(3) If the acts stated in paragraphs (1 and 2) of this article are committed by the legal representative of the child, he/she shall be sentenced to maximum punishment stated in this Article.

Depriving Child from Feeding
Article 617:

A person who intentionally deprives a child from nursing or feeding contrary to the way it is required by his/her situation, and as a result the life of child is endangered, shall be sentenced to medium imprisonment up to two years.

Compulsion, Incitement or Encouragement to Immorality
Article 618:

(1) A person who incites, encourages or forces a child to immoral acts or adopting it as a profession, or provides him/her the facilities in this regard, shall be sentenced to medium imprisonment of not less than three years.

(2) If the perpetrator is a relative of the victim up to third degree or intends to benefit from his/her act, shall be sentenced to long imprisonment not exceeding (10) years.

Chapter Twelve
Trespass and Its Punishment

Trespass
Article 619:

Commission of any of the following acts shall be considered trespass and the perpetrator shall be sentenced to short imprisonment:

1- Entering a residential area or a place prepared for residence or to one of its annexes illegally or without consent of its resident;

2- Hiding in any of the places stated in sub-paragraph (1) of this article;

3- Entering in any of places stated in sub-paragraph (1) of this article legally and staying there without consent of its resident.

Trespass for the Purpose of dispossession of Owner or Tenant
Article 620:

If the crime of trespass stated in Article 619 of this law is committed for the purpose dispossession of owner, tenant or dweller forcefully, the offender shall be sentenced to medium imprisonment up to two years.

Other circumstances of Trespass
Article 621:

(1) If the crime stated in article 619 of this law is committed in a private place designated for preserving property or into immovable property other than those stated in this chapter, the perpetrator shall be sentenced to short imprisonment of six months or cash fine of 30,000 AFN.

(2) If the crime stated in paragraph (1) of this article is committed by two persons that one of them carries hidden or visible weapon, or committed by more than two people, the perpetrators shall be sentenced to medium imprisonment up to two years.

Aggravating Circumstances in Trespass
Article 622:

Commission of trespass in any of the following circumstances shall be considered aggravating and the perpetrator shall be sentenced to maximum of medium imprisonment:

1- Between sunset and sunrise;

2- By breaking the lock or climbing over a wall;

3- By a person carrying a weapon or by two or more persons.

4- By a public official or a person using false identity.

5- For the purpose of committing another crime.

6- Use of intimidation and threat.

Chapter Thirteen
Threat and Its Punishment

Threat
Article 623:

(1) A person who threatens another person to commit felony against his/her life or property or against someone else's life or property in writing or threatens to document affairs against honor or its disclosure, shall be punished to long

imprisonment provided that the threat is for the purpose of obtaining something of value or causing an act or omission.

(2) If the threat letter doesn't have the name of sender or its issuance is related to an existing or fictitious secret society, the perpetrator shall be sentenced to the same punishment stated in paragraph (1) of this article.

Other Instances of crime of Threat
Article 624:

(1) A person who threatens another person to commit felony against his/her life or property or against someone else's life or property in writing or threatens for documenting affairs against honor or its disclosure, other than situations mentioned in Article 623 of this law, shall be sentenced to short imprisonment.

(2) A person who threatens another through words or acts or through someone else, other than situations stated in paragraph (1) of Article 623 of this law, shall be sentenced to cash fine from 30,000 AFN up to 60,000 AFN.

Threatening a Public Official
Article 625:

(1) A person who threatens a public official regarding his/her duty related affairs shall be sentenced to cash fine from 5,000 up to 10,000 AFN.

(2) If the public official stated in paragraph (1) of this article is an employee of justice and judicial organizations or the threatened person is the victim or witness of a criminal case, the perpetrator shall be punished according to provisions stated in chapter on obstruction of justice.

Prosecution of Accused of Threat Crime
Article 626:

In all circumstances stated in this chapter, the perpetrator shall be prosecuted only if the threat is practical and believable.

Chapter Fourteen
Disclosure of Secrets and Its Punishment

Disclosure of Secrets
Article 627:

A person who obtains secrets through his job, occupation, profession, or nature of work and reveals them other than in circumstances stipulated in the law, or for his/her own or someone else's benefit, has committed the crime of disclosing secrets and shall be sentenced to short imprisonment or a cash fine of 30,000 AFN up to 60,000 AFN.

Disclosure of Family Secrets
Article 628:

A person who reveals someone else's family secrets, except in the conditions stated in article (866), through public instrument even if it is the truth, shall be sentenced to a cash fine of 10,000 AFN up to 30,000 AFN.

Listening and Disclosure of Non-business Secrets
Article 629:

(1) A person who records or listens to another person's phone call without permission shall be sentenced to cash fine of 10,000 AFN.
(2) A person who discloses the secrets learned through telephone, emails, fax or postal letters or through any other means, for the purpose of inflicting harm to another person shall be sentenced to cash fine from 10, 000 AFN to 30, 000 AFN.

Non-Prosecution of the Perpetrator:
Article 630:

If the purpose of revealing a secret is to report or prevent commission of a felony or misdemeanor, or the owner of the secret permitted disclosure, or the secret is revealed to serve the public interest, the perpetrator shall not be prosecuted.

Prosecution of the Perpetrator
Article 631:

In crimes stated in this chapter, prosecution of the perpetrator shall be subject to complaint of the victim.

Chapter Fifteen
Refusal from Assistance and Its Punishment

Refusal from Assistance without Justification
Article 632:

A person who at the time of fire or any other big incident, in spite of the request of the public official, refuses to assist without reasonable excuse shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN.

Failure to Perform Obligation
Article 633:

(1) A person who, by law provision or agreement, is considered obligated to protect a person disabled on account of age or health or mental or psychological state, and refuses or neglects performing his/her obligation without reasonable excuse, shall be sentenced to maximum of short imprisonment.

(2) If refusal or negligence of the person stated in paragraph (1) of this article results in commission of another crime, perpetrator in addition to punishment of short imprisonment, shall be sentenced to punishment of committed crime.

Chapter Sixteen
Crimes Related to Endangering Feeble Persons and Abstaining from Paying Alimony

Endangering the Life of Feeble Person
Article 634:

(1) The following persons shall be sentenced to medium imprisonment of up to two years or cash fine from 60,000 AFN up to 120,000 AFN:

1- A person who endangers the life of another who due to health, psychological or mental reasons, is unable to protect him/herself.

2- A person who intentionally refuses feeding or nursing of the person stated in sub-paragraph (1) of this article contrary to the way it is required by the situation, and as a result his/her life is endangered.

(2) If as a result of acts stated in paragraph (1) of this article, the life, physical or spiritual status of the person is harmed, the perpetrator shall be sentenced to the punishment of committed crime.

Refusal from Provision of Alimony
Article 635:

(1) A person who is sentenced to pay the alimony of his wife or one of his ascendants or descendants or another person or to pay for guardianship, breastfeeding or residence, and in spite of having the ability refuses to pay within one month after court's ruling, shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

(2) Prosecution of the criminal case stated in paragraph of (1) of this article is subject to complaint of the victim.

(3) In condition stated in paragraph (1) of this article, if the victim withdraws from his/her complaint, or the defendant pays what he is obligated to pay, the legal proceeding will be stopped. If the victim withdraws or the payment is delivered after issuance of the verdict the application of punishment shall be stopped.

Part Eight
Crimes against Public Morals and Ethics

Chapter One
Rape and its Punishment

Rape
Article 636:

(1) A person who has sexual intercourse with another person or penetrates body parts or any other object in vagina or anus of the victim using the following means: force, threat, other intimidating means; taking advantage of physical or mental disability of victim, or disability of the victim to express consent, including male or female, or by feeding sedative drugs or other substances that alters state of consciousness shall be deemed perpetrator of rape.

(2) If in the crime of rape the conditions for application of *Had* are not available or due to doubts or any other reason *Had* punishment is revoked, the perpetrator shall be sentenced according to provisions of this chapter.

Punishment of Rape
Article 637:

(1) The perpetrator of rape shall be sentenced to long imprisonment.

Invalidity of Child's Consent
Article 638:

If an adult male has intercourse with a person under the legal age, his act shall be considered rape and victim's consent is invalid.

Aggravating Circumstances in Rape
Article 639:

(1) Commission of rape in following circumstances shall be considered aggravating and the perpetrator shall be sentenced to grade two continued imprisonment:

1- If the victim is a child;

2- If the perpetrator causes abortion of fetus by committing intercourse;

3- If the perpetrator has influence or dominance over the victim in one way or other;

4- If the victim becomes pregnant as a result of the act;

5- If the act causes injury or serious mental harm to the victim;

6- If the victim is infected with a sexual disease through rape;

7- If the victim is the permanent or temporary Mahram[1] of the perpetrator;

(2) If as a result of rape the victim dies, the perpetrator shall be sentenced to death penalty.

Aggression to Chastity and Namoos
Article 640:

(1) If a person commits aggression to chastity and *Namoos* of a female but his aggression does not lead to penetration to anus or vagina of a female but it leads to *Tafkhez*, *Mosahiqah*, or sexual contact shall be sentenced to long imprisonment up to seven years.

(2) Virginity test by forensic medicine official without consent of the female or order of a competent court is prohibited; the perpetrator shall be sentenced to short imprisonment.

(3) If the act stated in paragraph (2) of this article is committed by force, threat or intimidation, the perpetrator shall be sentenced to medium imprisonment.

Gang Rape
Article 641:

If the victim is raped by more than one person, each of the perpetrators considering provision of paragraph (4 and 5) of article 170 of this law shall be sentenced to death penalty or grade one continued imprisonment.

Prohibition of Prosecution of Victim of the Rape
Article 642:

In all circumstances stated in Article 637, article (1) of 639, 640 and 641 this law, the victim shall not be prosecuted.

Chapter Two
Zina and its Punishment

Zina
Article 643:

(1) Zina is a sexual intercourse between a man and a woman not married to each other.

[1] Translator Note: Mahram is a close relative with whom temporarily or permanently one cannot marry such as, brother, sister, father, mother, uncle, aunt, sister-in-law, brother-in-law…etc.

(2) If in crime of Zina the conditions for application of *Had* is not available or due to doubts or any other reason *Had* punishment is revoked, the perpetrator shall be sentenced according to provisions of this chapter.

Punishment of Perpetrator When Had Punishment is revoked
Article 644:

(1) In *Taziri Zina*[1] the person shall be sentenced as follows:

1- If married to medium imprisonment of more than two years;

2- If unmarried to medium imprisonment of up to two years.

(2) If the persons stated in paragraphs (1 and 2) of this article are temporary or permanent Mahram or instructor, teacher, or superior of each other or in one way or other have influence or dominance over each other, shall be sentenced to long imprisonment up to seven years.

Mosahiqah or Tafkhez
Article 645:

If a person commits *Mosahiqah* or *Tafkhez* with another person, each of the perpetrators shall be sentenced to short imprisonment.

Chapter Three
Sodomy and Its Punishment

Crime of Sodomy
Article 646:

(1) A person, who commits sodomy with another man or woman, shall be punished according to provisions of this chapter.

(2) For the purpose of this article, sodomy is deemed committed when there is penetration however slight in the anus of another man or woman.

Punishment for Sodomy
Article 647:

The perpetrators of crime of sodomy shall be sentenced to medium imprisonment of up to two years.

[1] Translator Note: *Taziri Zina* is *zina* in circumstances in which the conditions for application of *had* such as four witnesses are not available.

Aggravating Circumstances in the Crime of Sodomy
Article 648:

Commission of sodomy shall be considered aggravating in the following circumstances and the perpetrator shall be sentenced to medium imprisonment of more than two years:

(1) If the other participant of the crime of sodomy is a permanent or temporary Mahram of the perpetrator;

(2) If the perpetrator is the instructor, teacher, superior or in one way or other has influence or dominance over the other participant;

(3) If any of the perpetrators as result of concealment of genital disease by the other participant in commission of sodomy is infected with sexual disease.

Tafkhez
Article 649:

If a man commits Tafkhez with another man, they shall be sentenced to short imprisonment.

Chapter Four
Pimping and Its Punishment

Pimping
Article 650:

(1) Pimping is to facilitate the process of Zina and Sodomy between two or more persons through mediation, or providing place for this purpose. In pimping repetition of act is not a required condition.

(2) The Perpetrator of crime of pimping shall be sentenced in accordance to provisions of this chapter.

Punishment of Pimping
Article 651:

A person who commits the crime of pimping shall be sentenced to medium imprisonment up to two years.

Aggravating Circumstances of Pimping
Article 652:

If the victim is a child the perpetrator shall be sentenced in accordance to provisions of rape chapter stated in this part.

Chapter Five
Leading Children to Moral Perversions

Bacha Bazi
Article 653:

A person who keeps a male or transgendered child for the purpose of sexual gratification or to make him dance in public or private event, or commits any of the acts stated in this chapter, is considered the perpetrator of Bacha Bazi crime, and shall be punished in accordance to provisions of this chapter.

Punishment of Keeping a Child for the Purpose of Dancing
Article 654:

A person who keeps a male or transgendered child for the purpose of sexual gratification or dancing, shall be sentenced to medium imprisonment of up to three years.

Punishment for Keeping a Child for the Purpose of Training to Dance
Article 655:

A person who trains a male or transgendered child to dance for the purpose of Bacha Bazi shall be sentenced to medium imprisonment of up to two years.

Making a Child Dance
Article 656:

(1) A person who makes a male or transgendered child dance in public or private event for the purpose of exploitation shall be sentenced to medium imprisonment of more than three years.

(2) The recidivist of the crime stated in Paragraph (1) of this article shall be sentenced to maximum of medium imprisonment.

Holding the Event of Bacha Bazi
Article 657:

A person who holds an event for the purpose of Bacha Bazi or knowingly provides the ground for commission of this act, shall be sentenced to short imprisonment of six months and in case of repetition to maximum of short imprisonment.

Participating in the Event of Bacha Bazi
Article 658:

(1) A person who knowingly attends an event which is specifically held for the purpose of Bacha Bazi, shall be sentenced to a cash fine from 5,000 AFN to 30,000 AFN.

(2) A person who commits the crime stated in paragraph (1) of this Article repeatedly, shall be sentenced to short imprisonment.

Punishment for Forced Drug Addiction
Article 659:

If commission of the crimes stated in this chapter causes addiction of child to drug or intoxicants, the perpetrator, in addition to the punishment of committed crime, shall be sentenced to the punishment of forced addiction stated in this law.

Commission of Bacha Bazi Crime by Military Personnel
Article 660:

If the crimes stated in this chapter are committed by a member of military forces, the perpetrator shall be sentenced to medium imprisonment.

Failure to Prevent Commission of Crime
Article 661:

A member of the military forces who is aware of his/her subordinate committing Bacha Bazi crime and intentionally does not prevent it or does not take necessary measures within his/her authority to prevent the crime shall be sentenced to maximum of short imprisonment.

Buying or Selling a Child for Purpose of Bacha Bazi
Article 662:

A person who sells or buys a child for the purpose of committing one of the crimes stated in this Chapter, shall be sentenced to punishments stated in human trafficking chapter.

Raping a child
Article 663:

(1) If committing of the crimes stated in this chapter results in rape of the child, the perpetrator in addition to punishment stated in Article 639 of this law, shall be sentenced to the punishment of crime of Bacha Bazi.

(2) If the crime of Bacha Bazi results in *Mosahiqah* or *Tafkhiz*, the perpetrator shall be sentenced to maximum of medium imprisonment.

Sexual harassment
Article 664:

If Bacha Bazi crime results in sexual harassment other than *Tafkhiz* or *Mosahiqah*, the perpetrator, in addition to Bacha Bazi punishment, shall be sentenced to punishment of the committed crime.

Recording the Identity of the Victim
Article 665:

(1) A person who records the identity, picture, film or condition of victim of crimes stated in this chapter shall be sentenced to short imprisonment.

(2) A person who discloses or publishes the identity, picture, film or conditions of victim of crimes stated in this chapter shall be sentenced to medium imprisonment up to two years.

