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## LAWS AND REGULATIONS

### PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances,  
the Secretary-General has the honour to communicate the following legislative text / texts*

### AFGHANISTAN

Communicated by the Government of the Islamic Republic of Afghanistan

#### NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

### COUNTER NARCOTICS LAW 2005

\* Note by the Secretariat: The present document is a direct reproduction of the texts communicated to the Secretariat

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## **COUNTER NARCOTICS LAW**

17 December 2005

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1: Basis**

This Law is enacted pursuant to Article 7 of the Constitution of Afghanistan in order to prevent the cultivation of opium poppy, cannabis plants, and coca bush, and the trafficking of narcotic drugs, and to control psychotropic substances, chemical precursors, and equipment used in manufacturing, producing, or processing of narcotic drugs and psychotropic substances.

#### **Article 2: Objectives**

The objectives of this Law are:

1. To prevent the cultivation of opium poppy, cannabis plants, and coca bush, and prescribe penalties for persons engaging in these activities.
2. To regulate and control narcotic drugs, psychotropic substances, chemical precursors, and substances and equipment used in the manufacture, production, or processing of narcotic drugs and psychotropic substances in order to prevent their use for illicit purposes and to ensure their use for medical, scientific, research and industrial purposes in accordance with the provisions of the law.
3. To prescribe penalties for persons engaging in and to prevent the cultivation, production, processing, acquisition, possession, distribution, manufacture, trade, brokering, importation, exportation, transportation, offering, use, storage, and concealment of narcotic drugs and psychotropic substances, and of the chemical precursors, other illicit substances, and equipment used for these illicit activities.
4. To coordinate, monitor, and evaluate the counter narcotics activities, policies, and programs of the Government of the Islamic Republic of Afghanistan.
5. To encourage farmers to cultivate licit crops instead of opium poppy, coca bush, and cannabis plants.
6. To establish health centers for detoxification, treatment, rehabilitation, and harm reduction services for drug-addicted and drug dependent persons in order to reintegrate them into society.
7. To attract the cooperation and assistance of national and international organizations in the task of combating cultivation, trafficking and use of narcotic drugs, psychotropic substances, and the chemical precursors used in their production, manufacturing, and processing.

#### **Article 3: Definitions**

Terms: The following terms have the following meanings in this law:

1. "Narcotic Drug" means a plant, substance or preparation classified as such in the Tables annexed to this law.
2. "Analogue" means any substance which is not included in any of the Tables annexed to this law but whose chemical structure combination and whose psychotropic effects are similar to those of a substance included in the Tables annexed to this law
3. "Controlled delivery" means allowing the transportation and passage of illicit or suspected consignments of prohibited articles, including drugs, precursors, analogues or substances substituted for them, equipment of clandestine laboratories, or laundered money into or through Afghanistan or one or more countries, with the knowledge and under the supervision of the competent law enforcement authorities, in efforts to identify persons and investigate and establish proof of criminal offenses.
4. "Dependence" is a condition in which the use of drugs is compulsive, and stopping gives rise to psychological and even physical disorders, which leads the person to continue using the drug.
5. "Detoxification treatment" means treatment intended to eliminate physical dependence on a drug.
6. "Drug abuse" and "illicit drug use" mean the use of any regulated drug without a medical prescription and medical instructions for non-scientific and non-medical purposes.
7. "Drug addict" means a person in a state of physical and/or psychic dependence on a drug.
8. "Industrial use" of a drug means its exclusive use in a manufacturing process.
9. "Medical prescription" means a written document signed by a physician or a person holding a medical license, issued for the medical treatment of a patient and authorizing the dispensing by a pharmacist to that person of a specific quantity of controlled drugs.
10. "Medical use" means the consumption or use of drugs controlled by this law under a medical prescription and in accordance with international conventions.
11. "Money-laundering" means the same concepts as defined under article 3 of the Law against Money-Laundering and Criminal Proceeds published in the Official Gazette No. 840 on 10.08.1383.
12. "Precursor" means a substance used in drug manufacture or processing and classified as such under Table IV of this law.
13. "Psychotropic substance" means a drug in one of the Tables annexed to the 1971 Convention on Psychotropic Substances.
14. "Regulated drugs" are defined as all plants and substances, including their chemical preparations and their derivatives, and chemical precursors that are listed in Tables 1 - 4, derived from the United Nations International Conventions on Drugs, attached to this law.
15. "Mixture" or "Compound" means any preparation that contains any detectable amount of a controlled or regulated drug substance under this law.
16. "Covert Operations" means the investigation of criminal offences by law enforcement agencies' use of methods that include surveillance, the use of informants, undercover operations and the exchange of intelligence with appropriate law enforcement agencies or other organisations.
17. "Vehicle" means any mode of transportation used in drug-trafficking.

18. "Undercover Operations" means operations carried out in secret by the police in which the officers' identities are concealed from third parties by the use of an alias and false identity so as to enable the infiltration of existing criminal groups in order to arrest suspected criminals.
19. "Surveillance" means the covert watching of a person or group of persons or the covert listening to their conversations over a period of time by a human being or through the use of technical devices.
20. "Secret or Electronic Surveillance" means surveillance authorized by a competent court in accordance with the provisions of law. This surveillance includes the following activities:
  - watching in private places using human or technical means;
  - interception of communications;
  - opening of mail; and,
  - inspection of bank accounts and records of other financial activity.
21. "Conspiracy" or "Complicity" means the same as defined under article 49 of the 1355 Penal Code published in the Official Gazette No. 347.
22. "Possession" means the ability to exert control over an object, including cases where a person is not in physical contact with the object, but has the power to exercise control over it, either directly or through others.
23. "Distribution" is the transfer or attempted transfer of possession from one person to another.
24. "Aid" or "abet" means the same as defined under article 39 of the 1355 Penal Code published in the Official Gazette No. 347.
25. "Attempt" means the same as defined under article 29 of the 1355 Penal Code published in the Official Gazette No. 347.
26. "Public official" shall mean any officer, employee, or person acting for, on behalf, or under the authority of a government agency.
27. "Official act" shall mean any decision or action on any matter, controversy, or legal proceeding by a public official.
28. "Bribe" shall mean corruptly giving, offering, or promising anything of value to any person or entity, directly or indirectly, with the purpose of:
  - a) influencing an official act;
  - b) influencing a public official to commit or omit any act in violation of his lawful duty; or
  - c) influencing witnesses, detection, investigation, or trial proceedings;
  - d) compelling any witness to be absent from any legal or court proceedings;
  - e) influencing any agency, commission, or officer authorized by the law to hear and record the testimony of witnesses.
29. "Weapon" means any beating or injuring tools and devices, firearms, and explosives capable of inflicting injury or destruction, or that can cause death.

## CHAPTER II

### CLASSIFICATION AND REGULATION OF NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES, AND CHEMICALS USED IN THE MANUFACTURE, PRODUCTION, OR PROCESSING OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

#### Article 4: Classification and Regulation of Narcotic Drugs

For purposes of this law, regulated drugs are defined as all plants and substances that are listed in Tables 1-3, including their chemical derivatives, and all chemical precursors that are listed in Table 4 of the Tables attached hereto. The regulated drugs covered by this law shall be classified in four tables:

- Table 1: Prohibited plants and substances with no medical use;
- Table 2: Strictly controlled plants and substances with a medical use;
- Table 3: Controlled plants and substances with a medical use;
- Table 4: Chemical precursors and other substances used in the illicit manufacture or processing of narcotic drugs and psychotropic substances.

#### Article 5: Drug Regulation Committee

1. A Drug Regulation Committee is hereby established which shall be composed of five members with the following composition:
  - a) One medical and one pharmaceutical expert from the Ministry of Public Health;
  - b) Two experts from the Ministry of Counter-Narcotics;
  - c) One customs expert from the Ministry of Finance.
2. Members of the Drug Regulation Committee mentioned in paragraph 1 of this Article shall be appointed by their respective ministries for a period of four years. The Chairperson of the Drug Regulation Committee shall be appointed by the Minister of Counter-Narcotics from among its members.
3. Decisions and regulations of the Drug Regulation Committee shall be made by a majority of its members and shall be recorded in a special book.
4. In case any member of the Drug Regulation Committee fails to carry out his/her duties in a satisfactory fashion, he/she can be removed from his membership in the Committee by the Minister of Counter Narcotics.
5. The administrative costs of the Drug Regulation Committee and those of its secretariat shall be paid directly from the budget of the Ministry of Counter Narcotics. Members of the Drug Regulation Committee shall be paid appropriate attendance fees by the Ministry of Counter-Narcotics.
6. The Drug Regulation Committee shall prepare one quarterly and one annual report to the Minister of Counter Narcotics on its activities. The Minister may direct the Drug Regulation Committee to provide the necessary information in accordance with this Law and relevant regulations.
7. The Drug Regulation Committee will hereinafter be called the Committee.

#### **Article 6: Duties of the Committee**

1. The classifications of the regulated drugs in Tables 1 through 4 shall be established and amended, in particular by new inclusions, deletions, or transfers from one Table to another, by the Committee, taking into account any amendments or additions ordered by the United Nations Commission on Narcotic Drugs. Plants and substances shall be included under their international non-proprietary name or, failing this, under their commercial, scientific, or common name.
2. The Committee may not include an internationally controlled substance in a Table subject to a regime less strict than that required under the United Nations Conventions for the substance in question.
3. The Committee shall not transfer any substance from Table 1 to Table 2 or 3, except as provided in paragraph 1 of this Article.
4. Inclusions, deletions or transfers from one Table to another in accordance with paragraphs 1, 2, and 3 above shall be valid when they are published in the official gazette.
5. Except as otherwise provided by this law, a preparation, compound, or mixture of any regulated drug shall be subject to the same regulations, prohibitions, and penalties as the regulated drug which it contains, and if it contains two or more regulated drugs it shall be subject to the conditions governing the most strictly controlled regulated drug that it contains.
6. A preparation, compound, or mixture containing a substance listed in Tables 2, 3 or 4 that is compounded in such a way as to present no, or a negligible, risk of abuse or diversion and from which the substance cannot be recovered by readily applicable means in a quantity liable to illicit use, abuse, or diversion may be exempt from certain of the control measures set forth in this law by decision of the Committee.
7. If the substances listed in Tables 2 and 3 and their preparations can be used in medicine they shall be subject to the provisions applicable to all substances and preparations intended for use in human or veterinary medicine to the extent that such provisions are compatible with those established in this law.

