

PENAL LAW
FOR CRIMES OF
CIVIL SERVANTS
AND
CRIMES AGAINST PUBLIC WELFARE
AND
SECURITY

26 Qans 1341

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PART ONE

GENERAL

CHAPTER ONE: GENERAL PROVISIONS

- ARTICLE 1: All provisions of this law, whether relating to crimes of civil servants or other persons, shall be applied by the Civil Servants Courts of the Government of Afghanistan.
- ARTICLE 2: Conviction of the perpetrator to 10 years or more imprisonment or to permanent prohibition from Civil Service entails the deprivation of the following rights:
- a) the right to use official medals,
 - b) the right to use official titles,
 - c) the right to become a civil servant,
 - d) the right to employment in the military.
- ARTICLE 3: If a citizen of the State of Afghanistan commits while abroad a criminal offense provided in this law, he shall lawfully be prosecuted and sentenced, after he returns to Afghanistan, according to the provisions of the following paragraphs:
- a) if the said person has committed a crime against the State of Afghanistan or an Afghan citizen, he shall be punished in accordance with the provisions of this law for his crime;
 - b) if the crime is not committed against the State of Afghanistan or a Afghan citizen, the perpetrator may be sentenced only when he has not been prosecuted and punished for his crime by a court of the foreign State; in this case, criminal prosecution shall only be instituted by the demand of the victim within the limits prescribed by the Criminal Procedure Act of Afghanistan;
 - c) should the perpetrator travel abroad on an official mission of the State of Afghanistan, he shall be subject to the maximum penalty envisaged for his crime according to the provisions of the above stated paragraphs (a) and (b);
 - d) if the perpetrator is held responsible by the Afghan Court for his crime abroad, but does not impose a punishment on him because of his conviction by the foreign court and the sentence he has served nevertheless, he shall suffer all of the accessory punishments described in the special articles of this law.
- ARTICLE 4: Any civil servant or employee, having been sentenced to two or more years imprisonment, shall be considered suspended from the public service following his conviction.

- ARTICLE 5: Compelling a person to commit a crime is also a criminal offense, and the perpetrator of such duress shall be punishable by the same penalty which is provided for the person who commits the actual criminal offense.
- ARTICLE 6: For purposes of this law, whenever the need arises for the signature of a person who is illiterate, his fingerprint suffices provided that it is authenticated by two witnesses to the effect that the fingerprint belongs to the person who after thorough knowledge of the matter used it in lieu of his signature.
- ARTICLE 7: For purposes of this law, whenever the statement of the date be required it shall mean the statement of the day, the month and the year being used in Afghanistan based on the Solar Calendar (A.H.).
- ARTICLE 8: Every civil servant, contract servant of the State and government employee who learns of the occurrence of a criminal incident must notify the perpetrator's superiors of the case; failing to do so will be punished by one to two months imprisonment or from three hundred to one thousand Afghan fine.
- ARTICLE 9: Every superior who becomes aware of the commission of a criminal offense in his office must immediately institute legal proceedings in accordance with the provisions of this law.
- ARTICLE 10: If the execution of a sentence on a convicted woman, who is pregnant, is considered, in the opinion of a physician, detrimental to her child, the execution of the sentence shall be suspended until 40 days following the childbirth.
- ARTICLE 11: If a person is legally liable to the payment of different sums, such as the court tax and trial expenses, to the State as well as the payment of sums to non-governmental real or legal persons, priority is given to the payment of the dues relating to non-governmental persons over the State dues.
- ARTICLE 12: The convicted person shall return the same property which he acquired through the commission of the crime, if it exists; otherwise, he shall give a like commodity or its price to the owner thereof; and shall also compensate any damages done to the property.
- ARTICLE 13: Execution of Court sentences of capital punishment or life imprisonment is subject to the signature of the President of the Republic.*
- ARTICLE 14: If one deed forms several criminal offenses, the perpetrator shall be sentenced for the principal criminal offense requiring the most severe punishment.
- ARTICLE 15: The conviction of felony by a court shall be recorded in the identity card of the convict.
- ARTICLE 16: Political rights denote the following:
- a) the right to participate in parliamentary elections, provincial councils or municipality elections as a voter or as a candidate;

ARTICLE 17: Common rights include the following:

- a) to establish commercial companies;
- b) to establish manufacturing firms;
- c) to represent someone before the Court;
- d) to publish papers or periodicals;
- e) to use official medals;
- f) to use official titles.

CHAPTER TWO: TYPES OF CRIMES AND PUNISHMENTS

ARTICLE 18: Crimes provided by this law are of the following types:

- a) felony;
- b) misdemeanor;
- c) petty offense.

ARTICLE 19: A felony is a crime punishable by the following penalties:

- a) death penalty;
- b) life imprisonment from 15 to 20 years with or without hard labor
- c) regular (or strict) imprisonment from three to 15 years with or without hard labor;
- d) simple imprisonment from one to three years;
- e) exile;
- f) deprivation of political rights;
- g) deprivation of all common rights;
- h) deprivation of citizenship;
- i) dismissal from the State civil service.