(3) If the purpose of acts stated in paragraph (1 and 2) of this article is to gain profit or coerce a child to commit an illegal act, the perpetrator shall be sentenced to long imprisonment of more than seven years.

Aggravating Circumstances
Article 666:

Commission of Bacha Bazi crime in the following circumstances shall be deemed aggravating, and the perpetrator shall be sentenced to maximum punishment of the committed crime:

1- If the perpetrator keeps more than one child;

2- If the victim has not reached 12 years of age;

3- If the crimes stated in this chapter are committed using financial dependency of the child;

4- If the crime is committed by a relative or any person who has legal authority over the child;

5- If the crime is committed using official authority

6- If the crime has caused physical or psychological harm to the child.

Prohibition of Prosecution
Article 667:

In all circumstances contained in this chapter, the victim shall not be prosecuted.

Chapter Six
Women and Children Harassment

Harassment
Article 668:

A person who through speech, gestures, writing or illegal requests causes harm to personality and dignity of a female or a child or causes fear, insecurity or psychological

pressure or reduction of social participation of females or children, has committed the crime of woman harassment and shall be sentenced in accordance to provisions of this chapter.

Punishment of Woman or Child Harassment in Public
Article 669:

A person who harasses a female or a child in public places, public transportation or any other place shall be sentenced to cash fine from 5,000 AFN to 10,000 AFN.

Punishments of Woman or Child Harassment in Work Place
Article 670:

A person who harasses a female or a child in work place, or educational or health centers, shall be sentenced to cash fine from 10,000 AFN to 20,000 AFN.

Aggravating Circumstances
Article 671

Woman or child harassment is considered aggravating in one of the following circumstances and the perpetrator shall be sentenced to short imprisonment of six months:

1. If the crime is committed by the teacher, trainer, physician or superior using job, position or influence;

2. If commission of the crime results in physical or psychological harm to the victim;

3. If the crime is committed repeatedly.

Legal Prosecution
Article 672:

(1) Legal prosecution of crimes stated in this chapter is subject to complaint of the victim,

(2) The victim may, in conditions stated in paragraph (1) of this article, drop his/her complaint in any stage of the prosecution. In this case the proceeding of complaint and application of punishment will be stopped.

Chapter Seven
Defamation and False Accusation and Its Punishments

Defamation
Article 673:

(1) Defamation is the attribution of commission of zina, or denial of parentage to a person through public instruments in a way if it were true, the person to whom the defamation was attributed would have been punished or humiliated in front of people.

(2) If in the crime of defamation the conditions for application of *Had* are not available or due to doubts or any other reason *Had* punishment is revoked, the perpetrator shall be sentenced based on *Taziri* punishment to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

(3) If commission of the crime stated in paragraph (1) of this Article harms the prestige of an individual or his/her family in a way that creates obstacle in the marriage of a girl or a woman, the perpetrator shall be sentenced to maximum of short imprisonment.

False Accusation
Article 674:

If a person attributes an issue to another person, that if it were true he/she would have been punished based on law provision or humiliated in front of people, this act is considered false accusation and the perpetrator shall be sentenced to cash fine from 10,000 AFN – 30,000 AFN.

Substantiation of the Defamation
Article 675:

If the defamer proves the authenticity of the act or incident attributed to the defamed person, he/she shall not be punished.

Defamation to Previous Crimes
Article 676:

If a person defames another person for a defamation act which the defamed person is already convicted for that crime, the defamer shall be sentenced to cash fine from 5,000 AFN to 30,000 AFN.

Prosecution of Defamation
Article 677:

Prosecution of a person accused of the crime of defamation or false accusation is subject to victim's complaint. In case the victim withdraws from his/her complaint before

issuance of an absolute verdict of the court, prosecution of the criminal case shall be stopped.

Chapter Eight
Abuse and Insult and Its Punishments

Abuse and Insult of Persons
Article 678:

(1) Whenever a person attributes a matter to another person which damages the credibility or reputation of that person**,** even if not referring to a specific incident, the person shall be considered perpetrator of the crime of abuse of persons.
(2) A person who addresses another person with foul or offensive language, the person shall be considered perpetrator of insult crime.
(3) The perpetrators stated in paragraphs (1 and 2) of this article shall be punished in accordance to provisions of this chapter.

Punishment of Abuse or Insult
Article 679:

(1) A person, who abuses or insults another person through public instruments, shall be sentenced to cash fine of 10,000 AFN to 30,000 AFN.

(2) A person who abuses or insults another person via telephone, email, fax, or electronic devices or by sending a letter or through another person, shall be sentenced to cash fine from 5,000 AFN to 20,000 AFN.

(3) A person who abuses the government or parliament shall be sentenced to cash fine of 30,000 AFN.

Criticism on Performances of Government
Article 680:

Any kind of criticism or objection regarding performance of government and non-government officials and authorities which takes place in observance of provisions of law on mass media and other laws shall not be considered insult and abuse.

Prosecution of Abuse and Insult Crimes
Article 681:

The prosecution of abuse and insult crimes is subject to complaint of the victim. In case the victim withdraws from his/her complaint before issuance of an absolute verdict by the court, prosecution of the criminal case shall be stopped.

Non-Prosecution of the Perpetrator
Article 682:

(1) If one of the parties to a claim insults the other during legal prosecution to the extent that defense statement requires, he or she shall not be punished.

(2) A person who is attacked by another and insults the attacker in a state of anger shall not be punished.

Chapter Nine
Crimes Related to Intoxicants

Intoxicants
Article 683:

Intoxicant is a substance that when consumed by drinking or eating, results in temporary loss of reasoning or decline in understanding or comprehension of human.

Taziri Punishments of Consuming Alcohol
Article 684:

If in the crime of drinking alcohol the conditions for application of *Had* are not available or due to doubts or any other reason, the *Had* punishment of drinking alcohol is revoked, the perpetrator shall be sentenced to alternative to imprisonment or cash fine of 10,000 to 30,000 AFN.

Trafficking of Intoxicants
Article 685:

(1) Trafficking of intoxicants means production, preparation, process, purchase, sale, possession, distribution, commissioning, import, export, transport, transfer, supply, stocking or concealment of intoxicants.

(2) Trafficking of intoxicants is a crime; the perpetrator shall be punished in accordance to provisions of this chapter.

Punishment for Trafficking of Intoxicants
Article 686:

A person who traffics intoxicants, considering the circumstances and amount of intoxicants shall be sentenced to following punishments.

(1) 5,000 up to 15,000 AFN cash fine for up to 5 liters of intoxicant;

(2) 15,000 to 30,000 AFN for more than 5 up to 10 liters of intoxicant;

(3) Short imprisonment or cash fine of 30,000 to 60,000 AFN for more than 10 up to 50 liters of intoxicant;

(4) Medium imprisonment of up to two years or cash fine 60,000 to 120,000 AFN for more than 50 up to 100 liters of intoxicant;

(5) Medium imprisonment of more than two years for more than 100 up to 500 liters of intoxicant;

(6) Long imprisonment not more than 7 years for more than 500 liters of intoxicant.

Punishment for Guiding to Forced Addiction
Article 687:

(1) If a person illegally forces another person to consume intoxicant or makes him/her drink or eat the intoxicant, or provides a place for commission of this act shall be sentenced to short imprisonment.

(2) If the victim of the crime mentioned in paragraph (1) of this article is a child or a person with mental incompetence, the perpetrator shall be sentenced to medium imprisonment of up to two years.

(3) If the person under compulsion stated in paragraphs (1 and 2) of this article commits a crime as a result of influence of this act, the person who forced the victim, in addition to the punishment stated in paragraphs (1 and 2) of this article shall be sentenced to the punishment of the committed crime.

(4) If the purpose of the acts stated in paragraphs (1 and 2) of this article is to commit a crime against another person, the perpetrator in addition to punishment stated in this Article shall be sentenced to the punishment for the committed crime.

Confiscation of the Vehicles
Article 688:

If a person transports or hides intoxicants knowingly in a vehicle under his/her possession in the following circumstances, in addition to principle punishment the vehicle shall also be confiscated.

1- In case the amount of intoxicant is more than 1000 liters;

2- In case the vehicle has been used frequently for smuggling intoxicant.

Confiscation of Proceeds and Assets
Article 689:

In circumstances stated in this chapter, the intoxicant and equipment and tools specifically used for its production shall be confiscated.

Elimination of Intoxicant
Article 690:

In all circumstances stated in this chapter, the court will order the elimination of intoxicants and its designated production tools and equipment.

Chapter Ten
Gambling and Its Punishment

Gambling
Article 691:

A person who gambles in public places or places open to public shall be sentenced to cash fine from 10,000 AFN to 30,000 AFN.

Preparing a Place for Gambling
Articled 692:

A person who prepares a place or house for gambling or supports financially someone in gambling shall be sentenced to short imprisonment.

Confiscation
Article 693:

In circumstances stated in this chapter, the money, tools and equipment used for gambling shall be confiscated.

Chapter Eleven
Disrespect to Dead and Graves

Destruction of Grave
Article 694:

(1) A person who destroys a grave or a tomb without legal permit shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

(2) A person who usurps the land allocated for graveyard shall be sentenced to twice the punishment of usurpation of land.

(3) If a building has been built on the land stated in paragraph (2) of this article, the building shall be destroyed and the perpetrator shall also be sentenced to payment of the expenses of destruction of the building and reconstruction of the graveyard.

Disrespect to Dead Body
Article 695:

(1) A person who intentionally disrespects the whole or part of a dead body or takes away the shroud of the deceased shall be sentenced to short imprisonment.

(2) If the act stated in paragraph (1) of this article is committed for the purpose of revenge or to disgrace the deceased, the offender shall be sentenced to maximum of short imprisonment.

Taking the Dead Body for the Purpose of Scientific or Educational Experiment
Article 696:

A person who takes a part or the whole body of the deceased without permission of its heirs for the purpose of scientific or educational experiment shall be sentenced to cash fine from 10,000 AFN to 30,000 AFN.

Interrupting the Funeral or Burial Ceremonies
Article 697:

A person who intentionally interrupts the funeral or burial ceremony with violence or threat or delays its burial, shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

Building an Unreal Grave or Tomb
Article 698:

A person who, contrary to the truth, turns a place into a grave or tomb shall be sentenced to short imprisonment.

Part Nine
Crimes against Property
Chapter One
Larceny, Usurpation and Grabbing Movable Property

Crime of Larceny
Article 699:

(1) Larceny is to carry away movable goods of another without consent for the purpose of possession.

(2) If in the crime of larceny the conditions for application of *Had* are not available or in one way or another *Had* punishment is revoked, the perpetrator shall be punished according to the provisions of this chapter.

Punishment of Larceny
Article 700:

A person who enters in a residential place or a place which is prepared for living or its annex and commits a crime of larceny shall be sentenced to medium imprisonment.

Crimes Considered Larceny
Article: 701:

(1) A person who illegally takes possession of public goods or goods allocated for the purpose of public usage, or belonging to places of worship or monuments, or gets equipment of electricity, gas and water facilities or vehicle illegally, shall be sentenced to medium imprisonment.

(2) A person who gets electricity, gas or water illegally his/her act is considered larceny and the perpetrator shall be sentenced to short imprisonment.

Aggravating Circumstances for Crime of Larceny
Article 702:

(1) Commission of larceny in any of the following circumstances shall be considered aggravating and the perpetrator shall be sentenced to long imprisonment:

1. Larceny committed between sunset and sunrise;

2. Larceny committed involving more than one person;

3. Larceny committed by carrying a weapon;

4. Larceny committed at a residential place or a place prepared for residence or in any of its annexes through climbing a wall or making a hole in the wall or breaking the door or the fence or using duplicate keys or by any other means;

5. Larceny committed by wearing military uniform, or uniform of other public officials, or by using a fake order pretending that concerned authorities have approved entrance to the residence or by using a resident of the neighborhood or by using any other deceptive method;

6. Larceny committed by worker to harm employer;

(2) If as a result of commission of crimes contained in Paragraph (1) of this article another crime is committed, the perpetrator shall be sentenced to the maximum penalty of the crime carrying the higher punishment.

Larceny Along with Coercion or Threatening with Weapon
Article 703:

(1) A person who commits larceny along with coercion or threats using a weapon shall be sentenced to maximum of long imprisonment.

(2) If a crime of coercion causes injury, the perpetrator shall be sentenced to continued punishment.

Multiple Composite Aggravating circumstances
Article 704:

If two or more than two people, between sunset and sunrise, when one of them openly or secretly are carrying a weapon, commit larceny in a residential place or a place prepared for residence shall be sentenced to long imprisonment of more than 7 years.

Larceny of Telephonic Equipment
Article 705:

A person who steals telephone or internet equipment, or equipment used for supplying gas or electricity or fuel, shall be sentenced to medium imprisonment.

Larceny of Vehicle Number Plate
Article 706:

A person who steals vehicle number plate shall be sentenced to short imprisonment.

Larceny of Crops or Agricultural Products
Article 707:

A person who steals crops or agricultural products prior to harvest shall be fined for twice the value of the stolen goods.

Larceny from Worship Places
Article 708:

A person who steals from a place of worship shall be sentenced to medium imprisonment not less than three years:

Larceny of Inexpensive Goods
Article 709:

If in the crime of larceny none of the aggravating conditions stated in this chapter is available and the price of stolen property is less than 5,000 AFN, according to circumstances, the perpetrator shall be sentenced to short imprisonment and cash fine 10,000 AFN to 60,000 AFN.

Retrieving Stolen Goods or its Price
Article 710:

In all circumstances contained in this article, the court in addition to prescribed punishment shall sentence the perpetrator to retrieve the stolen goods, or a similar property or its day's rate.

Usurpation of Movable Properties
Article 711:

A person by using force, coercion, threat, or intimidation who publicly usurps another person's money or movable property shall be considered as the perpetrator of crime of usurpation of movable property.

Punishments of Usurpation of Money or Movable Property
Article 712:

The perpetra

tor of usurpation of movable properties considering the amount and price of usurped property shall be punished as follows:

1- If the amount or value of property is up to 1,000 AFN, shall be sentenced to cash fine from 5,000 AFN to 10,000 AFN;

2- If the amount or value of property is more than 1,000 AFN to 10,000 AFN, shall be sentenced to short imprisonment;

3- If the amount or value of property is more than 10,000 AFN to 100,000 AFN, shall be sentenced to medium imprisonment;

4- If the amount or value of property is more than 100,000 AFN, shall be sentenced to long imprisonment;

Punishment of Taking Document, Signature, Stamp, or Finger Print
Article 713:

(1) A person who by using force, coercion, threat or intimidation takes document, signature, stamp or fingerprint of another person or forces him/her to revoke or destroy or amend the document, signature, stamps or forces him/her to sign, stamp or fingerprint a blank document shall be sentenced to long imprisonment.

(2) If as a result of commission of crime contained in paragraph (1) of this article, the perpetrator gains advantage but victim is not harmed, the perpetrator shall be sentenced to short imprisonment.

Looting
Article 714:

A person who illegally possesses movable property of another in conditions other than in robbery or larceny or usurpation, considering the amount of money and value of property shall be punished as follows:

1- If the money or value of property is up to 1,000 AFN, shall be sentenced to cash fine from 5,000 AFN to 20,000 AFN;

2- If the money or value of property is more than 1,000 AFN to 10,000 AFN, shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN;

3- If the money or value of property is more than 10,000 AFN to 100,000 AFN, shall be sentenced to medium imprisonment up to two years;

4- If the money or value of property is more than 100,000 AFN, shall be sentenced to medium imprisonment more than two years;

Chapter Two
Usurpation of land and Immovable Properties

Usurpation of Land
Article 715:

Occupation, possession, use, transfer, mortgage, guarantee, lease or rent of government, public, private lands or donated lands without valid legal document or legal order shall be considered usurpation of land.