### **CHAPTER III**

#### **LICENSING, CULTIVATION, PRODUCTION, MANUFACTURE, TRADE, DISTRIBUTION, AND USE OF PLANTS, SUBSTANCES AND PREPARATIONS LISTED IN TABLES 1, 2, 3, AND 4**

#### **Article 7: Licenses**

1. No person shall cultivate, produce, process, manufacture, trade, distribute, possess, supply, traffic, transport, transfer, acquire, purchase, sell, import, export, or transit, plants, substances and preparations listed in Tables 2 and 3 in the territory of Afghanistan, unless he has been licensed by the Committee.
2. No person may engage in any of the operations set forth in paragraph 1 of this article at any building or on any premises not expressly identified on a license issued under this Article, or separately licensed by the Committee for use by specially designated State enterprises, or exempt from licensing under this law.
3. The Committee may issue a license to cultivate, manufacture, distribute (including dispensing), import or export one or more of the plants, substances and preparations listed in

Tables 1, 2 and 3 at the building or on the premises identified in the license. Such a license shall permit any of the operations set forth in the first paragraph of this article that are necessarily involved in the licensed activity.

4. A license to engage in the operations set forth in paragraph 1 of this article may be issued only if the use of the plants, substances and preparations in question is restricted to medical or scientific purposes. This license shall be valid for one year. Licensing shall be subject to verification of the character and professional qualifications of the applicant. A license may not be granted to any person convicted of a narcotics or money laundering offense.
5. The industrial production and use of a substance listed in Tables 1, 2 or 3 for other than medical or scientific purposes may be authorized by the Committee if the applicant satisfactorily shows that such production or use is necessary to an industrial process, he shall ensure that the products manufactured, other than another regulated drug subject to this Law, cannot be abused or produce harmful effects, and he shall ensure that any regulated drug included in this authorization and used in the composition of the products manufactured cannot be easily recovered. The person or entity so authorized shall destroy all quantities of the regulated drug included in this authorization that cannot be rendered harmless or sufficiently irretrievable and reports to the Committee the quantity of the regulated drug produced, used or destroyed.
6. A person can operate in places set forth in paragraphs 3 and 7 of this article which have been designated for the manufacture, distribution (including dispensing), importation or exportation of regulated drugs only when those places comply with the security standards established by the Committee.
7. State enterprises specially designated by the Committee to engage in the operations set forth in paragraph 1 of this article shall be required to apply for a license to use buildings and premises for such operations, and the Committee may issue such license in accordance with the requirements of paragraph 6 of this Article.
8. For the better implementation of this article, the Committee may establish regulations, in particular those governing applications for and the granting, content, scope, withdrawal and suspension of licenses.

#### **Article 8: Possessing Needed Amounts of Narcotic Drugs**

1. Authorized regulated drug manufacturers and distributors may hold the quantities of the various regulated drugs required for the smooth functioning of business. The distributors who only dispense regulated drugs are excepted from this provision.
2. The Committee shall establish for each year, taking into account the prevailing market conditions, the anticipated medical, scientific, research, and industrial needs for the regulated drugs in Tables 1, 2 and 3, and the anticipated lawful exports of such regulated drugs, the maximum quantities of these regulated drugs that shall be manufactured and the maximum quantities that each licensee and each specially designated State enterprise shall be entitled to manufacture. These limits may be changed during the year if necessary.
3. The Committee may establish and publish regulations and procedures for the implementation of this Article.



### **Article 9: Exports and imports**

1. The export and import of substances on Tables 1, 2 and 3 shall be subject to separate authorization issued by the Committee.
2. This authorization shall be subject to the completion of a form which includes the requirements established by the Committee and the United Nations Economic and Social Council.
3. The Committee may authorize an importation of a substance listed in Tables 1, 2, or 3 only to meet legitimate medical, scientific, and industrial needs. The import authorization shall not be necessary in the event of a catastrophe or an emergency as determined by the Committee, but the importer shall maintain a record of the importation as prescribed by the Committee.
4. The Committee may authorize an exportation of a substance listed on Tables 1, 2, or 3 only to a country that maintains effective controls over the use of the regulated drug and only if the regulated drug is to be used for medical, scientific, or other legitimate purposes.
5. An authorization for the importation or exportation of a substance listed on Tables 1, 2, or 3 is not transferable.
6. An application for import or export authorization of a substance listed on Tables 1, 2, or 3 shall indicate the following:
  - a) The name and address of the importer or exporter;
  - b) The names and addresses of any consignee, if known;
  - c) The international non-proprietary name of each substance or, failing this, the name of the substance in the tables of the international conventions;
  - d) The pharmaceutical form and characteristics of each substance and, in the case of a preparation, its trade name;
  - e) The quantity of each substance and preparation involved in the operation;
  - f) The period during which the operation is to take place;
  - g) The mode of transport or shipment; and
  - h) The border custom house of the importation and exportation.
7. An import certificate or other documentation issued by the Government of the importing country shall be attached to the export application.
8. An import or export authorization shall contain, in addition to the expiration date and the name of the issuing authority, the same types of details as the application.
9. The import authorization shall specify whether the import is to be effected in a single consignment or may be effected in more than one consignment, and shall establish the time in which the import of all consignments must be effected.
10. The export authorization shall also indicate the number and date of the import certificate issued by the Government of the importing country.
11. A copy of the export authorization shall accompany each consignment and the Committee shall send a copy to the Government of the importing country.
12. If the quantity of plants, substances or preparations actually exported is smaller than that specified in the export authorization, and is certified by the customs office, the Committee shall note that fact on the related document and on all official copies thereof.

13. Once the consignment has entered the national territory or when the period stipulated in the import authorization has expired, the Committee shall send the export authorization to the Government of the exporting country, with an endorsement specifying the quantity of each regulated drug actually imported.
14. Commercial documents such as invoices, cargo manifests, customs or transport documents and other shipping documents shall include the name of the plants and substances as set out in the tables of the international conventions and the trade name of the preparations, the quantities exported from the national territory or to be imported into it, and the names and addresses of the exporter, the importer and the consignee.
15. Exports from the national territory of consignments to the address or account of a person other than the person named in the import certificate issued by the Government of the importing country or in other documentation demonstrating authorization for the import into that country shall be prohibited. This same provision shall apply to the importation of consignments into the national territory.
16. Exports from the national territory of consignments to a bonded warehouse shall be prohibited unless the Government of the importing country certifies on the import certificate or other authorization that it has approved such a consignment.
17. Imports to the national territory of consignments to a bonded warehouse shall be prohibited unless the Government certifies on the import certificate that it approves such a consignment. Withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse. In the case of a consignment to a foreign destination, such withdrawal shall be treated as if it were a new export within the meaning of the present Article. The regulated drugs stored in the bonded warehouse may not be subjected to any process, which would modify their nature, nor may their packaging be altered without the permission of the authorities having jurisdiction over the warehouse.
18. A consignment entering or leaving the national territory which is not accompanied by a proper import or export authorization or does not comply with the authorization shall be detained by the competent authorities until the legitimacy of the consignment is established or until a court rules on its status.
19. The Committee shall specify those customs offices operating in the national territory that are to deal with the import or export of the regulated drugs listed in Tables 1, 2 and 3.
20. The transit of any consignment of plants, substances or preparations listed in Tables 1, 2 and 3 through the national territory shall be prohibited, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization issued by the Government of the exporting country for such consignment is produced to the department designated by the Committee.
21. The route specified by the export license for a consignment which is in transit in Afghanistan shall not be changed.
22. An application for authorization to change the itinerary or the consignee shall be treated as if the export in question were from the national territory to the new country or consignee concerned.
23. No consignment of plants, substances and preparations in transit through the national territory may be subjected to any process that might change their nature, nor may its packaging be altered without the permission of the Committee.

24. If there is a conflict between the provisions of this article and those of an international agreement that Afghanistan has signed, the provisions of the international agreement prevail.
25. The provisions of this article shall not apply where the consignment in question is transported by air to another country. If the aircraft stops over or makes an emergency landing in the national territory, the consignment shall be treated as an export from the national territory to the country of destination only if it is removed from the aircraft.
26. Free ports and free trade zones shall be subject to the same controls and supervision as other parts of the national territory regarding the importation of plants, substances, or preparations listed in Tables 1, 2 and 3.
27. Transport companies and enterprises shall abide by the regulations of the Committee with regard to taking reasonable measures to prevent the use of their means of transport for illicit trafficking in the regulated drugs covered by the present law, and shall also be required:
  - To submit cargo manifests in advance, whenever possible;
  - To keep the products in sealed containers having tamper-resistant, individually verifiable seals, and in which every kind of alteration should be easily discernable;
  - To report to the appropriate authorities, at the earliest opportunity, any suspicious consignments.

#### **Article 10: Retail Trade and Distribution**

1. Purchases of regulated drugs listed in Tables 2 and 3 for the purpose of professional supply may be made only from a private individual or state enterprise holding a license issued under this law.
2. Only the following persons and state entities may, without having to apply for a license, purchase and hold plants and regulated drugs listed in Tables 2 and 3 for their professional needs:
  - Pharmacists holding a license to practice when acting in the usual course of business as an agent or employee of a person or entity holding a valid license to distribute regulated drugs;
  - Pharmacists at a public or private hospital or health care institutions that is licensed to distribute regulated drugs when acting in the usual course of business as an agent or employee of that hospital or health care institutions;
  - Pharmacists holding a license to practice in charge of public or private warehouses;
  - Hospitals or health care institutions without a pharmacist in charge, in emergency cases and unanticipated events provided that a qualified physician attached to the establishment who holds a license to practice and to dispense regulated drugs has agreed to take responsibility for the stocks in question;
  - Physicians, dental surgeons, and veterinary surgeons holding a license to practice and authorized to dispense regulated drugs, including the preparations included in a list drawn up by the Committee;
3. Physicians, dental surgeons, and veterinary surgeons holding a license to practice may, without having to apply for a drug distribution license, purchase and hold the needed quantities of preparations included in a list drawn up by the Committee.

4. Dental surgeons, midwives, and nurses holding a license to practice may, without having to apply for a license, purchase and hold for their professional activities quantities of preparations included in a list drawn up by the Committee.
5. The regulated drugs listed in Tables 2 and 3 may be prescribed to individuals and animals only in the form of pharmaceutical preparations and only on a medical prescription issued by one of the following professionals:
  - A physician holding a license to practice and to dispense regulated drugs;
  - A dental surgeon holding a license to practice and to dispense regulated drugs, for treatment of a dental nature;
  - A veterinary surgeon holding a license to practice and to dispense regulated drugs, for treatment of animals;
  - A nurse or midwife holding a license to practice for treatment connected with their professional duties and within the limits set by the competent authority.
6. Pharmaceutical preparations listed in Tables 2 and 3 may be dispensed only by:
  - Dispensing pharmacists holding a license;
  - Pharmacists at public or private hospitals or health care institutions when such hospitals or institutions hold a license to dispense regulated drugs;
  - Physicians and veterinary surgeons holding a license to practice and authorized to dispense regulated drugs;
  - Nurses and midwives in the conduct of their professional duties.
7. The Committee, if the situation so requires and under such conditions as it may determine, may authorize, in all or part of the national territory, licensed pharmacists or any other licensed retail distributors to supply, without prescription, small quantities of therapeutic doses of pharmaceutical preparations containing one or more of the regulated drugs listed in Table 3.
8. The Committee shall establish regulations for the implementation of this Article, in particular the rules concerning the writing and filling of prescriptions for pharmaceutical preparations listed in Tables 2 and 3.

