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Decree of the Supreme Revolutionary Council
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Approval of the Penal Law for Crimes Committed against Internal and External Security of the Democratic Republic of Afghanistan

In order to strengthen the legality and to improve the coordination of the Penal Law for crimes committed against internal and external security, the Supreme Revolutionary Council of the Democratic Republic of Afghanistan has approved the following based on the Ruling of Article 44 of the Basic Rules of the Democratic Republic of Afghanistan:

Article one:

The Penal Law for Crimes committed against the internal and external security of the Democratic Republic of Afghanistan is approved within two Chapters and 30 Articles.

Article two:

Investigation of the crimes included in this law, with the exception of Articles 25 and 26, are carried thru investigative offices of the Ministry of State Security.

Investigations of crimes included in Article one of this law, in relation to military crimes, will be carried by the relevant offices mentioned in the Decree number 177 dated 9/11/1364 (29 Jan, 1975) of the Supreme Revolutionary Council of the Democratic Republic of Afghanistan.

Article three:

The Ministry of Justice, along with the Ministry of State Security and other organizations of the Democratic Republic of Afghanistan that protect the rights will jointly, in accordance with this law, within one month, prepare the draft amendment to the Law of discovering and investigating crimes and will draft amendment for monitoring its legal implementation by the office of Prosecution and then submit the amendment for the approval of the Supreme Revolutionary Council.

Article four:

The Ministry of Justice of the Democratic Republic of Afghanistan is obligated to prepare, within 15 days, an outline of the penal law that will be superceded by this law and submit it to the Supreme Revolutionary Council of the Democratic Republic of Afghanistan.

Article five:

This decree along with the Penal Law against the internal and external security of the Democratic Republic of Afghanistan shall be approved and be effective after it is published in the official Gazette.

Chapter One

Crimes against the internal and external security of the Democratic Republic of Afghanistan

Article one:

Treason to Homeland (National Treason)

1 Intentional acts by a citizen of the Democratic Republic of Afghanistan against the people's sovereignty, protection and preservation of the land, territorial integrity, independence, national security, and defense capability are considered Treason. Those acts are:

- Joining the enemy; embarking on armed activity against the people's sovereignty; espionage; surrender of forces; surrender of weapons; giving away information on war techniques, fortifications and other progressive war equipment; and giving away information that includes state or military secrets to countries, organizations or anti state groups.
- Joining efforts of or collaboration with foreign countries, organizations, or anti state groups in carrying out their hostile activities against the Democratic Republic of Afghanistan.
- Conspiracy to grab state power
- Perpetrating crime against the Homeland is punished with life in prison, or execution, and confiscation of property.

2 If a citizen of the Democratic Republic of Afghanistan who intends to commit crimes mentioned in this Article or who is forced to commit the crimes voluntarily informs the state authorities, will be exempted from punishment.

Article two:

Espionage

Getting, stealing, or gathering information including state secrets in order to give it away to a foreign state, organization or anti state groups or their agents, and collecting and giving away other information ordered by foreign intelligence agencies to be used against the Democratic Republic of Afghanistan is considered espionage. If such activities are carried by a foreign citizen and if those who commit such crimes are non-citizen individuals, they are convicted to life in prison, or execution, and confiscation of property.

Article three:

Terror

1 any person who assassinates a state personality or a political, social, or religious leader, or a representative of state and an ethnic, tribal and national leader in order to sabotage and weaken the peoples sovereignty, will be convicted to life in prison, or execution, and confiscation of property.

2 if a person commits crimes mentioned in item (1) of this Article under physical or mental pressure, the punishment is 3 to 10 years imprisonment.

Article four:

1 if a representative of a foreign state is assassinated in order to provoke war or create tension in the diplomatic relations of the Democratic Republic of Afghanistan with other countries, the person committing the crime is convicted to life in prison, or execution and the confiscation of the property.

2 if the person commits the above-mentioned crime under physical or mental pressure, the punishment is 3 to 10 years imprisonment.

Article five:

Destruction

1 if a person, in order to weaken the people's sovereignty or national economy, commits acts of explosion, arson or through other means breaks or disrupts the activities of institutions/organizations, or transport and communication lines, transport vehicles and if damages or destroys other state, social, and cooperative or individual properties, or causes spread of epidemic diseases or mass poisoning, the person committing the act will be punished from 10 to 20 years imprisonment.

2 if committing acts mentioned in item (1) of this article lead to human casualty or causes permanent defect, or major economic damage or other grave consequences, the person committing the act will be punished with life in prison or execution.

Article six:**Sabotage**

1 if a person, using social or private agencies, offices or organizations, intentionally or unintentionally commits acts to weaken state authority, or activities of industry, commerce, transport, agriculture, livestock, financial system, communication equipment and other national economic fields or disrupts the activities of state organizations, social organizations, cooperatives, or prevents the normal activities of those organizations will be punished with 3 to 10 years of imprisonment, based on the circumstances.