Punishments for Usurpation of Land:
Article 716:

(1) The perpetrator of land usurpation in addition to returning land shall be sentenced as follows:

1- If the value of the land is up to 300,000 AFN to short imprisonment;

2- If the value of the land is more than 300,000 AFN to 1,000,000 AFN to medium imprisonment to two years;

3- If the value of the land is up to 1,00,000 AFN to 5,000,000 AFN to medium imprisonment more than three years;

4- If the value of the land is more than 5,000,000 to long imprisonment to ten years;

(2) The perpetrator of crime of usurpation of land shall evacuate the usurped land within three months from the time an absolute verdict has been issued and submit the legal documents claiming ownership of the land to the owner of the land.

(3) A person who sold the usurped land, shall submit the money of sold land within three months from the date of issuance of the order to its purchaser.

(4) A person who leases or rents the land shall reimburse the money obtained from lease or rent of the land within three months from date of issuance of order to land owner.

(5) If the usurped land is public or donated property and has been sold to another person for the purpose of building a shelter/home, in addition to punishment of committed crime the perpetrator is obligated to pay the received money to government treasury.

(6) If as a result of usurpation the land has been destroyed or a loss incurred, the perpetrator shall be sentenced to compensate the loss of the owner. The amount of loss shall be determined by the experts assigned by the court.

(7) The perpetrator of crime of usurpation of land shall return the land and his/her documents claiming ownership of the land are nullified.

Aggravating Circumstance of Usurpation of Land
Article 717:

The following are aggravating circumstances of the crime of usurpation of land and the perpetrator shall be sentenced to maximum punishment of the committed crime:

1- If the crime is committed by using force, coercion, threat or intimidation;

2- If the usurper despite receiving verbal and/or written warning from the relevant governmental organizations continues possession of the land;

3- If the perpetrator orders, finances or forces one or more persons for usurpation of land.

Multiple Crime of Usurpation of Land
Article 718:

If the crime of usurpation of land is committed by giving bribe or fraud or forgery of document or by misusing job, position or influence, in addition to anticipated punishment of the committed crime, the perpetrator shall be sentenced to the punishment of usurpation of land.

Crime Considered as Usurpation
Article 719:

If a person seizes the public water, seas, canals, streams, springs and other resources of underground water which are considered public, or seizes the hills, mountains, desserts or pastures, this act is considered usurpation and the perpetrator shall be sentenced to medium imprisonment.

Chapter Three
Breach of Trust and its Punishment

Breach of Trust
Article 720:

A person who, based on an agreement/contract or provisions of law holds in trust a moveable property or a document or a stamp or signature of another person, and misuses or takes possession or with bad faith changes, destroys or conceals the items for his own benefit or the benefit of another person or takes possession of them in a way to harm the owner shall be considered breach of trust and punished according to provisions of this chapter.

Punishment of Breach of Trust
Article 721:

(1) The perpetrator of crime of breach of trust, , shall be sentenced as follows:

1. If the value of property is up to 10, 000 AFN, cash fine up to 30, 000 AFN.

2. If the value of property is more than 10, 000 AFN up to 100,000 AFN, short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

3. If the value of property is more than 100,000 AFN to 1,000,000 AFN, medium imprisonment up to two years or cash fine from 60,000 AFN up to 120,000 AFN.

4. If the value of property is more than 1,000,000 AFN to 10,000,000 AFN, medium imprisonment up to three years or cash fine from 120,000 AFN up to 180,000 AFN.

5. If the value of property is more than 10,000,000 AFN, maximum of medium imprisonment.

(2) In circumstances contained in paragraph (1) of this article if subject of the crime is not measurable in money, the perpetrator according to circumstances shall be sentenced to short or medium imprisonment or cash fine from 30,000AFN to 300,000 AFN.

Taking Property from Custody of Seller
Article 722:

(1) If a person purchases a movable property and the seller keeps the property in his possession for the purpose of full payment and the purchaser, without advance permission of the seller, takes possession of the property in such a way which takes it out of the custody of the seller, his/her act shall be considered breach of trust and by considering the value of property, the purchaser shall be sentenced to fine from 5,000 AFN up to 100,000 AFN.

(2) The seller stated in paragraph (1) of this article who without authority or consent diminishes or consumes the property shall be sentenced to the same punishment contained in paragraph (1) of this article.

(3) Prosecution of crimes stated in paragraphs (1 and 2) of this article is subject to complaint of victim. The lawsuit prior to issuance of final verdict shall be revoked based on withdrawal of the victim. If withdrawal is carried out after issuance of the verdict, enforcement of the verdict shall be stopped.

Aggravating Circumstances in Breach of Trust
Article 723:

Commission of crime of breach of trust by one of the following persons shall be considered aggravating circumstances and the perpetrator shall be sentenced to maximum punishment of the committed crime:

1- If a person who is given goods due to verdict of court, or becomes executor of the will or guardian of a person lacking legal competence or is a legal representative of a person, and breaches the trust.

2- A porter, driver or any person who is duty bound of transferring or submitting the property to its owner or legal representative.

3- Defense attorney, mediator, property dealer, currency exchanger or one who is paid on commission is responsible of maintaining documents.

Crimes Considered Breach of Trust
Article 724:

The following acts are considered breach of trust and the perpetrator shall be sentenced to short imprisonment or cash fine from 10,000 AFN – 60,000 AFN.

1- If the owner whose movable property has been frozen due to a provision of law or court ruling or confiscated by the court and he/she illegally uses or takes possession of the property for his/her personal benefit or benefit of someone else or conceals the property or refuses request for delivery of the property to a person lawfully claiming it, in a way that opposes the objective of the court ruling regarding the property.

2- A person who has paid an amount of money to use a property and for some reasons submits the property as a trust back to the owner and the owner uses the property or takes possession of the property with bad intention for the benefit of himself/herself or for the benefit of another person.

Chapter Four
Fraud and its Punishment

Fraud Crime
Article 725:

(1) If a person using fake name or attribute or fake position or misusing real position or providing false information concerning a particular incident or giving hope concerning an unreal issue or creating fear based on an unreal issue or other fraudulent means as a result of which the person against whom the crime is committed is deluded and is persuaded to submission or transfer of possession of money or property or to acquire service or benefit for oneself or for another person has committed fraud and shall be sentenced to medium imprisonment.

(2) For the purpose of paragraph (1) of this article fraudulent means are the means as a result of which the person against whom the crime is committed is deluded and is persuaded to submission or transfer of possession of money or property or benefit or performing service.

(3) If a wife or husband before marriage (*Nekah*) deceives the other with unreal attributes such as higher education, wealth, social status, profession or being single and marriage is consummated based on it, he/she shall be sentenced to short imprisonment.

(4) In conditions stated in paragraph (3) of this article, prosecution of the perpetrator is subject to complaint of the plaintiff. The plaintiff may withdraw from his/her complaint in any stage of the prosecution. If he/she withdraws, proceeding and implementation of the case shall be stopped.

Possession of Property of another Person Using Deceptive Means
Article 726:

A person who by using fraudulent means takes possession another's movable or immovable property knowing that he/she has no right of its possession or takes the possession of property being aware of its previous possession or mutual agreement in a way that harm is inflicted upon another, shall be sentenced to medium imprisonment.

Commission of Fraud by Using Disability of the Victim
Article 727:

(1) A person who misuses necessity, incapacity, or immaturity of a mentally incapacitated person who has completed the age of 18 and gets his/her signature on property deed, or loan papers or other similar documents and causes a loss to him/her shall be sentenced to medium imprisonment.

(2) Insane, *Maatoo*[1], *Mahjoor*[2] and a person who needs guardianship even after reaching the age of 18 based on court order, shall be considered mentally incapacitated person.

(3) If the perpetrator of crime contained in paragraph (1) of this Article is the guardian, trustee, executor of will, or in one way or other in charge of the person or his/her benefits and this responsibility is based on law, court order or mutual agreement, he/she shall be sentenced to long imprisonment up to seven years.

Commission of Fraud in a Check:
Article 728:

(1) A person who with bad faith, issues a check to another person without having funds including cash or credit or his/her fund is less than the check or withdraws all or some of the fund from the bank on which the check was issued, in a way that his/her fund doesn't cover the check or directs the entity from which the money is received

[1]Translator Note: A person who is partially insane. It means in all affairs of his/her life he needs the help of another person.

[2]Translator Note: A person who does not have legal capacity to access his/her property.

not to pay the check or intentionally signs the check in a way that would prevent the payment of cash, he/she shall be sentenced to short imprisonment.

(2) Prosecution of the crime contained in paragraph (1) of this article is subject to complaint of the victim.

Chapter Five
Concealment of Objects Acquired through Commission of Crime

Punishment for Concealment of Objects Acquired through Crime
Article 729:

(1) A person who knowingly conceals, uses or takes possession of or by any means seizes the objects acquired through commission of a crime shall be sentenced as follows:

1. If object acquired through an act of felony, maximum of short imprisonment unless the law prescribes more serious punishment.

2. If object acquired through misdemeanor, short imprisonment up to six months or cash fine equal to the value of the object.

(2) A person obtaining an object acquired through an act of felony or misdemeanor, under the circumstances where he should have known the unlawfulness of the matter, shall be sentenced to minimum short imprisonment or cash fine from 30, 000 AFN – 60, 000 AFN.

Non-Prosecution of Perpetrator and Mitigating Circumstances
Article 730:

(1) If perpetrator of crimes stated in this chapter prior to investigation, informs concerned authorities about offenders from whom the objects stated in article 729 have been acquired, shall not be punished.

(2) If the information contained in paragraph (1) of this article is submitted to the authorities during investigation, judicial mitigating circumstances shall be applied to the informer.

(3) A person who has purchased goods obtained through commission of a crime unknowingly, shall not be prosecuted.

Chapter Six
Crimes against Historical or Cultural Heritage

Historical or Cultural Heritage
Article 731

(1) Commission of any of the crimes stated in this chapter shall be considered as crime against historical or cultural heritage and the perpetrator shall be punished to anticipated punishment.

(2) For the purpose of this chapter historical or cultural heritages, without considering its ownership or source, are as follow:

1. Movable or immovable property that contains particular importance from the view point of all nations such as architectural heritages, artistic or historical consist of religious or irreligious, ancient areas, buildings that over all have historical or artistically value, artistic heritages, written versions, books and other artistically objects, historical and ancient values and set of academic heritages and important books or archive or publication of the above mentioned items.

2. Buildings that mainly used for the purpose of protection or exhibition of movable cultural properties defined in subparagraph (1) of this paragraph, such as museums, large libraries, and documents protection centers, refugees that their goal is asylum during armed conflict and movable properties that stated in subparagraph (1) of this paragraph.

(3) All historical or cultural movable or immovable heritages, discovered in Afghanistan or hidden under the ground are property of the government.

Damaging Historical or Cultural Heritage
Article 732:

A person who demolishes or destroys or damages the historical or cultural heritage, according the circumstances shall be sentenced to medium or long imprisonment.

Lack of Notification from Discovery of Historical or Cultural Heritage
Article 733:

A person who discovers historical or cultural heritage being movable or immovable or a person in whose land such heritage has been discovered, if the person doesn't notify this issue to the closest local state administration within timeframe stated in relevant legislative document shall be sentenced to short imprisonment.

Embezzlement of Historical and Cultural Heritage by the in Charge Person or Guard
Article 734:

(1) Whenever an in charge person or a guard embezzles the historical and cultural heritage, he/she shall be sentenced to long imprisonment.

(2) An in charge person or a guard of the historical and cultural heritage who neglects to take care of the heritage properly and as a result the heritage is damaged, according to circumstances shall be sentenced to medium or short imprisonment.

Taking out the Historical or Cultural Heritage from National Museum
Article735:

(1) A person who takes out historical or cultural heritage from its storage place for an exhibition or any other reason without authorization of relevant state administration shall be sentenced to medium imprisonment up to two years.

(2) If as a result of acts stated in paragraph (1) of this article the historical or cultural heritage has been changed, replaced, damaged, destroyed, lost, or damaged, the perpetrator according to circumstances, shall be sentenced to medium or long imprisonment up to eight years.

Smuggling of Historical and Cultural Heritage
Article736:

(1) If a person illegally buys, sells, delivers, demands, preserves, transports, hides, commissions or takes the historical or cultural heritage abroad shall be sentenced according to circumstances to medium or long imprisonment.

(2) A person who imports prohibited historical and cultural heritage to Afghanistan shall be sentenced to short imprisonment or cash fine of 30,000 AFN – 60,000 AFN.

(3) A person who smuggles historical or cultural heritage from a government area which is not under control of the government, or moves it illegally or excavates in the mentioned areas shall be sentenced to medium imprisonment.

Constructing Building in a Registered Area
Article 737:

(1) A person who illegally constructs a building on his own property in an ancient registered area or allows another person to construct building in that area, shall be sentenced to short imprisonment.

(2) A person who illegally constructs a building on a public property in a registered ancient area shall be sentenced to the maximum of long imprisonment.

Transforming Structure of a Registered Building
Article 738:

A person who transforms the structure of a registered building which has historical and cultural value without permission of relevant administration, shall be sentenced to short imprisonment.

Damaging the Ancient Registered Area
Article 739:

A person who blasts rock, digs a well or a trench, or a tunnel, constructs furnace of bricks or drives vehicle or buries a dead body, or any similar operation without permission in any ancient registered area, shall be sentenced to short or medium imprisonment.

Excavating or Digging in Ancient Areas
Article 740:

(1) A person who, for the purpose of obtaining historical or cultural heritage, impermissibly or unprofessionally engages in excavating or digging in ancient areas shall be sentenced to medium imprisonment more than two years.

(2) A person who commits the crime stated in paragraph (1) of this article on private property shall be sentenced to medium imprisonment up to two years.

Compensation of Loss of Historical or Cultural Heritage
Article 741:

The person committing crimes mentioned in this Chapter in addition to stated punishment shall be sentenced to returning the heritage and to compensation of loss in case of wastage or damage.

Chapter Seven
Violation of Intellectual Property Rights

Intellectual Property Rights
Article: 742:

(1) If a person publishes, plays, reproduces, supplies for sale, interprets, changes, possesses or in one way or other obtains material or intellectual benefit or translates the book, chapter, brochure, poem, ballad, play, translation, painting, drawing, geographical map, song, movie, drama, radio or TV program, sculpture, handwriting, photography, graphical or architectural design, handicraft, invention, scientific discovery, industrial design, commercial symbols or other intellectual rights based on intellectual activities of another under the name of himself or another without written permission of the owner shall be considered the perpetrator of crime of violation of intellectual rights.

(2) The perpetrator of the crime of violation of intellectual property rights shall be punished according to provisions of this chapter.

Punishment for Violating Rights of Author, Composer, Researcher and Artist

Article 743:

(1) A person who intentionally violates the copyright of another for the purpose of commercial benefit, shall be sentenced to maximum of short imprisonment or cash fine of 30,000 to 60,000 AFN.

(2) A person who within the time limit stated in paragraph (2) of article 23 of law on supporting the rights of author, composer, artist and researcher, without written permission of the owner, republishes the whole or part of their work through any means, shall be sentenced to short imprisonment or cash fine of 30,000 to 60,0000 AFN.

(3) A person who without written permission of the owner prints, publishes or distributes a translation as his/her own or another person's work shall be sentenced to cash fine of 30,000 to 60,000 AFN.

Other Circumstances of Violation of rights of Author, Composer, researcher and Artist

Article 744:

A person who commits any of the following acts, considering the circumstances shall be sentenced to short imprisonment.

1. Production or importation of any tools, equipment for the purpose of deactivating of tools and equipment that prevent or limit the reproduction of art, voice recording or its broadcast and publication or its purpose is to decrease the quality of the art.

2. Production or importation of any tools, or equipment for the purpose of receiving the codified programs broadcast-able or transferable through other means to people including broadcasting through satellite or other tools or equipment that provide the transfer of such programs to the person that he/she doesn't have the right to receive it.

3. Broadcasting, deleting or changing any kind of electronic information that is protected under copyright, without permission of its creator.

4. Illegal use of others' works that is protected under copyright for the purpose of acquiring benefit.

Violation of Innovator and Discoverer Rights
Article 745:
A person who commits any of the following acts without written permission of the owner, shall be sentenced to medium imprisonment of up to two years or cash fine of 60,000 to 120,000 AFN.

1- Unauthorized production of scientific innovation or discovery, or industrial design.