#### **Article 11: Private institutions and state enterprises**

1. Private institutions and State enterprises holding licenses to engage in operations involving regulated drugs shall furnish to the Committee in respect of their activities:
  - Not later than 15 days after the end of each quarter, a quarterly report on the quantities of each substance and each preparation imported or exported, indicating the country of origin and the country of destination;
  - Not later than 5 May of each year, a report for the previous calendar year indicating:
    - o The quantities of each substance and each preparation produced or manufactured;
    - o The quantities of each substance used for producing preparations and other:
      - Other substances covered by the present legislation; and
      - Substances not covered by the present legislation;

- The quantities of each substance and each preparation supplied for retail distribution, medical or scientific research or teaching;
  - The quantities of each substance and each preparation in stock as of 29 March of the year to which the information refers;
  - The quantities of each substance necessary for the new calendar year.
2. The Committee shall establish procedures for the purchase of and placing orders for plants, substances and preparations listed in Tables 2, 3, and 4 required for the conduct of professional activities.
  3. The Committee shall establish procedures for any purchase, transfer, export, import or dispensing of plants, substances and preparations listed in Table 2, and all related transactions shall be recorded in accordance with regulations established by the Committee.
  4. Any person, private enterprise, or state enterprise holding, for professional purposes, any plants, substances and preparations listed in Tables 2, 3, and 4 shall be required to keep them under regulations established by the Committee so as to prevent theft or any other form of diversion.
  5. Any person, private enterprise, State enterprise, medical or scientific institution engaged in any activity or operation involving plants, substances or preparations covered by the present law shall be controlled and monitored by regulations established by the Committee. Such control and monitoring shall extend to the compartments containing first-aid kits of public transport conveyances engaged in international travel. The Committee shall, in particular, arrange for inspectors or any other body legally empowered to conduct inspections to make ordinary inspections of the establishments, premises, stocks and records at least once every two years. Extraordinary inspections can be done at any time.

## **Article 12: Monitoring and Control**

1. State enterprises, private enterprises, medical and scientific institutions and other persons referred to in Article 11 shall be required, at the beginning of each year, to make an inventory of the plants, substances and preparations listed in Tables 1, 2 and 3 held by them and to compare the total quantities in stock at the time of the previous inventory, calculated together with those entered over the previous year and the total quantities withdrawn during the year, with those held at the time of the latest inventory.
2. Licensees, pharmacists and persons authorized to dispense drugs through wholesale pharmacies or drugstores shall be required to make an inventory and calculate the balance as stipulated in paragraph 1 of this article.
3. Any discrepancies noted in a balance or between the results of the balance and those of the inventory shall be immediately reported by the licensee, pharmacist or person authorized to dispense drugs to the Committee, which shall acknowledge receipt of the notification.
4. It shall be forbidden to distribute substances and preparations listed in Tables 2 and 3 unless they are enclosed in wrappers or containers bearing their name and, in the case of consignments of substances and preparations listed in Table 2, a double red band.
5. The outer wrappings of parcels described in paragraph 4 shall bear no information other than the names and addresses of the sender and the consignee. They shall be sealed with the sender's mark.

6. The label under which a preparation is offered for sale shall indicate the names of the substances listed in Tables 1, 2 and 3 that it contains, together with their weight and percentage.
7. Labels accompanying packages for retail sale or distribution as described in paragraph 4 shall indicate the directions for use as well as the cautions and warnings necessary for the safety of the user.
8. If necessary, additional requirements in respect of packaging and labeling shall be stipulated by regulations established by the Committee.

#### **Article 13: Regulation of Substances (Precursors) In Table 4**

1. The manufacture, distribution or trading of the substances listed in Table 4 shall be subject to the provisions of this article.
2. Import or export authorizations shall be refused if a consignment is possibly intended for the illicit manufacture of narcotic drugs or psychotropic substances.
3. Export or import consignments of substances listed in Table 4 annexed to this law shall be clearly labeled to show their contents.
4. Any person who, because of his job requirements, becomes aware of the economic, industrial, trade or professional secrets or trade processes of the substances listed on Table 4 annexed to this law shall be required to avoid disclosing the same to other people.
5. Manufacturers, importers, exporters, wholesalers and retailers shall be required to enter in a register established by the Committee any purchase or transfer of substances listed in Table 4. The entry shall be made with no blank spaces, erasures or overwriting. It shall indicate the date of the transaction, the name and the quantity of the product purchased or transferred and the name, address and occupation of the purchaser and seller. However, retailers shall not be required to enter the name of the purchaser. The registers shall be kept for ten years pursuant to regulations established by the Committee.
6. Manufacturers, importers, exporters, wholesalers and retailers of the substances listed in Table 4 shall be required to inform the appropriate police authority of any orders or transactions that appear suspicious, in particular by reason of the quantity of the substances being purchased or ordered, the repetition of such orders or purchases or the means of payment or transport used.
7. If there is strong evidence to warrant the suspicion that a substance listed in Table 4 is for use in the illicit manufacture of a narcotic drug, such substance shall be immediately seized pending the outcome of a judicial investigation.
8. The Committee shall submit to the Minister of Counter-Narcotics information on the import and export of precursor substances listed in Table 4.

#### **Article 14: Medical and Scientific Research and Teaching**

1. For purposes of medical or scientific research, teaching or forensic work, the Committee may authorize, in accordance with a separate procedure and without requiring the licenses referred to in this Chapter, the cultivation, manufacturing, acquiring, importation, use, or possession of plants, substances and preparations in Tables 1, 2 and 3 in quantities not exceeding those strictly necessary for the purpose in question.

2. The applicant of the authorization referred to in paragraph 1 of this article shall enter in a register, which he shall keep for 5 years, the quantities of plants, substances and preparations that he imports, acquires, manufactures, uses, and destroys. He shall also record the dates of the operations and the names of his suppliers. He shall furnish the Committee with an annual report on the quantities used or destroyed and those held in stock. The Committee shall be entitled to inspect registers maintained in accordance with this provision.

## **CHAPTER IV**

### **OFFENCES AND PENALTIES**

#### **Article 15: Drug Trafficking Offenses and Penalties**

Any person who engages in the following acts without a license or authorization issued according to the provisions of this law has committed a drug trafficking offense and shall be punished in accordance with the provisions of this law:

- a) The production, manufacture, distribution, possession, extraction, preparation, processing, offering for sale, purchasing, selling, delivery, brokerage, dispatch, transportation, importation, exportation, purchase, concealment, or storage of any substance or mixture containing a substance listed in Tables 1 through 3 annexed to this law;
- b) Any of the operations referred to in paragraph 1 of this article in relation to any chemicals or precursors listed in Table 4 for the illicit cultivation, production or manufacture of narcotic drugs or psychotropic substances.

#### **Article 16: Drug Trafficking Penalties**

1. Whoever commits a drug trafficking offense involving the following quantities of heroin, morphine, or cocaine, or any mixture containing those substances, shall be sentenced as follows:
  - i. Less than 10 grams, imprisonment for between 6 months and one year, and a fine of between 30,000 Afs and 50,000 Afs.
  - ii. Between 10 grams and 100 grams, imprisonment for between one and three years, and a fine of between 50,000 and 100,000 Afs.
  - iii. Between 100 grams and 500 grams, imprisonment for between three and five years, and a fine of between 100,000 Afs and 250,000 Afs.
  - iv. Between 500g and 1kg, imprisonment for between seven and ten years, and a fine of between 300,000 Afs and 500,000 Afs.
  - v. Between 1kg and 5kg, imprisonment for between ten and fifteen years, and a fine of between 500,000 Afs and 1,000,000Afs.
  - vi. Over 5kg, life imprisonment, and a fine of between 1,000,000 Afs and 10,000,000Afs.
2. Whoever commits a drug trafficking offense involving the following quantities of opium or any mixture containing that substance shall be sentenced as follows:
  - i. Less than 10 grams, imprisonment for up to three months, and a fine of between 5000 Afs and 10,000 Afs.

- ii. Between 10 grams and 100g, imprisonment between six months and one year, and a fine of between 10,000 Afs and 50,000 Afs.
  - iii. Between 100g and 500g, imprisonment for between one and three years, and a fine of between 50,000 and 100,000 Afs.
  - iv. Between 500g and 1kg, imprisonment for between three and five years, and a fine of between 100,000 Afs and 500,000 Afs.
  - v. Between 1kg and 5kg, imprisonment for between five and ten years, and a fine of between 500,000 Afs and 1,000,000 Afs.
  - vi. Between 5kg and 50kg, imprisonment for between ten and fifteen years, and a fine of between 700,000 Afs and 1,500,000 Afs.
  - vii. Over 50kg, life imprisonment and a fine of between 1,500,000 Afs and 5,000,000 Afs.
3. Whoever commits a drug trafficking offense involving the following quantities of the substances or any mixture containing substances listed in Tables 1 through 4, with the exception of heroin, morphine, cocaine, and opium, shall be sentenced as follows:
- i. Less than 250 grams, imprisonment for up to three months, and a fine of between 5000 Afs and 10,000 Afs.
  - ii. Between 250 grams and 500g, imprisonment for between three months and six months and a fine of between 10,000 Afs and 50,000 Afs.
  - iii. Between 500g and 1 kg, imprisonment for between six months and 1 year, and a fine of between 50,000 Afs and 100,000 Afs.
  - iv. Between 1kg and 5kg, imprisonment for between one and three years, and a fine of between 100,000 Afs and 500,000 Afs.
  - v. Between 5kg and 10kg, imprisonment for between five and ten years and a fine of between 500,000 Afs and up to 1,000,000 Afs.
  - vi. Over 10kg, imprisonment for between ten and fifteen years, and a fine of between 1,000,000Afs and 1,500,000 Afs.
4. Any person who, during the course of any of the offenses set forth in paragraphs 1, 2, and 3 of this article, directs, controls, organizes, finances, or guides three or more persons, shall be sentenced to penalties thrice as severe as the maximum penalties prescribed for that crime under the sub-paragraphs of paragraphs 1, 2, and 3 of this article, provided that the term of imprisonment does not exceed 20 years.

#### **Article 17: Aggregation of Amounts**

1. If several persons are responsible for the commission of a drug trafficking offense, and the amounts of drugs trafficked by each of them is known, each of the offenders shall be punished under the provisions of this law pursuant to his share in the overall amount trafficked.
2. If several persons are responsible for the commission of a drug trafficking offense, but the share of each in the amount of drug trafficked is not known, each of them shall be sentenced to a penalty prescribed for the total amount trafficked.

#### **Article 18: Conspiracy, Aiding, Abetting, Facilitation, Incitement**



Any person who attempts, conspires, or engages in preparatory acts to commit any offense under this law shall be subject to the same penalties as the principal offender.