ARTICLE 20: A misdemeanor is a crime punishable by the following penalties:

- a) imprisonment for not more than one year;
- b) compulsory residence in a specified place;
- c) prohibition from living in a specified place;
- d) deprivation of some common rights;

- ARTICLE 21: Cases arising from the commission of crimes provided in Articles 171 and 20 shall be adjudicated by the Civil Servants Courts.
- ARTICLE 22: A petty offense is an offense punishable by the following penalties:
- a) a fine of not more than one thousand Afghanis;
 - b) suspension of promotion;
 - c) salary cessation for not more than 15 days;
 - d) reprimand.
- ARTICLE 23: Punishment for the perpetration of petty offenses provided in Article 171 on Civil Servants shall be applied by their respective superiors under Articles 173 and 174 of this law, and persons other than Civil Servants are punishable in pursuance of the provisions of Article 181 of this law.
- ARTICLE 24: The period of exile shall not be less than three years and shall not exceed 15 years.
- ARTICLE 25: The period of compulsory residence or prohibition from residence in a specified place shall not be less than one month and shall not exceed three years.
- ARTICLE 26: A person sentenced to exile shall be sent, under guard, to the place ordered by the Court and shall remain under surveillance for the term of the sentence.
- ARTICLE 27: Imposition of hard labor shall be aimed at the performance of work for the public welfare.
- ARTICLE 28: The period of a sentence of imprisonment commences on the day the convict is imprisoned according to the final judgment of the Court; however, the period of time spent in custody and/or preliminary detention shall be counted as part of the sentence of imprisonment.
- ARTICLE 29: The quality of the severity of a punishment is prescribed in the order for its provisions, with the exception of imprisonment without hard labor which is milder than imprisonment with hard labor unless its period is two times or more longer than the latter period.
- ARTICLE 30: A person condemned to death shall be detained until the time of execution. The death penalty shall be executed by hanging.
- ARTICLE 31: The Court, upon the request of a person sentenced to fine, may change his sentence to the performance of physical work for public interest. In calculating work for a fine, the Court shall not order more than one hundred Afghanis, and not less than thirty Afghanis, for a working day.
- ARTICLE 32: Should the convict be unable to pay the fine within 30 days from the date the Court decision became final, the Court upon the request of the prosecutor, shall apply the provisions of Article 31.
- ARTICLE 33: The Court may order the confiscation of the following property:

- c) property acquired as the fruit (or product) of the crime or in exchange thereof. In enforcing the punishment of confiscation of property, it is conditional that the property belongs to the convict himself and nobody else. Nevertheless, if somebody else with full knowledge of their legal nature, acquires the properties mentioned in the foregoing paragraphs of this Article, the Court may order the confiscation of such property as well.

CHAPTER THREE: ATTEMPTED CRIME AND REPEAT CRIME (RECIDIVISM)

ARTICLE 34: Anyone who with intent commenced the commission of a felony but did not complete it because of the intervention of factors other than his own voluntary abandonment, he shall be punishable by the minimum penalty provided for that felony. In case the penalty is capital punishment, the perpetrator shall be sentenced to imprisonment from five years to 19 years. The criminal intent in itself, as well as the accomplishment of preparatory acts shall not be regarded as the attempted crime.

ARTICLE 35: If a perpetrator attempted to commit a felony but has desisted from its completion of his own free will, he shall not be punished. However, if the accomplished action forms another crime, he shall be subject to the established penalty provided by the law.

ARTICLE 36: If the perpetrator has been sentenced by a court of competent jurisdiction for the commission of a felony or a misdemeanor, and within five years following the completion of his sentence he again commits a felony, he shall be punishable by at least the maximum penalty for his fresh crime provided that this penalty does not exceed one and one-half of the maximum penalty. In this case, the execution or non-execution of the previous sentence has no effect on the Court decision.

CHAPTER FOUR: ABETMENT AND COMPLICITY

ARTICLE 37: If a crime is committed by several persons, every perpetrator shall be independently punishable by the penalty provided for that crime. However, if the special circumstances show that some participants took a greater role in the commission of the crime, such factors shall be considered in the adjudication of their cases. However, this shall not affect the sentence of the others.

ARTICLE 38: Complicity (aiding) includes the following deeds:

- a) incitement of a person to commit a crime or a deed originating from a crime, provided that the criminal incident or the deed occurs as a result of the incitement;
- b) preparation of objects and means essential for the commission of a crime and the performance of preparatory work incidental to the perpetration of the offense;
- c) preparation of facilities for a person to commit a crime.

- ARTICLE 40: The penalty for the accomplice shall be less than the penalty for the actual perpetrator of the crime. The Court may establish the reduction of the punishment of the accomplice in view of the circumstances of the crime, the individual rate, characteristics, and relevant factors.
- ARTICLE 41: The special factors which change, aggravate or mitigate punishment of the actual perpetrator shall not affect the punishment of the accomplice
- ARTICLE 42: Should the actual perpetrator be exempted from punishment by law, this in no way shall affect the cases of the accomplices.

CHAPTER FIVE: BARS TO PUNISHMENT AND ITS EXECUTION

- ARTICLE 43: An immature child may not be punished.
- ARTICLE 44: If a minor who has not reached the age of 15 years commits a crime punishable by this law, the Court with full consideration of his personal circumstance, shall award a proper disciplinary measure (or education measure) to suit him. Following the execution of the sentence, the Court shall submit the minor to his guardians and instruct them for intensive supervision of his deeds and behavior.
- ARTICLE 45: Should the perpetrator be a minor who has attained the age of 15 years but has not reached the age of 16 years, on charges of felony he shall not be punishable by more than five years imprisonment. In cases other than felony, he may be sentenced by not less than one-half of the minimum and not more than one-half of the maximum penalty provided for that crime.
- ARTICLE 46: The provisions of this law on recidivism shall not apply to persons mentioned in Articles 44 and 45. Likewise, provisions of Article 45 shall not apply to the perpetrators of premeditated murder.
- ARTICLE 47: Should the perpetrator of a criminal offense be insane at the time of the commission of the crime, he may not be punished.
- ARTICLE 48: If a convict prior to the completion of his sentence to imprisonment becomes insane, he shall be committed to the nearest mental hospital for treatment. The time spent in the institution by the convict shall be credited toward service of the sentence to imprisonment.
- ARTICLE 49: When the perpetrator is compelled to commit a crime against the provisions of this law, he shall not be held responsible. Compulsion for purposes of this law shall mean the threat of death, threat of losing one's limb or a serious bodily injury endangering one's life.
- ARTICLE 50: A government employee or civil servant who commits a deed considered a crime by this law shall not be held criminally responsible in the following instances:

CHAPTER SIX: REDUCTION AND EXTINCTION
OF PUNISHMENTS

ARTICLE 51: No sentences shall be pardoned or remitted except in accordance with the provisions of the law.

