Islamic Republic of Afghanistan

Ministry of Counter Narcotics

Anti-drug Trafficking Policy

Targeting High Value Drug Traffickers and their Networks

May 2012
Preface:

In order to build a stable and prosperous Afghanistan we need to fight against all kind of threats and dangers our country has been subject to during the past decades. One of the biggest threats we are facing in Afghanistan is the drug phenomenon, which undermines our political stability and economic prosperity. Taking the negative impacts of this phenomenon into account and based on our national and international obligations the Afghan government and Ministry of Counter Narcotics have taken effective and measurable steps to prevent drug cultivation, destroying poppy fields, establishing rule of law, disrupting drug trafficking networks and finally arresting the drug traffickers who has been the reason for these social, economic, political and cultural sufferings in our country. Undoubtedly organised crime and drug trafficking have had a noticeable impact on global economy and social life. The Ministry of Counter Narcotics, as the leading counter narcotics policy making and coordination organisation in the country, has a mandate to develop policies in partnership with other organisations including ministry of interior’s counter narcotics section to target high value drug traffickers and large poppy landowners, based on our national and international commitments.

There is no doubt that fighting against global drug trade is the joint responsibility of Afghanistan and the international community and that this joint responsibility needs collective
action and coordination globally, especially among the regional countries and countries located in drug trafficking routes.

Afghanistan accepts the drug cultivation responsibility but cannot accept the international drug trade outside our borders and precursor chemicals export to our country. Precursors used to turn opium to heroin are not produced in Afghanistan, but they are exported into Afghanistan. Those countries that produce these chemicals have the responsibility of preventing their export to Afghanistan too. We should also not underestimate the rise of drug demand in the region and international market as a catalyst for rise of drug production in Afghanistan. It is well documented by the International Organizations that drug trade has a direct link with terrorism, it funds insurgency in our country and it is the main source of instability in the region.

In order to combat this serious threat we need to work together, drug trafficking route countries need to realise that fighting drug trade is a shared responsibility and it has to be tackled on all levels including cultivation, trafficking and consumption.

To meet the new challenges we face the ministry of counter narcotics revised its national Drug Control Strategy and drafted new policies using its previous years’ experience and lessons learned. The new policies will have wide ranging effect in terms of combating drug trafficking, eliminating poppy cultivation, and preventing the activities of those organizations that play a destructive role in Afghanistan.

The illicit drug trade might be profitable in some countries but let’s not forget that these profits cause great catastrophe and crime too. In Afghanistan, the illicit drug trade supports violent anti-government groups and their anti-governmental activities. Furthermore, drug trafficking endanger our country’s economy, threaten our sovereignty, and are a cause of poverty to our farmers. It is essential that all Afghan government ministries and agencies should collaborate in this regard and establish a sustainable approach and stability to seriously fight and control the drug phenomenon. In this struggle we need the international community’s support as this phenomenon has spread to other countries like cancer disease and has caused global. The international fight against drugs has had significant importance for all regional countries in
recent years. The government of the Islamic Republic of Afghanistan and the Ministry of Counter Narcotics has recognised this priority as a national strategy for Afghanistan and needs the cooperation and support of the international counterparts to this process in Afghanistan, particularly financial support.

The Ministry of Counter Narcotics as the leading policy making and coordination organisation has a mandate to draft Afghan led policies that meet the challenges we face and are reflecting the reality on the ground. The Ministry of Counter Narcotics appreciates the cooperation of the law enforcement agencies in helping to draft this policy (counter narcotic police, Border Police, judicial institutions, national security, customs and The Ministry of Defense).

Taking into consideration the changing domestic and international situations, current reality on the ground in Afghanistan, and new technics used by the drug traffickers in the country, there was an urgent need for a new policy in response to this serious threat. Once again we are grateful to all law enforcement agencies in helping us to draft this policy and we are especially grateful for the cooperation of the Counter Narcotics Police, the Border Police, the Special Judicial Center for Drugs, the Ministry of Justice, the Ministry of Defense, the Customs Department and the National Security Department. With the hope to free Afghanistan from with the help of God and the cooperation of our people to reach the goals of the government of the Islamic Republic of Afghanistan and to eliminate the drug phenomenon which has challenged, isolated and brought so much problem to the people of Afghanistan, and to save the Afghan society from the hands of domestic and international drug traffickers.
We hope to achieve success with the help of God and the cooperation of our people to reach the goals of the government of the Islamic Republic of Afghanistan and to eliminate the drug phenomenon which has challenged, isolated and brought so much problem to the people of Afghanistan, and to save the Afghan society from the hands of domestic and international drug traffickers.

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Ministry of Counter Narcotics
## Table of Contents

Introduction: .................................................................................................................. 11

Methodology: .................................................................................................................. 12

Law Enforcement Under The Framework Of National Drug Control Strategy (NDCS)........... 12

Outlook And Objectives Of Ministry Of Counter Narcotics........................................... 12

Policy Objectives In The Next Five Years:................................................................. 13

**Chapter One** .............................................................................................................. 14

Targeting Drug Traffickers ......................................................................................... 14

Minor Traffickers ....................................................................................................... 15

Current Situation ...................................................................................................... 15

Necessary Measures ................................................................................................. 15

Mid-Level Traffickers ............................................................................................... 16

Current Situation ...................................................................................................... 16

Necessary Measures ................................................................................................. 16

High Value Drug Traffickers .................................................................................. 17

Current Situation ...................................................................................................... 17

Necessary Measures ................................................................................................. 18
Disruption And Destruction Of Drug Trafficking Networks ................................................................. 19
Current Situation ..................................................................................................................................... 19
Culture Of Impunity ................................................................................................................................. 19
Pressure Be Influential Groups .............................................................................................................. 19
Necessary Measures ............................................................................................................................... 20
Targeting Major Land Owners Involved In Poppy Cultivation ............................................................ 22
Minor Land Owners .............................................................................................................................. 22
Necessary Measures ............................................................................................................................... 22
Major Land Owners .............................................................................................................................. 23
Necessary Measures ............................................................................................................................... 23
Identifying and Prosecuting Of Government Officials Who Are Involved In Drug Trafficking .......... 24
Current Situation ..................................................................................................................................... 24
Necessary Measures ............................................................................................................................... 25
Targeting provinces with the Highest Level of Drug Trafficking ........................................................ 25
Necessary Measures ............................................................................................................................... 26
Money-Laundering .................................................................................................................................. 26
Current Situation ..................................................................................................................................... 26
Necessary Measures ............................................................................................................................... 27
Counter Narcotics Call Center ............................................................................................................... 27
Current Situation ..................................................................................................................................... 28
Necessary Measures ............................................................................................................................... 28
Targeting Street Level Drug Selling and identifying Drug Dealers ..................................................... 28
Current Situation ..................................................................................................................................... 28
Necessary Measures ............................................................................................................................... 29
Government Vehicle Stop And Search Procedure ............................................................................... 29
Current Situation ..................................................................................................................................... 29
Necessary Measures ............................................................................................................................... 29
Controlled Delivery Operations ............................................................................................................ 30
Covert Surveillance Of Drug Traffickers ............................................................... 31
Necessary Measures ...................................................................................... 31
Uniform Procedures To Accelerate Drug Trafficker Arrests, Prosecution And Detention ................. 31
Current Situation ......................................................................................... 31
Evidence Gathering Procedures................................................................. 33
Current Situation ......................................................................................... 33
Necessary Measures .................................................................................. 33
Drug Addiction In Afghanistan ................................................................. 34
Current Situation ........................................................................................ 34
Necessary Measures .................................................................................. 34
Determining The Legal Amount Of Drugs For Addicts.............................................. 35
From 5 To 10 Grams Of Heroin ................................................................... 35
Seized drugs disposal .................................................................................. 35
Current Situation ........................................................................................ 35
Destroying Heroin Production Laboratories .................................................. 36
Current Situation ........................................................................................ 36
Necessary Measures .................................................................................. 36
Elimination Of Precursors .......................................................................... 37
Current Situation ........................................................................................ 37
Necessary Measures .................................................................................. 37
Chapter Two ............................................................................................. 38
Controlling The Borders ............................................................................ 38
Needs Assessment ...................................................................................... 38
Effective Assessment of Border Administration ............................................. 38
Eastern Border With Pakistan ................................................................... 39
Southern And Western Borders With Pakistan And Iran .................................. 40
Northern And North-western Borders With Central Asian Countries ........... 41
Chapter Six
Creating A Trust Fund Program To Encourage Law Enforcement Officials For Their Hard Work
Methods For Generating The Budget Of The “Encouraging Good Work” Trust Fund
Institutions That Are Entitled To This Budget

Chapter Seven
Reviewing The Drug Trafficking Prisoners’ Situation
Prison Cells For Traffickers
Punishments Or Rehabilitation
Establishing Provincial Prisons
Repetitive Criminals
Prisoners’ Access To Their Families
Over-Crowd Of Prisoners
Forced Work
Facilities In Prisons
Early Parole For Prisoners Who Have Respected The Prison’s Rules And Regulations

Chapter Eight
Enhancing The Capacities Of Relevant Institutions
Counter Narcotics Police of Afghanistan (CNPA)
Ministry Of Defense
Border Forces
National Directorate Of Security
Ministry Of Counter Narcotics
Customs

Chapter Nine
Coordination Among Counter Narcotics Institutions
This Center’s Responsibilities Are The Following
Policy Implementation Plan
Introduction

This policy has been written according to article 7 of the Afghanistan constitution and article 65 of the Counter Narcotics law. The law enforcement department within Ministry of Counter Narcotics has been assigned to revise current law enforcement policies, guidance, recommendations and methods used to arrest drug traffickers, control the border, and eliminate poppy cultivation, using previous experience, lessons learned and resources available. This document will try to illustrate the accomplishment of above goal in a logical framework along with the action plan in order to achieve this aspiration. Nothing in this policy will be contrary to the Afghan laws. Afghanistan faces a number of, internal and external threat and drug trade is one of biggest threats, so therefore it was necessary to draft an anti-drug trafficking policy that meet the current challenges including, security, peace, sovereignty and social and economic development.