**Article 19: Drug laboratories, manufacturing, and storage**

Whoever without authorization under this law opens, maintains, manages, or controls any property, building, room, or facility, as an owner, lessee, manager, agent, employee, or mortgagee, and intentionally rents, leases, or makes available for use, with or without compensation, such a place for the purpose of cultivating, manufacturing, processing, storing, concealing, or distributing any substance or mixture listed in Tables 1 through 4, or participates in or obtains an income from such activity, shall be sentenced to a term of imprisonment between 10 and 20 years and a fine of between 500,000Af. and 1,000,000 Afs.

**Article 20: Importation or use of equipment for drug trafficking**

1. Whoever imports equipment or materials used in or for the production and processing of regulated drugs without having a license, shall be sentenced to imprisonment for 5 to 10 years and a fine of between 100,000 and 500,000 Afs, and shall have the equipment or materials confiscated.
2. Whoever lawfully imports equipment or materials used in or for the production and processing of drugs but uses them in the illicit production or processing of the regulated drugs, shall be sentenced to imprisonment for 10 to 15 years and a fine of between 500,000 and 1,000,000 Afs, and shall have the equipment or materials confiscated.
3. Whoever possesses or uses the equipment or materials referred to in paragraph 1 of this article for the illicit production or processing of regulated drugs, shall be sentenced to imprisonment for 15 to 20 years and a fine of between 1,000,000 and 2,000,000 Afs, and shall have the equipment and materials confiscated.

**Article 21: Drug-related corruption and intimidation**

1. Any public official who intentionally commits one of the following acts shall be sentenced to imprisonment for 5 to 10 years and shall be fined twice the amount of the bribe:
  - a) facilitating or assisting any offense under this law;
  - b) obstructing an official investigation of an offense under this law or obstructing a trial of any offense under this law, including by failing to carry out lawful obligations; or
  - c) directly or indirectly demanding, seeking, receiving, accepting, or agreeing to accept or receive a bribe in relation to drug trafficking or any official duty connected directly or indirectly to drug law enforcement.

A bribe-giver and a bribe-agent shall be sentenced to the same penalties as the bribe-taker.

2. Any person who threatens or intimidates another for the purpose of committing the following acts shall be sentenced to imprisonment between 5 and 8 years and fined between 500,000 and 1,000,000 Afs.
  - a) committing or facilitating an offense under this law; or
  - b) impeding a drug trafficking investigation or prosecution,

3. Any person who receives or accepts any benefit for the purpose of impeding or interfering with an investigation or criminal trial of a drug trafficking offense shall be sentenced to imprisonment for between 5 and 10 years, and shall relinquish the benefit.
4. Any person who threatens or seeks to intimidate any public official in connection with the detection of any drug trafficking offense, or an investigation or criminal trial of any drug trafficking offense, shall be sentenced to imprisonment for between 5 and 10 years, and a fine of between 1,000,000Afs and 2,000,000 Afs.
5. Any person who injures any public official in connection with the detection, investigation or criminal trial of any drug trafficking offense, shall be sentenced to imprisonment between 10 to 15 years, and a fine of between 1,000,000Afs and 3,000,000 Afs.
6. Subject to the provisions of Chapter Seven of the Penal Code, the penalties set forth in paragraphs 1, 2, 3, 4, and 5 of this article shall be in addition to other penalties that an offender may be sentenced to for committing other criminal offenses.

#### **Article 22: Use of Weapons**

1. Any person who uses, or causes the use of, any weapon during or in relation to any drug trafficking offense shall be punished by a term of five to ten years imprisonment, and a fine between 500,000 Afs and 1000,000 Afs.
2. Any person who carries or possesses any weapon, or causes another person to carry or possess any weapon, during or in relation to any drug trafficking offense shall be punished by a term of 3 to 5 years imprisonment, and a fine of between 500,000 Afs and 1,000,000 Afs.

#### **Article 23: Intimidation Leading to Drug-related Offenses**

1. Any person who intentionally commits the following acts shall be sentenced to a term of imprisonment of between 5 and 8 years, and a fine of between 50,000 Afs and 200,000 Afs.
  - a) Compelling another by force or intimidation to cultivate, manufacture, distribute, possess, sell, transport, store, or use substances or any mixture containing substances on Tables 1 through 4;
  - b) Mixing substances on Tables 1 through 4 in food or drink intending that they be consumed by others;
  - c) Distributing or sells any substance or mixture containing substances on Tables 1 through 4 to a child or to a person with mental health problems;
  - d) Distributing any substance or mixture containing substances on Tables 1 through 4 in educational, military training, health or social service centers, or prisons;
  - e) Employing or using a child to commit a drug trafficking offense; or
  - f) Allowing the consumption of substances or any mixture containing substances on Tables 1 through 4 in restaurants, hotels, shops or any other premises.

#### **Article 24: Illicit Prescription of Drugs**

1. Any person who intentionally commits the following acts shall be sentenced to a term of imprisonment of between 3 and 5 years, and a fine of between 50,000 Afs and 100,000 Afs.

- a) Prescribing a regulated drug knowing it is to be used illegally; or
- b) Selling and buying regulated drugs using fraudulent prescriptions.

#### **Article 25: Prohibition on Cultivation**

1. Planting or cultivating opium poppy and seeds, coca bush, and cannabis plants within Afghanistan is a criminal offense and prohibited.
2. The owners, occupiers, or cultivators of lands are obligated to destroy opium poppy, coca bush, and cannabis plants growing on their lands. If they fail to do so shall be punished pursuant to the provisions of Article 26.

#### **Article 26: Penalties for Cultivation**

1. Whoever plants or cultivates less than 1 jerib of opium poppy or coca bush without having a license shall be sentenced to a term of imprisonment between 6 months and 1 year and a fine between 10,000 Afs and 50,000 Afs.
2. Whoever plants or cultivates 1 jerib or more of opium poppy or coca bush shall, for each “beswa” (100 square meters) in excess of 1 jerib, be sentenced to imprisonment for 1 month and fine of 5,000 Afs, which penalty shall be in addition to the penalty prescribed in paragraph 1 of this article.
3. Whoever plants or cultivates less than 1 jerib of cannabis plants shall be sentenced to imprisonment for 3 to 9 months and a fine between 5,000 and 20,000 Afs.
4. Whoever plants or cultivates more than 1 jerib of cannabis plants, shall, for each beswa in excess of 1 jerib, be sentenced to imprisonment for 15 days and a fine of 2,500 Afs, which penalty shall be in addition to the penalty prescribed in paragraph 3 of this article.
5. Whoever encourages, causes, incites, or finances any person to plant or cultivate opium poppy, coca bush, or cannabis plants shall be sentenced to twice the penalties of the farmer in accordance with the provisions of paragraphs 1, 2, 3, and 4 of this article.
6. Illicit opium poppy, coca bush, or cannabis plants shall be destroyed and any person associated with the cultivation or planting shall not be entitled to any compensation, in addition to the penalties set forth in this article.

#### **Article 27: Consumption of illegal drugs, and treatment of dependant persons or addicts**

1. Any person who uses or possesses for the purpose of personal consumption any substance or mixture containing a substance listed in Tables 1 through 4, other than as authorized for medical treatment or by this law, shall be punished as follows:
  - a) Heroin, morphine, and cocaine, or any mixture containing those substances: 6 months to 1 year imprisonment and a fine between 20,000 to 50,000 Afs.
  - b) Opium or any mixture containing that substance: 3 months to 6 months imprisonment and a fine of between 10,000 Afs to 25,000 Afs.
  - c) Substances or any mixture containing substances listed in Tables 1 through 4, with the exception of those in paragraphs 1 and 2 of this article: 1 month to 3 months imprisonment and a fine of between 5,000 Afs to 10,000 Afs.

- d) Possession of more than 1 gram of heroin, morphine, or cocaine, or 10 grams of opium or hashish, shall be subject to the penalties set forth in Article 16.
2. If a medical doctor certifies that a person is addicted to an illegal drug substance listed in Tables 1 through 4, the court may exempt the person from imprisonment and fine. In this case, the court may require an addicted person to attend a detoxification or drug treatment center.
3. Detoxification or drug treatment centers shall report to the sentencing court through the office of the prosecutor every 15 days on the health condition of persons sentenced to detention and treatment. On the basis of the report received, the court can abrogate or extend the period of detention and treatment.
4. Any person sentenced to a period of detention in a detoxification or drug treatment center shall receive credit on any sentence of imprisonment for the time served in the treatment center.
5. Any person in control of a vehicle while under the influence of any narcotic or psychotropic substance listed in Tables 1 through 3 shall be sentenced to a term of imprisonment of between six months and one year and a fine of 10,000 to 20,000 Af.

#### **Article 28: Vehicles**

1. Whoever without legal authorization intentionally carries, transports, or conceals more than 10 grams of heroin, morphine, or cocaine; or more than 20 grams of opium; or more than 100 grams of hashish or any other substance listed in Tables 1 through 4 in his vehicle shall have the vehicle confiscated, in addition to the punishment prescribed in this law.
2. Any vehicle owner who without legal authorization intentionally allows a vehicle to be used to carry, transport, or conceal more than 10 grams of heroin, morphine, or cocaine; or more than 20 grams of opium; or more than 100 grams of hashish or any other substance listed in Tables 1 through 4 shall be punished as an accomplice to the crime and shall have the vehicle confiscated.
3. Any vehicle seized in relation to a drug-trafficking offense shall be registered and officially handed over to the nearest customs office and following the completion of its confiscation in accordance with the provisions of the relevant law, it shall be placed on sale and the proceeds be deposited to the government treasury.

#### **Article 29: Repeat offenders**

If any person who has been convicted more than once of an offense listed in Articles 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, or 28 of this law commits a narcotics offense again, he shall be sentenced to the maximum penalty provided for that offense.

#### **Article 30: Home Leave**

The provisions of Article 37 of the Law of Prisons and Detention Centers shall not apply to those who have committed crimes prescribed in this law and have been sentenced to a term of more than 5 years imprisonment.

#### **Article 31: Penalty Aggravation**

1. Except as provided for under this law, the penalty aggravation provisions of the Penal Code shall apply to violent actions of drug-trafficking offenders.
2. The provisions of other laws with regard to the suspension of sentences, judicial leniency, and probation shall not apply to convicts of drug-trafficking offenses.

### **Article 32: Licensing and Reporting Violations**

Whoever does not comply with the provisions of this law and the relevant regulation on the issuance of licenses, authorizations or reporting, and provides for the issuance of a license or an authorization knowing that it will be abused, shall be sentenced to 6 months to 1 year imprisonment and a fine between 50,000 and 100,000 Afs. If the person repeats the violation, he shall be sentenced to 1 to 3 years imprisonment and a fine between 150,000 and 350,000 Afs.