ARTICLE 52: Should, in cases of felony, the attendant circumstances necessitate the remission of a sentence, the Court may reduce the felony sentence as follows:

- a) death penalty to life imprisonment with or without hard labor;
- b) life imprisonment to regular imprisonment with hard labor;
- c) regular imprisonment with hard labor to regular imprisonment without hard labor
- d) regular imprisonment without hard labor to simple imprisonment.

The remaining felony penalties may be reduced by the Court pursuant to this Article from more severe grades to milder grades in the manner and order prescribed by Articles 19 and 20 of this law.

ARTICLE 53: On cases of recidivism as well as in instances wherein the law provides the maximum penalty for the perpetrator, if in the opinion of the Court grounds exist for the reduction of sentences, it may lessen the maximum penalty provided that it is not less than the minimum penalty prescribed for the crime by the law.

ARTICLE 54: Sentences of capital punishment and life imprisonment relating to convicts who exceed 70 years of age shall not be applied and the sentences shall be reduced to sentences of regular imprisonment.

ARTICLE 55: Provisions of Article 57 shall not apply to the perpetrators of pre-meditated murders.

CHAPTER SEVEN: PARDON AND EXPUNGING
OF SENTENCES

ARTICLE 56: The power to remit and pardon sentences from the viewpoint of public rights (Haq-ul-Allah) is the right of the President of the Republic. *

ARTICLE 57: If the perpetrator convicted of felony does not commit a fresh felony or misdemeanor within five years of the day on which the punishment has been served, his previous conviction shall be expunged from his identity card and he shall be rehabilitated.

PART TWO

MISDEMEANOR AND FELONY RELATING TO CIVIL SERVANTS

CHAPTER ONE: POLITICAL CRIMINAL OFFENSES (MISDEMEANOR AND FELONY)

ARTICLE 58: Every Civil Servant who commits the following crimes shall be punished by death penalty:

- a) Makes armed rebellion against the State of Afghanistan independently, or with the aid of other men, or with the aid of a foreign State;
- b) Participates in a criminal conspiracy with a foreign State thereby rendering the proclamation of war by that State against Afghanistan;
- c) Commits an act aimed at detaching any part of territory from Afghanistan, in violation of the territorial integrity or the independence of the Country;
- d) Provides means and facilities for bringing the enemy of Afghanistan into the Country;
- e) Disposes any part of the territory of Afghanistan to be requisited by the enemy;
- f) Assists the enemy of Afghanistan by providing armed groups, men or materials;
- g) Collaborates for the success of the enemy by means other than those provided in the foregoing paragraphs;
- h) Commits espionage for a foreign State against the interests of Afghanistan.

ARTICLE 59: Any official who communicates or conveys sensitive information relating to negotiation, secret State correspondence or State decisions pertaining to mobilization of the State military forces, or maps of military expeditions, or military resources, to agents of a foreign State shall be punished by death penalty.

ARTICLE 60: Any official entrusted with the detection of the military officers or spies of a foreign State who after their recognition conceals or shelters them or causes the concealment of such person shall be punished by death penalty.

ARTICLE 61: Any official who deliberately and with ill intentions destroys or sets fire to military warehouses, army and ammunitions stores, or a public building containing State documents and papers shall be sentenced to death.

ARTICLE 62: Any official who makes an attempt against the life of the head of State or

- ARTICLE 63: Any State official who commits an act aimed at overthrowing the Republic of Afghanistan shall be punishable by capital punishment.
- ARTICLE 64: Any State official who incites and invites the armed forces or the Afghan people to armed insurrection against the government of Afghanistan shall be sentenced to death.
- ARTICLE 65: Every government official who by means of writing or speech makes propaganda for the perpetration of the crimes provided in paragraphs (a) and (c) of Article 85, and Articles 62 and 64 shall be punished by imprisonment from five to 10 years at hard labor.
- ARTICLE 66: Every official who commits espionage against one foreign State to benefit another foreign power shall be sentenced to imprisonment for three to 10 years.
- ARTICLE 67: Any State official who without prior official permission commits an act to obtain political or military secrets of the State of Afghanistan, upon the acquisition of such information shall be sentenced to one to three years imprisonment.
- ARTICLE 68: Any government official who by means of propaganda or in some other way incites violence and homicide between the people of the Country, if homicide occurs, shall be punishable by death penalty.
- ARTICLE 69: If an official incites and invites the people to violence and homicide, and his act does not result in homicide but causes general disorder and looting, he shall be liable to imprisonment from three to seven years with hard labor.
- ARTICLE 70: Should an official invite and incite the people to violence and homicide, and his act does not result in any effect, he shall be punishable by exile for three to five years.
- ARTICLE 71: In instances other than the provisions of Article 61, any official who deliberately and with ill intentions destroys by means of arson the State property shall be sentenced to imprisonment from three to five years at hard labor.
- ARTICLE 72: [. . .] *
- ARTICLE 73: Any official who for purposes of insulting, brings down or tears the national flag of Afghanistan [. . .] shall be sentenced to life imprisonment.

CHAPTER TWO: MISDEMEANOR AND FELONIES
WITH RESPECT TO IRREGULAR-
ITIES IN THE PERFORMANCE
OF OFFICIAL DUTIES

- ARTICLE 74: Every government official who uses threat or force against another government official to prevent him from the performance of his official duty, shall be sentenced to imprisonment for one to three years. This provision also applies to the official who compels another official to resign by use of threat or force.

* Note: See Republican Decree No. 1, Art. 1.

* See Art. 139, infra.