2- Possession, sale, or supply for sale of scientific innovation or discovery, or industrial design.

3- Authorized usage of scientific innovation or discovery, or industrial design.

4- Interpretation or deformation of scientific innovation or discovery of another person.

5- Exercise of ownership over scientific innovation or discovery of another person.

Publication of Verdict
Article 746:
A person who commits the crimes stated in this chapter repeatedly, shall be punished according to the provisions related to recidivists of crime mentioned in this law and the matter shall be published/broadcast in one of the mass media by the request of the victim at the expense of the perpetrator.

Return of Proceeds
Article 747:
In all circumstances mentioned in this chapter the proceeds earned from intellectual property shall be returned to its owner.

Prosecution
Article 748:
The prosecution of crimes mentioned in this chapter is subject to complaint of intellectual property owner.

Chapter Eight
Crimes of Demolition, Destruction, and Displacement of Boundaries

Punishments for Demolition and Destruction:
Article 749:
A person who destroys, demolishes, damages or makes a movable or immovable property of another unusable or inflicts harm to it in any way, is considered the perpetrator of crime of demolition and destruction and in addition to compensation of loss shall be sentenced to short imprisonment or cash fine of 30,000 to 60,000 AFN, unless the law has prescribed more severe punishment for it.

Aggravating Circumstances for Crime of Demolition and Destruction
Article 750:

The crime of demolition and destruction is considered aggravating when the value of the property is more than 50,000 AFN in one of the following circumstances and the perpetrator shall be sentenced to the following punishments:

1- If the crime is committed by more than two people, to maximum of short imprisonment.
2- If the crime is committed using firearm, to medium imprisonment of more than two years.
3- If the crime is committed during mass chaos or riot, to medium imprisonment of more than two years.

Other Circumstances for Punishment of Crime of Demolition and Destruction
Article 751:

(1) A persons, who commits any of the following crimes, shall be sentenced to cash fine equivalent to inflicted harm:

1. A person, who demolishes, destroys or makes the crops or agricultural products of another person unusable, prior to harvest.
2. A person, who demolishes, destroys or makes crops of another person unusable or scatters harmful materials to, or places harmful plants, chemicals, or other substance on the land to prevent cultivation.
3. A person who uproots or cuts or destroys a tree of another or grafts a harmful branch with it, or peels a tree to destroy it.

(2) If the crime contained in paragraph (1) of this article is committed from sunset to sunrise and at least two persons are involved that one of them is carrying a visible or hidden weapon or one of them is using force, each offender shall be sentenced to short imprisonment.

(3) If as a result of the crime mentioned in subparagraph (1, 2 and 3) of paragraph (1) of this Article, the value is more than 50,000 AFN, the perpetrator shall be sentenced to short imprisonment.

Crime of Displacement of Boundaries
Article 752:

A person who destroys or removes land boundary of another, or removes any land-mark used for the purpose of partition, is deemed the perpetrator of crime of displacement of boundaries and shall be sentenced to short imprisonment or cash fine of 30,000 up to 60,000 AFN.

Part Ten
Tax and Commercial Crimes
Chapter One
Commercial Crimes

Illegal Competition in Trade Affairs
Article 753:

A trader who commits one of the following acts with bad faith, according to circumstances shall be sentenced to cash fine of 50,000 AFN up to 1,000,000 AFN.

1. Any sort of deceit or conspiracy in trade affairs;
2. False publications which causes damage to benefits or business of another trader;
3. False propaganda on source or attributes of goods or about the importance of his/her business to attract customers of another trader who is selling the same goods, and also falsely claiming certificate or rewards;
4. Enticing the employees of another trader or factory to find out about their customers and attract them;
5. Issuing a false certificate or false goods service certificate to deceive another trader;
6. Presenting false information about morality or financial abilities of a trader.

Failure to Do Business under a Specific Title
Article 754:

A trader who signs the documents and transactions related to his/her business under a different name contrary to the name deemed as the title of the business, according to circumstances and considering the incurred loss, shall be sentenced to cash fine up to 20,000 AFN.

Failure to Preserve the Compulsory Commercial Records Transactions by the Trader or Broker
Article 755:

If a trader or broker in preparing the compulsory commercial transactions record or recording the transactions does not observe the conditions stated in the relevant law, in addition to paying tax or specific duty shall be sentenced to cash fine of 10 percent of obtainable tax.

Presenting a Forged document to Record in the Central Registration Office
Article 756:

A trader who intentionally signs a forged document or presents it to the Central Registration Office for the purpose of registration/record, shall be sentenced to the punishment of forgery contained in this Law.

Complaint Contrary to Reality
Article 757:

If a person presents complaint contrary to reality to the board of national competition contained in the law on protection of competition or competent court in writing for the purpose of damaging the commercial and vocational credibility of entrepreneur, trader, commercial organization, company or its director(s), shall be sentenced to short imprisonment up to two years.

Disclosing Commercial and Industrial Secrets
Article 758:

The following persons in case of committing one of the following actions shall be sentenced to short imprisonment:

1- If the director, board members and other employees of the Administration of Supporting Competition disseminates or discloses the commercial secrets of entrepreneur, trader, commercial organization, companies or other persons; or uses the information for his/her own benefit or in benefit of other persons.

2- If a person contrary to standardized commercial methods or without owner consent, achieves, uses, or discloses the commercial and industrial secrets.

Unreal Statement by Informer or Expert
Article 759:

(1) In case the informer, specialist, expert or other individuals intentionally express false opinion orally and this expression of opinion effects decision of national board of competition stated in the law on protection of competition shall be sentenced to short imprisonment.

(2) If the individuals stated in paragraph (1) of this article intentionally express false opinion in writing and this expression of opinion effects on decision of national board of competition stated in paragraph (1) of this article, the perpetrator shall be sentenced to medium imprisonment.

Misuse by Officials of Office for Protection of Competition
Article 760:

(1) If the director, board members or employees of the Administration of Supporting Competition misuses the provisions of law on supporting competition to damage public interests shall be sentenced to short imprisonment.

(2) If one of the persons stated in paragraph (1) of this article for the purpose of damaging commercial or vocational credibly of natural or legal persons, misuses the law on supporting competition, shall be sentenced to cash fine from 1,000,000 AFN – 3,000,000 AFN.

Monopoly
Article 761:

If a person in order to influence the market other than conditions stated under hoarding chapter makes an agreement with others and as a result the prices in the market increases in an unreal way or incurs financial loss to other traders, the perpetrator shall be sentenced to short imprisonment.

Observance of the Rights of Consumer
Article 762:

(1) A person, who commits one of the following acts, according to circumstances shall be sentenced to cash fine from 10,000 – 100,000 AFN

1- Presenting false information to administration or committee stated in law on supporting the right of consumer;

2- Supplying goods with less weight to consumer in packages;

3- Failure to include the production date or expiration date of a product by the producer;

4- Distortion or fraud in production or expiration date;

5- Fraud in specification, composition, ingredients, identity and production source of a product or fraud in a service;

(2) In case the crimes committed in paragraph (1) of this Article results in physical or mental damage or death, the perpetrator in addition to the punishments set forth in this article, shall be sentenced to the punishment of the committed crime.

Failure to abide by the Conditions contained in National Standard Law
Article 763:

(1) Producing, importing, exporting, transferring, possessing, selling or buying goods contrary to standards stated in the national standards law of Afghanistan is forbidden and the perpetrator in addition to confiscation of goods shall be sentenced to cash fine equivalent to price of the goods.

(2) In case the crime committed in paragraph (1) of this article results in physical or mental damage or death, the perpetrator shall be sentenced to the punishment of the committed crime.

(3) In conditions contained in paragraphs (1 and 2) of this article, low quality goods shall be confiscated, and damages shall be paid by the perpetrator.

Interference with the Freedom of Auction and Bidding
Article 764:

A person who interferes through fraud or other illegal means in freedom and safety of auctions and biddings that are not related to government, semi government organization and companies or official or semi-official institutions shall be sentenced to short imprisonment or cash fine from 30,000 up to 60,000 AFN.

Unlawful Interest
Article 765:

A person who obviously or secretly gives an unlawful loan or charges unlawful interest to another, shall be sentenced to short imprisonment or cash fine of 30,000 up to 60,000 AFN.

Falsification in Commercial Transactions
Article 766:

A person who intentionally, through spreading fabricated news of events, propaganda, or any other falsified means, becomes the cause for lowering or raising the price of goods or bonds, or a person who conceals any goods ready for consumption or becomes the cause for such an act, shall be sentenced to short imprisonment or cash fine from 30,000 up to 100,000 AFN.

Falsification in Compound materials
Article 767:

A person who deceives the contractor in one of the following items shall be sentenced to short imprisonment and a cash fine equivalent to value of the property:

1- In quantity, number, measure, weight, scale, and percentage of composition.

2- Delivering another product for what has already been agreed upon.

3- In quality, basic characteristics, and useful ingredients.

4- Type and source of product.

Chapter Two
Crimes related to Bankruptcy

Fraudulent Bankrupt
Article 768:

A merchant through a final decision adjudged to be bankrupt, shall be considered a "fraudulent bankrupt" in the following cases**:**

1- In case he/she has concealed, destroyed, changed or modified all or part of his/her records.

2- In case he/she has concealed a part of his property for the purpose of inflicting harm to his/her creditors.

3- In case he/she has confessed to feign debts or a debt which he/she does not actually owe regardless of the fact whether the debts have been recorded or orally confessed.

4- In case he/she has abstained from giving explanations or submitting his/her documents to concerned authorities and he is aware of the effects of his abstention.

Punishment of Fraudulent Bankrupt
Article 769:

Fraudulent bankrupt shall be sentenced to medium imprisonment.

Inflicting Loss to Creditors by the Merchant
Article 770:

(1) A merchant, adjudged to be bankrupt, and as a result of his/her major misdeed loss is inflicted upon his/her creditors shall be considered a culpable bankrupt.

(2) A bankrupt merchant shall be considered major culpable in the following cases:

1- Personal or family expenses are greater than earnings.

2- Spending a significant amount of money on gambling, lotteries, and betting.

3- Purchasing a product and selling the product at a lower price, or borrows significant amount of money, or issues bonds, or applies other means to generate significant loss and thereby delay bankruptcy.

4- Paying one creditor for inflicting loss to other creditors or for the purpose of obtaining a compromise.

5- Obtaining compromise through fraud.

Culpable Bankrupt
Article 771:

A merchant, adjudged to be bankrupt, shall be considered a culpable bankrupt in one of the following cases:

1- Commercial law requires availability of business records and he/she does not have them or his/her records are incomplete or are in a fashion from which his debts or possessions cannot be determined.

2- Fails to submit balance sheet on due time.

3- After payment has been stopped, fails to present correct explanations required by law.

4- When asked, does not appear, without valid excuse, before the authority which had adjudged him/her bankrupt, or he does not provide explanations demanded by concerned authorities or falsification of his/her explanations become evident.

5- In case for the interest of someone else, without due compensation, he/she concludes significant contract while his/her financial condition at the time of signing the contract does not permit him/her to do so.

Punishment of Major Culpable Bankrupt
Article 772:

The major culpable bankrupt contained in paragraph (2) of article 770 shall be sentenced to medium imprisonment more than three years.

Issuance of Absolute Verdict on Announcing the Bankruptcy of a Company
Article 773:

(1) If an absolute verdict has been issued on announcing the bankruptcy of a company, and if it is proved that one of the members of general assembly or board of directors has committed one of the acts stated in article (758) of this law, he/she shall be sentenced to medium imprisonment.

(2) If a member of "General Assembly" or "Board of Directors" commits an act of fraud or deceit, which results in bankruptcy of the company or assists in discontinuing payments of the company he/she shall be sentenced to medium imprisonment.

Issuance of Absolute Verdict on Announcing the Bankruptcy of a Minor or Incompetent Person
Article 774:

If a final verdict is issued on announcing bankruptcy of a minor, incompetent person, or someone whose business is managed by an honest person, penal responsibility for the acts of fraud or incapacity shall be directed to the guardian, executor of will, or trustee who is proven to be guilty of fraud, falsification or incapacity, and such person shall be sentenced to the anticipated punishment in view of the circumstances stated in this chapter.

Concealment of Bankrupt's Property and Interference of Creditor in Discussion

Article 775:

The following individuals shall be sentenced to medium imprisonment up to two years or cash fine from 60,000 AFN up to 120,000 AFN provided that a more serious punishment is not anticipated in the law:

1- A person who conceals the whole or part of property of a bankrupt, even though she is his wife or he/she is one of his ancestors or descendants.

2- A person who is not actually a creditor but engages in discussions or through fraud in order to assist the bankrupt pretends a credit/loan contrary to reality by his/her name or name of another person.

3- A creditor who signs special agreement with the debtor for the purpose of gaining benefit for himself and inflicting harm to other creditors.

4- A creditor, who increases the amount of his/her credit by using fraud, or in return for the vote of the debtor or someone else in the deliberation concerning the issue, sets special privileges or concessions.

Publication of Verdict

Article 776:

The court may order publication of verdicts of the crimes specified under this Chapter.

Chapter Three
Goods Smuggling

Terminology

Article 777:

The terms below have the following meanings in this Chapter:

(1) **Permissible Goods:** are goods that production, import, export, sale, purchase, possession, and transport after complying with customs procedures, and bank rules and paying duty require no permission.

(2) **Conditional Permissible Goods:** are goods that production, import, export, sale, purchase, possession, and transport in addition to customs procedures and banks rules and paying duty, according to the law require prior permission from an authorized authority.

(3) **Prohibited Goods:** are goods that production, import, export, sale, purchase, possession, and transport are prohibited under provisions of the law.

Smuggling of Goods
Article 778:

(1) A person who commits any of the following acts has committed the crime of smuggling and shall be punished in accordance with the provisions contained in this chapter.

1- Importing or exporting permissible goods through a place where there is no customs checkpoint for the purpose of avoiding or preventing the customs inspection or monitoring;

2- Production, import, export, sale, purchase, distribution, possession, and transport of impermissible goods (conditional permissible goods) without permission of authorities.

3- Production, import, export, sale, purchase, distribution, possession, and transport of prohibited goods.

4- Buying and selling of goods in transit without paying required customs duty.

5- Removing or damaging the label or stamp of goods subject to customs oversight without permission of customs authorities.

6- Removing specification numbers of vehicles or forgery in them.

7- Knowingly buying, selling, retaining/possessing or occupying imported smuggled goods.

8- Receiving or possession of goods by the warehouse owner without having copy of customs documentations

9- Breaking the seal, replacing or changing other protective items contained in vehicles or goods.

10- Loading, unloading or transporting goods or luggage of passengers from one vehicle to another in an unauthorized place without permission of customs officers.

11- Loading, unloading or transporting passengers for the purpose of trafficking.

(2) Repeatedly violating intended usage terms of goods that in accordance with the law have a partial or total exemption from customs duty, shall also be considered smuggling.

(3) Committing any of the following activities by the crew of an airplane or customs shall be deemed smuggling:

1- In case of transporting the goods without having the related aerial cargo letter or the goods inside the airplane do not match with the cargo letter.

2- Brings in the goods to airport customs and they are included in the list of items to be loaded in the airplane but when the plane takes off the goods are not on board.

3- Lands outside area of airport customs for the purpose of loading or unloading goods and fails to inform customs officers or other officials immediately.

Punishment of Smugglers of Permissible Goods
Article 779:

A person who smuggles permissible goods, in addition to confiscation of the smuggled goods shall be punished considering the price of the smuggled goods in below order:

1- If the smuggled goods cost more than 100,000 AFN – 1,000,000 AFN, to alternative to imprisonment.

2- If the smuggled goods cost more than 1,000,000 AFN – 5,000,000 AFN, to six month imprisonment.

3- If the smuggled goods cost more than 5,000,000 AFN – 10,000,000 AFN, to maximum short imprisonment.

4- If the smuggled goods cost more than 10,000,000 AFN, to medium imprisonment up to three years.

Punishment of Smugglers of Conditional Permissible Goods
Article 780:

A person who smuggles conditional permissible goods, in addition to confiscation of the smuggled goods shall be punished considering the price of the smuggled goods in below order:

1- If the smuggled goods cost up to 50,000 AFN, to alternative to imprisonment.