### **Article 33: Commission on the Assessment of Drug-Related Offenses and Penalties**

1. In order to study and assess the patterns of drug-trafficking offenses across the country, the Commission on the Assessment of Drug-Related Offenses and Penalties (hereinafter the Commission) shall be established with the following composition:
  - a) One authorized representative from the Supreme Court;
  - b) One authorized representative from the Office of the Attorney General;
  - c) One authorized representative from the Ministry of Counter-Narcotics;
  - d) One authorized representative from the Ministry of Interior;
  - e) One authorized representative from the Ministry of Public Health;
  - f) One authorized representative from the National Security Directorate;
  - g) One defense lawyer appointed by the Minister of Justice.
2. Members of the Commission shall be appointed for a period of four years and shall elect one from among themselves as Chairperson for a two-year term.
3. The Commission shall have the following duties and authorities:
  - a) Studying and assessing the patterns of drug-trafficking offenses in the country and collecting the relevant data;
  - b) Preparing proposals on the amendment of the provisions of this law on drug-related offenses and penalties on the basis of the data collected on the offenses and presenting the same, through the Ministry of Counter-Narcotics, to the Government within 60 days of their development;
  - c) Recording the committed drug-trafficking offenses;
  - d) Preparing an annual report on drug-trafficking offenses and presenting it to the Government;
  - e) Holding hearing sessions for considering possible changes in the penalties prescribed for drug-related offenses.
4. The administrative costs of the Commission and its secretariat shall be funded from the budget of the Ministry of Counter-Narcotics. The Ministry shall also pay an appropriate salary to the defense lawyer and appropriate attendance fees to other members of the Commission.

5. Citizens of Afghanistan may freely file their complaints on drug-related offenses with the Commission. Reviewing complaints, holding meetings and other activities of the Commission shall be regulated through procedures adopted by the Commission.
6. Any amendment to this law proposed by the Commission shall be presented to the National Assembly following its approval by the Government.

## **CHAPTER V**

### **ADJUCATION OF DRUG-RELATED OFFENSES**

#### **Article 34: Narcotics Tribunals**

1. In accordance with the provisions of Articles 32 and 50 of the Law Concerning the Organization and Jurisdiction of Courts of the Islamic Republic of Afghanistan, a Narcotics Tribunal within the Kabul Primary Provincial Court and a Narcotics Tribunal within the Kabul Appellate Provincial Court are hereby established.
2. Each of the tribunals set forth in paragraph 1 of this article shall be composed of one President and six members.
3. The Presidents of the tribunals shall be responsible for leading and managing the affairs of their respective tribunals and shall preside over judicial proceedings in accordance with the provisions of Articles 37 and 43 of the Law Concerning the Organization and Jurisdiction of Courts of the Islamic Republic of Afghanistan.
4. The tribunals set forth in paragraph 1 of this article shall exercise exclusive jurisdiction throughout Afghanistan over drug trafficking offenses in the following cases:
  - a) Two or more kgs. of heroin, morphine, or cocaine, or any mixture containing those substances;
  - b) Ten or more kgs. of opium or any mixture containing opium; and
  - c) Fifty or more kgs. of hashish or any mixture containing substances listed in Tables 1 through 4, with the exception of heroin, morphine, cocaine, and opium.
5. If the amount of narcotic drugs is less than those set forth in paragraph 4 of this article, the case comes under jurisdiction of the Public Security Tribunals of Provincial Courts.
6. Adjudication of drug-related offenses shall be in conformity with the provisions of the Law Concerning the Organization and Jurisdiction of Courts of the Islamic Republic of Afghanistan and other relevant laws.
7. The appointment of the Judges of the Central Narcotics Tribunals and the regulation of other affairs related to their promotion and retirement shall be conducted in accordance with the provisions of the Law Concerning the Organization and Jurisdiction of Courts of the Islamic Republic of Afghanistan.
8. The amounts and types of narcotic drugs set forth in paragraph 4 over which the Narcotics Tribunals shall exercise exclusive jurisdiction throughout Afghanistan shall be subject to amendment in accordance with the procedures set forth in Article 33.
9. The Central Narcotics Tribunal shall also have jurisdiction over criminal offenses connected or related to drug trafficking offenses set forth in sub-paragraphs 1, 2, and 3 of paragraph 4 of this article.

**Article 35: Investigation, Prosecution, Trial, and Extradition**

1. Investigation, prosecution, and the trial of persons involved in drug-trafficking offenses shall be carried out in accordance with the provisions of the Criminal Procedure Code and other relevant laws, and the penalties shall be prescribed in accordance with the provisions of this law. In case this law lacks the required provisions to decide on a penalty, the provisions of the Penal Code shall apply.
2. Suspects accused or convicted of drug trafficking offenses shall be extradited in accordance with the provisions of the 1988 United Nations Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances, and in accordance with international agreements that may be signed with other countries.

**Article 36: Special Counter Narcotics Saranwal**

1. The Office of the Attorney General shall create a Special Counter Narcotics Saranwal within its office to investigate and prosecute the offenses under this law.
2. The Special Counter Narcotics Saranwal shall have exclusive jurisdiction over investigation and prosecution of drug-trafficking offenses set forth in paragraph 4 of Article 34 of this law, and shall cooperate with other law enforcement officials in conducting their investigations.
3. The investigation and prosecution of drug-trafficking offenses involving amounts of drugs less than those set forth in paragraph 4 of article 34 of this law shall be the jurisdiction of other relevant Saranwalis in accordance with the provisions of law.
4. The appointment of the prosecutors and the handling of other affairs related to their promotion and retirement shall be carried out in accordance with the provisions of the law.

**Article 37: Duties of the Counter Narcotics Police**

1. The Counter Narcotics Police of Afghanistan and other law enforcement authorities referred to in paragraph 2 of this article shall be responsible for detecting drug trafficking offenses in Afghanistan.
2. The following law enforcement agencies may seize illegal drugs, drug crimes proceeds, and related materials and equipment:
  - a) the Counter Narcotics Police;
  - b) the Afghan Special Narcotics Force;
  - c) the National Police;
  - d) the Border Police;
  - e) the Afghanistan Customs staff.
3. All seizures of illegal drug substances, evidence, and proceeds by any of the law enforcement agencies referred to in paragraph 2 of this article shall be reported immediately to the Counter Narcotics Police. The Counter Narcotics Police shall transmit the report as soon as practicable to the National Headquarters of the Counter Narcotics Police, the Ministry of Counter Narcotics, the Office of the Attorney General, and the Commission on the Assessment of Drug-Related Offenses and Penalties.

4. All seizures of illegal drug substances, evidence, and proceeds by any law enforcement authorities referred to in paragraph 2 of this article shall be turned over to the Counter Narcotics Police as soon as practicable.
5. Law enforcement agencies referred to in paragraph 2 of this article shall, at the request of Counter Narcotics Police, provide additional security to protect seized drugs, evidence, proceeds, and suspects.
6. The Counter Narcotics Police shall have the authority to question and interrogate all the perpetrators of the drug-trafficking offenses under this law.
7. The Counter Narcotics Police of Afghanistan shall refer perpetrators of the offenses under paragraph 4 of Article 34 of this law to the Special Counter Narcotics Saranwal for investigation and prosecution. If the amount of drugs seized is less than those set under paragraph 4 of article 34 of this law, the respective cases shall be referred to the concerned Saranwalis for investigation and judicial prosecution.
8. If the amount of drugs seized is less than those set under paragraph 4 of Article 34 of this law, the law enforcement agencies named under paragraph 2 of this article shall complete the questioning and interrogation of the suspects within 72 hours and refer the concerned cases to the respective Saranwalis for investigation and judicial prosecution.
9. In cases where a seizure of quantities of narcotic drugs as set under paragraph 4 of Article 34 of this law is made outside Kabul Province and the offenders are arrested, the law enforcement agencies referred to in paragraph 2 of this article shall have up to, but not longer than, 72 hours from the time of arrest to prepare a report of the arrest and turn the accused over to the Primary Saranwal. As soon as possible, but not longer than 15 days after the arrest, the Counter Narcotics Police shall transfer the investigation, the evidence, and the accused to the Headquarters of the Counter Narcotics Police in Kabul for further questioning and interrogation. The time period for the questioning and interrogation of the accused shall begin upon the date the accused physically arrives in Kabul in the custody of the Counter Narcotics Police, but the time period for the turning over of the accused to the Special Counter Narcotics Saranwal shall in no event exceed 15 days from the date of arrest. The Special Narcotics Saranwal, upon being notified, shall inform the Primary Central Narcotics Tribunal in Kabul of such arrests outside Kabul Province, and obtain an order from the Court extending the dates for indictment. It shall investigate and prosecute the case in accordance with the provisions set forth in Article 36 of the Interim Criminal Procedure Code.

**Article 38: Reports on drug seizures**

1. A report shall be prepared by the person responsible for the seizure of illegal drugs and shall contain the following information:
  - a) The type of illegal drug seized, and a physical description of the seizure, including any packaging containing the drugs;
  - b) The quantity of illegal drugs seized;
  - c) The time, date and place of the seizure;
  - d) The organization and person responsible for the seizure;
  - e) The name, date of birth, address, and signature and fingerprints of any person arrested in connection with the seizure;
  - f) A factual description of the circumstances of the seizure.



2. The report shall be signed by the person responsible for the seizure and a member of the Counter Narcotics Police if present. One copy of the report shall be kept by each of the signatories to the report. Additional copies shall be submitted to the Saranwal for inclusion in the investigation dossier, and to the Ministry of Counter Narcotics.

#### **Article 39: Destruction of illegal drugs and preservation of evidence**

The illegal drugs seized shall be destroyed in accordance with the following procedures:

- a) All drugs seized shall be turned over to the custody of the Counter Narcotics Police as soon as possible;
- b) Authorized representatives of the Counter Narcotics Police and the concerned Saranwal shall weigh and photograph the entire amount seized, and take samples of the drugs for testing, in accordance with written procedures which shall be established by the Attorney General. The Ministry of Counter Narcotics, or its provincial offices, shall be informed about this sampling process;
- c) After samples of the drugs are taken, the remaining drugs shall be re-weighed to ensure that the original amount seized is not less than it was after the sample was taken;
- d) The Saranwal shall issue a written order authorizing the destruction of the drugs after they have been photographed, sampled, and reweighed;
- e) Representatives of the Counter Narcotics Police and the Saranwal shall prepare and sign an exact report containing the information required under this article and keep a record of the same;
- f) The Counter Narcotics Police shall destroy the remaining illegal drugs as soon as possible in the presence of representatives of the Saranwal. The Ministry of Counter Narcotics shall be advised of and may participate in this process.

#### **Article 40: Afghan Special Narcotics Force**

1. A Special Narcotics Force is established within the Ministry of Interior to detain those involved in drug trafficking, to seize illegal drugs, and to use reasonable force in the conduct of its operations, including against those who impede its operations.
2. The Special Narcotics Force shall hand over any suspects and evidence in its custody associated with a drug seizure to the Counter Narcotics Police of Afghanistan pursuant to the procedures set forth in Articles 37, 38, and 39.
3. The Special Narcotics Force shall have the power to destroy illegal drugs, if necessary.