- ARTICLE 75: Should an official or a person charged with the surveillance of a person under arrest, detention or imprisonment, recklessly permit an escape, he shall be punished in accordance with the provisions of Articles (127 and 128) of the Military Penal Law.
- ARTICLE 76: If an official entrusted with the procurement of goods for the government or the disbursement of public goods by way of bidding or otherwise, commits an act causing damage to the government, he shall be liable to imprisonment for six months to three years as well as to restitution of the damages incurred.
- ARTICLE 77: Any official using his official power to obstruct the application of Court decisions or the implementation of orders issued lawfully by public authorities shall be punishable by deprivation of the right to public office or imprisonment for one to three years, and if the implementation has been delayed without justification, the perpetrator shall be punishable by imprisonment not exceeding one year.
- ARTICLE 78: Any official who without authority intervenes in a Court's legal jurisdiction, performs acts outside his own sphere of official powers, and although notified by the Court or the public prosecutor continues his activities, shall be sentenced to deprivation of public office or to imprisonment for three months to three years or to both.
- ARTICLE 79: Any official who by law or by the order of the government is required to publish an official announcement or a State decree, but fails to accomplish this duty without legal excuse and thereby inflicts damage on the government or the people, shall be punished for one year suspension from office, the payment of a fine of one and a half to two thousand Afghanis, as well as to compensation of damages.
- ARTICLE 80: Any official who appropriates for his private use any State property (movable or immovable) without legal authority, shall be liable to compensate the damages to the government and shall be punishable by suspension from office for one year.
- ARTICLE 81: A government official who disobeys or resists an order lawfully issued by his authorized superiors or competent authorities shall be sentenced to deprivation of public offices.
- ARTICLE 82: An official who for purposes of benefiting or damaging either of the contesting parties intervenes in a Court by way of order, demand or intercession, shall be punishable by imprisonment for one to six months or payment of a fine of more than one thousand Afghanis and less than five thousand Afghanis.
- ARTICLE 83: Whenever three or more State officials abandon their jobs jointly or for the purpose of obtaining a mutual aim collectively leave their jobs, or refuse to discharge one of their obligations under the said circumstances, shall, any one of them, be punishable by imprisonment from three months to one year or to a fine not less than three thousand and not more than five thousand Afghanis. Should the abandonment of the jobs or the refusal to discharge them endanger the life or health of the people or public tranquility, or as a result thereof inflict damages to the general interest or create a common disorder, the perpetrators shall be punished by the maximum penalty provided in this Article.
- ARTICLE 84: A government official who abandons his job in order to create disorder

- ARTICLE 85: Any official who incites or invites other government officials to perpetrate the crimes provided by Articles 83 or 84 of this law shall be punishable by the same penalty as the actual perpetrator.
- ARTICLE 86: Subject to other provisions of this law, any official who willfully discloses a government secret entrusted to him by virtue of his office, without permission of law, shall be punishable by imprisonment for three months to two years.

CHAPTER THREE: ABUSE OF AUTHORITY FOR OPPRESSING THE PEOPLE

- ARTICLE 87: Whenever an official or any other person who is charged with the execution of criminal sentences, applies to a convict a more severe penalty than that decided by the Court or applies a penalty not included in the Court sentence, or issues orders for the application of penalties, without authority of the Court, he shall be punished by imprisonment from six months to two years. A Court of competent jurisdiction may also sentence him to deprivation of public offices.
- ARTICLE 88: An official who exploits his office or official authority by entering a person's residence in instances not provided by the law, shall be punished by imprisonment of six months to two years or by a fine of one thousand five hundred to four thousand Afghanis, or by both penalties.
- ARTICLE 89: A government official who by exploitation of his official status subjects another to unlawful violence thereby inflicting injury on his body or harm on his prestige and status, shall be sentenced to less than one year imprisonment or to a fine of one to two thousand Afghanis.
- ARTICLE 90: Any official who by misuse of his office or official authority, procures without right movable or immovable property from its owner, for himself or another, or compels the owner of the property to sell it to himself or another, shall be punishable by imprisonment from three months to two years and to deprivation of public office. The perpetrator is also obligated to return the original property, and in case of loss of the said property, to pay its price to the owner.

CHAPTER FOUR: BRIBERY

- ARTICLE 91: An official who in the discharge of duty directly or through another, accepts a gift or other benefit or promises to accept a gift or other benefit for the doing within the scope of his official powers of an official act which ought not to be performed by him, or for the omission of an official act which ought to be performed by him shall be considered the recipient of the bribe, and whoever confers or promises to confer a gift or other benefit directly or by somebody else to the official shall be recognized as the bribe giver.
- ARTICLE 92: The recipient of the bribe, and the bribe giver, as well as the person who with full knowledge of the matter, mediates between the two shall be punished by imprisonment from three to 10 years with or without hard labor. The gift or pecuniary benefit so given shall be confiscated.

ARTICLE 94: Anyone who threatens harm to another with intent to influence his official action as a public servant for the doing of an official act which ought not to be done or for the omission of an official act to be performed by him shall be punishable by the penalty prescribed for the bribe giver.

ARTICLE 95: Whoever attempts to confer a bribe not yet accepted, or attempts to threaten a public servant but fails to do so, shall be sentenced to imprisonment not less than three months and not more than one year and by fine from one thousand five hundred to two thousand Afghanis.

ARTICLE 96: Provisions of this Chapter shall also apply to the employees of executive agencies, public enterprises as well as to the employees of the institution in charge of management and delivery of public services. *

CHAPTER FIVE: FORGERY

ARTICLE 97: Subject to other provisions made in this Chapter, an official who personally or with the aid of others, forges the following materials shall be punished by imprisonment of from three to seven years with or without hard labor

- a. Presidential decree, signature or seal;
- b. Ordinance issued by the Prime Ministry;
- c. Orders of other official agencies;
- d. Signature or seal of an official or of the official authorities.

Equally punishable is an official who uses forged materials, with knowledge that the forgery occurred.

ARTICLE 98: An official who unlawfully procures an official seal using it in a manner which causes damage to the government or to the people shall be sentenced to imprisonment of from two to five years.