2- If the smuggled goods cost more than 50,000 AFN up to 1,000,000 AFN, to six months imprisonment.

3- If the smuggled goods cost more than 1,000,000 AFN – 5,000,000 AFN, to imprisonment from more than six months up to one year.

4- If the smuggled goods cost more than 5,000,000 AFN – 10,000,000 AFN, to medium imprisonment up to three years.

5- If the smuggled goods cost more than 10,000,000 AFN, to medium imprisonment more than three years.

Punishment of Smugglers of Prohibited Goods
Article 781:

(1) A person who smuggles prohibited goods, in addition to the confiscation of smuggling goods, and relevant tools, shall be punished considering the price of the smuggled goods in below order:

1- If the smuggled goods cost up to 50,000 AFN, six months imprisonment.

2- If the smuggled goods cost more than 50,000 AFN and less than 1,000,000 AFN, to more than six month short imprisonment.

3- If the smuggled goods cost more than 1,000,000 AFN – 5,000,000 AFN, medium imprisonment up to three years.

4- If the smuggled goods cost more than 5,000,000 AFN – 10,000,000 AFN, to medium imprisonment more than three years.

5- If the smuggled goods cost more than 10,000,000 AFN, to long imprisonment up to seven years.

(2) Smuggling of strategic goods and the goods which are used in production of illegal products are exempted from the provision of paragraph (1) of this Article. Perpetrators shall be punished according to the provisions stated in their relevant section.

Aggravating Circumstances in Goods Smuggling
Article 782:

Commission of smuggling in any of the following conditions is considered aggravating and the perpetrator shall be sentenced to maximum of authorized punishment:

1- If the crime of smuggling is committed by a public official misusing his/her duty, position or influence;

2- If the crime of smuggling is committed by more than two people;

3- If the crime of smuggling is committed through organized criminal group.

4- If the person is armed while conducting smuggling crime.

5- If the smuggler presents armed resistance against anti-smuggling official.

6- If the person for the purpose of committing smuggling, commits bribery.

Punishment of the Owner or Driver of the Vehicle
Article 783:

The owner or the driver of the vehicle carrying the smuggled goods shall be punished in the below order:

(1) If the owner of the vehicle carrying the smuggled goods is arrested with the vehicle and it is proved that he/she was aware of the smuggled goods, he/she shall be sentenced to the punishment stated in this chapter considering the type and price of goods as an accomplice.

(2) If the owner of the vehicle commits the crime contained in paragraph (1) of this article repeatedly, and the value of the goods is equivalent or greater than the value of the vehicle, in addition to punishment contained in paragraph (1) of this article the vehicle shall be confiscated.

(3) If it is proved that the driver of the vehicle was aware of the smuggled goods, he/she shall be considered as an accomplice.

Confiscation of the Equipment related to Smuggling
Article 784:

(1) Equipment directly used for smuggling goods including weapons, vehicles, and equipment used in transportation or concealment of the smuggled goods shall be confiscated in accordance with the decision of authorized court, if the value of smuggled goods are equal or more than said equipment.

Equipment set out in paragraph (3) and (4) of this article are exempted from this provision.

(2) The smuggled goods shall be confiscated regardless of owner's share and participation in smuggling.

(3) If the person accused of smuggling has acquired the seized equipment and accessories set out in this article through another criminal act, the equipment and accessories shall be returned to the owner.

(4) Vehicles shall not be confiscated in the following cases:

1- In case the owner of the vehicle provides evidence/verified proofs that he/she has not been involved in smuggling.

2- In case the owner has given the vehicle to the perpetrator with good faith and in accordance with trade conventional procedures

Seizing the Equipment and accessories related to smuggling
Article 785:

(1) In the following conditions, the equipment and accessories related to smuggling will be seized.

1- The act of smuggling goods is witnessed.

2- The goods are being moved or transported.

3- The goods are placed in public unattended.

(2) Seizure of goods on private property shall be done only based on prior authorized court permission; witnessed smuggling is exempted from this order.

(3) Smuggled goods, equipment and related accessories upon arrest shall be submitted to customs office and if there is no customs office to any other local state administration and obtain a receipt.

(4) If there is a conflict regarding prohibited or smuggled goods, they shall be preserved by the customs office by the expenses of the goods owner or sent to relevant entities for legal proceedings till an absolute decision is made by the court.

Customs Official Violation
Article 786:

If a customs officer in relation to one of the following activities acts in a way that causes government revenues deficit, he/she shall be sentenced to a cash fine equal to the deficit of income:

(1) Keeping the brief record of delivery bill and maintain its listed goods in a temporary store.

(2) Making decision about certain customs transaction, information and relevant document.

(3) Delivering the imported goods to a specific location of customs goods delivery area.

(4) Monitoring the goods and cargoes of the passengers and crew members.

(5) Unloading or transferring goods from one vehicle to another.

(6) Monitoring and inspecting goods while entering customs applicable areas and transferring them to another location from their designated place.

(7) Matching loaded goods with bill of delivery or bill of lading.

(8) Exporting non-Afghan goods without a new delivery bill or its adherence from exporting stage under customs monitoring.

(9) Property that is subject to customs duties.

Chapter Four
Crime against Mining, Petroleum and Gas

Illegal Extraction of Mines, Oil and Gas
Article 787:

(1) Illegal extraction, transportation, usage, possession, processing, storage, trafficking and occupying of minerals, oil and gas, hydro carbons and coal and their leasing is considered a crime.

(2) The perpetrator of crime stated in paragraph (2) of this article shall be punished in accordance with provisions of this chapter.

(3) Illegal extraction of mines based on this chapter includes: extraction, transportation, usage, possession, processing, storage, trafficking and occupying of minerals, oil and gas, hydro carbons and coal and their leasing.

Punishment of Illegal Extraction of Mine
Article 788:

(1) A person who extracts from a mine in an illegal way, considering the value of the materials based on the market's rates, shall be sentenced as following:

1- If the value of the material is up to 3,000,000 AFN, to short imprisonment.

2- If the value of the material is more than 3,000,000 AFN up to 5,000,000 AFN, to medium imprisonment up to three years.

3- If the value of the material is more than 5,000,000 AFN up to 10,000,000 AFN, to medium imprisonment more than three years.

4- If the value of the material is more than 10,000,000 AFN, to long imprisonment.

(2) The material set forth in paragraph (1) of this article shall be returned, and if it is unavailable, the perpetrator shall be sentenced to pay its price.

(3) If the illegal extraction causes destruction of the area of mine, oil and gas or destroys its infrastructure, the perpetrator in addition to the punishment set forth in this chapter, shall be sentenced to compensation of incurred loss.

Aggravating Circumstances
Article 789:

Illegal extraction from a mine is considered aggravating in one of the following circumstances and the perpetrator shall be sentenced to maximum punishment of the crime stated in this chapter.

(1) If the person illegally extracts from the mine using his/her duty, position or influence.

(2) If, despite the notice, or oral or written warning of the Ministry of Mines and Petroleum, the mines are illegally extracted.

Multiplicity of Crimes in Illegal Extraction of Mines
Article 790:

If the illegal extraction of mine is conducted based on bribe, fraud, counterfeiting of documents or misusing duty, position or influence, the perpetrator, in addition to the punishment of illegal mine extraction, shall be sentenced to punishment of the committed crime.

Lack of Information on Mine Discovery
Article 791:

If the mine is discovered under the land of its owner, or possessor and he/she does not notify the nearest local authority within ten days, he/she shall be sentenced to short imprisonment.

Construction of Building or facility on the approved Mining Area
Article 792:

(1) A person who constructs a building on an approved area of mining illegally or on an oil and gas field, he/she shall be sentenced to short imprisonment.

(2) A person who gives an illegal permission of constructing building or fixing installation for extraction of mine, oil or gas to another person in the area set out in paragraph (1) of this article, he/she shall be sentenced to maximum short imprisonment.

Construction of Building or Installation of Equipment
Article 793:

A person who illegally constructs a building or installs a mine extraction installation in the approved public area of mining, oil or gas fields, he/she shall be sentenced to medium imprisonment up to two years or a cash fine from 120,000 AFN up to 300,000 AFN.

Causing Damages to Mine
Article 794:

(1) A person who illegally conducts digging of exploration holes and trenches, drilling, sampling, digging exploration shafts or wells or similar operation in the approved area of mines or areas where there is a possibility of mines but have not been approved yet without permission of the relevant authorities, he/she shall be sentenced according to circumstances to short or medium imprisonment.

(2) A person who for the purpose of extracting mines, explodes or digs exploration shafts and holes in illegal, non-technical or unprofessional way in the approved area of mines or areas where there is a possibility of mines but have not been approved yet and it causes destruction of mines, he/she shall be sentenced to more than three years of medium imprisonment.

Chapter Five
Income Taxation's Crimes

Failure to Impose or Pay Withholding Tax
Article 795:

(1) A person who, without justification, fails to provide his/her financial statement in accordance with the provision of income tax law or until after the expiration of the extended period, shall be sentenced as following:

1- Natural person shall be sentenced to a cash fine of 10,000AFN.

2- Legal person shall be sentenced to a cash fine of 30,000AFN.

(2) A person who without justification, does not impose or pay the withholding tax in accordance with the applicable income tax law, based on the circumstances, shall be sentenced to cash fine of 10% of the obtainable withheld tax, or Alternative to incarceration or to both of the punishments.

(3) In one of the following conditions, the accountant shall be sentenced to cash fine of 20,000AFs or alternative to incarceration or both punishments.

1- After appointment as accountant, he/she does not notify the tax department in writing within 14 days.

2- Before he/she receives a notification of tax department about paying any kind of current and future payable taxes of taxpayer, he/she excludes the property of taxpayer from his/her control.

3- Not allocating or paying the income payable amount from the sale of property or assets of taxpayer that were sold for the purpose of paying the tax due.

(4) A person who does not comply with the notification of tax department issued to stop his/her activities, shall be punished as following:

1- Natural person shall be sentenced to cash fine of 10,000 AFN.

2- Legal person shall be sentenced to cash fine of 40,000 AFN.

(5) A person who intentionally does not protect and organize his/her tax documentations and records according to provisions of income tax law, shall be sentenced as following:

1- Natural person shall be sentenced to cash fine of 25,000 AFN or alternative to incarceration.

2- A legal person shall be sentenced to cash fine of 100,000 AFN.

(6) A person who does not provide the following facilities to tax officials or does not cooperate with them, natural person shall be sentenced to cash fine of 10,000 AFN and a legal person shall be sentence to cash fine of 40,000 AFN.

1- Free access to locations, assets, tax documents, records, computers and relevant equipment and all information about taxpayer.

2- Copies of documents and stored data of the computer.

3- Taking control of those tax documents and records that are necessary for the determination of taxpayer's due taxes or for all relevant activities in accordance with the income tax law.

(7) A person who intentionally uses wrong specification number in a tax declaration letter or any other document anticipated in income tax law or a document used for such purposes, he/she shall be sentenced as following:

1- Natural person shall be sentenced to cash fine of 25,000 AFN or alternative to incarceration.

2- Legal person shall be sentenced to cash fine of 100,000 AFN.

(8) A person who intentionally, without justification, does not comply with the following, a natural person shall be sentenced to cash fine of 5,000 AFN and legal person shall be sentenced to cash fine of 40,000 AFN.

1- Preparing of documents, records, and information or computer data he/she has in hand within the timeline of notification.

2- To be present at a certain time and location instructed through notification for the purpose of evaluating his/her or another's financial affairs.

(9) A person who intentionally presents false or misleading statements or removes a part of it shall be sentenced as following:

1- Natural person shall be sentenced to cash fine of 40.000 AFN or alternative to incarceration.

2- Legal person shall be sentenced to cash fine of 160,000 AFN.

(10) A person who discloses the confidential information of tax payer set forth in the income tax law shall be sentenced to cash fine of 100,000 AFN or short imprisonment up to one year.

Creating Obstacles for Tax Official
Article 796:

A person who intentionally obstructs legal duties of a tax official, shall be sentenced as follows:

(1) Natural person shall be sentenced to cash fine of 40,000 AFN or alternative to incarceration.

(2) Legal person shall be sentenced to cash fine of 160,000 AFN.

Receiving Refund by using Forged Documentations
Article 797:

If a tax payer receives a refund which he/she is not entitled to, by using forged documentations, he/she shall be punished in addition to punishment of forgery to cash fine equivalent of the received fund.

Aggravating Circumstances
Article 798:

Commission of the crimes set out in this chapter are deemed aggravating in the following conditions, and the perpetrator in addition to paying tax shall be sentenced to maximum of the prescribed punishment:

1- If the crime is committed by an organized criminal group;

2- If the amount of collectable tax is more than 1,000,000 AFN;

3- If the crime is committed repeatedly.

Condition for Legal Prosecution
Article 799:

Prosecution of the perpetrators stated in article 797 and 798 of this law is subject to written complaint of government tax department.

Chapter Six
Hoarding and its Punishment

Crime of Hoarding
Article 800:

(1) A person who conceals essential consumer public goods for the purpose of acquiring more benefits and raising its cost, or avoids selling or avoids its sale by others and his/her act results in shortage of these items and substantial increase of prices in the market, he/she has committed the crime of hoarding and shall be sentenced according to provisions of this chapter.

(2) In accordance to this article, essential public consumer goods are wheat, flour, rice, sugar, cooking oil, petroleum goods and liquid gas.

Selling of the hoarding goods
Article 801:

(1) Hoarding goods after it is received and determined by the High Commission for the Prohibition of Hoarding and after determining a fair price for it shall be delivered within maximum 48 hours to the market in the presence of the owner or his/her legal representative.

(2) Money which is acquired through selling hoarded goods contained in paragraph (1) of this Article, after deducting 50% from the proceeds shall be delivered to the government bank account and the other 50% shall be delivered to the owner of the goods or his/her legal representative.

(3) If the person repeats the above act, the entire proceeds acquired through selling hoarded goods shall be taken by the government.

Punishment of Hoarding
Article 802:

A person who commits hoarding in addition to confiscation of all hoarded material shall be sentenced to short imprisonment.

Crimes Considered as Hoarding
Article 803:

Commission of the following actions for the purpose of raising prices is considered hoarding and the perpetrator shall be sentenced to cash fine from 5,000 up to 30,000 AFN.

(1) Person who has retail trade and stores of essential public consumer goods in place(s) other than specified locations;

(2) Person who performs wholesale trade and does not deliver the essential consumer goods within maximum 10 days of notification by the government to deliver to the market.

Aggravating Circumstances of Hoarding Crime
Article 804:

1. A person who conceals essential consumer goods or for the purpose of damaging people's economy and avoids its delivery or prevents its delivery by others, shall be sentenced to medium imprisonment.

2. If the crime contained in paragraph (1) of this Article is committed by more than two persons, each of the perpetrators shall be sentenced to maximum of medium imprisonment.

3. For the purpose of this law, damaging people's economy is to put the citizens in critical economic conditions other than circumstances set forth in provisions of article 800 of this Law.

4. If the warehouse holder, teller or an assigned public official by misusing his/her duty, position or influence hoards or enables the ground for hoarding, shall be punished to the maximum of medium imprisonment.

Chapter Seven
Imitation of Signs and Printed Articles of Post

Crime of Imitation of Signs and Printed Articles of Post
Article 805:

The following persons shall be sentenced to cash fine of 5,000 up to 30,000 AFN:

(1) A person who imitates printed articles or postal samples which are similar to postal signs of post and telegraph offices of Afghanistan or that of the member states of the Universal Postal Union, and can be easily accepted as real.

(2) A person who propagates the printed articles or samples mentioned in the above paragraph in Afghanistan or deals in them or sells them or offers them for sale or keeps with him/her for the purpose of propagation or dealing or selling.

Imitation of Printed Articles Similar to Signs of Tax Tickets
Article 806:

The following persons shall be sentenced to a cash fine of 15,000 AFN up to 30,000 AFN:

(1) A person who imitates printed articles or samples which are apparently similar to the signs of tax tickets of Afghan tax offices or the tickets of Afghan Red Crescent Society, such as to be easily acceptable instead of real papers.