#### **Article 41: Co-operation with law enforcement agencies**

1. If an accused cooperates considerably with the responsible authorities in investigation and trial in detecting or arresting other perpetrators, the prosecutor can request to sentence the accused to up to 50% of the minimum penalty prescribed for the perpetrated crime.
2. Any person who provides authentic information relating to drug trafficking offenses or offenders, or arrests, or assists in the arrest of, the offenders may be awarded money, depending on the circumstances and the quality and quantity of the drugs seized, at the

discretion of the Counter Narcotics Police and in accordance with guidelines which shall be established by the Ministry of Interior.

#### **Article 42: Confiscation of Assets**

1. No person may retain any benefits or assets, whether immovable or movable, acquired directly or indirectly by the commission of a criminal offense under this law.
2. The prosecutor shall provide sufficient evidence in support of the confiscation of benefits or assets in accordance with paragraph 1 of this Article. The court shall consider any evidence produced by the accused to refute the evidence produced by the prosecutor, and shall order confiscation only after it is certain that benefits or assets were acquired directly or indirectly as the result of the commission of a criminal offense under this law.
3. Benefits and immovable or movable assets that may be confiscated or forfeited as a result of the commission of a criminal offense under this law shall include the following:
  - a) Facilities, material, equipment, movable or immovable assets, funds or any other objects of value directly or indirectly used or intended to be used in committing the crime;
  - b) Money, funds, objects of material value, and any other income acquired directly or indirectly through committing the crime;
  - c) Moveable or immovable materials purchased or acquired with the proceeds or income of the crime;
  - d) Salary or other privileges received by legal or natural persons in connection with the crime.
4. When funds or assets ordered to be confiscated are not available, funds or assets of equivalent value shall be ordered to be confiscated. This order shall be applicable to funds or assets belonging directly or indirectly to the perpetrators of the offenses under this law.
5. If the funds or assets whose confiscation has been ordered have been transferred to another person, the transferred funds or assets shall be confiscated, provided that the person to whom the funds or assets have been transferred was aware of the origin of the funds or assets.
6. If the transferee did not know that the funds or assets transferred to him had been acquired by the commission of a criminal offense under this law, he shall have the right to present evidence of his lack of knowledge on this regard to the court.

### **CHAPTER VI**

#### **SEARCH, SEIZURE, AND INVESTIGATION TECHNIQUES**

#### **Article 43: Detection, Investigation, and Prosecution**

The provisions of this Chapter shall apply to the detection, investigation, and prosecution of drug trafficking and drug trafficking-related offenses, including offenses involving bribery and corruption, violence, and money laundering.

**Article 44: Search of Person**

1. Law enforcement authorities search a person where there are justifiable reasons to believe that evidence and forfeitable objects or instruments and funds related to drug-trafficking are concealed on or in the suspect's clothing or body.
2. A strip-search may only be conducted by a law enforcement officer of the same sex. Internal examinations of body orifices may only be carried out by an authorized medical examiner after approval by a local court. Where an individual consents to a body search, the authorization from a court is not needed.
3. Any object or article reasonably relevant to criminal activity may be seized during a search of a person. A record of the reasons for and circumstances of the search, the name of the Judge or other authorizing officer, where applicable, and the disposition of any seized items shall be made. This record can be produced in the future legal proceedings.
4. Evidence properly obtained as a result of a search shall be admissible in all court and other legal proceedings.

**Article 45: Search of Property**

1. Law enforcement authorities may enter and search private residences after obtaining a warrant from a relevant court.
2. Convincing reasons that justify the search, and the exact address of the property to be searched, should be explicitly mentioned in the search warrant application.
3. A court may issue a search warrant where there is reasonable cause to believe that evidence, instrumentalities, or proceeds of drug-trafficking, or of other offenses, are stored, maintained, or concealed in or on the premises to be searched. If the owner or the resident of the property consents to a search, there is no need for the court authorization.
4. In exceptional circumstances where there is reasonable cause to believe that evidence, instrumentalities, or proceeds of criminal activity or offenses may be removed or destroyed and the issuance of a search warrant by a court is not possible, law enforcement officers may act pursuant to the provisions of the Criminal Procedure Code.
5. Law enforcement officers may seize all evidence, instrumentalities, or proceeds of criminal activities or offenses, including records maintained in any form, format, or medium, specified in the warrant and are related to drug trafficking offenses. A record of the reasons for and circumstances of the search, the name of the judge or other authorizing officer, where applicable, and the disposition of any seized items shall be made and maintained for all future legal proceedings. Where a search warrant was not obtained prior to a search because of exceptional circumstances, the record shall also include a description of such exceptional circumstances and the attempts made to contact a Sarwanal before the search.
6. Evidence properly obtained pursuant to a search warrant or consent shall be admissible in all court and other legal proceedings. Law enforcement officers shall, following entering and searching a property, obtain a court order establishing the legality of their action within a period of time as set under the law.

#### **Article 46: Search of Vehicles**

1. Law enforcement authorities may stop and search a vehicle where there is reasonable cause to believe that evidence, instrumentalities, or proceeds of drug-trafficking offenses are stored, maintained, or concealed on or within the vehicle, its load, or any trailer.
2. Law enforcement authorities may seize the vehicle and any evidence, instrumentalities, or proceeds of drug-trafficking offenses, including records maintained in any form, format or medium, relevant to such criminal activities or offenses. A record of the reasons for and circumstances of the search and the disposition of any seized items shall be made and maintained for all future legal proceedings. Evidence properly obtained pursuant to an authorized vehicle search shall be admissible in all court and other legal proceedings.

#### **Article 47: Covert Surveillance**

1. Law enforcement authorities and their authorized agents may conduct covert investigative and surveillance activities to gather intelligence and evidence of criminal activities or offenses. Covert investigative and surveillance activities may include:
  - recording conversations in public places;
  - conducting mobile or static surveillance with or without the use of electronic or photographic equipment;
  - collecting data related to using, providing, and transmitting telecommunications and other electronic communications, pursuant to written regulations that shall be established by the Attorney General;
  - controlled deliveries of prohibited or other items.
2. A record of the covert surveillance conducted shall be kept.
3. Evidence properly gained through the authorized use of covert investigative and surveillance methods shall be admissible in all court and other legal proceedings.

#### **Article 48: Intrusive or Electronic Surveillance**

1. Law enforcement authorities and their authorized agents may conduct intrusive investigative and electronic surveillance activities during and in connection with efforts to gather intelligence and evidence relevant to the commission of drug-trafficking offenses. Intrusive or electronic surveillance methods may include:
  - overt or covert recording of conversations in private property, places, and residences;
  - installation and use of electronic or photographic equipment in or on private property, places, or residences;
  - interception of communications, including voice, data and internet communications, conversations and information transmitted by electronic means or media by, from, or through telecommunications companies, internet and computer service providers, or other electronic communications service providers;
  - inspecting bank accounts and records of financial transactions or transfers; and
  - opening and inspecting mail.

2. Evidence properly obtained through the authorized use of overt or covert intrusive investigative and electronic surveillance methods shall be admissible in all court and other legal proceedings.
3. In all cases under this article, the confidentiality of the conversations, mailings, and communications between the accused and his lawyer shall be kept immune from any form of intrusion.

**Article 49: Electronic Interception and Surveillance Standards**

1. With the exception of law enforcement agencies or their agents, any person who intentionally
  - a) intercepts any wire, oral, or electronic communication;
  - b) uses any electronic, mechanical, or other device to intercept any oral communication;
  - c) discloses to any other person the contents of any wire, oral, or electronic communication, knowing that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this Article;
  - d) uses the contents of any wire, oral, or electronic communication, knowing that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this Article; or\
  - e) discloses to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by this Article,
    - i. knowing that the information was obtained through the interception of such a communication in connection with a criminal investigation,
    - ii. having obtained or received the information in connection with a criminal investigation, and
    - iii. with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,

shall be subject to 1 to 5 years imprisonment and a fine of between 20,000 and 100,000 Afs.

2. It shall not be unlawful for an officer, employee, or agent of a provider of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication, to intercept, disclose, or use that communication in the normal course of his employment.
3. A person or entity providing an electronic communication service to the public shall not intentionally divulge the contents of any communication to any person or entity other than an addressee or intended recipient of such communication or an agent of such addressee or intended recipient, except -
  - a) as authorized in this Article;
  - b) with the lawful consent of the originator or any addressee or intended recipient of such communication;
  - c) to a person employed or authorized, or whose facilities are used, to forward such communication to its destination; or
  - d) the communications were inadvertently obtained by the service provider and which appear to pertain to the commission of a crime, if such divulgence is made to a law enforcement agency.

4. Whenever any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom shall be admissible as evidence in any trial, hearing, or other proceeding or before any other official authority if the disclosure of that information would be in violation of this Article.
5. The consent of one of the parties to the communication shall constitute authorization for surveillance, interception, or inspection of communications and information under this Article.
6. An application for the interception of communications shall be prepared by a Saranwal and approved by an authorized official of the Office of the Attorney General. The application shall specify the reasons to believe that:
  - a) the named suspects and others are engaged in the commission of drug trafficking or drug-related offenses;
  - b) the named suspects and others are using a particular telephone or premises in connection with the commission of the offenses;
  - c) that wire and/or oral communications of the named suspects and others will be intercepted either over the particular telephone facility and/or within the described premises;
  - d) the time for which the interception is required to be maintained; and
  - e) where the application is for the extension of a previous order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.
7. The application for and authorization of surveillance or interception under this section should be in writing but may be made orally if there are urgent or emergency circumstances. The application to conduct an interception shall include sufficient information to justify the use of the type of interception sought. The court issuing the Order shall state any conditions or limits to the planned interception or surveillance in the Order authorizing the application. Urgent oral applications and authorizations require the same information and justification as written ones. Written applications and authorizations will be made as soon as practicable following oral authorization and will state the need for urgency.
8. Each Order authorizing or approving the interception of any wire, oral, or electronic communication under this chapter shall specify -
  - a) the identity of the person, if known, whose communications are to be intercepted;
  - b) the nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;
  - c) a particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;
  - d) the identity of the agency authorized to intercept the communications, and of the person approving the application; and
  - e) the period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.
9. An Interception Order is valid until the objectives authorized in the Order are attained or 60 days from the day on which the law enforcement officers first begin to conduct an interception under the Order. It shall be renewable for additional 60 day periods upon a showing of continued necessity for interception.