2 if committing acts mentioned above causes major harm and damage to the national economy, the person committing the act will be sentenced to life in prison.

Article seven:**Anti state publicity**

1 - a person who for personal purposes and for the purpose of weakening the people's authority, intentionally spreads false news, statements, or declarations and self-serving allegations or if embarks on provocative propaganda, or oral and written publicity through any possible means or if possesses such publications will be sentenced to medium term imprisonment.

2 if acts mentioned in this Article are lead to disruption of public order and irregularities in the normal activities of the State offices, organizations, agencies, and departments, or if it is lead to destruction, looting, arson, or if committing these acts are results of contacts through communications and other means of contact with anti State groups or with a foreign state hostile to the State of Afghanistan, the person committing the act will be punished to long term jail.

3 - if as a result of committing the acts mentioned in this Article, public order is disrupted and if it is lead to human casualties the person committing the acts will be convicted to life in prison or execution.

Article eight:**Publicity for war**

A person who is propagating war in any form will be convicted to medium term jail in accordance with the circumstances.

Article nine:**Organized activities against internal and external security**

1 a person who forms, organizes, or administers an underground/secret organization under the title of community, delegation, or a group in order to commit crimes mentioned in the Chapter One of this law will be punished with life in prison.

2 a person who becomes a member of any organization or any of the branches or departments of the organizations mentioned in item (1) of this Article will be punished with long-term jail.

3 - anyone who personally or through another person establishes contact with the organizations or the branches of organizations mentioned in item (1) of this Article in order to achieve illegitimate goals; or if encourages and persuades others by pursuing physical or mental pressure will be sentenced to long term jail, based on circumstances.

Article ten:**Crimes against diplomatic relations of Afghanistan with foreign countries**

If an act of a person in any way harms or damages the bi-lateral relations of Afghanistan with foreign states, the person will be sentenced from 3 to 10 years in jail.

If acts of a person are lead to the breakage of the diplomatic relations between Afghanistan and foreign nations, the person committing the acts will be punished with life in prison.

Chapter Two**Other crimes against internal and external security****Article eleven:****Violations from Equality of National, Religious and Racial Rights**

1 a person who embarks on publicity and propagation, for the purpose of inciting national, racial, religious, tribal and linguistic hostilities and create divisions; or tries to limit rights or to establish

superiority among the citizens based on ethnic, national, racial, religious, tribal and linguistic connections, is convicted to medium term imprisonment of up to 3 years.

2 if such acts lead to rebellion or disruption of law and order among the population, the person committing the acts is convicted to long-term imprisonment.

Article twelve:

Wilfully moving and administering of Armed Forces divisions

A person who, without the order of authoritative official and without any legitimate reason, in order to commit a crime, leads the divisions of the armed forces and fighter planes; or if despite the order of state about stopping the movement, continues the act or if the commander of a division of the armed forces after being ordered to put down weapons, keeps soldiers armed and collected under his command, the person will be convicted to life in prison or execution.

Article thirteen:

Exposing State Secrets

1 - a person who has been given or has gained state secrets during official duty and exposes them without any intention of committing treason to homeland is convicted to mid-term jail.

2 if the act mentioned in item (1) of this Article causes grave economic, political, and military consequences for the Democratic Republic of Afghanistan, the person committing the act is punished with long term imprisonment.

Article fourteen:

Loss of documents containing state secrets

1 a person carrying or given state secrets or material that includes state secrets as part of official duty, and loses them due to not observing rules and regulations regarding the protection and safeguarding of those material, will be convicted to mid-term imprisonment based on the circumstances.

2 if the above-mentioned crime causes grave consequences, the person committing the crime will be convicted to long-term imprisonment.

Article fifteen:

Armed Looting (Bandism {Gangsterism})

Anyone organizing armed attacks on institutions, state offices, or social, economic, and private facilities, corporations and joint cooperatives, and individuals, in order to loot or cause damage, including participating in armed groups and bands (gangs) will be convicted to life in prison or execution.

Article sixteen:

Hostage Taking

1 if a person makes threats or intimidates or uses other means of violence and takes hostages, will be convicted to long-term in jail and to the return of the property or its monetary equivalent and any other benefit that may have been received.

2 if the hostage is injured, defected or murdered, the person committing the act of hostage taking will be punished to life in prison or execution and to returning the property or its monetary equivalent and any other benefits that may have been received.

Article seventeen:

Violation of international flight regulations

Entering or departing the airspace of the Democratic Republic of Afghanistan without official permission and without respecting and observing the specific permitted directions, or places assigned for landing, and air corridors assigned for high altitude flights or in case of other violations of the international flight regulations happen, the perpetrator will be convicted to medium-term imprisonment.