(2) A person who propagates the printed articles or samples mentioned in paragraph (1) of this article in Afghanistan or deals in them or sells them or offers them for sale or keeps with him/her for the purpose of propagating, dealing or selling.

(3) If a profit is made as a result of commission of the crimes mentioned in this chapter, the court shall order return of its equivalent.

Part Eleven
Environmental Crimes

Chapter One
Crimes against Environment and its Punishment

Environmental Crimes
Article 807:

(1) A person who spreads or disperses harmful or pollutant substances in the water, air or in the earth to the extent it changes the physical, chemical or biological condition of it and that change is harmful to humans, plants, or other living things or buildings, has committed a crime against environment and shall be sentenced to medium imprisonment.

(2) If the crime stated in paragraphs (1) of this article results in death or physical or mental damage to a person, the perpetrator in addition to long imprisonment shall be sentenced to punishment of the committed crime

Failure to Abide by the Conditions of License, Permit or Issued Permission
Article 808:

A person who fails to observe conditions of license, permit, official authorization or other administrative standards issued by National Environmental Protection Agency resulting in a negative impact on the environment shall be sentenced proportionate to incurred negative impacts to medium imprisonment up to three years or cash fine from 60,000AFN up to 180,000AFN.

Negligence of Public Official in Issuance of License or Permit
Article 809:

An official who negligently issues a license/permit, or an inspector or supervisor of environmental activities neglects his/her duty shall be sentenced to short imprisonment or a cash fine from 10,000 AFN – 60,000 AFN.

Lack of Observance of Provisions of Law
Article 810:

The following persons shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN:

(1) A person who intentionally does not observe the order on avoidance/observance of provisions of the National Environmental Protection law.

(2) A person who intentionally presents wrong or misleading explanations in response to a letter requesting necessary information in accordance with National Environmental Protection law or presents wrong or misleading explanations to receive permit which is issued according to provisions of the stated law.

(3) A person who intentionally prevents performance of authorities or legal performance of duties of the auditor.

Producing or Importing Low Quality Petroleum or Liquid Gas
Article 811:

A person who produces or imports low quality petroleum or liquid gas without taking into consideration the standards of the National Administration of Standards, in addition to having the low quality petroleum or liquid gas confiscated, shall be sentenced to short imprisonment.

Responsibilities of Legal Person
Article 812:

If the crimes stated in this chapter are committed by a legal person, in addition to confiscation of harmful or pollutant material the legal person shall be sentenced according to circumstances to cash fine from 100,000 AFN up to 1,000,000 AFN or temporary suspension of the operation or invalidation of business license.

Cutting Down Trees and Destruction of Green Area
Article 813:

If a person cuts down the trees or destroys a public green area shall be sentenced to cash fine from 5,000 AFN up to 10,000 AFN.

Pouring Poisonous or Infectious Substances in the Well or Reservoir
Article 814:

(1) A person who causes danger to life and property of people by intentionally pouring poisonous, infectious or other harmful substances into a well, reservoir, a general reservoir for use of public or other objects prepared for public use, shall be sentenced to grade two continued imprisonment.

(2) If crimes contained in paragraph (1) of this article causes death of people, the perpetrator shall be sentenced to death penalty.

(3) A person who accidently commits crimes contained in paragraph (1) of this article, shall be sentenced to medium imprisonment or cash fine from 60,000 AFN up to 120,000 AFN.

Contaminating Well or General Reservoir
Article 815:

A person who contaminates a well, a general reservoir or similar structures which results in decrease of its benefit shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN.

Breaking Pipe of Water or Supplies Specified for Water, Electricity or Gas
Article 816:

(1) A person who intentionally breaks or damages pipe of water or supplies specified for water, electricity or gas which causes interruption to public services, shall be sentenced to medium imprisonment up to two years or cash fine from 60,000 AFN up to 120,000 AFN.

(2) A person, who intentionally damages, destroys or harms fixed or portable health related installations or its available equipment shall be sentenced to medium imprisonment up to two years.

(3) A person who mistakenly commits one of the crimes contained in paragraph (1) of this article shall be sentenced to short imprisonment and cash fine of 5,000 AFN.

Spreading Dangerous Diseases
Article 817:

(1) A person, except in circumstances contained in articles 814 and 815, intentionally commits an action which causes spreading of dangerous disease, shall be sentenced according to circumstances to medium imprisonment up to three years or cash fine from 60,000 AFN up to 180,000 AFN.

(2) If commission of crime contained in paragraph (1) of this article causes death or permanent disability of a person, the perpetrator in addition to punishment contained in this article shall be sentenced to punishment of the committed crime.

Spreading a Dangerous Disease Mistakenly
Article 818:

(1) A person who mistakenly spreads dangerous disease shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN.

(2) If commission of crime contained in paragraph (1) of this article causes death or permanent disability to a person, the perpetrator in addition to punishment stated in this chapter shall be sentenced to punishment of committed crime.

Other Acts against Environment
Article 819:

The following persons shall be sentenced to cash fine from 5,000 AFN up to 10,000 AFN:

1- A person who throws waste in rivers, streams, or trench or in flowing water that is harmful to health.

2- A person who throws rotten materials, waste, garbage, tainted water or similar items in street, public ways, ground or public parks that is harmful for health.

3- A person who intentionally or due to negligence releases steam, smoke, tainted water or any other substance that damages or pollutes the environment.

4- A person who neglects hygiene or maintenance of a chimney, oven or any device that uses fire.

Chapter Two
Crimes Related to Forests and their Punishment

Usurpation or Buying and Selling of Governmental Forests
Article 820:

A person who usurps governmental forest, or purchases or sells an area of the governmental forest, besides returning the mentioned area and compensation of loss, shall be sentenced to the punishments determined for usurpation of land contained in this law.

Willful Usage of Forest
Article 821:

(1) A person who willfully uses governmental forests or its products, besides returning of products, shall be sentenced to cash fine of 5,000 up to 60,000.

(2) A person who illegally transports or processes the products of governmental forests, besides returning of products, under the circumstances, shall be sentenced to cash fine of 5,000 up to 60,000.

Prohibition of Using Industrial Wood as Fuel
Article 822:

A person who uses industrial woods of governmental forests as fuel or sells them, besides returning the woods, shall be sentenced to medium imprisonment.

Installing or Establishing Factory
Article 823:

A person who installs or establishes machinery without proper consent or authorization of the government within a non-permitted distance from forest, besides seizing the machinery shall be sentenced to medium imprisonment more than three years.

Transforming Forest into Cultivatable Land
Article 824:

A person, who willfully transforms a part of the governmental forest into cultivatable land, shall be sentenced to medium imprisonment.

Picking Pistachios and Nuts Prior to Harvest
Article 825:

A person who picks pistachio and nuts before the announcement of the Ministry of Agriculture, Irrigation and Livestock and prior to harvest, besides returning of collected products, shall be sentenced to short imprisonment.

Unlawful Usage of Hammer
Article 826:

A person who uses special hammers contrary to specifications and unprofessionally or in one way or other puts it at the disposal of another person or uses fake hammer shall be sentenced to short imprisonment.

Smuggling Forest Woods
Article 827:

A person who cuts the trees of the forest or smuggles forest wood abroad, the perpetrator in addition to confiscation of wood or paying its price and the cost of return to its original state shall be sentenced to medium imprisonment more than three years.

Destroying Watch Towers
Article 828:

A person who destroys watch towers, establishments, roads and other facilities of forests or damages them shall be sentenced to short imprisonment.

Using Trees of the Forests
Article 829:

(1) A person who contrary to the provisions of the relevant regulation, uses trees of forests for the purpose of making charcoal, besides returning of charcoal, shall be sentenced to short imprisonment.

(2) A person, who smuggles the charcoal stated in Paragraph (1) of this article abroad, in addition to confiscation of the charcoal, shall be sentenced to medium imprisonment.

Refusal of Paying Tax
Article 830:

A person who fails to pay tax for collecting forest products, besides paying the tax, shall be sentenced to cash fine of 5,000 to 30,000AFN.

Exploitation of Forest Contrary to the Plan
Article 831:

A person who exploits governmental forest contrary to the Plan of Maintenance and Protection of Forests and its Related Resources, shall be sentenced to cash fine from 5,000 AFN up to 60,000 AFN.

Prohibition of Grazing Animals Inside Forest
Article 832:

(1) Whenever a person grazes camels and goats inside governmental forest, shall be sentenced to cash fine of 5,000 AFN up to 10,000AFN.

(2) If the action contained in paragraph (1) of this article is committed repeatedly, the perpetrator shall be sentenced to cash fine of more than 10,000 AFN up to 30,000 AFN.

Touring in Forest
Article 833:

Whenever a person illegally tours in forest or films or takes photographs from the prohibited areas of forest or collects herbal or animals of the forest, besides returning of products, shall be sentenced to cash fine from 5,000 AFN up to 20,000 AFN.

Cutting Unsigned Trees
Article 834:

A person who cuts down a tree other than the one signed by professional persons for cutting, shall be sentenced to cash fine from 5,000 AFN up to 20,000 AFN.

Punishments for Importing Vegetable Products without Permission Letter:
Article 835:

1) A person, who imports vegetables, vegetable products and other regulated items contained in Law on Protection of Vegetables and Quarantine without obtaining permission letter, shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN.

2) If crime contained in paragraph (1) of this article is committed by a legal person, the perpetrator shall be sentenced to cash fine twice the value of the imported items.

Chapter Three
Crimes Related to Water and their Punishment

Punishment for Damaging Water Resources
Article 836:

(1) The following persons shall be sentenced to medium imprisonment up to two years or cash fine from 60,000 AFN up to 120,000 AFN:

1- A person who blocks, damages or changes water resources without permission of authorized officials or without justification.

2- A person who without proper justification damages, or removes measurement tools or signs set by the relevant authorities.

3- A person who changes water direction or without legal authority interferes in distribution of water.

(2) If the crime stated in Paragraph 1(1) of this article is committed by the use of explosive, the perpetrator shall be sentenced to maximum of medium imprisonment.

Punishment for Contaminating Water
Article 837:

A person who contaminates water in such a way which damages the health and safety of human beings and other creatures living in water or on land shall be sentenced to short imprisonment.

Illegal Drilling of Well or Sewer
Article 838:

(1) A person who without the permission of the related authority drills a deep well for the purpose of using it for business or an industry, shall be sentenced to short imprisonment.

(2) A person who without the permission of the related authority drills a sewer and it results in contaminating the water underneath the earth or in one way or other taints the drinking water, shall be sentenced to short imprisonment.

(3) If the crime contained in paragraph (2) of this article results in death of a person, in addition to the punishment contained in this article, the perpetrator shall also be sentenced to the punishment of the committed crime.

Misusing the Right to Get Water
Article 839:

(1) A person who by misusing the right to obtain water causes financial damages to another person, in addition to compensation of loss shall be sentenced to cash fine equivalent to the loss.

(2) A person who by misusing the right to obtain water threatens the lives, health or life style of people living downstream shall be sentenced to short imprisonment.

Protection and Maintenance of Dams
Article 840:

(1) The official in charge of protecting and preserving a state dam who neglects protection and maintenance and safety conditions of the dam shall be sentenced to medium imprisonment.

(2) The official in charge of protecting and preserving a private dam who neglects protection and maintenance and safety conditions of the dam shall be sentenced to short imprisonment.

(3) If the acts stated in paragraphs (1 and 2) of this article causes loss of life or property damage, the perpetrator shall be sentenced to maximum punishment of the committed crime.

Washout and Lapse of Land
Article 841:

If people use water in such a way that it damages the ecological system and leads to washouts and lapses of land and other harmful effects, shall be sentenced to medium imprisonment.

Harming Water Users by Changing Its Flow/Direction
Article 842:

The owners of the water resources development projects, who change the flow or direction of the water in such a way which damages the requirements of the users of water and relevant water ecosystems, shall be sentenced to short imprisonment.

Intentionally Damaging Establishments and Accessories Pertaining to Land
Article 843:

(1) A person who intentionally damages irrigation establishments, equipment and other accessories related to government, public or personal land, shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN

(2) If the crime stated in Paragraph (1) of this article is committed by the use of explosive, the perpetrator shall be sentenced to maximum of medium imprisonment.

Chapter Four
Crimes Related to Land Affairs

Lack of Notification of Changes and Movement of Land
Article 844:

(1) The owner or the tenant of the land who does not notify the Local Land Administration regarding changes in ownership, degree, area, or water rights within 10 days from the date of change shall be sentenced to cash fine of 5,000 AFN up to 30,000 AFN.

(2) If the owner or the tenant of the land whose land has increased due to flood or any other means and does not report this to the relevant administration shall be sentenced to cash fine of 10,000 AFN up to 60,000 AFN.

Unjust Expression of Opinion
Article 845:

If the members and other workers who are assigned to resolve disputed ownership make an unjust or illegal decision regarding a public or private piece of land, public pasture, private pasture or donated land shall be sentenced to maximum of medium imprisonment.

Absence of the Land Owner in the Place of Settlement
Article 846:

If the land owner, their heir or representative are not present in the meeting place for settlement until the end of work of the settlement officer, without any justifiable reason after notification, shall be sentenced to cash fine up to 50,000 AFN.

Intentional damage of the Establishments and Accessories Related to Land
Article 847:

A person who intentionally destroys dams, stream, canal or their premises or other systems of watering, equipment or other services related to governmental, public, or private land or public or private pasture in addition to compensation of loss shall be sentenced to cash fine equivalent to incurred damage.

Prevention in Implementation of Public Interest Projects
Article 848:

(1) A person who despite application of the provisions of Expropriation Law intentionally prevents the implementation of a public interest project, shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN.

(2) When property of a person is expropriated and another person unjustly pretends that he/she is a victim and includes him/her in the list of victims of losing property, and in case he or she receives a benefit or a privilege, in addition to compensation of the benefit or privilege shall be sentenced to short imprisonment. If he/she has not received a benefit or a privilege, shall be sentenced to 10,000 AFN up to 30,000 AFN.

(3) If the official of public services intentionally prevents the payment of the benefit or the determined privilege of an expropriated property or delays its payment beyond its deadline, shall be sentenced to short imprisonment or cash fine from 30,000 AFN up to 60,000 AFN.

Chapter Five
Crimes Related to Drowning, and Public "Marafeq" (Utilities)

Intentional Creation of Flood
Article 849:

(1) A person who deliberately creates a flood, or initiates one, whereby the life or goods of people are endangered, shall be sentenced to long imprisonment

(2) If commission of the crime stated in paragraph (1) of this article results in death or injury of the person, the perpetrator according to circumstances in addition to the punishments contained in this article shall be sentenced to the punishment of the committed crime. Provided that, the total period of imprisonment does not exceed 30 years.

(3) If the flood stated in Paragraph (1) of this article causes great material loss, the perpetrator shall be sentenced to long imprisonment of more than 10 years.

Unintentional Creation of Flood
Article 850:

(1) A person who creates a flood by mistake, which endangers the life or goods of people, shall be sentenced to medium imprisonment or cash fine of 60,000 AFN to 300,000 AFN.

(2) If the said flood stops public (utilities) "marafeq" or great loss is inflicted upon public goods, the perpetrator shall be sentenced to long imprisonment up to seven years.

(3) If commission of the crime mentioned in paragraph (1) of this article results in the loss of human life, the perpetrator shall be sentenced to long imprisonment up to ten years.

Part Twelve
Cybercrimes, Crimes related to Travel and Residential Documents, Public Health Crimes, Agriculture and Animals related Crimes, Miscellaneous Crimes and Final Provisions

Chapter One
Cyber Crimes and Punishment

Cyber Crimes Punishment:
Article 851:

(1) Cybercrimes are crimes committed through modern information technology and electronic communications or internet in cyberspace;

(2) Cyberspace refers to the virtual or intangible space created as a result of connection through computer networks or internet ;

(3) The perpetrator of cybercrimes shall be punished according to the provisions of this chapter.