10. The authorization given shall apply to the target telephone number as well as any changed telephone number within the 60 day period. If the telephone is a cellular telephone, the authorization applies both to the target telephone number as well as any changed telephone number or any other telephone number subsequently assigned to or used by the instrument bearing the same electronic serial number as the target cellular phone within the 60 day period.
11. Monitoring personnel may listen only to criminal conversations, and must turn off the interception devices when the parties to the conversation engage in non-criminal conversations.
12. The recordings of the intercepted communications shall be sealed in a container and taken to the court which issued the interception order within 30 days of the end of the authorized interception period in order to protect the recordings from tampering or destruction and to ensure that the contents are not unlawfully disclosed.
13. No provider of wire or electronic communication service, officer, employee, or agent thereof shall disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with respect to which the person has been furnished a court order under this Article, except in case of exigency and then only after prior notification to the Attorney General.
14. When a law enforcement officer intercepts wire, oral, or electronic communications relating to offenses other than those specified in the Interception Order, the contents thereof, and evidence derived therefrom, may be disclosed or used for law enforcement purposes, or disclosed under oath in any proceeding, when the judge finds on subsequent application that the contents were otherwise intercepted in accordance with this Article and the original order. The court shall be notified as soon as practicable that conversations about other offenses are being monitored, and the new offenses shall be added to the original application for the order if an extension order is obtained. If no extension order is obtained and the prosecution wishes to use that evidence in a future proceeding, an order should be obtained as soon as practicable pursuant to this Article.
15. Disclosure of information obtained pursuant to a court-authorized interception order is authorized in the following circumstances:
  - to law enforcement officers for the performance of their official duties. In this case, the law enforcement officers may use the information as required.
  - information may be disclosed during testimony under oath.
16. Information regarding offenses other than those authorized in the order may be disclosed to other law enforcement officers with a court authorization. In this case, they may use the information as required.
17. A law enforcement officer may disclose interception information to other law enforcement, intelligence, protective, immigration, national defense, or national security officials, if the information includes intelligence or counterintelligence, to assist the receiving officials in the performance of their official duties.
18. A law enforcement officer, or other Government official engaged in carrying out official duties, may disclose the contents of intercepted communications and evidence derived therefrom to foreign or domestic investigative or law enforcement officers if such disclosure is appropriate to the proper performance of the official duties of the officers who disclose and who receive the information. Foreign investigative or law enforcement officers may use or

disclose such contents or derivative evidence to the extent appropriate to the performance of their official duties.

19. If the contents of intercepted communications or derivative evidence reveals a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, sabotage, terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within Afghanistan or elsewhere, a law enforcement officer, or other Government official engaged in carrying out official duties, may disclose the contents of intercepted communications and evidence derived therefrom to any appropriate Government or foreign government official, for the purpose of preventing or responding to such threat. The foreign official who receives such information may use it consistent with such guidelines as the Office of the Attorney General and the National Security Directorate (NDS) shall jointly issue.
20. The Interception Order issued by the judge may provide in appropriate circumstances and for good cause that the order be sealed, and the surveillance or interception conducted not be disclosed until the conclusion of the investigation or until further order of the court. The order of the court may specify that the methods, means, and techniques used in the interception or surveillance remain secret.
21. The Interception Order issued by the judge may permit law enforcement officers to surreptitiously enter the premises to be surveilled at any time to install or replace a recording or surveillance device, or replace the battery.
22. Communications service providers shall allow designated law enforcement authorities access, as per the Interception Order, to the content of the specified communications at the time of transmission or as soon as practicable thereafter, and shall cooperate with law enforcement authorities in the installation or connection of all technical equipment necessary to the interception and recordation of the communications. Communications service providers and their employees and agents are forbidden to disclose the installation of interception equipment.

#### **Article 50: Use of Informants**

1. Law enforcement authorities may use informants to prevent, detect, and investigate drug-trafficking offenses by gathering intelligence and evidence relevant to the commission of such offenses.
2. An informant may establish or maintain a relationship with a person in order to acquire information or evidence of illegal activities and to provide that information and evidence to law enforcement authorities. Informants may use surveillance techniques described in this Article if authorized by appropriate law enforcement authorities.
3. Informants may not participate in the commission of drug-trafficking offenses in connection with criminal investigations without prior authorization from the appropriate law enforcement authorities. An informant who conducts or participates in criminal activity outside the limit of the authorized conduct may be subject to prosecution for any offense committed.
4. Authorizations for informants to acquire information or participate in crimes shall be recorded in writing and shall specify to the extent practicable the types of actions the informant may engage in or conduct. All information provided by an informant shall be recorded by the officer receiving it.



5. The identity of an informant may be withheld by an order of a court where there is reasonable cause to believe that identifying the informant will subject him to danger or compromise lawful investigations. The order issued by the court may provide in appropriate circumstances that the order be sealed and not be disclosed to another party until the conclusion of the investigation or until further order of the court, and that the methods, means, and techniques used in the investigation remain secret.
6. An informant may testify in court.
7. Evidence properly gained through the authorized use of informants shall be admissible in all detection, investigation, and trial proceedings.
8. Informants shall be recruited in accordance with special procedures established by the Ministry of Interior.

#### **Article 51: Undercover Operations**

1. Law enforcement authorities may conduct undercover or covert operations during and in connection with investigations to gather intelligence and evidence relevant to the commission of drug-trafficking offenses. Undercover or covert operations and methods may include purchasing, selling, or offering to purchase or sell, illicit drugs and controlled substances, or other activities. Undercover or covert operations and methods shall not be used to initiate crimes that would [not] otherwise have been committed. A record of all undercover or covert operations conducted shall be made and maintained.
2. Intelligence includes information relevant to the detection and prevention of drug-trafficking offenses. The source of intelligence may be protected.
3. Evidence properly obtained through the authorized use of undercover or covert operations shall be admissible in all detection, investigation, and trial proceedings.

### **CHAPTER VII**

#### **DUTIES AND RESPONSIBILITIES OF THE MINISTRY OF COUNTER NARCOTICS AND OTHER MINISTRIES**

#### **Article 52: Duties and responsibilities**

1. The Ministry of Counter Narcotics shall coordinate the counter-narcotics activities and programs of the Government of Afghanistan with other Ministries, independent bodies, and other concerned organizations.
2. The Ministry of Counter Narcotics, as the leading Ministry in counter narcotics affairs, shall be responsible for coordinating and evaluating the implementation of this Law and the National Drug Control Strategy in the concerned Ministries and organizations, and shall adopt the necessary measures for this purpose in the relevant central and provincial offices.
3. The concerned Ministries and organizations shall present a report, on a monthly basis or upon request, on their counter-narcotic activities to the Ministry of Counter Narcotics.
4. The Ministry of Counter Narcotics shall submit to the Government a quarterly report on the results obtained from the evaluation of the activities and performances of the concerned organizations in combating narcotic drugs.

5. Ministries, agencies and other concerned organizations shall be responsible for the implementation of this law and the National Drug Control Strategy in their respective areas of activity.
6. The Minister for Counter Narcotics, assisted by other Ministries, and other bodies and institutions, shall prepare a National Drug Control Strategy (NDCS), and propose revisions to the strategy at regular intervals but not less than every three years. The Ministry shall be responsible for evaluating the implementation of the NDCS.
7. The Ministry of Counter Narcotics shall coordinate the annual budget of the National Drug Control Strategy with the Ministry of Finance. The Ministry of Counter Narcotics and the Ministry of Finance shall be jointly responsible for the management and implementation of the Counter Narcotics Trust Fund.
8. The Ministries of Counter Narcotics, Interior, Finance, National Defense and other Ministries, bodies and institutions, including but not limited to the Supreme Court, Office of the Attorney General, and National Directorate of Security, shall cooperate and assist one another as required to perform their lawful duties and functions under this law.

#### **Article 53: Intelligence Duties**

1. The National Directorate of Security shall obtain intelligence on drug cultivation, production, and trafficking, and shall prepare strategic and operational intelligence reports related to counter narcotics.
2. Strategic intelligence reports on counter narcotics shall be submitted on a regular basis to the Office of the National Security Adviser, the Ministry of Interior, and the Ministry of Counter Narcotics.

#### **Article 54: Duties of Other Ministries**

1. The Ministry of Public Health, in consultation with the Ministry of Counter Narcotics, shall establish community-based and residential detoxification, harm reduction, treatment and rehabilitation services for persons addicted to or dependant on narcotic drugs and/or psychotropic substances.
2. The Ministry of Education and Ministry of Higher Education shall, in consultation with the Ministry of Counter Narcotics, include illicit drug use prevention-related subjects into the curriculum of their educational institutions.
3. The Ministries of Culture and Information, Public Health, Religious Affairs (Hajj and Awqaf) and other relevant bodies shall, in consultation with the Ministry of Counter Narcotics, promote public campaigns against illegal drug cultivation, production, trafficking, and use.
4. In accordance with the National Drug Control Strategy, and within their competence, the Ministries of Agriculture, Food Stuff and Animal Husbandry, Rural Rehabilitation and Development, Public Health, and Interior shall adopt measures to:
  - a) Prevent opium poppy and cannabis cultivation through all possible means;
  - b) Persuade and encourage farmers to cultivate licit crops;
  - c) Provide assistance to farmers.
5. The Ministry of Foreign Affairs shall adopt measures to:

- a) Attract assistance from international organizations to assist farmers;
- b) Acquire assistance from international organizations to equip and expand hospitals and rehabilitation centers for drug addicts;
- c) Collect reports, publications and information material related to the struggle against drugs from regional and international organizations, and translate and distribute them;
- d) Initiate efforts to negotiate agreements with other countries and organizations regarding co-operation in detection, investigation, arrest, prosecution, trial, and extradition of drug-trafficking suspects;
- e) Negotiate agreements with other countries and international organizations for cooperation and technical and financial assistance to prevent opium, cannabis, and coca cultivation and to combat drug trafficking in Afghanistan;
- f) Cooperate with the United Nations and other foreign authorities to prevent the manufacture of instruments, equipment, and machinery used for producing and processing narcotic drugs and psychotropic substances;
- g) Present to the Secretary-General of the United Nations an annual report, drafted by the Ministry of Counter Narcotics, on the implementation of the international conventions on illegal drugs;
- h) Exchange information and counter-narcotic activities with foreign countries and international organizations;
- i) Establishing relations between the International Narcotics Control Board (INCB) and the Counter Narcotics Ministry and other relevant ministries and institutions;
- j) Designate, in consultation with the Counter Narcotics Ministry, Drug Liaison Officers (DLO) in neighboring, regional and other interested countries;
- k) Cooperate with the Counter Narcotics Ministry in holding regional and international conferences on counter-narcotic issues;
- l) Consult with the Ministry of Counter Narcotics in formulating and implementing the duties and responsibilities set forth in this paragraph.

## **CHAPTER VIII**

### **FINAL PROVISIONS**

#### **Article 55: Responsibility of Security Authorities**

All security authorities shall be responsible for preventing and eradicating the cultivation of opium poppy, cannabis plants, and coca bush in accordance with the instructions of the Government.

#### **Article 56: Primacy of this law**

1. Where existing laws and regulations conflict with this law, this law shall prevail. All regulations that are incompatible with this law shall be conformed to this law no later than 6 months after the promulgation of this law.