In recent years Afghanistan and the international community’s counter narcotics programs have not been sufficient to deal with the drug cultivation and trafficking, resulted in continued cultivation and production. As 2014 rapidly approaching unless the international community and Afghan government come up with effective measures to combat drug trade and provide alternative livelihood to the farmers Afghanistan runs the risk of devolving into a (Narco-State) which will result in political and economical instability, financial funding for terrorist groups, and wide spread corruption.

It is essential that all countries that are affected by the Afghan drug trade to work with us on a shared responsibility basis so we can effectively combat this threat. This policy will achieve its goals when all countries effected specially regional countries work closely with Afghanistan in targeting high value drug traffickers and their networks within the region and Afghanistan. The Ministry of Counter Narcotics as the leading agency on writing this policy has identified the flowing issues as priority to deal with the drug trade in Afghanistan: Targeting high value drug traffickers and destroying their networks, drug traffickers assets seizure, revising poppy eradication program, establishment of law enforcement gallantry trust fund, revising the situation of drug trafficking prisoners, enhancing the capacities of counter narcotics law enforcement agencies, controlling the borders, enhancing regional cooperation and coordination among counter narcotics institutions.
Identifying and countering money laundering activities which is a new phenomenon in Afghanistan will be a priority for the government of Afghanistan. The challenge in this area is how to differentiate between incomes earned from illegal activities and incomes earned from legal activities. There is no doubt that money laundering supports terrorism, corruption, economic destruction and weakening of the states’ sovereignty. Since 140 countries have now passed money laundering laws, now is the opportunity for Afghanistan to have its own specific policy in this area. On the other hand, we can hope support and cooperation of other countries in order to trace and seize Afghan drug trade funds as well protecting Afghan economy from this serious threat.

As it mentioned at the preface, drug cultivation and trafficking directly funds anti-government armed forces, terrorists and other criminal groups, increases corruption, increases addiction in Afghanistan, increases the spread of AIDS and has increased drug related crimes. Ignoring drug trafficking will continue to weaken the country’s territorial and border laws, and will destroy the state legitimacy.

**Methodology:**

This policy, will based on hard evidence and reality on the ground with due consideration for the situations in regional countries and beyond. Particular consideration was given to evidence and lessons learned from counter-narcotic operations in recent years in Afghanistan. The policy formation team have also strived to use methods not only based on reality, but also that are realistic, result based and are implementable taking under consideration our capability and available resources.

**Law enforcement under the framework of National Drug Control Strategy (NDCS)**

Law enforcement is prioritised in the national drug control strategy that has emphasised arresting mid-level and major drug traffickers, destroying their networks, destroying poppy fields and enhancing the capacities of law enforcement institutions. This policy reflects the goals of National Drug Control Strategy.
Vision:

The vision of the Ministry of Counter Narcotics is an Afghanistan free from poppy cultivation, production, trafficking and addiction.

Policy objectives in the next five years

- 30% reduction in drug trafficking in the first three years of this policy’s implementation
- Increasing drug seizure rate (from currently 0.5-1.5 % to 12% - 25% in five years)
- Taking necessary measures to target high value drug traffickers and increase the current arrest level from 1300 small traffickers to 2000 small, middle and high value traffickers.
- Increasing precursors seizure rate 30-50%
- Improving poppy eradication process
- Implementing current bilateral and multilateral agreements with regional countries
- Creating better coordination for improving security and better border control
- Improving conditions of drug prisoners
- Making trial meetings of major traffickers public in order to effect other drug trafficking networks
Chapter One

Targeting High Value Drug Traffickers and Destroying their Networks

Targeting drug traffickers:

In the past ten years, poppy cultivation and opiate production in Afghanistan have been national and international problems which show that our law enforcement forces require serious training to learn new methods and actions in order to tackle these challenges. Although the Counter Narcotics Police of Afghanistan have achieved visible successes in relation to improving their counter narcotics capabilities, but the current size and capacity of the CNPA is inadequate to combat the narcotics challenges facing Afghanistan. Increasing CNPA numbers and capacity is instrumental to success on the ground. **We should also consider making the CNPA an independent force so it can effectively execute its duties and operations.** This lack of numbers and capacity in the past 10 years which as result we have not been able to truly lead our forces to target major drug traffickers. Furthermore, we lacked policies, guidance and methods in addition to enhancing the capacities of the Counter Narcotics Police of Afghanistan in order to help them in quickly identifying and arresting major drug traffickers and their networks.

Drug traffickers in Afghanistan are clustered into three parts, based on their actions: minor, mid-level, and major traffickers. Major traffickers are also divided into two groups.

1. **Major traffickers who only focus on material benefits and income:** this group contributes to the national economic crisis, causes assets and capital to flow out of the country, and is a major source of corruption in the society.

2. **Major traffickers who use the drug income to strengthen and fund terrorist bonds:** this group not only harms the economy, but threatens the country’s sovereignty and territorial integrity.
Low-level traffickers:

Low-level traffickers are those who traffic due to lack of social opportunities, unemployment and poverty. They normally traffic small amount of drugs and sell it in exchange for a small amount of money. All illegal actions are crimes, whether they are small or big, but of course judges differentiate crimes according to their severity and the courts determine punishment according to the severity of the crime. Regarding low-level drug traffickers, we should always consider the underlying causes of the crimes, which are poverty, economic and social problems.

Current situation

According to statistics the majority of arrested and convicted traffickers are low level offenders turned to criminals due to destitutions, lack of employment opportunities, poverty or social problems. This also indicates that law enforcement agencies lack capacity to target major drug traffickers or they are threaten by them or even law enforcement agencies in some cases deliberately let them go.

Necessary Measures

Public awareness, education and a minimum standard of living where you have hope for the future is essential in turning these traffickers to ordinary citizens.

Another solution to the problem is village level job creation; this will also encourage villagers to cultivate legal crops. Low-level traffickers are individuals that only think about their daily routine, and are easily persuaded by the opportunity to earn small amounts of daily income. They do not think about the legal consequences drug trafficking or other illegal actions because they are only concerned with earning a small income for their families.

Mid-level traffickers:

In general mid-level traffickers don’t establish ties to terrorist groups, because they traffic narcotics for their own personal profits and so they have a considerable role in the trafficking process.
Current Situation:
The experience during the past years shows that mid-level traffickers often play the role of a middle man between the major traffickers and the low-level traffickers and farmers. In one way they are trying to become major traffickers on the other hand they are hiring poor people to conduct drug trafficking. It has become obvious in recent years that many of the farmers are encouraged and prepaid by this group of traffickers to cultivate poppy. Today these mid-level groups of traffickers have become rich by fulfilling their roles as middleman between the farmers and the big traffickers.

It should not be forgotten that major traffickers can be identified by the mid-level groups, which can lead to arrest. We should not ignore this group and the threat caused by them especially to the vulnerable Farmers.

Necessary Measures
The arrest of mid-level traffickers should be one of the priorities of law enforcement officials. The easiest way to arrest these groups is through farmers, because mid-level traffickers are the farm-gate buyers and are in close contact with the farmers; they are the first traders of drugs from the farmers. We should take measures to stop advance payments to farmers or even announce that farmers are not obligated to repay any prepayments they received from traffickers. This approach will help to reduce the influence of the mid-level trafficker amongst the farmers and will also help the government in identifying such traffickers.

Local councils (Jirgas) in the villages and districts play an important role in solving the farmers’ problems and will help us rescue the farmers from the influence of drug traffickers during the cultivation season. These Jirgas should be conducted by the IDLG and most of the participants should be district governors, public heads of villages, mullahs and those who have influence among the people of that particular district. These Jirgas should take place monthly or quarterly at the village and district level to enable for the farmer to report any problems with mid-level traffickers to the relevant officials. This will cause provincial officials to find the where the problems are and take timely actions against the threats of traffickers.
High Value drug traffickers:

High value or major traffickers are those who lead and control major and serious narcotic trafficking activities and are members of organized drug trafficking groups. These people have a direct connection with serious international criminal groups and they attempt to influence high ranking government officials in a direct or indirect manner. Most of these traffickers have dual nationality or they have a settlement visa for a regional country. They often manage and control their networks from outside of Afghanistan.

A major trafficker has significant economic, technical and political and even military facilities; they engage in drug trafficking and other criminal activities by developing good relations with governmental entities. This networked group of traffickers manages to transport large quantities of drugs in and out of country often using official government vehicles.