ARTICLE 99: An official who attempted to commit one of the crimes provided in the above Articles of this Chapter, but before completing his criminal deed furnishes information establishing the identity of the abettors and other necessary details of the offense to the government, shall not be prosecuted for the act done.

ARTICLE 100: Any official who enters false data or fails to enter legally material fact into an official document, government order, contract, books, or records whether he commits this act by forging a signature, seal, or other means thus impairing the integrity of a government record shall be punished by imprisonment from three to five years with or without hard labor. Destruction or erasing of writings, signatures and seals, or addition of words or false names, or omitting words and names are also covered by this provision.

ARTICLE 101: Any official who in a Court or an administrative council invested with judicial authority, has been entrusted with writing of documents, decisions and other official papers knowingly makes a false entry of the statement of persons, names, facts, or the like, shall be punished by imprisonment from three to 10 years with or without hard labor.

Any official who uses documents provided in Articles 100, 101 and 102 with full knowledge of their false contents, shall be punishable by imprisonment for two to seven years with or without hard labor.

ARTICLE 101: Any official who in his personal history papers for employment, deliberately misstates his name and identity, or assists another to commit this act by certifying a false document, shall be punishable by imprisonment of one year to three years.

ARTICLE 105: Any official who for purposes of obtaining a passport or other similar document, deliberately misstates his name and identity, or aids another to commit this act by certifying a false document, shall be sentenced to imprisonment for two to four years.

ARTICLE 106: Any official who forges travel tickets or the like documents for himself or for others, or makes false entries or changes of such, or uses such document with prior knowledge of the forgery, shall be punishable by imprisonment for one to three years or by fine of one thousand to three thousand Afghanis.

ARTICLE 107: An official who willfully uses in his name the official documents containing name and identity of another person shall be subject to imprisonment of three months to one year or to a fine of five hundred to two thousand Afghanis.

ARTICLE 108: An official who forges a medical certificate for himself or for others, if it is aimed at avoiding public service such as military service, shall be punished by imprisonment of three to five years with or without hard labor. In other cases he shall be sentenced to imprisonment for three months to two years.

ARTICLE 109: Provisions of this Chapter relating to the forgery of signatures shall be applicable to the perpetrators of such offenses with regard to the forgery of fingerprints.

ARTICLE 110: An official who deliberately registers a minor as adult, or vice versa, on his nationality card, Court records, or similar documents, shall be punishable by imprisonment for one to three years.

ARTICLE 111: Any official who makes banknotes or securities of Afghanistan without legal authority, or uses or brings in common usage such a fake banknote or security notwithstanding his knowledge that it is fake, shall be punished by imprisonment for three years to 15 years with hard labor.

ARTICLE 112: An official who attempts to commit the crime prescribed by Article 111 but before its completion provides information to the government on the case thereby establishing the identity of the abettors and other necessary details for the related authorities, he shall not be prosecuted therefor.

CHAPTER SIX: EMBEZZLEMENT AND FRAUD

ARTICLE 113: Any official or other person who for the purpose of procuring gain for himself or another, unlawfully appropriates money, securities or other movables entrusted to him by virtue of his job, or is otherwise in custody of social property, shall be sentenced to return the embezzled property and by a fine equivalent to its price as well as the interest thereon.

ARTICLE 114: An official and any other person entrusted with procuring, disbursing, manufacturing or ordering of goods for the government, who with a view to receiving an unlawful material gain for himself or another, deceives a government agency by submitting a false account or in some other way shall be punishable by imprisonment for one to three years, and to return the property so acquired.

ARTICLE 115: Any official or other person in charge of collecting government dues, collects from another a sum in excess of what he is obliged to pay shall be sentenced as follows:

- a. Superior officials of the agencies, to imprisonment for three years to 10 years with or without hard labor, as well as to deprivation of public offices;
- b. Other government officials and employees to imprisonment of one to three years and deprivation of public office.

In both cases, the sum unlawfully procured shall be returned to the owner if he is known, otherwise it shall belong to the public treasury.

ARTICLE 116: Any official who by virtue of his office is entrusted with disbursing and consigning of money and articles to others, if he underpays or hands over less than is due or unlawfully appropriates all or part of the property, shall be punishable to imprisonment for one to three years. In case he appropriates the property for himself, he shall be punishable by six months to seven months imprisonment with or without hard labor and must reimburse the property to its proper owner.

ARTICLE 117: An official who by fraud in public employments appropriates more money than is legally required for the payroll, thereby procuring the salaries of the non-existing employees for himself, or he officially registers his private servants as government employees without letting them perform public service, shall be punished by imprisonment from three to five years and must reimburse twice the sum thus appropriated from the State treasury.

ARTICLE 118: Any official who is entrusted with the administration or supervision of services to be done for the State, in the course of his duty procures an unlawful gain for himself, he shall be sentenced to imprisonment for three months to five years.

ARTICLE 119: An official who in the course of concluding government contracts, or disbursing money or property, commits fraud with intent to unlawfully benefit other persons, thereby procuring a material gain for himself, shall be sentenced to imprisonment for three to seven years.

ARTICLE 120: Subject to the provisions made by the foregoing Articles of this Chapter, any official who by any means unlawfully procures government property for himself, or aids other persons in the commission of such an offense, shall be sentenced to imprisonment for three months to five years.

ARTICLE 121: Any official who helps another person avoid the performance of his provisions vis-a-vis the State shall be punishable by imprisonment for one month to one year as well as by deprivation of public office.

CHAPTER SEVEN: REMOVING AN OFFICIAL SEAL AND
CONCEALMENT (OR THEFT) OF OFFICIAL DOCUMENTS

ARTICLE 122: Whoever removes or damages an official seal put on by an official organ for the purpose of safekeeping certain objects or premises without legal authorization, shall be punished by imprisonment for three months to one year. Should the perpetrator be officially in custody of the seal, he shall be sentenced to imprisonment for three to five years.