Unauthorized Access to a Computer System, Program or Data:
Article 852:

(1) A person who accesses a computer or a program or data of a computer system of someone else without authorization, shall be sentenced to short imprisonment.

(2) A person who inflicts physical, nonphysical or financial damage to another person through commission of crime contained in paragraph (1) of this article, in addition to punishment stated in paragraph (1) of this article, shall be sentenced to punishment of the committed crime.

Unauthorized Changes to a Computer System, Program or Data
Article 853:

(1) A person who permanently or temporarily commits one of the following actions related to a computer system, program or data without authorization, shall be sentenced to medium imprisonment or cash fine from 60,000 AFN – 300,000 AFN:

1- Altering, prohibiting or interrupting the functionality of a computer system;

2- Manufacturing, changing, modifying or damaging a system, program or computer data;

3- Making a computer system, program or data inaccessible, useless, unworkable, unusable or inactive;

4- Preventing authorized access to a computer system, program or data;

5- Changing or modifying security system of a computer program or data;

6- Loading or spreading virus in a program, data or computer system;

7- Unauthorized hacking of the network connection traffic.

Unauthorized Destruction of Computer System, Program or Data
Article 854:

(1) A person who damages, deletes or neutralizes a computer system, program or data of someone else without authorization and cause physical or nonphysical loss, considering the inflicted loss, shall be sentenced to medium imprisonment or cash fine from 60,000 AFN to 300,000 AFN.

(2) If crime contained in Paragraph (1) of this article is committed related to a government computer system, program or data or causes damages of more than 100,000,000 AFN, the perpetrator shall be sentenced to long imprisonment up to 10 years.

(3) If commission of crime contained in paragraphs (1 and 2) of this article causes damage to airways, highway networks, transportation or power plants or another sensitive installation, or causes serious loss to them, or damages properties or persons, the perpetrator shall be sentenced to long imprisonment. If the mentioned crime caused death to another person, the perpetrator shall be sentenced to grade one continued imprisonment.

Disclosure of Access Code
Article 855:

(1) A person who discloses the password, access code or other means of access of a program or computer system or data without authorization shall be sentenced to cash fine equal to twice the benefit gained or loss inflicted.

(2) If the crime contained in paragraph (1) of this article is committed related to government computer system, program or data, the perpetrator shall be sentenced to medium imprisonment or cash fine from 60,000AFN to 300,000 AFN.

Unauthorized Hijacking
Article 856:

(1) A person who for the purpose of gaining benefit for himself or another or causing loss to another person, carries out one of the following acts using technical instruments, has committed unauthorized hijacking and shall be sentenced to medium imprisonment or cash fine from 60,000 AFN to 300,000 AFN:

1- Preventing data transmission from one computer system to another or data transmission from one location to another in the same computer network

2- Preventing the electromagnetic transmission from a computer that transfers data contained in Subparagraph 1 of Paragraph 1 of this article.

(2) A person who commits the crime contained in Paragraph 1 of this article through deception, fraud or other similar means in order to gain benefit for himself/herself or another person or inflicting loss to another person, shall be sentenced to the maximum of medium imprisonment.

Creating, Supplying or Obtaining Software/Hardware for Use in a Crime
Article 857:

A person who produces, imports, maintains, provides, distributes, disseminates, purchases or sells or obtains with intention to supply without authorization one of the following, shall be sentenced to medium imprisonment or cash fine from 60,000 to 300,000 AFN:

1- A hardware/software program for the purpose of committing one of the crimes contained in this chapter;

2- A password, access code or similar information by which all of or part of the computer system can be accessed.

Electronic Forgery:
Article 858:

A person who produces, modifies, changes, deletes or neutralizes a computer original setting through forgery, shall be sentenced to medium imprisonment or cash fine from 60,000 AFN to 300,000 AFN.

Electronic Deception
Article 859:

A person who commits one of the following acts through deception for the purpose of gaining benefit for himself/herself or for other person or inflicting loss to other persons shall be sentenced to medium imprisonment or cash fine from 60,000 AFN to 300,000 AFN:

1- Accesses a computer system, program or computer data;

2- Entering, modifying, changing, deleting, or producing computer program or data;

3- Interfering, preventing, disrupting or blocking the function of a computer system;

4- Copying, transferring or sending data or program to a computer system, database or system except for the system original operating system, or sending data or program to another location in the same computer system, database or system;

5- Using data or program or transferring data or program from a computer original setting.

Cyber Theft
Article 860:

A person who commits the crime of cyber theft by using a computer system or electronic system shall in accordance with the circumstances and considering the value of the property be sentenced to medium imprisonment or long imprisonment.

Prohibited Information Technology
Article 861:

(1) When a person imports or possesses or facilitates prohibited electronic tools and equipment or information technology, in addition to cash fine included in the Law on Regulation of Telecommunications Services shall be sentenced to medium imprisonment.

(2) When in circumstances included in paragraph (1) of this Article, the prohibited information technology has been used in the commission of crimes against internal or external security, both possessor and supplier, shall be sentenced to long imprisonment not less than ten years.

Internet Theft:
Article 862:

(1) A person who steals internet services of another, shall be sentenced to cash fine equal to twofold of the value of stolen internet services.

(2) If crime contained in paragraph (1) of this article is committed by organized criminals the perpetrator(s) shall be sentenced to short imprisonment.

Cyber Terrorism
Article 863:

A person who commits terrorist crimes contained in this law through a computer system or online shall be sentenced to punishments for terrorist crimes contained in this law.

Cyber Spying:
Article 864:

(1) A person who illegally commits one of the following actions to a computer system, program or data which contains confidential information, shall be sentenced to punishment of spying or national treason stated in this law:

1- Accessing confidential data during transfer or database in a computer or telecommunication or data transfer system;

2- Making confidential data accessible through transfer of data or access to physical data in a computer or telecommunication or data transformation system;

3- Disclosure of confidential data or make it accessible during transfer or disclosing saved data in a computer or telecommunication or data transfer system to a state, an organization, a company or a foreign group or their operators;

(2) For the purpose of paragraph (1) of this article, confidential data is the data which is about national sovereignty, territorial integrity or national security and they are considered state secrets under the chapter of espionage and national treason in this law or any other legislation.

Cyber War:
Article 865:

A person who is the representative of state or a non-governmental organized group, commits cyber-attacks for the purpose of damaging the Islamic Republic of Afghanistan relations with other states, interferes with public order or causes harm to lives or property of others and meets the armed conflict conditions,[1] shall be considered as perpetrator of cyber war; and punished based on provisions contained in chapter related to Crimes against Internal and External Security of this law.

Disclosure of Information and Misuse of Identity
Article 866:

(1) A person who without legal permission, and in order to cause harm discloses the identity information of another person to which he/she has access, or has obtained it by other means and discloses it in cyberspace with malicious intent, shall be sentenced to short imprisonment.

(2) A person who intentionally uses the information contained in Paragraph (1) of this article for the purpose of committing felony or misdemeanor shall be sentenced to the punishment for the committed crime or medium imprisonment, whichever has the higher punishment.

Crimes against Chastity and Public Ethics:
Article 867:

(1) A person who produces, sends, disseminates, distributes, publishes, sells or offers to sell immoral and un-Islamic materials using a computer or communication system or keeps or saves them for the purpose of sending, broadcasting, trading or producing the materials, he/she shall be sentenced to medium imprisonment up to two years or

[1] Translator Note: "and meets the armed conflict conditions" is translated literally.

cash fine from 5,000 AFN to 60,000 AFN. Scientific usage is exempted from this provision.

(2) For the purpose of paragraph (1) of this article, immoral materials includes pictures, hard or soft sounds and text which portrays a fully naked women or man or their sexual organs

Disclosing Personal Secrets:
Article 868:

(1) **A** person who broadcasts in cyberspace private or family films, pictures and sounds of another without his/her consent or knowledge using computer or communication system or makes it accessible to others, and it causes physical or intangible harm or damage to his/her reputation, the perpetrator shall be sentenced to medium imprisonment up to two years or cash fine from 60,000 AFN to 120,000AFN.

(2) A person who changes, distorts or broadcasts personal film, sound or picture of another or knowingly disseminates the changed or distorted film, sound or picture of another person using a computer or communication system in a way which causes harm to his/her reputation, shall be sentenced to medium imprisonment of more than three years or cash fine from 60,000 AFN to 180,000 AFN.

(3) Legal proceedings of crimes contained in paragraphs (1 and 2) of this article shall be subject to the complaint of the victim.

Cyber Blackmail:
Article 869:

(1) A person who obtains a private film, sound or picture of another person using computer system, program or data in cyberspace and threatens to broadcast it in the cyberspace for the purpose of obtaining benefit, shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN or to both punishment.

(2) If crime contained in Paragraph (1) of this article causes serious physical or intangible harm to another, the perpetrator shall be sentenced to medium imprisonment.

Prejudicial Activities in the Cyberspace:
Article 870:

(1) A person who spreads ethnic, religious, linguistic or regional prejudices through cyberspace using a computer or any other electronic means by publishing sound, picture or writing, shall be sentenced to short imprisonment.

(2) If crime contained in paragraph (1) of this article causes violence, disgust or riot among citizens of the country, the perpetrator shall be sentenced to medium imprisonment.

Insult to Religions or Islamic Religious Sects:
Article 871:

A person who insults religions or Islamic religious sects of the country online using a computer system, program or data shall be sentenced to medium imprisonment according to circumstances.

Cyber Gambling:
Article 872:

(1) A person who commits crime of online gambling in cyberspace, in addition to seizure of obtained benefit, shall be sentenced to punishment prescribed for gambling in this law.

(2) A person who commits crime contained in paragraph (1) of this Article for the purpose of money laundering, in addition to punishment contained in paragraph (1) of this article, shall be sentenced to prescribed punishment for money laundering in this law.

Exchanging Criminal Information:
Article 873:

A person who illegally presents information to principle offender or accomplice for the purpose of commission of crime through cyberspace, shall be deemed as accessary of the crime.

Pornography
Article 874:

(1) A person who commits one of the below acts has committed the crime of pornography and shall be sentenced to medium imprisonment up to two years or cash fine from 60,000 AFN to 120,000 AFN:

1- Producing pornography for oneself or others or for the purpose of publishing it in cyberspace;

2- Presenting or providing pornography through cyberspace;

3- Broadcasting or disseminating pornography in cyberspace

4- Keeping pornography in a computer system or in a hard drive.

(2) For the purpose of Paragraph (1) of this article, pornography is pornographic[1] display of the following person or thing:

1- A person in a state of open sexual act;

2- Real photos displaying a person in an open sexual act.

(3) For the purpose of paragraph (1) of this article, publishing refers to distributing, broadcasting, presenting, displaying, exchanging, buying, selling, supplying for selling or distributing by any other way;

(4) If the purpose of distributing or broadcasting pornography is to convince a child to engage in a sexual act, the perpetrator shall be sentenced to the maximum punishments set forth in this Article.

(5) If crime contained in paragraph (1) of this article is committed for the purpose of medical or scientific investigation or based on provision of the law, shall not be prosecuted.

Crimes Related to the Rights of Intellectual Properties:
Article 875:

A person who commits the crimes stated in chapter on violation of intellectual property rights of this law through entering, modifying, deleting, or manufacturing the program or data or usage of computer, computer system or online or electronic system, he/she shall be sentenced to short imprisonment or cash fine from 30,000 AFN to 60,000 AFN.

Aggravating Circumstances
Article 876:

Commission of the crimes contained in this chapter shall be deemed aggravating in one of the below circumstances and the perpetrator shall be sentenced to maximum punishment of the committed crime:

1- When the crime has been committed using influence or authority or position or standing;

2- When the crime has been committed for the purpose of exercising influence over the public official;

3- When the crime has been committed by destroying the security measures related to the computer system, program or data;

[1] Translator Note: In the original Dari, the word "pornographic" is used as part of the definition of pornography

4- When the crime causes financial loss more than 1,000,000 AFN or as a result thereto, the perpetrator obtained more than 1,000,000 AFN benefit.

Illegal Usage of SIM card

Article 877:

(1) If an official of Telecommunication Company or any other person illegally distributes the SIM card, he/she shall be sentenced to medium imprisonment up to two years.

(2) If a person delivers for sale a non-registered SIM card or card registered in the name of another person shall be sentenced to punishment of paragraph (1) of this article.

Commission of Crime by a Legal Person:
Article 878:

If a crime stated in this chapter is committed by a legal person in addition to punishment of the natural person, the legal person according to circumstances shall be sentenced to twofold of maximum cash fine stated in this chapter and one of the following punishments:

1- If the maximum of punishment for the committed crime is up to five years imprisonment, the legal person shall be sentenced to temporary suspension of activity from one month to one year and in case of recidivism, from one year to three years.

2- If the maximum punishment of the committed crime is more than five years imprisonment, the legal person shall be sentenced to temporary suspension of the activity from one year to three years and in case of recidivism, from three years to five years.

Exemption from Prosecution of Cybercrimes:
Article 879:

(1) A person who criticizes the state or other organizations and persons through writings, speaking or pictures or any other instruments in cyberspace observing the provisions of Mass Media Law and other laws, shall not be prosecuted.

(2) If the purpose of disclosing secrets or information contained in this chapter is informing about commission of felony or misdemeanor or to prevent its commission or the owner of the secrets has permitted its disclosure or the purpose of disclosure is to ensure public interest, the perpetrator shall not be prosecuted.

Chapter Two
Crimes related to Travel and Residence and their Punishment

Traveling across Borders
Article 880:

(1) A foreign citizen who travels across borders of the country without holding passport, visa or travel documents, in addition to short imprisonment or cash fine from 20,000 to 60,000 AFN shall be sentenced to expulsion from the country.

(2) If the person stated in paragraph (1) of this article, travels across border in cooperation with other persons for the purpose of joining insurgent groups or performing terrorist activities, the foreign citizen and persons who helped him/her shall be sentenced to punishment anticipated in paragraph (4) of article 277.

Punishments for Using Illegal Passport
Article 881:

(1) The following persons shall be sentenced to short imprisonment:

1- A person who knowingly and intentionally, for the purpose of acquiring passport or travel document for himself/herself or another person provides unreal documents and instruments to relevant authorities or enters such information in passport application form or conceals real information;

2- A person who uses the passport or travel documents related to another person with an aim to enter or exit the country;

3- A person who uses an invalid passport or travel document;

4- A person who provides his/her passport or travel document to another person or authority for unauthorized use;

5- A person who sells his/her passport;

6- A person who in violation of provisions of the law keeps blank passport or travel document.

(2) A person who distributes or sells a passport or a travel document to a foreign citizen shall be sentenced to long imprisonment not less than seven years.

Acquiring Passport by means of Fraud or Threat
Article 882:

A person who obtains a passport or travel document by means of fraud or threat, shall be sentenced to medium imprisonment up to two years.

Causing Harm to Computer Systems
Article 883:

The following persons shall be sentenced to medium imprisonment in one of the following circumstances:

1- A person who intentionally harms computer system, program or date or to the hardware related to issuance of passport;

2- A person who provides the software for issuance of passport or a digital copy of the database to another person.

Unlawful Issuance of Passport and Cooperation in Travel
Article 884:

(1) A person who commits any of the following acts shall be sentenced to short imprisonment or cash fine from 30,000 AFN - 60,000 AFN or both:

1- To knowingly issue a passport or travel document contrary to the provisions of the law;

2- To prepare the ground for unauthorized travel of nationals and internationals or to cooperate with them.

(2) A person who provides his/her own or another's *Tazkira*, passport, traveling document or visa to a person or to a terrorist organization for the purpose of terrorist crimes or sells this document shall be punished according to provisions of paragraph (4) of article 277 of this law.

Misuse of Official Power
Article 885:

The in charge person for issuance of passports who misuses his/her authority stipulated in the law with an aim to acquire material or intellectual profit for him/herself or another person, shall be sentenced to medium imprisonment or cash fine from 60,000 - 300,000 AFN.

