

Drugs Court Gets Mixed Reviews

Author: IWPR

The government's attempt to fast-track drug offenders has secured some convictions, though some suspect the big players are too powerful to be caught.

Ever since Afghan president Hamed Karzai declared a "jihad on drugs" early on in his term of office, the international community has been pouring money and training into the country to help put a stop to the growing opium industry.

Well over one billion US dollars has gone into the counter-narcotics effort to date. But at times it seems that the more money and effort are invested, the poorer the results.

More than two years on, Afghanistan is growing more opium poppy than ever. Many are pointing the finger directly at the police and the courts, who, they say, are falling down on the job of prosecuting drug traffickers.

In 2005, the government of Afghanistan, with generous international assistance, began setting up a special court system to try drug traffickers, in an attempt to speed up the process of prosecuting major offenders and circumvent the corrupt and overburdened regular courts.

The government has hailed the establishment of the drugs court in Kabul as a leap forward in the fight against drugs, but others allege it suffer from endemic corruption and is no better equipped than the normal courts to bring major drug traffickers to justice.

Afghanistan is the world's major producer of opium poppy, and of the heroin that is derived from it. According to the United Nations Office on Drugs and Crime, UNODC, more than 90 per cent of the world's heroin originates in Afghanistan.

According to the Afghan interior ministry, Iran is the primary exit route for smuggled drugs, while Pakistan and the Central Asian countries bordering Afghanistan come a close second. From these countries, heroin makes its way onward to European markets.

To date, the government has been powerless to provide the kind of security that would be needed to stem the flow, and the police and the judiciary are seen as almost hopelessly corrupt, a diseased chain that cannot begin to address the problem.

The new court falls under the oversight of the Ministry of Counter-Narcotics, with the Supreme Court, the Prosecutor General, and the Ministry of the Interior playing an institutional role.

Judges and lawyers, as well as law enforcement officials, receive special training lasting from three weeks to two months. After passing special exams, they are accepted into the court system.

At present, the court has a staff of 141, which includes 22 judges, 55 attorneys and 64 police officers.

“Given the present situation, Afghanistan needs an organ or institution that can act independently and over a broad spectrum to address this important problem – drug trafficking,” said Zalmay Afzali, spokesperson for the Ministry of Counter-Narcotics. “The regular courts could also deal with these issues, but we are trying to speed up the trial procedure for drug dealers.”

The new court can facilitate the procedure because it groups together under one roof police, trial lawyers and judges, all specially trained to deal with these types of cases, he added.

“Therefore, cases are processed in a short period of time, and [we] are able to cut down on wasted time and duplication of efforts,” said Afzali.

The special court takes on only the larger drug cases, according to its head Mohammad Zaman Sangari.

“This court is composed of two parts - a lower court and an appeals court,” he said. “We deal with those who are arrested with more than two kilograms of heroin or cocaine, more than 10 kilos of poppy paste or with more than 50 kilos of hash. Those caught with smaller amounts go through the regular court system.”

According to Sangari, counter-narcotics offices have been established in every province, and they coordinate all arrests involving drug traffickers.

“The local offices then report to us, and we take the detainees to a centre in Kabul, where they await trial,” he said.

To date, 349 people have been arrested for drug trafficking, of whom 317 have already been tried and sentenced, said Sangari.

General Daoud Daoud, the deputy interior minister in charge of counter-narcotics, told IWPR that those arrested have included civil servants, some of them quite high up the chain of command.

“We cannot deny that there are people inside the government who are allies of the drug traffickers, but we are trying to purge them from the system,” he said.

Daoud insisted that the new court system had accelerated the process of apprehending and convicting smugglers.

“We are serious about this problem,” he said. “We will root out this phenomenon, and no one will be granted immunity.”

But those caught up in the system complain that justice is applied arbitrarily.

“My brother was a shopkeeper, and he was buying and selling small quantities of poppy paste, like one or one and a half kilos,” said a resident of the northern province of Balkh, who did not want to give his name. “He was arrested and now he is in Pul-e-Charkhi prison. But those big smugglers who can pay the police don’t get bothered. They only arrest those who don’t have power.”

The Ministry of Counter Narcotics confirmed that corruption in the judiciary was making it more difficult to combat the drug problem.

“Smugglers are able to free themselves by giving money to judges and prosecutors, and even to the special court,” said General Khudaidad, deputy minister of counter-narcotics.

Observers hold out little hope that the special court can free itself from the corruption that pervades all levels of Afghan society.

“The judges and lawyers in this court did not fall from the sky,” said Nabi Assir, a political analyst in Mazar-e-Sharif. “They are a part of this corrupt system, and they are out to make more money. Smugglers are the richest class in Afghan society, and they can easily free themselves from any kind of charge or arrest.”

But court head Sangari insists that the institution is making progress.

“All of our trials are conducted according to the law. We are committed to the law,” he said. “The judges and lawyers in our court have taken many exams, and honesty is the number-one criterion for working here.”

The court does face a host of problems, many of them logistical, said Sangari.

“We do not have good transportation to transfer detainees to court proceedings,” he said. “Sometimes we have a trial beginning at 9 am, and we can’t get the accused there until four or five hours later.”

Prison facilities are also a problem. The court would like to have a separate building for its detainees.

“It is inappropriate to incarcerate smugglers together with other criminals, who have various links with dangerous gangs,” he said.

Afzali, from the Ministry of Counter-Narcotics, also complains about the resources available.

“We cannot cope with the smugglers – they have the best cars, and we can’t even chase them in our old jeeps,” he said.

According to General Daoud, the international community has pledged more support.

“When we receive it, we will expand the courts into all regions of Afghanistan,” he said.

There are some positive signs that the court is having an effect.

Balkh district bazaar used to be one of the largest drug markets in the province, with many shopkeepers specialising in poppy paste. Now the substance has almost disappeared from the market.

“I have quit selling poppy paste,” said one shopkeeper. “The punishment outweighs the benefits. Many people have been arrested, and I don’t want to spend years of my life behind bars.”

Another resident of Balkh, however, said that the real problem lay higher up.

“I have seen trafficking done by people in police cars with tinted windows,” he complained. “These are the real smugglers. They arrest poor people just for show. How can we believe in this government?”

Sayed Yaqub Ibrahimy is an IWPR staff reporter in Mazar-e-Sharif.

Location: [Pakistan](#)
[Iraqi Kurdistan](#)
[Iran](#)
[Afghanistan](#)

Focus: [Afghanistan](#)

Source URL: <https://iwpr.net/global-voices/drugs-court-gets-mixed-reviews>