ARTICLE 123: In case of removal of a seal as provided by Article 122, the watchman whose negligence has facilitated the commission of the crime shall be punishable by imprisonment for six months or by a fine of one thousand and one to two thousand Afghanis.

ARTICLE 124: Whoever steals or embezzles official papers and documents or papers and documents relating to Court records shall be sentenced to imprisonment for two to five years. Should the perpetrator be the custodian of such papers and documents, he may be sentenced to imprisonment for three to seven years. If the said papers and documents have been stolen, embezzled or damaged in a State archive, the custodian whose negligence facilitates the commission of this crime shall be punishable by imprisonment of three to six months or by a fine of one thousand and one to two thousand Afghanis.

PART THREE

OTHER PERSONS' MISDEMEANOR AND FELONY AGAINST PUBLIC SECURITY AND WELFARE

CHAPTER ONE: POLITICAL CRIMES

- ARTICLE 126: Whoever commits a crime punished under Article 58 of this law shall be punishable by the death penalty.
- ARTICLE 127: Whoever communicates or conveys sensitive information relating to a negotiation, confidential official correspondence, government decision in respect to the mobilization of armed forces, or maps of military expeditions or military resources to agents of a foreign country without authorization of the government shall be sentenced to capital punishment.
- ARTICLE 128: Whoever willfully and with ill intent destroys or sets fire to a military warehouse, a store of arms and ammunitions or a public building containing State documents and papers shall be punishable by death penalty.
- ARTICLE 129: Whoever makes an attempt against the life of the head of State or the P Minister of Afghanistan shall be sentenced to death.
- ARTICLE 130: Whoever commits an act aimed at the overthrow of the [Republic]* of Afghanistan shall be punished by death penalty.
- ARTICLE 131: Whoever incites the armed forces or the people of Afghanistan for an armed upheaval against the government of Afghanistan shall be sentenced to capital punishment or life imprisonment with hard labor.
- ARTICLE 132: Whoever by speech or by means of writing makes hostile propaganda inciting the commission of crimes proscribed by paragraphs (a) and (c) of Article 58, and Articles 130 and 131, shall be punishable by imprisonment for three to seven years.
- ARTICLE 133: Whoever commits espionage for a foreign country against another foreign country shall be sentenced to imprisonment for three to five years.
- ARTICLE 134: Whoever, without official authorization from the State, tries to obtain political or military secrets of the State of Afghanistan shall, upon the acquisition of such information, be punishable by imprisonment for one to two years.
- ARTICLE 135: Whoever by means of propaganda or other means incites violence and killings between the people of the Country, if killings occur shall be sentenced to death penalty or to life imprisonment with or without hard labor.
- ARTICLE 136: Whoever agitates and provokes the people to violence and mass killings and his act does not result in homicide but causes looting and general disorder, shall be imprisoned for three to five years with or without hard labor.
- ARTICLE 137: Whoever incites the people to violence and mass killings, and his act does not have any effect, shall be punished by imprisonment for three to seven years.

in cases other than those provided by Article 128, whoever deliberately and with ill intent destroys or burns the State property shall be sentenced to imprisonment for three to five years.

ARTICLE 139: Whoever insults the head of State of Afghanistan shall be sentenced to imprisonment for six months to 15 years.

ARTICLE 140: Whoever for purposes of insulting, tears or lowers the national flag of Afghanistan . . . shall be imprisoned from 10 to 15 years.

CHAPTER TWO: CONTEMPT OF GOVERNMENT OFFICIALS AND RESISTANCE TO THEIR LAWFUL ORDERS

ARTICLE 141: Whoever commits a criminal contempt in writing or verbally against a State official, a policeman, or any other person entrusted with the performance of an official duty, during the conduct of his duty or for the activities stemming from his duty, shall be punishable by imprisonment of one to six months or by a fine of one thousand and one to two thousand Afghanis.

And if the contempt is committed against the staff of a court or a council possessing judicial authority or a member thereof, the perpetrator shall be sentenced to imprisonment for six months to one year or by a fine of two to three thousand Afghanis.

ARTICLE 142: Whoever without justification causes the waste of time and energy of the institutions or persons charged with the performance of general services by means of false reports of accidents that have not occurred or similar acts, shall be punished by imprisonment for one to three months or by a fine of one thousand and one to two thousand Afghanis. If this action involves expense, the Court may also order the reimbursement of such expenses.

ARTICLE 143: Whoever resists a lawful order of a government official, or a policeman or another person or an official assignment, during the performance of their duties on the activities stemming from their offices, shall be imprisoned for three months to one year or fined from one thousand five hundred to two thousand Afghanis.

Should bodily injury be inflicted on the said persons, the perpetrator shall be sentenced to imprisonment for six months to two years.

Conviction of the perpetrator to the abovesaid sentences shall not exclude consideration of civil action by the Court of competent jurisdiction.

CHAPTER THREE: ESCAPE FROM ARREST, DETENTION OR IMPRISONMENT AND AIDING THE PERPETRATORS

ARTICLE 144: Any person who, while lawfully under arrest, escapes, shall be punished by imprisonment for three months to three years or by a fine of one thousand to five thousand Afghanis. Should the escape be made possible by the use of force or threat, the perpetrator shall be imprisoned for two to five years or fined from three thousand to seven thousand Afghanis.

ARTICLE 145: Whoever is required by law to arrest a person but willfully permits or

... In other cases, the necessary shall be punished by imprisonment for one month to six months or by a fine of one thousand and one to two thousand Afghanis. If the perpetrator of the original offense be the spouse, parent or child of the person who harbors or helps, the provisions of this Article shall not apply.

ARTICLE 150: Whoever, himself or with the aid of others, knowingly harbors or conceal a person who has escaped from the military service, or accommodates him with facilities in the commission of such an act, shall be sentenced to imprisonment for six months to two years or to a fine of one thousand and five hundred Afghanis. If the perpetrator of the original offense be the spouse of the escapee, the provisions of this Article shall not apply.