Current Situation:

In order to improve social justice, our legal system must be fair and all court judgments must be according to the law without any prejudice. Considering the above drug trafficking been defined in Article 5, sub-section 2 of the counter narcotics law: “Drug Trafficking” means cultivation of seeds of drug producing plants or production, preparation, process, purchase, sell, keep, distribution, commissioning, import and export, transport, supply, demand, storage, and conceal of any substances or compounds, which includes one of the substances set forth in the Table 1, 2, and 3 of CN law. However, there are no specific details about major and small drug traffickers. Therefore, it is important to categorize drug trafficking, which will help us to better focus our resources and manpower on high value traffickers.

Major Drug traffickers can be divided into two categories according to their actions:

1. Traffickers linked to Terrorist Groups
2. Profit motivated traffickers

1. Traffickers that have links with terrorism are those who are engaged in smuggling of large quantities of narcotics and are financially supporting terrorist organizations. These traffickers encourage farmers to cultivate poppy, they produce and process drugs, and they
organize and manage the trafficking by hiring local. The money that is earned via these activities is used in funding insurgent groups and deteriorating security.

2. The second type of major drug traffickers are those who are involved in trafficking for their own benefits. They establish wide criminal networks and manage, lead and control them. Sometimes they pay farmers in advance to cultivate poppy. Naturally, major traffickers attempt to hide their identity and since they are smart and skilled, they are rarely arrested.

Currently there are approximately 50 to 100 major traffickers throughout Afghanistan; among these traffickers there are some who might have ties with government officials as well as local Taliban leaders. In this case it is absolutely clear that opium trading doesn’t belong to a specific ideology. It is estimated that the Taliban earn hundreds of millions of dollars annually from drug trafficking.

**Necessary Measures**

Arresting major drug traffickers should be the top priority of law enforcement officials. Regional coordination between the Counter Narcotics Police of Afghanistan and regional police is needed; we need to work together and develop a procedure which will enable us to arrest and prosecute major regional traffickers.

Arresting major traffickers needs to be meticulously planned and operations should be intelligence based. When suspects are located outside Afghanistan’s borders, the full coordination of neighbouring countries is required to conduct the operations needed to arrest traffickers.
Disrupting and Destroying Drug Trafficking Networks

Drug Traffickers Assets Seizure

Current Situation:

One of the main reasons Afghan nationals are involved in the drug trafficking is the huge financial reward and lack of strict financial penalties and confiscation of their assets. There are two more incentives for which are:

1. Culture of Impunity
2. Pressure by Influential Groups

Culture of Impunity: Major drug traffickers and criminals often released without prosecution or any charge, this creates a culture of crime pays and no punishment. Major traffickers fell free to do whatever they like as they are confident they will be released because of close relation and influence they have over high ranking governmental officials. These relationships result in criminals being released instead of prosecuted. Additionally, when the law enforcement forces know that the criminal whom they arrested will be released without any punishment, they become cold-hearted and they focus fewer efforts on arresting major traffickers, sometimes not even seriously pursuing their arrest.

Pressure by Influential Groups: Influential groups are those who usually have close relationships with governmental officials, when major traffickers are arrested, the groups use several techniques including bribery or threatening of governmental officials until they are successful in achieving the release of the criminal. As experience shows, the two phenomena of “A culture of impunity” and “Pressure by Influential Groups” keep the major traffickers from being brought to justice. Preventing these two phenomena will play an important role in tackling drug trafficking in Afghanistan.

In these situations in which punishment for major traffickers is often avoided through bribery or pressure from influential groups, the Counter Narcotics Law in itself is not enough for major
traffickers, because they have the opportunity to use their profits from drug trafficking to gain release and continue with their criminal activities.

On the issue of asset seizures: What is known as drug traffickers assets seizure at the moment is to confiscation of drug traffickers’ vehicles, but even that is a disorganized, confusing and slow process. This shows in the eyes public that the authorities are weak and punishment does not fit the crime.

The Ministry of Finance should streamline the process for the sale of vehicles confiscated from drug crimes as soon as the decision of the court is received, the confiscated vehicles should be publicly auctioned. We should have an efficient, timely processed confiscated vehicles system so they do not sit in a parking lot for several years deteriorating and losing their value while awaiting sale.

We need to send a clear message that crime does not pay and if you commit a crime specially drug trafficking offence you will lose all your assets that you obtain from the proceeds of your crime. Through this process drug traffickers will be assured that if they commit a crime, their entire moveable and immovable assets will be seized and will be owned by the state.

**Necessary Measures**

It is a common practice in a number of countries in the world to seize all assets of the drug traffickers, and placed on a trust fund. The trust fund is mainly used for fighting drug trade and financial reward for officers that have shown courage and good performance in fighting drug trade. It is essential that we duplicate this good practice in Afghanistan. In order to reach this goal we need to establish the following four guidelines for seizure of all assets of drug trafficker obtained through the proceeds of their crime:

1. Creation of a specific guideline for seizing the drug trafficker’s vehicles, which will include the registration and timely sale of the vehicles after the final decision of the court.
2. Creation of specific guidelines for seizing the properties of drug traffickers, including houses, hotels, restaurants and any other immovable properties.
3. Creation of specific guidelines for seizing the drug trafficker’s financial assets, including domestic and foreign currencies.
4. Creation of specific guidelines for seizing drug trafficker’s shares on companies and those companies which are directly or indirectly funded by them.

Article 19, Section 1 of the Narcotics and Intoxicants Law, in relation to the confiscation of drug trafficker’s assets states: Means and equipment used in the preparation, production and processing of intoxicants and narcotics should be confiscated.

Article 19, Section 2 of the Narcotics and Intoxicants Law states: No person shall own and take possession of moveable and immovable properties or incomes earned directly through committing the crimes specified in this law. .

Article 59, Section 1 of the Narcotics and Intoxicants Law states: A person who intentionally conceals or transports more than 100 grams of heroin, cocaine, morphine or 1kg of opium, 5kg of hashish, 25 litres of intoxicating drinks and raw material used in producing drugs or places, hides, transports in his/her own vehicle or agrees with it, in addition to being convicted to the prescribed punishment mentioned in this Law, based on the court order, his/her vehicle shall be confiscated.

Article 59, Section 2 of the Narcotics and Intoxicants Law states: The vehicle seized in relation to the intoxicating drinks and 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 put on sale and the proceeds shall be deposited to the government treasury.

**Targeting Major landowners involving in poppy cultivation**

**Major Landowners:**

Another problem in the fight against drug trade is when the major landowners who are using personal or government owned land for poppy cultivation. Not only that but they are also actively hiring sharecroppers, poor farmers and locals to work on the land and ultimately trafficking drugs. . Unfortunately neither major or small landowners have been prosecuted for cultivating poppy since the Islamic Republic of Afghanistan was established.
Necessary Measures

Ministry of Counter Narcotics, in coordination and close co-operation with the Ministry of Interior, the Ministry of Defense, the National Directorate of Security and Local authorities, should annually draft a list of major landowners that are involved in poppy cultivation. The Public Information Department of the Ministry of Counter Narcotics with the coordination of law enforcement officials and relevant departments should travel to provinces where poppy is grown. They should summon major landowners and warn them unless they stop poppy cultivation they will be prosecuted. Local law enforcement must make sure that those who are summoned they are prosecuted if they continue to ignore official warning. No one should be exempt from this rule and government officials who interfere with the process should also be subject to prosecution. This will help implement the law properly and bring the culture of impunity to an end; everyone must be held accountable under the law.

In relation to the above issues, Article 41, Section 1 of the Counter Narcotics and Intoxicants Law states: Any person who cultivates opium or coca in a land up to one Jerib, in accordance to the status shall be sentenced to up to 3 months imprisonment.

Section 2 of this Article states: Any person who cultivates opium or coca in a land more than one Jerib, shall be sentenced to imprisonment of 10 days for each (Beswa) which is exceeding from one Jerib in addition to imprisonment mentioned in paragraph 1.

Section 3 of this Article states: Any person who cultivates cannabis in a land up to one Jerib, in accordance to the status shall be sentenced to up to 2 months of imprisonment.

Section 4 of this Article states: Any person who cultivates cannabis in a land more than one Jerib, shall be sentenced to imprisonment of 5 days for each (Beswa) which is exceeding from one Jerib in addition to the sentence mentioned in paragraph 3 of this Article. Whoever, encourage, motivate, compel another person to cultivate opium, cannabis and coca or facilitate or organize them in accordance to the status shall be sentenced to twice amount of punishment prescribed in paragraphs (1, 2, 3 and 4) of this article.
**Minor Landowners:**

Small landowners have been under pressure from local law enforcement officials during the past number of years and their lands have frequently been subjected to the poppy eradication process. Since the law apply equally to both major and small landowner there should be no difference between the two categories. If anything our focus should shift to major landowners. Should a small landowner become subject to poppy eradication program or arrest we must consider whether there have been any alternative livelihood program option available to the farmer, if so the second issue we should consider was there a public awareness campaign within that particular village.