Chapter Three
Crimes Related to Public Health and its Punishment

Production or Importation of Counterfeit or Non-standard Medicine
Article 886:

(1) A person who produces, imports, purchases, sells, supplies, demands, transports, or possesses non-standard or counterfeit medicine, in addition to seizure and destruction of the medicine shall be sentenced to medium imprisonment up to three years.

(2) If the crime contained in Paragraph (1) of this article is committed by a legal person, in addition to punishing the principle offender, seizure and destruction of medicine, the legal person according to circumstances shall be sentenced to cash fine of 20,000 AFN – 200,000 AFN or invalidation of work permit.

Misuse of Expired Medicine
Article 887:

(1) A person who imports, possesses, supplies, demands, buys, sells or transports expired medicine, in addition to seizure and destruction of the medicine, shall be sentenced to cash fine twofold the value of the seized medicine.

(2) If the crime contained in Paragraph (1) of this article is committed by a legal person, in addition to punishing the principle offender and seizure and destruction of medicine, the legal person shall be sentenced to cash fine fourfold the value of seized medicine or invalidation of work permit.

(3) If commission of crimes stated in article 886 and paragraphs (1 and 2) of this law cause damage to the person's health, the perpetrator in addition to punishment of the committed crime shall be sentenced to treatment expenses of the victim.

Refusal of Medical Official to Provide Treatment
Article 888:

(1) In case a medical institution or official while performing his/her duty refuses to treat a patient resulting in physical or mental loss, the perpetrator in addition to paying compensation shall be sentenced to the punishment of the committed crime set forth in this law.

(2) In case a medical institution or relevant official upon need, refuses to cooperate with forensic medicine expert, shall be sentenced to cash fine from 5,000 to 15,000 AFN.

Incautiousness, Carelessness, or failure to Observe Medical Regulations by Medical Official
Article 889:

In case a medical official while treating a patient based on negligence, carelessness, or failure to follow medical regulations, commits a mistake resulting in physical or mental loss to the patient, shall be sentenced to commission of unintentional crime stated in this law.

Import, Process and Distribution of Poisonous and Harmful Substances
Article 890:

A person who imports, exports, processes, produces, purchases, sells, keeps, supplies transfers or distributes an animal or animal product, biological substance or other

controllable substances contaminated with infectious organism or poisonous or harmful material or prepares the ground for the said activities, shall be sentenced to cash fine from 20,000 to 30,000 AFN.

Transmission of Diseases to Others
Article 891:

(1) A person who commits or refuses one of the following activities which leads to transmission of diseases to others , shall be sentenced to short imprisonment:

1- Failure to create a tracking system;

2- Failure to observe hygiene in food stuff;

3- Failure to observe rules, procedures and standards;

4- Failure to observe safety measures for food stuff;

5- Failure to observe warning;

6- Production, preparation, import, store, export, distribution and sale of unhealthy food stuff;

7- Purchase of unhealthy food stuff for the purpose of resale;

8- Broadcasting a fraudulent and misleading advertisement;

9- Unlawful activity.

(2) When commission of crimes stated in paragraph (1) of this Article causes death, the perpetrator shall be sentenced to long imprisonment.

(3) A person who produces, imports, exports, distributes, sells unlawful (haram) food stuff or purchases it for the purpose of selling, shall be sentenced to maximum punishment of medium imprisonment.

Negligence and Violation of Duty Principles
Article 892:

When a veterinarian while performing duty, neglects or makes omission and causes harm to animals under their medication as a result of negligence, shall be sentenced to cash fine of 5,000 AFN – 10,000 AFN.

Chapter Four
Crimes Related to Agriculture and Animals

Punishments of Crimes Related to Cultivable Seeds
Article 893:

A person who commits one of the following acts shall be sentenced to cash fine from 20,000 AFN to 30,000 AFN or equal to incurred loss or any punishment which is more serious:

1- Selling of the verified cultivable seeds, without package contrary to specifications of law provisions.

2- Using the name or description of verified cultivable seeds in order to sell the seeds that are not included in the list of verified cultivable seeds according to the law.

3- Issuing cultivable seeds without having work permit or selling them illegally.

4- Failure to submit the cultivable seeds for the purpose of evaluating and testing or fraud in the sampling of the seeds against the provision of law or paving the ground for it.

5- Exchanging, destroying or creating descriptions, signs, certificate, receipt or other official documents against the provisions of law.

6- Impeding the legal duties and works of professional workers of the verified cultivable seeds as per the provisions of the relevant law.

7- Failure to provide information or providing false and misleading information to the professional workers involved with cultivable seeds.

Usage of Low Quality herbicides and Insecticides
Article 894:

(1) A person who produces, imports, possesses, supplies, demands, buys, sells, transports or uses the low quality or expired herbicides and insecticides, in addition to seizure and destruction of the insecticides and herbicides shall be sentenced to cash fine from 10,000 AFN to 30,000 AFN.

(2) If the crime contained in Paragraph (1) of this article is committed by a legal person, in addition to punishing the principle offender and seizure and destruction of the low quality or expired insecticides or fertilizer, the legal person according to circumstances shall be sentenced to equivalent cash fine or invalidation of work permit.

Usage of Low Quality Fertilizer
Article 895:

(3) A person who produces, imports, possesses, supplies, demands, buys, sells, transports or uses low quality or expired fertilizer, in addition to seizure and destruction of the low quality or expired fertilizer shall be sentenced to cash fine equivalent to value of seized or destroyed fertilizer stated in this paragraph.

(4) If the crime contained in Paragraph (1) of this article is committed by a legal person, in addition to punishing the principle offender and seizure and destruction of the low quality or expired fertilizer, the legal person according to circumstances shall be sentenced to cash fine twofold of the amount stated in paragraph (1) of this article or invalidation of work permit.

Use of Poison Substance
Article 896:

The following persons shall be sentenced to alternative to incarceration or cash fine from 5,000 to 30,000 AFN:

1- A person who poisons fish in the river, stream, lake or pool or uses mass destruction means such as explosives, chemicals, generators or other means of killing for the purpose of catching them.

2- A person who kills or damages silk worm, collection of honey bees owned by another.

Violations related to Land, Property and Animals
Article 897:

The following persons shall be sentenced to cash fine from 5,000 to 10,000 AFN:

1- A person who without permission walks or moves on land prepared for agriculture or in a newly cultivated land or cultivated land close to harvest of others with or without his/her animal.

2- A person who without permission grazes his/her herd or other animals over the land or garden of others or leaves them there to graze.

3- A person who throws stone or other hard substances or garbage into the vehicle or home or building or garden or surroundings of others.

4- A person who pours/places items in the stream, drain or other water channels interrupting swimming or narrowing flow of water.

Slaughtering or Injuring an Animal
Article 898:

A person who unintentionally kills or injures the animal of another, shall be sentenced to cash fine of 5,000 AFN.

Torture or Mutilation of Domestic Animals
Article 899:

(1) A person shall be sentenced to cash fine from 5,000 to 10,000 AFN in one of the following circumstances:

1- In case he/she mercilessly tortures or mutilates the domestic animal or mistreats it by other means.

2- In case he/she overloads a riding or load-carrying animal or uses a sick, injured or disabled animal which lacks the ability to work.

Forcing Animals and Birds to Fight
Article 900:

A person who forces animals to fight such as dog, ram, camel or birds such as rooster, partridge or quail shall be sentenced to cash fine 10,000 AFN.

Chapter Five
Crimes and Punishment Related to Registration of Population

Crimes Related to Registration of Population
Article 901:

(1) A person who commits one of the following acts, shall be sentenced to medium imprisonment more than three years.

1- Attempt to obtain multiple citizenship cards by changing the registered contents;

2- Misusing the citizenship card for one's own or others' benefit;

3- Intentionally breaking or damaging citizenship card;

(2) A population registration officer who prepares and issues *Tazkira* to a foreign citizen before he/she has obtained Afghanistan citizenship, shall be sentenced to maximum punishment of forgery.

Providing False Information and Employment of a person without having Citizenship Card
Article 902:

A person who commits any of the following acts shall be sentenced to short imprisonment:

1- Employing a person without a citizenship card;

2- Intentionally presenting false information in individual and family forms;

3- Intentionally presenting false information in regards to birth dates, death dates, marriage and dissolving marriage.

Chapter Six
Obscenities

Interruption in Public Route:
Article 903:

The following persons shall be sentenced to cash fine from 5,000 to 10,000 AFN:

1- A person who causes inconvenience in public routes contrary to traffic regulations by stopping or parking vehicles, whether animal driven or otherwise, unless stopping or parking is for the purpose of loading, unloading, picking up or dropping off the passengers, and it is accomplished within a reasonable time span.

2- A person who creates obstacle on a bridge located over water without providing any other means of passage.

Making Disturbance in Public Places:
Article 904:

The following persons shall be sentenced to cash fine of 5,000 AFN:

1- A person who causes annoyance for people on public places by riding animals or driving vehicles carelessly.

2- A person who drives between sunset to sunrise in public ways or places without turning on the lights of the vehicle.

Commission of Acts against Public Ethics
Article 905:

The following persons shall be sentenced to cash fine of 5,000 AFN:

1- A person who peeps in people's houses and other places in bad faith.

2- A person who takes bath in public while he is naked or appears naked in public.

Failure to Register Identity of Passengers in Guest Houses or Hotels: Article 906:

A person who is responsible to register guests in a hotel or guest house or lodging house or single rooms prepared for the purpose of overnight stay and does not register their identities or neglects in registering them, shall be sentenced to cash fine of 5,000 to 10,000 AFN.

Lack of Submission of Found Goods: Article 907:

A person who finds lost goods of value over 1000 AFN, or documents, and without valid excuse does not inform within a week to the nearby police station or to its owner, shall be sentenced to cash fine of 5000 AFN in addition to the return of the property.

Crowding the Public Route Article 908:

A person who crowds a public route without necessity or without authorization through digging a hole or putting objects on the way or by any other means and it causes trouble for people and thus crowds the routes, shall be sentenced to cash fine from 5,000 AFN up to 10,000 AFN.

Disturbance to Pedestrians Article 909:

The following persons shall be sentenced to cash fine of up to 5000 AFN:

1- A person who throws objects on public routes without necessary precautions causing inconvenience to travelers, or hangs objects which may cause inconvenience or distress in case they fall down.

2- A person who, without necessary precautions, throws solid, liquid, or gaseous substance on another person, even though as a result no harm is inflicted upon the latter.

Burial of Dead Bodies in Unauthorized Places Article 910:

A person who buries dead body of human beings in unauthorized places, shall be sentenced to cash fine from 5,000 to 10,000 AFN.

Chapter Seven
Final Provisions

Exploitation of Workforce:
Article 911:

A person who through fraud or deceit, exploits or sells the work force of others or in any other way deals on workforce of others, shall be sentenced to medium imprisonment.

Negligence in Demolishing or Reconstructing a Building which is about to Collapse
Article 912:

(1) A person who neglects or refuses to comply with orders of concerned authorities regarding reconstructing or demolishing a building which is about to collapse shall be sentenced to cash fine of 5,000 AFN.

(2) If as a result of negligence contained in paragraph (1) of this article, harm is inflicted, the perpetrator, in addition to punishment contained in this article shall be sentenced to punishment for the committed crime.

Setting Fire in Public Places:
Article 913:

The below persons shall be sentenced to cash fine of 5,000 AFN:

1. A person who sets fire without authorization of related authority in a place which causes fear of arson, death or harm.

2. A person who uses firearms, gunpowder, or any other explosives within the city or village.

3. A person who intentionally causes disturbance by using horn, noise or irritating sounds.

4. A person who releases a madman in public routs who causes fear for the people.

5. A person who does not take precautionary measure regarding the animal under his/her possession or the animal he/she is responsible for.

Earning Money through Sorcery and other related Acts
Article 914:

A person who carries out the acts of palmistry, sorcery, fortunetelling, prediction, exorcism, soothsaying, opening the fortune and writing talisman and other similar acts or allocates a place for mentioned activities for the purpose of earning money or

acquiring property or benefit from the people, shall be sentenced to cash fine from 10,000 AFN – 30,000 AFN.

Selling Haram (Taboo) Animals' Meat
Article 915:

A person who for the purpose of selling, slaughters, keeps, delivers or buys the meat of Haram animals shall be sentenced to medium imprisonment.

Enforcement:
Article 916:

(1) This code shall come into force after nine months of its publication in the official gazette.

(2) By enforcement of this law, provisions contained in the following legislative documents shall be abolished:

1- Penal Code published in official gazette # (347), 1355;

2- Appendix number (1) of Penal Code published in official gazette # (391), 1356;

3- Appendix number (2) of Penal Code published in official gazette # (498), 1360;

4- Provisions included in Article 27 and Articles 61 to 78 of Road Traffic Law published in Official Gazette no. 484 of the year 1360.

5- Appendix number 3 of the Penal Code published in the official gazette no. 574 of the year 1362.

6- The law on internal and external security published in official gazette no. 649 of the year 1366.

7- The law on limiting the verdict of execution in Islamic Republic of Afghanistan published in official gazette no. 763 of the year 1370.

8- Legislative decree no. 337 dated 1/11/1373 of the President of Afghanistan on disobedience crime published in official gazette no. 773 of the year 1374.

9- The law on blocking traffic published in official gazette no. 793 of the year 1421.

10- Paragraph 3 of Article 18 of the law on grazing published in official gazette 795 of the year 1421 of lunar year.

11- Articles 49 to 58 and article 60 of De Afghanistan Bank law published in official gazette no. 819 of the year 1382.

12- Article 74 to 80 of the law on preservation of historical and cultural heritages of Afghanistan published in official gazette no. 828 of year 1383

13- Paragraph 1 of Article 4, paragraph 1 of Article 5, Articles 6, 35 and 39 of the law on addressing violations related to children published in official gazette no. 846 of the year 1384.

14- Article 70 of the law on environmental protection published in official gazette no. 912 of the year 1385.

15- Article 8 to 20 of the law on combating against terrorism published in official gazette no. 952 of the year 1387.

16- Article 35 of the law on water published in official gazette no. 980 of the year 1388.

17- Article 25 of the law on cultivable seeds published in official gazette no. 1005 of the year 1388.

18- Article 41 to 64 of the law on combating against intoxicants and drugs and their control published in official gazette no. 1025 of the year 1389.

19- Article 23 to 40 of the law on regulating affairs related of forests published in official gazette no. 1087 of the year 1391

20- Article 23 of the law on statistics published in official gazette no. 1110 of year 1392

21- Article 205 of Criminal Procedure code published in official gazette no. 1132 of the year 1393

22- Article 39, 50 to 54 of the law on money laundering and its proceeds published in official gazette no. 1142 of the year 1393

23- Paragraph 1 of Article 3, Article 4, 20 to 24 of the law on preventing financing terrorism published in official gazette 1146 of the year 1393

24- Law on Prohibition of Children Recruitment in Military Bases published in official gazette # (1146), 1393;

25- Article 55 of the law on atomic energy published in official gazette 1182 of the year 1394;

26- Article 45 to 47 of the law on regulating affairs related to taxations published in official gazette 1198 of the year 1394;

27- Amendment of sub - paragraph (2) of paragraph 1 of Article 50, sub-paragraph 1 of paragraph (1 and 3) and paragraph (4 and 6) of Article 51 and paragraph 1 of Article 52 of the law on money laundering and its proceeds published in official gazette no. 1210 of the year 1395.

28- Article 99 of the Election law published in official gazette no. 1226 of the year 1395

29- Article 31 of the law on the rights of writer, author, artist and researcher published in official gazette no. 1230 of the year 1395

30- Article 192 – 194 of customs law published in the official gazette (1235) of 1395

31- Articles 10 to 21 and paragraphs (2 and 3) of Article 22 of the law on combating human and migrants trafficking published in official gazette 1244 of the year 1395

32- Appendix 4 of Penal Code published in official gazette (1244) of the year 1395

33- Appendix 5 of Penal Code published in official gazette 347 of the year 1355 on abduction crime published in official gazette 1244 of the year 1395

34- Article 96, 97, 98, 99, 100, 101 and 104 of the law on regulation of land related affairs published in official gazette (1254) of the year 1396;

35- Criminal provisions of other laws, which are contrary to provisions contained in this law.

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