CHAPTER FOUR: FORGERY

ARTICLE 151: Subject to provisions made in other Articles in this Chapter, whoever personally or by means of other persons, forges materials prescribed below, shall be punishable by imprisonment for three to five years with or without hard labor:

- a. Presidential decree, signature or seal;
- b. Decrees issued by the Prime Minister;
- c. Orders issued by other official agencies;
- d. Signature or seal of an official or of an official agency.

Equally punishable is a person who knowingly uses the forged materials.

ARTICLE 152: Whoever unlawfully procures an official seal using it in a detrimental way against public or private interest shall be imprisoned for one to three years at hard labor.

ARTICLE 153: Whoever attempts to commit a criminal offense prescribed in the foregoing Articles of this Chapter, but prior to the completion of the offense, informs the government of the incident and provides complete information about his accomplices and other necessary details about them, he shall not be prosecuted for the act done.

ARTICLE 154: Whoever makes a false entry in a government record or fails to enter leg required material facts into an official document, government orders, contracts, or books and other records, whether by forgery of a signature or using forged seals, destroying or removing writings, signatures and seal or addition of fake words or names or omission of words or names shall be punishable by imprisonment for three to seven years.

ARTICLE 155: Whoever by the use of means provided in Article 154, commits forgery in the writings of other persons, or knowingly utilizes forged writings shall be imprisoned for three to nine months.

ARTICLE 156: Whoever deliberately and with knowledge of the false nature of the forged papers prescribed in Article 154, makes use of them shall be punishable for three to seven years.

ARTICLE 157: Whoever planning to acquire a passport or the like documents, willfully

- ARTICLE 158: Whoever forges a passport, identification card, citizenship card or other similar documents for himself or for other persons, or makes false entries in such documents or makes use of such documents notwithstanding his knowledge of the matter, shall be imprisoned for one to three years.
- ARTICLE 159: Whoever forges travel tickets or the like documents for himself or for other persons, or makes false entries or changes as such, or uses such documents with prior knowledge of the matter, shall be punishable by imprisonment for six to 18 months or by a fine of two to three thousand Afghanis.
- ARTICLE 160: Whoever uses in his name travel tickets or other similar documents relating to others shall be punishable by imprisonment from one to six months or by a fine from one thousand and five hundred to two thousand Afghanis.
- ARTICLE 162: Any physician who forges medical certificates for a person, if with the intent of avoiding public services such as military conscription, shall be punished by three to five years imprisonment with or without hard labor; in other cases, he shall be imprisoned for one to three years.
- ARTICLE 163: Whoever, by using the name of a physician or a surgeon, forges a medical certificate for himself or another with the intent of avoiding public service such as military conscription shall be punished by imprisonment for one to two years.
- ARTICLE 164: Provisions of this Chapter concerning the forgery of signatures shall be applied to the perpetrators of fingerprint forgery as well.
- ARTICLE 165: Whoever forges the seal or trademark of a company registered in accordance with the provisions of the law, or who forges the seal or symbol of a Chamber of Commerce, and likewise, who uses such forged seal or symbol notwithstanding prior knowledge of its nature, shall be imprisoned for one month to one year.
- ARTICLE 166: Whoever, unlawfully acquires the legitimate seal of a company or of a Chamber of Commerce and uses it in a manner detrimental to the company or the Chamber of Commerce, shall be punished by imprisonment for six to 18 months. He shall also be responsible to indemnify the damages incurred to the company or the Chamber of Commerce.
- ARTICLE 167: A person who as manager of a hotel or a guest-house, or other lodging accommodations, willfully makes false entry of the name of a guest shall be subject to imprisonment from one to six months or a fine of one thousand and five hundred to two thousand Afghanis.
- ARTICLE 168: Whoever forges banknotes or currency of Afghanistan without legal permission, or who uses or circulates the fake banknotes and securities regardless of his prior knowledge of the matter, shall be sentenced to imprisonment for three to 12 years at hard labor.
- ARTICLE 169: Whoever attempts to commit the crime provided by Article 168, yet before its completion informs the government of the case and provides complete information about his accomplices and other necessary details for the authorities concerned, shall not be prosecuted therefor.

PART FOUR

PETTY OFFENSES

CHAPTER ONE: PETTY OFFENSES OF CIVIL SERVANTS

ARTICLE 170: Any official who commits one of the offenses provided below shall be punished by the postponement of promotion for one term, or the payment of a fine of five hundred to one thousand Afghanis or by both penalties:

- a. In instances other than those provided by Article 59 or 86, disclosure of documents, official letters or other similar papers designated by administrative superiors as confidential;
- b. Except as provided in Article 79, loss or destruction of circulars issued by official agencies, by one officially responsible for giving notice of them to civil servants or the public;
- c. Neglect in the performance of a provision made by law;
- d. Direct engagement in commerce while in public office.

ARTICLE 171: An official committing one of the following offenses shall be punished by a salary cut of one to 15 days:

- a. Participation as a customer in an auction or bidding which he is officially responsible to administer or supervise;
- b. Disobedience to a lawful order issued by his superior;
- c. Insulting his superior for reasons stemming from or relating to the performance of his duties.

ARTICLE 172: An official who commits one of the following offenses shall be reprimanded, and if, after being reprimanded, he commits the offense again shall be punished by unpaid work for one to five days:

- a. Irregularity in attendance not covered by the provisions of the Civil Servants Attendance and Leave Law.*
- b. Deliberate and repeated carelessness in the performance of the duty officially assigned to him;
- c. Undue delay of the work to be officially discharged by him;
- d. Insulting persons who for the accomplishment of their work, proper come to his office;
- e. Non-consideration of complaints officially brought before him.

Note: Law of 5 Agrab 1319; superseded by Civil Servants Law, 2 Mazon 1343.

ARTICLE 173: The enforcement of the sanctions provided by Articles 170 and 171 shall be within the authority by the minister, the provincial governor, and High Hakim* within each of their own administrative jurisdictions.