**Necessary Measures**

The Ministry of Counter Narcotics needs to come up with a comprehensive guideline in order to target major landowners who are involved in poppy cultivation. Furthermore, in regard to small landowners it will help to hold local shuras in which small they are invited and their reasons for poppy cultivation are heard by the authorities. In order to solve their critical problems, PRTs can help with their reconstruction programs. These programs will help to solve their basic life problems through provincial development programs but we need a more comprehensive development approach to deal with their long term needs in order to have a sustainable reduction in poppy cultivation.

Article 13th of the counter narcotics and intoxicant law recommended that: Special Counter Narcotics Unit and Narcotics Elimination Unit shall be established within the framework of Ministry of Interior for the purpose of arresting the involved persons in drug trafficking and intoxicants, seizing of illegal drugs and resorting to proportionate force (during the operations including against those who prevent the operations). Special Counter Narcotics Unit and Narcotics Elimination Unit shall immediately hand over the arrested suspects and seized evidences related to illegal drugs, intoxicants, to the counter narcotics police. Special Counter Narcotics Unit and Narcotics Elimination Unit may destroy the poppy and marijuana fields on site, intoxicants, laboratories and relevant equipment after taking photos and samples.
Identifying and prosecuting of governmental officials who are involved in Drug trafficking

Current Situation:

It is common belief that some of the law enforcement officials and governmental employees are involved in drug trafficking or the least they are associated with major drug traffickers. This creates distance and mistrust between public and government and it will undermine state’s authority. In order to improve the public opinion and the commitment of the Afghan government the Ministry of Counter Narcotics needs a clear and decisive strategy to deal with the problem. The rule of law should be equally implemented ensuring justice for all regardless of their official post. No individual is above the law therefore, everyone who is in any position is accountable for their own actions and the law should be equally enforced.

Necessary Measures

In order to prevent corruption and ensure better job performance, all counter narcotics law enforcement officers assets and incomes should be confidentially monitored and recorded. Furthermore, their communications, activities, and affiliations should be randomly monitored. By considering this principle, it is required that we should establish a Counter Narcotics Officials Monitoring Cell CNOMC. If it is established that governmental official are involved in drug trafficking or support drug traffickers, then we should have zero tolerance policy and prosecute them without any hesitation. This will have an impact on all officials and they will think twice before considering becoming involved in the drug trade. If government officials convicted of drug trade crimes they should be deprived of all social privileges as well as never being able to work with government again. In relation to this case, Articles 12, 13 and 14 of the Counter Narcotics and Intoxicants Law is applicable, and through these above articles, the responsibilities and obligations of the relevant institutions are defined. It is notable that; the existing operative information related to drugs will be followed and implemented by the participation of CNPA.

Targeting Provinces with Highest Level of Drug Trafficking
Current Situation:

Although there are number of poopy free provinces, unfortunately this does not mean they are drug trafficking free provinces too, especially if they are located in the border areas. For instance Nimroz province plays a role similar to Colombia in the region. It is major route and province of choice for traffickers. Whereas there have not been many practical steps taken regarding the issue of trafficking, poppy free provinces enjoy the privilege and reward of being free of poppy. We need to reconsider this and come up with a system where we can measure both poppy cultivation and drug trafficking level.

Necessary Measures

We should include drug trafficking route survey with the UNODC/MCN annual poppy cultivation. Governors should be encouraged to focus on drug trafficking offences within their province as much as they do on poppy cultivation level. There should be a reward and punishment mechanism for governors that substantially reduce trafficking within their province or ignore the issue. Special attention should be given to border provinces that are poppy free. Other provinces like Nimroz that is not poppy free yet but the drug trafficking level is dramatically higher than poppy cultivation level also should not be ignored. In this way the governors of the provinces will play a key role in preventing poppy cultivation and also in preventing drug trafficking that will improve rule of law and good governance within that province.

Launching Joint operations

There is no doubt that the law enforcement agencies work together and plan their operations based on reliable intelligence reports they will be far more successful than they are now. Unfortunately so far we have not seen many counter narcotics joint operations between all law enforcement agencies and if there are some, they are disorganised and badly planned.
Necessary Measures

First step- law enforcement officials need to have monthly joint technical meetings, where they plan operations on targets and discuss all the options. Second step- the planned operations should be executed jointly among the law enforcement agencies: Ministry of Defense, National Director of Security, the Border Police and the Counter Narcotics Police. As it was mentioned above before launching the operation the relevant officials should hold operational meetings and discuss all the option in length and plan well before any operation. The exchange of experiences and coordination among the law enforcement officials will result in a greater level of success.

Money-laundering

Money-laundering is when the source of money which is earned through illegal activities is concealed by criminal groups. In order to combat money laundering we need to identify unlawful money transactions and the sources of revenue before taking any legal steps to seize them. Each concealed financial transaction is a criminal act when the source funds are from drug trafficking and other criminal activities. Criminals often abuse legitimate financial transaction systems to launder their money outside the country.

Current Situation:

Major drug traffickers use their money that has been obtained through criminal activities and purchase immoveable assets such as property and land or setup companies that operate legitimate businesses. Criminals launder, $12.5 dollars every day out of Afghanistan to other countries.

There is no doubt that most of the money laundered is used by organised criminal networks in destabilising the country and also it has an adverse effect on legitimate businesses. Therefore, this is a serious threat to Afghanistan stability and we need to urgently target these criminals.
Necessary Measures

We need to primarily target Afghanistan’s Hawala system where millions of dollars are transferred overseas without any trace or record. We need to impose a heavier penalty to the money laundering offence through the counter narcotics law. There has to be greater public awareness about the money laundering law and courts should impose the maximum sentence on offenders.

These types of illegal money can be identified with support of countries that have joint activities against narcotics and this will also help us to identify the money that is earned illegally and laundered into society.

Citizens Call Centre

Current Situation:

A significant problem in fighting the drug trade is the lack of citizen’s cooperation with law enforcement officials. There is a need for establishing a specific information-collecting center where it will collect confidential information from citizens. It is difficult for the Police to find reliable information on their own without the cooperation of the citizens. Therefore, an information office can help to connect the citizens to the government, and through the citizens, have access to important and necessary information.

Necessary Measures

Experience from regional countries has proven that the establishment of a citizens call centre to collect information can play an important role in capturing drug traffickers. The information centre should not necessarily focus on law enforcement alone as it can also help citizens obtain information on drug treatment information for addicts or even can provide alternative livelihood information for the farmers.

When gathering information we should be careful as the system can be open for abuse and some citizens might deliberately provide false information for personal grudges that is why that all information must be analysed and examined before any action taken. This will help to prevent potential abuses of a Citizen Complaint Centre.
Targeting street level drug supply

Current Situation:

Afghanistan currently has more than one million addicts. The open and visible trade of selling and buying heroin in the streets of Kabul and other major cities is a constant reminder to the public that the Afghan government is weak and it is not interested or is incapable of dealing with the problem. Furthermore, it undermines rule of law and it opens doors for hundreds of young Afghans to become drug addicts. We need to deal with issue in a responsible way as it not only affects Afghanistan’s human resources but also it is a social and economical problem.

As a part of the policy it will be necessary to outline the formation of street task forces that would include police, CNPA, social workers and medical officers to assess possible addicts/users who are netted during such street enforcement operations.

Necessary Measures

- Identify and survey the locations where there are open selling and buying of drugs in the streets.
- Strengthen intelligence-gathering capabilities of law enforcement agencies to detect above activities.
- Establish fixed and mobile police CN checkpoints.
- Hold meetings at the district centers between tribal leaders, mullahs, district officials, law enforcement officials, and the Ministry of Counter Narcotics. This will help to build trust among people and will help to some of the underlying problems in the districts that lead to drug dependency. It is important to focus on helping addicts complete treatment; by engaging at the district level, we can identify the root cause and the underlying problem of addiction within the district. Finding employment can help individuals that have successfully completed drug dependency treatment. It must be remembered that addicts are not criminals and they should not be treated as criminals. This will cause the addicts to have hope in themselves and become committed to overcome their drug dependency. Special attention should be paid to small traffickers
that are trafficking drugs in order to earn money to live; they should be asked how and who encouraged them to do this dangerous job. Collecting this information will lead us to identify the mid-level sources and other people who are involved in the drug trafficking activities.

**Government owned vehicles Stop and Search Procedure**

**Current Situation:**

Stop and search of vehicles is the important tool in identifying and arresting drug traffickers. Drug traffickers use whatever resources available to them including government owned vehicles to traffic drugs.

Use of law enforcement agencies’ vehicles for drug smuggling not only damages the authority of the government. This is not an easy issue as it might creates problems for the law enforcement officials because searching governmental vehicles may reduce trust between the law enforcement officials. Unfortunately so far we do not have a stop and search procedure to identify, track, and target vehicles used in drug trafficking.

**Necessary Measures**

In the first step all governmental vehicles should be subject to stop and search procedure because they are often used by traffickers as an easy option to smuggle drugs. Ministry of Counter Narcotics and the Ministry of Interior need to create a government vehicle stop and search procedure and sent it to the cabinet for approval.