Article eighteen:

Illegal Occupation of public facilities

Any person who occupies by force any of the state buildings, institutions and other facilities that are built for public services will be convicted to long term jail or life in prison based on the circumstances.

Article nineteen:

Forging money and valuable documents and circulating them

1 if a person for any reason and in any way forges the money that is in circulation in Afghanistan or forges other valuable documents and foreign currency/exchange, will be convicted for life in prison.

2 if a person knowingly, spreads forged money or forged valuable papers/documents or if deals in them or possesses them in order to circulate or use them, will be punished to long-term in jail not to exceed 10 years.

3 a person who knowingly either personally or through another person brings into Afghanistan or takes out of Afghanistan forged money or forged valuable documents, will be convicted to long-term jail.

4 a person who makes, produces, uses or sells or presents for sale or lends or possesses equipment, material and tools to be used in forging money and valuable documents will be convicted to long-term jail not less than 10 years.

Article twenty:

Collecting money and material assistance for anti State organizations

Anyone who personally or through another person in any form gains money or any other kind of benefit or material assistance from internal or external sources in order to commit crimes mentioned in this law will be convicted to long term jail based on circumstances.

Article twenty-one:

Illegal trade during war

1 anyone who during the war either personally or through personal representative establishes trade relations with the foreign state that is in war with the State of the Democratic Republic of Afghanistan or with the representative of that state wherever it might be, without the agreement of the State of the Democratic Republic of Afghanistan, will in addition to the confiscation of the property used in the crime be convicted to long term jail not to exceed 10 years.

2 if the material/properties mentioned in item (1) of this Article are not confiscated, the court shall rule for the payment of the equivalent price of the material.

Article twenty-two:

Evasion from implementation of commitments made during the war

1 anyone who during the war intentionally evades from or procrastinates the implementation of all or parts of the commitments made to the state about the import or disrupts the delivery of material needed by the armed forces or food and basic material needed by the population will be convicted to long-term jail.

2 if crimes mentioned in the above item lead to the weakening of the defense capability of the country or the operations of the armed forces, the person committing the acts will be punished to life in prison.

3 if the person procrastinates/delays the implementation of the given duties, will be convicted to medium term jail.

Article twenty-three:

Assisting the force of the enemy

Anyone who in order to gain material or spiritual benefits for oneself or for another person directly or indirectly in circumstances other than mentioned in this law provides such services to the enemy will be convicted to a long term jail not to exceed 10 years.

Article twenty-four:

Insult to the flag and State emblem

Anyone who openly insults the flag or the emblem of the state of Afghanistan will be punished to medium term jail based on circumstances.

Article twenty-five:

Providing and selling material for moral corruption

1 anyone who produces or possesses, or exports and imports printed, hand written, or drawn material, slides, negatives, statues, pictures, coded or other material and paintings that are against

culture and public manners and moral for purpose of trade, distribution, lending, supply, or display will be convicted from one to 3 years in jail based on circumstances.

2 if acts mentioned in item (1) of this Article take place for purpose of moral corruption the punishment is from one to 5 years in jail based on the circumstances.

Article twenty-six:

Misuse and theft of cultural and ancient relics

1 misuse and theft of cultural and ancient relics and ancient hand written material and use of publications, paintings, statues and other cultural and ancient relics that are public wealth or property, also transfer, giving as gifts and lending such material has a punishment of one to 3 years imprisonment.

2 theft, sale, destruction or intentional damage of cultural relics has a punishment of long-term jail with paying for the damage and a cash fine equivalent to the price of the relics.

Article twenty-seven:

Not informing authorities about crime against internal and external security

If a person has valid information about perpetration of crimes of treason to homeland, terror, espionage, sabotage, disruption, war publicity, or Bandism and not informs the organizations of people's sovereignty, will be convicted to mid-term jail.

Article twenty-eight:

Covering up of anti State crimes and other crimes that are anti national interest

If a person has information of predictable (upcoming) crimes of treason to homeland, espionage, terrorism, sabotage, disruption, organizing anti State activities, Bandism, forgery of money and other valuable documents without prior agreement with the perpetrators, and keep the information secret will be convicted to medium term imprisonment.

Article twenty-nine:

Exemption from penal responsibility in accordance with this law

1 if a person after committing a crime and before prosecution informs the relevant authorities of the crime and gives full and detailed information about the perpetrators and the accomplices of the crime and other necessary information related to the discovery of the crime, or if introduces the perpetrators of the crime to the relevant authorities, the court can implement the rules regarding the reduction of punishment for him.

2 if the information is given to the authorities prior to the commitment and completion of the crime, the informer is exempted from punishment.

3 If the information is kept secret and the authorities are not informed, the husband, the wife, the children and the parents will not be prosecuted.

Article thirty:

This law is effective from the date it is published in the Official Gazette.