ARTICLE 174: The enforcement of the sanctions provided by Article 172 shall be arranged under the authority of the following superiors:

- a. Rank first and rank two superiors may give a warning and determine the amount of salary cut from one to five days;
- b. Rank three superiors may only give a warning.

ARTICLE 175: On questions of competence with regard to the application of sanctions administrative infractions (petty offenses relating to civil servants) the officiating or acting superior has the same right as the actual holder of an office.

CHAPTER TWO: PETTY OFFENSES OF OTHER PERSONS

ARTICLE 176: Whoever commits one of the following acts shall be sentenced to a fine of 50 Afghanis:

- a. Total or partial obstruction of a public way without permission of authorized agency;
- b. Leaving unlit at nights articles permitted by the authorized agency to be put in a public way;
- c. Leaving a well dug in a public way by permission of an authorized agency unlit at night or without a sign during the day;
- d. Washing things in a public way.

ARTICLE 177: Whoever commits one of the following acts shall be sentenced to 100 Afghanis fine:

- a. Negligence in compliance with orders of official authorities with respect to tearing down or repairing walls or buildings in a dangerous condition and likely to fall;
- b. Throwing such things in a public way that are likely to injure persons using the way.

ARTICLE 178: Whoever commits one of the following acts shall be fined 150 Afghanis:

- a. Negligent conduct with respect to an insane person under his care;
- b. Negligent omission to care for a ferocious or aggressive animal under his charge with probable danger of grievous injury to human beings;
- c. Making such noises which tend to the annoyance of the community.

ARTICLE 179: Whoever commits one of the following acts shall be punished by a fine of 200 Afghanis:

- a. Throwing garbage or dirt noxious to public health in a public way;

- c. Negligent conduct with respect to reporting to the related public office animals in one's possession infected by contagious disease;
- d. Violation of quarantine imposed by a public authority for the protection of healthy animals on the animals infected by contagious disease in his possession;
- e. Refusal to accept banknotes and other official currency of Afghanistan in the absence of any doubt of forgery;
- f. Uprooting or cutting plants and trees cultivated in public roads, gardens or public grounds.

ARTICLE 180: Whoever willfully damages traffic signals, road signs, buildings, public electric light posts, telephones and the like, shall be sentenced to pay compensation for the said damage as well as a fine of 300 Afghanis.

ARTICLE 181: Punishment provided in this Chapter shall be within the duties of the mayor and in places that do not have a mayor, shall be within the duties of the Hakim.

PART FIVE

MISCELLANEOUS PROVISIONS

- ARTICLE 182: The provisions made in the second part of this law shall also be applied to the officials of municipalities and government enterprises.
- ARTICLE 183: Civil Servants Courts shall also apply all punishments prescribed in the following mentioned laws not expressly assigned to some other courts:
- a. The Press Law*
 - b. Law on the Travel and Residence of Foreign Nationals in Afghanistan*
- ARTICLE 184: In the event the authority of the Civil Servants Courts over crimes is not clear, it shall be concluded in accordance with a decision of the Supreme Council of Ministers approved by the Head of State .
- ARTICLE 185: In all felony cases provided by Chapter One of Part Two and Chapter One of Part Three of this law, punishable by death penalty or imprisonment exceeding 10 years, if the accused, at the time of the commission of crime was outside of Afghanistan or after the commission of the crime es abroad, and after the Court summons has been legally served on him and he has not returned to Afghanistan, the Council of Ministers deprive the accused of Afghan citizenship. * However, if Afghanistan has signed an agreement on extradition with the State where the accused is dwelling, the Council of Ministers, prior to deciding on the deprivation of citizenship, shall make sure that extradition of the perpetrator is not possible within three years from the time the criminal offense was committed.
- ARTICLE 186: Whenever the Court sentences the perpetrator of a felony provided in Chapter One of Part Two, and Chapter One of Part Three of this law, to imprisonment not less than 10 years and not more than 15 years, the convicted person may accept a period of deprivation of political and social rights for any period of his term of imprisonment in excess of 10 years. In such a case, the Court orders a 10-year term of imprisonment plus the writ on deprivation of political and social rights.
- ARTICLE 187: On charges of misdemeanor punishable by less than three months imprisonment, the Court may in lieu of the imprisonment sentence, decide on compulsory residence in a specified place or prohibition of residence in a specified place or certain places.
- ARTICLE 188: Should the Court sentence the perpetrator of a misdemeanor provided in Chapter One and Two of Part Two, and Chapters One and Two of Part Three of this law, to imprisonment exceeding nine months or to a fine in excess of five thousand Afghanis, it can also sentence him to partial deprivation of social rights.

*Note: Law of 9 Jadi 1329 superseded by Press Law, 17 Sunbula 1344.

*Note: 15 Mezon 1318.

*Note: 16 Aqrab 1315.

- ARTICLE 189: Should the Court sentence the perpetrator of a misdemeanor provided by Chapter Two of Part Two of this law, to more than nine months imprisonment, it may as well in lieu of the imprisonment term exceeding six months, sentence him to suspension from the civil service, for a period not less than one year and not more than two years.
- ARTICLE 190: In the event of conflict between the provisions made by other laws, and the provisions of this law, the provisions of this law shall prevail.
- ARTICLE 191: Following the enforcement (or proclamation) of this law, provisions made by Articles 86 to 92, inclusive of the Law on the Employment, Promotion and Retirement of Civil Servants* of Afghanistan as well as the provisions made by the Single Article of 8 Hamal 1328 A. H. , are abrogated.

This law is promulgated among other laws adopted by the State of Afghanistan on Monday, 26 of Qaus, 1341 A.H. corresponding to the 20th of the month of Rajab-al-Morajab 1382 of the Lunar Calendar.

*Note: 17 Jadi 1333.

Amended, 22 Dalwa 1348, 18 Mizan 1351, 15 Hoot 1351.