Creating comprehensive procedures and guidelines for stop and search of all vehicles without any exception is urgently needed. Therefore we should create a procedure with guidelines on how to stop and search government owned vehicles and we also need the formation of a special force for performing this task. In relation to this procedure, the relevant law enforcement agencies should take effective and necessary measures jointly to specify the exact ministry/agency which is mandated and has the legal authority to stop and search governmental vehicles (NDS, ANA, ANP), this procedure needs to be discussed with judicial officials after its approval.
Article 21 of the Counter Narcotics and Intoxicants Law states that the Police are responsible to search the suspect’s property and residence based on the law.

**Controlled Delivery operations under the 23rd article of the Counter Narcotics and Intoxicants Law**

As we know the major drug trafficking networks are operating outside our borders. Drug traffickers enjoy great financial reward for their activity and they can with ease change their identity id. Arresting drug traffickers at the border crossing check points or at the airport might not lead us to the major international drug trafficking networks. Arrest of delivery men, drivers, and employees of major drug traffickers at the airports will not lead us, to the main source of the problem.

Article 23 of the counter narcotics and intoxicants law allows for covert and hidden intelligence gathering and investigations, it states: controlled delivery of narcotic, based on official written agreement between the offering and receiving countries, or international treaties to which Afghanistan has acceded is allowed. For infiltrating the intoxicants and narcotic groups of perpetrators, and arresting criminal suspects according to this law, police can carry out covert activities with prior permission of Attorney General.

Experiences from the South American countries and some countries in the region have shown that controlled delivery can be an effective tool in arresting of drug traffickers. Therefore, we need learn from their experience and use this technic widely in Afghanistan too. Establishing a dedicated controlled delivery unit with well-trained and skilful officers within CNPA. Officers working for the controlled delivery unit must have all the necessary resources they need including ability to travel internationally, with pre-approved visas for the regional countries.

We have provided an introductory procedure in this regard which will be attached to this document.
Covert surveillance of Drug traffickers

Another method of identifying drug traffickers is to track their written and electronic communications. This technique that has been authorised according to articles 24 to 37 of the counter narcotics and intoxicants law had a positive impact to some degree on convicting drug traffickers.

Necessary Measures

Eavesdropping on telephone and internet communications is an effective way to identify drug traffickers. Electronic surveillance techniques are explicitly authorised in the counter narcotics and intoxicants law, we need to widely use these effective methods. We can use National Security Directorate’s extensive knowledge and experience in this area and work closely with them.

Uniform and Standardized procedures for arrests and evidence gathering

Speeding up the arrest and identification procedure of drug traffickers

Current Situation:

- The law enforcement officials which currently have the authority to arrest drug traffickers are the Counter Narcotics Police of Afghanistan, the Border Police, the Ministry of Defense, and the National Directorate of Security. These officials play a key role by law in the identification and arrest of drug traffickers. In relation to this, Article 14th of the counter narcotics and intoxicants law stated that: The following authorities may also arrest suspects of drug trafficking, intoxicants and seize illegal drugs equipment and substances used in the processing of the narcotics:

  - 1- Border and other police forces
  - 2- National security directorate officials
  - 3- Customs officials
  - 4- Afghan National Army
• Authorities stated in paragraph (1) of this Article shall immediately hand over the arrested suspects, intoxicants, narcotics and relevant seized equipment and related documents to the local Counter Narcotics Police. The local counter narcotics police shall immediately submit a report of the incident to the Central Counter Narcotics Police Administration of Ministry of Counter Narcotics, Attorney General Office and Counter-Narcotics High Commission.

• Counter Narcotics Police shall submit the suspects to the Special Counter Narcotics and intoxicants Prosecution office for investigations and filing of a claim. In case the amount of drugs corresponding to the amounts stated in sub-paragraphs 1, 2 and 3, clause 1 of Article 18 of this law, is seized outside Kabul province and the perpetrators are arrested, local Counter Narcotics Police shall be obligated to prepare a report within (72) hours after the discovery and arresting and submit it to the local primary prosecution, and transfer the perpetrator along with evidences within (12) days of the arrest to the Central Counter Narcotics Police Administration in Kabul.

Having four different law enforcement agencies tasked with arrest and evidence gathering pose a challenge as they all have their own set of rules and procedures in term of arrest and evidence gathering. What it really means that when the case goes to the court two individuals with the same crime can get different sentence depending on the arresting authority rules and procedures..

What we need is a standard and universal procedure for arresting and evidence gathering so when the case goes to the court there will be no confusion over evidence gathering technics or arrest forms filed in. Following procedures need to be standardised:

• Provision of a uniform large, medium and small evidence gathering bags for all law enforcement agencies.

• Creation of a procedure for rapid and safe transfer of major traffickers to CJTF.

• Provision of a standard arrest form for all counter narcotics law enforcement agencies.

• Creation of a register form for all moveable and immoveable assets of arrested drug trafficker.
• Creation of a standard procedure for sampling seized drugs.

Creating a standard and universal procedure not only helps us to fight corruption but will also simplify conviction process. This is also useful to document and record the criminal history of the drug traffickers, so that records can be archived for use in the future.

Evidence gathering procedures

Current Situation:

Tampering with evidence gathered is a common problem and it is not unusual for general public to have access to the evidence. Keeping evidence well documented and sealed is a crucial process that unfortunately is not a common practice in Afghanistan yet. As result we often lose vital evidence, as the court will not accept tampered or badly recorded evidence.

Necessary Measures

The key task here is that we need to restrict access to all unauthorised individuals from tampering evidence. Also we need to consider how we can safely tag and bag evidence. All documents including arrest form, prosecutor’s integration records and all relevant evidence should be kept safe and secure and no unauthorised individual should have access to them. Specially designed official evidence gathering bags should be used all the time and each bag should be sealed with a identifier serial number and attached to it should be description of the contents and weight of the seized evidence, name of individual arrested, area, arresting officers name etc. There should also be a chart attached to the bag where all law enforcement officials that opened the bag should be recorded with their name, date, reason for opening and their signature.
Drug Addiction in Afghanistan

Current Situation:

Drugs in Afghanistan have become a major national crisis and most victims are teenagers and young adults. According to a recent official survey, Afghanistan has more than one million addicts and half are between 15-19 years old. Drug trade and poppy cultivation on the one hand is a threat to our national security by funding insurgency and on the other hand it is a source of revenue for drug traffickers. Poverty, unemployment, lack of security, are the main factors for a growing number of heroin addicts. Thousands of children and young adults become homeless and are used and abused by narcotics trafficking networks. The addiction problem can be reduced and eliminated through new policies; to achieve these goals we must first target mid-level traffickers and those who are currently selling drugs in the streets of major towns and cities.

Necessary Measures

Local law enforcement officials and local civil societies and authorities should be empowered to try to come up with local solutions to their problem. All local solutions should reflect the overall strategy of Afghan government to deal with problem. Creation of a central task force dealing with the effects of growing addiction in Afghanistan and recommending number of option based on local, cultural, social, economical needs of a particular area is useful.

We should try to ask local communities to get involved and support Afghan government in combating addiction in Afghanistan. In the long run to deal with the drug addiction in Afghanistan we need to strengthen the rule of law, deal with supply and improve good governance.
Determining the legal amount of drugs for addicts

From 5 to 10 Grams of Heroin

Statistics show that the majority of drug traffickers arrested are the ones in possession of 5 to 10 grams of Heroin or less than 25 grams of opium. Pursuing these low-level cases wastes valuable police time, resources and creates a case backlog in the justice system that has little or no impact on fighting drug trade in Afghanistan. Therefore, the law enforcement officials should allocate their valuable resources and manpower to arrest major drug traffickers rather than drug addicts possessing small amounts. This distraction from our main goal has created a situation where major drug traffickers feel more or less immune from authorities and continue their business without any fear. With this in mind, law enforcement officers should focus more of their attention on arresting major or mid-level drug traffickers to help the justice system spend less time dealing with small drug cases.

It should be mentioned that drug trafficking and possession is a crime regardless of the amount sold or used.

Seized drugs disposal

Current Situation:

Whilst Afghan forces destroy and dispose substantial amount of opium annually, we do not have a clear policy on how to dispose our seized drugs. There is a reasonable argument that the Afghan government could use seized opium for medical purposes, i.e. turning it to morphine based medicine. Therefore, we suggest the following options:

1. Destruction of seized opiates when there is no medical need for them
2. Using seized opiates for medical purposes

Based on Article 16 of the Counter Narcotics and Intoxicants Law, we should provide a complete and comprehensive guideline for the elimination and burning of seized drugs which will include storage regulations and disposal methods of seized narcotics. These should include
methods that reduce the environmental hazards of disposing seized narcotics. The guideline will be sent to all 34 provinces of Afghanistan and it will be used as standard method of disposing seized narcotics.

In the case of seized opiates being used to produce medicinal opiate-based pharmaceuticals, a strict and clear process should be established to that no individual of any sort is able to obtain personal benefit. Furthermore, this is a sensitive matter and it requires national political will as well as support of international community.

It should be mentioned that there is a chronic shortage of morphine based medicine in Afghanistan, if we can produce this in a controlled environment in the country it will help to reduce Afghanistan dependency to import it from the outside.

In order to use opium and its medical derivatives to create morphine, we need technical support of INCB. All proceeds from the production of legal pharmaceuticals should be strictly controlled with a clear, open and internationally audited process and all funds deposited into an account that is strictly controlled and used to benefit law enforcement or NDCS implementation.