2. The Counter Narcotics Ministry shall issue all regulations required by this law within one year of the promulgation of this law. Pending the promulgation of such regulations, the existing regulations concerning counter narcotics activities shall remain in force if such regulations are not inconsistent with this law.

**Article 57: Cooperation of Ministries**

1. Within 60 days of the promulgation of this law, the Ministry of Counter Narcotics, with the assistance of the Ministry of Interior, shall take the measures necessary to meet the organizational, staffing, funding, and resource requirements of this law.
2. Within 60 days of the promulgation of this law, the Ministry of Counter Narcotics shall, in consultation with the Ministry of Public Health, prepare an organizational plan for the establishment of the Committee on Drug Control. Within 120 days of the promulgation of this Law, the Committee shall convene its inaugural meeting.
3. Within 120 days of the promulgation of this law, the Ministry for Counter Narcotics shall formulate and publish regulations pertaining to its activities and governance.

**Article 58: Entry into Force**

This law shall enter into force from the date of its signing by the President and shall be published in the Official Gazette. Following the promulgation of this law, the Counter Narcotics Law published in the Official Gazette No. 813 dated 13.08.1383 shall be nullified.

**CLASSIFICATION TABLES**

*Afghan national classification of narcotic drugs, Psychotropic substances and preparations thereof, as well as substances used in their manufacture.*

Table 1	Prohibited drugs of abuse
Table 2	Strictly controlled substances and pharmaceutical preparations (High risk drugs of abuse)
Table 3	Controlled substances and pharmaceutical preparations (Risk drugs of abuse)
Table 4	Substances used in the manufacture of narcotics drugs and psychotropic substances (Precursors)

**Table 1 – Prohibited Drugs of Abuse with No Medical Use**

1. (+)-LYSERGIDE	34. Diethylthiambutene
2. 2C-B	35. Difenoxine
3. 3-methylfentanyl	36. Dimenoxadol
4. 3-methylthiofentanyl	37. Dimepheptanol
5. 4-MTA	38. Dimethylthiambutene
6. Acetorphine	39. Dipipanone
7. Acetyl-alpha-methylfentanyl	40. DMA
8. Acetyldihydrocodeine	41. DMHP
9. Acetylmethadol	42. DMT
10. Allylprodine	43. DOET
11. Alphameprodine	44. Drotebanol
12. Alphamethadol	45. Ethylmethylthiambutene
13. Alpha-methylfentanyl	46. Eticyclidine
14. Alpha-methylthiofentanyl	47. Etilamfetamine
15. Aminorex	48. Etonitazene
16. Benzethidine	49. Etorphine
17. Benzylmorphine	50. Etoxidine
18. Betacetylmethadol	51. Etryptamine
19. Bêta-hydroxyfentanyl	52. Fenetylline
20. Bêta-hydroxy-methylfentanyl	53. Furethidine
21. Betameprodine	54. Heroin
22. Betamethadol	55. Hydromorphenol
23. Betaprodine	56. Hydroxypethidine
24. Brolamfetamine	57. Ketobemidone
25. Butyrate de dioxaphetyl	58. Levomoramide
26. Cannabis and cannabis resin	59. Levophenacymorphane
27. Cathinone	60. MDE, N-ethyl MDA
28. Clonitazene	61. MDMA
29. Concentrate of poppy straw	62. Mecloqualone
30. Desomorphine	63. Mescaline
31. DET	64. Methaqualone
32. Dextromoramide	65. Methcathinone
33. Diampromide	66. Methyl-4 aminorex

- |  |  |
|--|--|
| 67. Methyldesorphine   | 95. Properidine  |
| 68. Methyldihydromorphine  | 96. Propiram   |
| 69. MMDA   | 97. Psilocine, psilotsin   |
| 70. Morpheridine   | 98. Psilocybine  |
| 71. Morphine methobromide and other pentavent nitrogen morphine derivative | 99. Racemoramide   |
| 72. MPPP   | 100. Rolicyclidine   |
| 73. Myrophine  | 101. STP, DOM  |
| 74. N-hydroxy MDA  | 102. Tenamfetamine   |
| 75. Nicocodine   | 103. Tenocyclidine   |
| 76. Nicomorphine   | 104. Tetrahydrocannabinol, the following isomers and their stereochemical variants:                    |
| 77. Noracymethadol   | a) tetrahydro-7,8,9,10 trimethyl-6,6,9 pentyl-3 6H-dibenzo[b,d] pyranne o1-1                           |
| 78. Norlevorphanol   | b) (9R, 10aR)-tetrahydro-8,9,10,10a trimethyl-6,6,9 pentyl-3 6H-dibenzo[b,d]pyranne o1-1               |
| 79. Normethadone   | c) (6aR,9R, 10aR)-tetrahydro-6a,9,10,10a trimethyl-6,6,9 pentyl-3 6H-dibenzo[b,d] pyranne o1-1         |
| 80. Normorphine  | d) (6aR,10aR)-tetrahydro-6a,7,10,10a trimethyl-6,6,9 pentyl-3 6H-dibenzo[b,d] pyranne o1-1             |
| 81. Norpipanone  | e) tetrahydro-6a,7,8,9-trimethyl-6,6,9 pentyl-3 6H-dibenzo[b,d] pyranne o1-1                           |
| 82. Para-fluorofentanyl  | f) (6aR,10aR)-hexahydro-6a,7,8,9,10,10a dimethyl-6,6 methylene-9 pentyl-3 6Hdibenzo [b,d] pyranne o1-1 |
| 83. Parahexyl  | 105. Thebacone   |
| 84. PEPAP  | 106. Thiofentanyl  |
| 85. Phenadoxone  | 107. Tilidine  |
| 86. Phenampromide  | 108. TMA   |
| 87. Phenomorphane  | 109. Trimeperidine   |
| 88. Phenoperidine  |  |
| 89. Pholcodine   |  |
| 90. Pir tramide  |  |
| 91. PMA  |  |
| 92. Poppy seeds  |  |
| 93. Poppy straw  |  |
| 94. Proheptazine   |  |

**Table 2 – Strictly controlled plants and substances with a medical use**

- |                 |                |
|-----------------|----------------|
| 1. Alfentanil   | 4. Amobarbital |
| 2. Alphaprodine | 5. Aniledirine |
| 3. Amfetamine   | 6. Bezitramide |

- |   |                                |
|---|--------------------------------|
| 7. Coca, (leaf)                                       | 33. Methylphenidate            |
| 8. Cocaïne  | 34. Metopon                    |
| 9. Codeine  | 35. Moramide, intermediaire du |
| 10. Codoxime  | 36. Morphine                   |
| 11. Delta-9-tetrahydro cannabinol<br>and its variants | 37. Nicodicodine               |
| 12. Dexamfetamine                                     | 38. Norcodeine                 |
| 13. Dextropropoxyphene                                | 39. N-oxymorphine              |
| 14. Dihydrocodeine                                    | 40. Opium                      |
| 15. Dihydromorphine                                   | 41. Oxycodone                  |
| 16. Diphenoxylate                                     | 42. Oxymorphone                |
| 17. Dronabinol  | 43. Pethidine                  |
| 18. Ecgonine, its esters and derivatives              | 44. Pethidine, intermediate A  |
| 19. Ethylmorphine                                     | 45. Pethidine, intermediate B  |
| 20. Fentanyl  | 46. Pethidine, intermediate C  |
| 21. Glutethimide                                      | 47. Phenazocine                |
| 22. Hydrocodone                                       | 48. Phencyclidine              |
| 23. Hydromorphone                                     | 49. Phenmetrazine              |
| 24. Isomethadone                                      | 50. Piminodine                 |
| 25. Levamfetamine                                     | 51. Racemate de metamfetamine  |
| 26. Levomethamphetamine                               | 52. Racemethorphan             |
| 27. Levomethorphanol                                  | 53. Racemorphan                |
| 28. Levorphanol                                       | 54. Remifentanil               |
| 29. Metamfetamine                                     | 55. Secobarbital               |
| 30. Metazocine  | 56. Sufentanil                 |
| 31. Methadone   | 57. Thebaïne                   |
| 32. Methadone intermediate                            | 58. Zipeprol                   |

**Table 3 – Controlled plants and substances with a medical use**

- |                         |                  |
|-------------------------|------------------|
| 1. Acetyldihydrocodeine | 6. Benzfetamine  |
| 2. Allobarbital         | 7. Bromazepam    |
| 3. Alprazolam           | 8. Brotizolam    |
| 4. Amfepramone          | 9. Buprenorphine |
| 5. Barbital             | 10. Butalbital   |

11. Butobarbital
12. Camazepam
13. Cathine
14. Chlordiazepoxide
15. Clobazam
16. Clonazepam
17. Clorazepate
18. Clotiazepam
19. Cloxazolam
20. Codeine
21. Cyclobarbitol
22. Delorazepam
23. Diazepam
24. Dihydrocodeine
25. Estazolam
26. Ethchlorvynol
27. Ethinamate
28. Ethylmorphine
29. Fencamfamine
30. Fenproporex
31. Fludiazepam
32. Flunitrazepam
33. Flurazepam
34. GHB
35. Halazepam
36. Haloxazolam
37. Ketazolam
38. Lefetamine
39. Loflazepate Ethyl
40. Loprazolam
41. Lorazepam
42. Lormetazepam
43. Mazindol
44. Medazepam
45. Mefenorex
46. Meprobamate
47. Mesocarbe
48. Methylpheno-barbital
49. Methypylone
50. Midazolam
51. Nicocodine
52. Nicodicodine
53. Nimetazepam
54. Nitrazepam
55. Norcodeine
56. Nordazepam
57. Oxazepam
58. Oxazolam
59. Pemoline
60. Pentazocine
61. Pentobarbital
62. Phendimetrazine
63. Phenobarbital
64. Phentermine
65. Pholcodine
66. Pinazepam
67. Pipradrol
68. Prazepam
69. Pyrovalerone
70. Secbutabarbital
71. Temazepam
72. Tetrazepam
73. Triazolam
74. Vinylbital
75. Zolpidem



**Table 4 – Substances frequently used in the manufacture of narcotic drugs and psychotropic substances (chemical precursors)**

- |   |                          |
|---|--------------------------|
| 1. Acid N-acetylanthranilic                 | 12. Piperonal            |
| 2. Acid lysergic                            | 13. Pseudoephedrine      |
| 3. Anhydride acetic                         | 14. Safrole              |
| 4. Ephedrine                                | 15. Acetone              |
| 5. Ergometrine                              | 16. Acid anthranilic     |
| 6. Ergotamine                               | 17. Acid chlorhydric     |
| 7. Isosafrole                               | 18. Acid phenylacetic    |
| 8. Methylenedioxy-3,4 phenyl<br>propanone-2 | 19. Acid sulfuric        |
| 9. Norephedrine                             | 20. Methyl ethyl acetone |
| 10. Potassium Permanganate                  | 21. Piperidine           |
| 11. Phenyl-1 propanone-2                    | 22. Toluene              |
|   | 23. Ethyl ether          |