**Destroying Heroin Production laboratories**

**Current Situation:**

Unfortunately in recent years the heroin production laboratories have moved from the neighbouring countries to Afghanistan. This created a new challenge to the Afghan government as it indirectly helps fund the insurgency, and also increases serious illnesses at the village level, due to the severe health effects of harsh precursor chemicals.

**Necessary Measures**

We should identify laboratories that are used to produce heroin, especially in the provinces where the level of poppy cultivation is high. The NDS resources should be used to locate and destroy heroin production laboratories in coordination with the CNPA. Cooperation of the local people is also very effective in identifying the laboratories; technical support from ISAF can also be very useful.
Elimination of Precursors

Current Situation:

It is obvious that Afghanistan has not used precursors throughout its history; today huge quantities of precursors are smuggled into Afghanistan and used as a main ingredient for heroin production. In addition to precursor chemicals, major traffickers import modern equipment for establishing heroin production laboratories in Afghanistan. Traffickers are even trying to import precursors under licence claiming they will be used for legal industrial uses. The continuation of this situation will help to keep poppy cultivation, production, and trafficking active in Afghanistan.

Necessary Measures

We must draft guidelines on how to stop and dispose of precursor chemicals and we should focus on three areas:

1. Countering precursors that are imported through legal border entry points
2. Countering precursors which are imported through smuggling into the country.
3. Destruction of precursors found inside the country.

The illegal importation of precursor chemicals into the country through legal border crossing points is a major problem that requires improving border police capacity and training. It is almost impossible to police all borders between Afghanistan Pakistan and Afghanistan Iran. However, we know that because of the volume and huge quantity of drugs and precursors traffickers prefer to use legal border crossing and main highways.

Precursors that are seized in the country should either be destroyed through a transparent procedure by law enforcement officials, or be used for legal industrial purposes.

We should revise the current method of dumping precursors chemicals into the ground, as it can contaminate the water supply and cause great damage to the agricultural land and the environment. We suggest storing seized precursor chemicals in underground PVC storage tanks in order to help protect the water and the environment.
Chapter Two

Controlling the borders

Needs assessment:

This portion of the anti-drug trafficking policy relates to border control, especially the western borders. First of all we need to assess the problems we are facing in border control. To this end we should have some observation from donor countries and the assessment team will be composed of MoI, MoD, MCN, UNODC, and the Border Police.

Effective assessment of border administration

Right now the Ministry of Counter Narcotics and the Ministry of Interior do not have a comprehensive assessment or evaluation system about the Border Police and there is no document to show what is each unit doing. Having a comprehensive assessment system will not only help the Border Police to perform their tasks properly but also will help us to become aware of what their problems are.

Afghanistan has about 925 kilometres of border with Iran, 2412 kilometres with Pakistan, 96 kilometres with China and 1506 kilometres with other central Asian countries. Some of these borders are impassable or mountainous, which creates security problems and in some of these locations, especially southern and southwest of the country, there are international organized crime groups, insurgents and major drug traffickers. The Counter Narcotics Police and the Border Police face many problems including lack of personal, lack of modern border control vehicles, lack of heavy weapons and helicopters. In addition, government corruption is another problem that many drug traffickers exploit in order to reach and achieve their aims. As it was mentioned before, the Afghanistan borders are different from each other according to geographical location, security and political location; each border needs a specific policy according to its features.

Eastern Border with Pakistan:
The eastern border with Pakistan is a mountainous and impassable area which is very difficult for the Border Police to control. The existence of smuggling routes and international drug trafficking organized crime groups and insurgents are the major problems in the area. Border Police are distributed throughout a 2412 kilometre-long mountainous border across many provinces with great distances from checkpoint to checkpoint. The Border Police’s biggest problems are lack of infrastructure, security checkpoints, lack of personnel, lack of modern equipment, lack of heavy weapons and helicopters. We have to say that the Border Police do not have the ability to secure the borders on their own. They need to be supported by local residents; especially those who are living in the borders and in this regard, the creation of a contract with the tribal groups on the border is important. The Afghanistan government should convene Jirgas in the border areas; through the Jirga process, the government can come to an agreement with the border tribal groups in order to assign the responsibilities of the tribal people to control the border from drug traffickers. Taking responsibility for the border area tribal groups will help us to overcome the following problems:

- Establishing more Border Police checkpoints.
- Equipping the Border Police with heavy weapons such as tanks and helicopters.
- Providing operational/off-road vehicles to control individuals infiltrating outside of legal border crossings and modern equipment such as big lights, night vision cameras, search lights, communication devices and professional working dogs in the border areas.
- Providing capacity building training for the Border Police such as border control training, searching the vehicle and passengers and equipment which help us to identify narcotics.
- Identifying and closing the smuggling routes through the borders.
- Creating intelligence information in local residents among the tribes in the border areas.
- The sovereign nation of Afghanistan must play the leading role in preventing drug trafficking activities in the border areas; increased control of the border will help the ANSF, especially Border Police in arresting drug traffickers.
• The presence of CN professional police in different borders and customs with good and effective equipment and trained dogs and the standard ways in borders is a vital and important need.

Southern and Western borders with Pakistan and Iran:

Most of the southern and western borders of Afghanistan with Pakistan and Iran are composed of relatively flat desert terrain. The flat terrain of these borders fortunately helps the Border Police to prevent drugs and other chemicals from entering into the country. It should be mentioned that this task could be performed better if the Border Police were equipped with modern weapons and personnel. Like the rest of the country, the Border Police forces along the 925 kilometre-long southern and western borders also face a shortage of personnel and vehicles. In some areas for example Rubat district in Nimroz province police forces are not able to fight against traffickers. If these criminal trafficking groups are supported by insurgents they will make problems more complicated and the strength of the insurgency will grow. We need to equip the Border Police to have the ability to fight these trafficking groups. Since the southern provinces produce over 90% of the opium in the producer have violator security and the government doesn’t control over these regions of course these areas are located between Afghanistan and Pakistan borders and these location provides an secure environment to traffic drugs and other chemicals into the or out of the country. The following are suggestions to enforce these borders in the region:

• Increase the size of the Border Police and increase the number of check points.
• Equip the Border Police with heavy weapons like helicopters and tanks.
• Providing operational/off-road vehicles to control individuals infiltrating outside of legal border crossings and modern equipment such as big lights, night vision cameras, search lights, communication devices and professional working dogs in the border areas.
• Providing capacity building training for the Border Police such as border control training, vehicle and passenger search procedures and narcotics identification equipment.
• Identifying and closing the smuggling routes across the borders.
• Creating intelligence information in local residents among tribal groups in the border areas.

• The nation of Afghanistan as keeper of their county borders can play an important role in preventing drug trafficking activities in the border areas and will help the national security personal specially Border Police in arresting drug traffickers.

**Northern and northwest borders with Central Asian Countries:**

Afghanistan has a 1360 kilometre-long border with Tajikistan, a 145 kilometre-long border with Uzbekistan, and an 874 kilometre-long border with Turkmenistan in the north. The establishment of an advisory committee from relevant ministries for appointing border zone commanders will play an effective role to prevent drug trafficking and arrest the traffickers. The past experiences show that most zone commanders are not appointed based on their intelligence and skill, but are appointed based upon relationships with influential individuals. This advisory committee in the Border Police will pave the way to appoint intelligent, skilful and professional commanders in the zones.

Although providing electricity for the Border Police is not a big problem, the lack of electricity at some of the Border Police check points is a big problem; sometimes drug traffickers use the cover of darkness to cross the border in order to smuggle drugs out of the country. In order to solve this problem, we advise the relevant Ministries to talk with neighbouring countries and ask them to help us with this problem. In the meeting in Kabul on 5-6 of September 2011, the neighbouring countries of Afghanistan, Pakistan, Iran, Tajikistan and Russia agreed to help Afghanistan in counter narcotics efforts. In the agreement the aforementioned countries agreed to talk about providing electricity for the Border Police of Afghanistan.

The command and control of the Border Police and the Counter Narcotics Police needs to be improved. Currently the command and control of the Border Police and the Counter Narcotics Police operations is not organized well, and this lack of an organized system creates an environment in which corruption is possible. Therefore we recommend the establishment of an organized system of police operations in the Ministry of Interior and one of the main features in this system should be rewards and punishments for job performance. Existence of such a system will be effective in order to appreciate those who are doing their tasks properly and
honestly and identify those who haven’t properly performed their responsibilities. Police that have committed crimes must be brought to justice.

Increasing the salaries and other privileges of the police will encourage them to prevent corruption. The salary which is earned by a Border Police officer is currently very low and causes police to be easily discouraged and susceptible to corruption. Therefore, the Ministry of Interior should revise the salary and privileges of Border Police.

Reinforcement of cooperative mechanisms among the border forces of Afghanistan with the neighbouring countries through exchanging information and coordination between CARICCC, NDS, JPC, BLO, and TOC. The TOC unit in the Counter Narcotics Police of Afghanistan can prevent drug trafficking by having a core of professional personnel for collecting information about drug traffickers. Coordination of operations against drug traffickers with the neighbouring countries and the Border Liaison Officer (BLO) office of NDS will be effective in this regard. TOC should be known as the only operative and intelligence unit against counter narcotics in the MoI framework.

The current Tashkil of the Counter Narcotics Police is limited and needs to be increased. We recommend establishing a BLO office in within the police Tashkil and increasing the Counter Narcotics Police structure. To better conduct counter narcotics operations, we need to establish a BLO office in the Border Police framework; this will help to better coordinate the operations.

Controlling and equipping the airports of the country requires having modern equipment for the detection of narcotics in the airports. Training the airport police on capacity building is also an important aspect to prevent and arrest drug traffickers.

The corrupt relationship between drug traffickers and governmental officials is undeniable. Fighting corruption in the border areas will be an effective way to arrest the major drug traffickers.

Solving the narcotics problems of this country is the responsibility of Islamic Republic of Afghanistan, but we must also have close coordination with the foreign forces in Afghanistan.
and with neighbouring countries. Military forces will help to maintain security, Provincial Reconstruction Teams will help to reconstruct the country, and the neighbouring countries forces will help the law enforcement officials to target drug traffickers and prevent them from trafficking drugs into or out of the country.
Chapter Three

Regional cooperation

Agreements:
A committee formed from all the technical Departments of the Ministry of Counter Narcotics under the name of “Regional Agreement Secretary” needs to be established. The committee structure will be composed of the Ministry of Foreign Affairs, the Border Police, NDS and the counter narcotics police. We need to have a clear vision what we want to achieve with which country or organisation and the committee will be able to draft a recommendation on the main interests of the Afghan government. This committee will have the responsibility of making sure that promises in the current agreements result in deeds and actions. This committee will also have the responsibility to have diplomatic contact with diplomats of the relevant countries and will conduct discussions with them about the implementation of the signed agreements.

Controlled Delivery:
One of the other main ways to arrest drug traffickers in the region is through controlled delivery. More details regarding this issue are located in the first Section of this policy (Targeting High Value Drug Traffickers). The main issue here is that we should implement the agreement which we have already signed with neighbouring countries and in the region, making sure we have a mechanism in place for controlled delivery with them.

Extradition Treaties
Extradition treaties with the neighbouring countries are one of the most important mechanisms that will help the Afghan government to bring drug traffickers to justice. The Afghan government can request neighbouring countries arrest drug traffickers located in their country based on concrete evidence. Likewise, the neighbouring and regional countries also can ask Afghanistan government to arrest Afghan drug traffickers and handed over to them for trial in abroad if there was enough evidence against the Afghan drug trafficker. The final decision for extradition of Afghan citizens rests with the Supreme Court of Afghanistan.
Afghanistan Counter Narcotics Attaché:

Despite having other neighbouring and regional countries’ counter narcotics attachés in Afghanistan, the Afghanistan government unfortunately does not have similar representatives in any country or any international counter narcotics organisations in the world. For example, Afghanistan does not have counter narcotics representatives at the UNODC in Vienna, Austria, the CARICC organization in Kazakhstan, or the JPC in Tehran. Therefore, appointing Afghan counter narcotics representatives to the aforementioned organizations and countries will improve the counter narcotics coordination in the region. The Afghanistan government should appoint at least 17 technical professionals as counter narcotics representatives in the following international organizations and countries:

1. Pakistan
2. Islamic Republic of Iran
3. Uzbekistan
4. CARICC in Kazakhstan
5. Tajikistan
6. Turkmenistan
7. Russia
8. UNODC in Austria
9. UK
10. France
11. Canada
12. USA

The Ministry of Counter Narcotics, in cooperation with the Ministry of Interior and the Ministry of Foreign Affairs, will establish the Terms of Reference for the above employees working in agencies outside of Afghanistan, and will also decide which Ministry or Ministries are responsible for the process of recruitment and appointment of these representatives. The Afghan government should contact the World Bank about the expenses of these representatives for two years until the Afghan government itself can have the ability to pay their expenses.
Inter-Ministerial Committee (IMC):

One of the difficulties we face when we represent Afghanistan’s counter narcotics policies in the international arena is that we do not speak with a single voice and each line ministry has their own set of priorities. This problem creates difficulties when holding regional or international conferences, as Afghan delegations do not speak with a single voice on policy. In order to improve coordination between the ministry of Interior, Foreign Affairs and Ministry of counter narcotics we need to establish a technical Inter-Ministerial Committee. The IMC will be responsible for assessing all Afghan government international counter narcotics priorities and defend the Afghan government point of view with a single voice in all counter narcotics international meetings and conferences in order to present a coherent vision on regional and international law enforcement issues. It is recommended that this IMC should have regular meetings every week or every fifteen days.

Regional Strategic Cooperation Centers

Despite the fact that Afghanistan is the biggest opium producer in the world, sadly there has been no academic research to the root causes of the production, cultivation and trafficking in Afghanistan. Establishing a regional strategic cooperation center in Kabul can help fill not help to create better anti-drug trafficking coordination in the region but also give an opportunity to look into root causes of drug trade in Afghanistan. The Kabul based strategic regional coordination center can also complement CARICC and the JPC by linking them to other dimensions of drug trade other than law enforcement.
Chapter Four

Poppy Eradication

Revising Poppy Eradication Procedure:

Although there has been some improvement in the eradication process in the past few years, experience from the past ten years demonstrates that the system needs a comprehensive revision. We need to widely consider all the negative impacts of this process and try new mechanisms to improve the program. Taking into consideration the lessons we have learned from the past, the Ministry of Counter Narcotics should draft a newer and more effective plan. Primarily we should target major landowners and governmental lands used for poppy cultivation. We need to strengthen the coordination and cooperation among the relevant officials from MoD, MoI, ISAF, IDLG, and strengthen the coordination during the public awareness campaigns and the poppy eradication process.

Governor Led Eradication

Governor Led Eradication program is an effective method of fighting narcotics and reducing poppy cultivation. However, this process is not completely satisfactory and we could do better. Past experience shows that determination and resolve on the part of the governors can be very effective at eliminating poppy from their provinces. It would be helpful to have a reward and punishment mechanism in order to improve governors’ performance. This means that in the governors annual meeting, those governors who have met or exceeded their eradication goals should be appreciated and those who fail to meet their eradication goals should be warned or punished by the president. The Ministry of Counter Narcotics should produce an annual list of governors that work hard and those who failed to meet their targets. It should also be mentioned that district governors and police chiefs also play a major role in executing the poppy eradication program. Furthermore, the Ministry of Defense can also help the process by providing logistical help and protection.
**Poppy Elimination Plan**

The Ministry of Counter Narcotics should draft a five year plan with the goal of a 50% decrease in poppy cultivation within next five years clear with well-defined target and success measurement indicators. In order to reach that goal, we to consider the following points:

- Targeting major landowners
- Targeting wealthy farmers
- Targeting farmers who are using government lands
- Setting target for poppy eradication.

**Targeted Eradication:**

The following should be kept in mind while eradicating the targeting areas:

- Differentiate governmental and non – governmental lands that are under poppy cultivation.
- Consider the ethnic balance during eradication and prevent ethnic tensions.
- Consider whether the targeted areas are covered by alternative livelihood programs.
- Was there a public awareness campaign before cultivation began in the targeted areas?
- Consider the weather and natural disasters like drought and flood.
- The Ministry of Counter Narcotics should provide the map of the targeted areas with the technical support of UNODC.
- A separate target area for each province should be developed with the cooperation of the relevant provincial governor.
- The target area maps should be coordinated before the public awareness campaign process begins.

**Public Awareness Campaign:**

The public awareness campaign and the eradication process should be closely coordinated. Many local factors in the eradication process should be seriously considered.
Procurement and Human Resources Plan:

For a successful poppy eradication process we must consider the following factors in the procurement and human resources plan:

- Scheduling a specific time for implementation of the process based upon seasons.
- Provision of equipment for the eradication process.
- Assurance of coordination for the relevant officials before and during the eradication process in the capital and provinces.
- Planning and being prepared for the unexpected.
- Seeking support of law enforcement organisations well in advance.
- Using local labour in the eradication process.
- Seeking funds to support human resource structure in the eradication process.
- Having trained and professional human resources on the eradication working team.
Chapter Five
Suggestions for modifying the Counter Narcotics Law

Reviewing the Counter Narcotics Law

In the Counter Narcotics and Intoxication Law of the Islamic Republic of Afghanistan, there are some references or phrases that have ambiguous meanings or are not well defined. These have been discovered either by law enforcement officials during the implementation phase of the law or in the process of internal discussion and revision of the law by the Ministry of Counter Narcotics. Of course any suggestion for amending the counter narcotics and intoxication law has to be done through the counter narcotics high commission secretariat.

Eliminating the name “trafficker” from poppy farmers

In the counter narcotics law, anybody involved in drug cultivation, production, processing and trafficking is referred to a “trafficker”. Based on statistics, approximately two and half million farmers and their families are involved in poppy cultivation in Afghanistan. The Counter Narcotics Law has defined farmers as traffickers, even though farmers who cultivate don’t traffic. Therefore, they should not be considered traffickers but they should be considered guilty farmers that produce drugs. This counter narcotic law article’s definition contradicts those of Afghanistan and the international community’s activities, and challenges the international support and cooperation for farmers, especially in terms of alternative livelihoods. The Afghan government also doesn’t have the ability to judicially pursue and provide prison facilities for two and half million farmers. Therefore, we recommend giving specific definitions for different categories of farmers.

Difference between employed contractor/driver and main trafficker

Currently, there is no specific difference between an employed driver or contractor and the actual trafficker. A transferor is someone who transfers the actual trafficker’s drug to a specific place with a low wage, due to economic difficulties and mostly these drug transferors are
arrested and imprisoned for several years. There should be a difference between these two categories and their punishment should be reviewed. We should consider tougher sentence for major traffickers including the option of executed or imprisoned for life.

**Reviewing the customs**

The Counter Narcotics Law should give extra authority to customs employees to interdict suspect transit supplies and seize the identified chemicals (precursors) that are transited to a third country through Afghanistan.

**Money laundering-Hawala**

We recommend a revision in the Hawala system since major drug traffickers launder millions of dollars using this system. We suggest that all major money transferors and bankers should be licensed from the Ministry of Counter Narcotics, in coordination with Ministry of Finance. An evaluation committee from within Ministry of Counter Narcotics will regularly oversee major regular money transfers.

**Destroying precursors**

Chemicals that are used to produce heroin are destroyed by the government of Afghanistan after they are seized. Unfortunately these chemicals can contaminate underground waters and this is unacceptable from an environmental point of view. This can cause health problems for the people of Afghanistan in the future, therefore the following points are recommended to eliminate this problem.

1. Precursor chemicals that are seized in the border or if the producing country is known should be returned back to the producing country
2. Neutralising chemicals using technology
3. Chemicals should be stored in special tankers, according to international standard.

**Alcohol usage**
It seems that alcohol usage, especially by youth, has increased. We recommend that its punishment should be reviewed and it should be taken seriously. There should be a fine set for alcohol users, especially those who are caught drunk driving.

**Single Convention on Narcotics Drugs 1961**

It is recommended that the 1961 single convention on narcotics and drugs should be studied by the drug regulation committee secretariat and make sure that it complies with the constitution and the Counter-Narcotics Law of Afghanistan. This treaty should be assigned to the parliament of Afghanistan for discussion and decision.

**United Nations convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)**

It is recommended that the 1988 convention United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances should be studied by the drug regulation committee secretariat in order to make sure that it complies with, the constitution and the Counter Narcotics Law of Afghanistan. It should be forwarded to the parliament of Afghanistan for discussion and decision.

**Adding an article in the Counter Narcotics Law on prepayments to farmers**

It is necessary to add a new article in the Counter Narcotics Law about prepayment paid by traffickers to the farmers to encourage more cultivation. The objective of this article is to relieve farmers of the duty to pay back those loans to the traffickers. Law enforcement agencies can also benefit from this fund as any payments owed by the farmers can go to a trust fund to help interdiction.
Chapter Six

Establishment of Bravery And Good Performance Trust Fund For The Counter Narcotics Law Enforcement Officials

Counter narcotics Law enforcement officials work hard to combat drug trafficking and they take huge risks with their lives in pursuing drug traffickers. However, there are no financial reward or incentives mechanism for their good performance and to motivate them further. Equally there is no effective mechanism to punish bad behaviour or maintaining ties with the drug traffickers. The purpose of creating a trust fund is to appreciate the hard work of honest and dedicated people within the force and punish those who are simultaneously involved in the government and in drug trafficking. Experiences from neighbouring countries show that creating such a trust fund can considerably enhance the activities of law enforcement forces in terms of combating drug trafficking and decrease the level of corruption among these forces. Financial and non-financial reward mechanisms have been separately described in an attachment to this policy. The attachment discusses the amount of the rewards, institutions that are entitled to the rewards, the rewarding mechanisms, time and period of rewarding, and the collective or individual people that are entitled to the rewards.

Fund raising mechanism for the trust fund

The following methods are suggested to raise money for the trust fund:

1. From current budget of ministry of counter narcotics and ministry of interior
2. Money raised through auction of seized drug traffickers assets.
3. Support from the international community.

Institutions that are entitled to claim from the trust fund

- Ministry of Interior, Counter Narcotics Police of Afghanistan
- Border Forces
- National Security Directorate
- Customs Department of Ministry of Finance
- Ministry of Defense
- Other Individuals that are partnered with law enforcement forces

Creating a trust fund to encourage good performance, law enforcement forces will take their job seriously, have more motivation, and will take pride in their work. This initiative will help to combat drug trade and corruption in Afghanistan.
Chapter Seven

Reviewing the Drug Trafficking Prisoners’ Situation

Prisons in Afghanistan are lacking the minimum international standards and we should urgently assess the situation in order to improve the quality of the prisons. Despite the fact that a person commits a crime and should be punished we should never forget that they still human being and we should respect their human dignity. Prisoners should be treated according to the human rights convention standards and the prisons’ environments should also be according to minimal international norms. Therefore, it is recommended that there should be a needs assessment of all prisons, a technical team, and a recommendation should be given on how to improve the conditions.

Separate Prison cells for Traffickers

It is necessary to create special cells for drug traffickers. Separation of traffickers from other prisoners will result in preventing other prisoners from making links with the traffickers.

Punishments or Rehabilitation

Convicted drug traffickers must be punished for their crime, but, it is equally recommended that the rehabilitation also play a major role and will have a positive impact on them. The prison environment should be built in such a way that, besides being punished for the crime committed, criminals should also be rehabilitated. Therefore, it is recommended that punishments and rehabilitation should be observed in prisons in Afghanistan.

Establishing provincial prisons

Lack of prison buildings for prisoners in provinces cause major problem as well as overcrowding in local and central prisons. Additionally, provincial prisons are usually rented houses and they are often located in residential areas, which causes major problems in term of security. It is recommended that the Ministry of Interior should develop a master plan for construction of provincial prisons. These prisons should be built far from resident areas and must meet the
minimum international requirement. A separate block of the building should be dedicated to convicted drug traffickers.

**Repeat Offender**

Repeat offenders are usually those professional criminals that continue to commit crimes after they are released. For their correction and ethical behaviour, it is necessary to place them in separate cells where they have restricted access to other prisoners. It is essential that prisoners do not learn bad habits from professional hard criminals because it prevents them from share their experiences with others.

**Prisoners’ Access to their Families**

Access to family and relatives is a basic human right of any prisoner. Prison officials are responsible for facilitating their visits with their family members, according to prison policies. Visits should possibly take place in a free space and without interruptions by the officials. Officials should make sure that prisoners’ children should not see their parents in handcuffs or chains during the visit.

**Overcrowding of Prisons:**

The fact that there are not enough prison buildings in the provinces has caused overcrowding in capital prisons. The standards which have been set by Afghanistan’s prison law are not observed. Afghanistan is a signatory to the Universal declaration of human rights, United Nations convention against torture and many other international conventions on political, civil, economic, social and cultural rights. We are obliged to fulfil our international obligations. Taking the above issues and basic human rights into consideration, overcrowding in prisons should be avoided and human rights standards should be observed by prison officials. International standards for prisoners held in each room/minimum area of a cell are considered to be 6 square meters for each prisoner.
Forced labour

There is no doubt that work in prison is beneficial for prisoners both physical and mental health. Furthermore, learning a new skill and work ethics will help prisoners to find their place in society after their release and make an honest living. Work carried out by the prisoners must be regulated by the Ministry of Labour and Social Affairs. In other words, the working hours shouldn’t exceed 8 to 9 hours and they should get paid for their work. If the prisoner is not physically or mentally able to work, he/she shouldn’t be forced to work.

Facilities in prisons

Keeping in mind the resources available to the prison service, it is recommended that the following facilities should be provided to the prisoners:

1. Literacy opportunities
2. Technical and professional trainings
3. Access to health services
4. Access to safe drinking water
5. Having right to visit family and relatives

Parole procedure for prisoners that respected the prison’s rules and regulations and have shown remorse to their crime.

When a drug prisoner (except for murderers) behaves properly during his imprisonment, his behaviour should be appreciated and after passing 70% of his imprisonment, they should appear in front of a parole panel and can be conditionally freed with bail and allowed to spend the rest of his imprisonment outside the prison. Creating such a system would bring order and discipline and reduce overcrowding in prisons. Most importantly, it helps to encourage other prisoners to observe prison’s rules and regulations.
Chapter Eight

Capacity Development of counter narcotics institutions

Capacity building of staff and counter narcotics institutions is an ongoing process that should be our priority. The continuation of this process not only increases the quality and professionalism of the work, but it is encouraging and appreciating the employees’ performance.

One of the major issues within law enforcement agencies is the shortage of qualified personnel. For example, the Ministry of Defense has only 12 professional staff dedicated on Counter Narcotics and the Border Police forces have only 6 officers responsible for Counter Narcotics. While narcotics are the biggest challenge after terrorism in Afghanistan, the MoD and border police can play a very crucial role in combating the drug trade if they had the right capacity and numbers.

Furthermore, Poppy Eradication Force and Special Narcotics Force 333 that worked very well have been disbanded or moved to areas other than Counter Narcotics. It is regrettable that we lost two units that had significant achievements in combating drug trade in Afghanistan. There is an urgent need to re-establish these institutions and work on their capacity and numbers.

Counter Narcotics Police of Afghanistan

Ministry of Interior’s Counter Narcotics division is the law enforcement institution of the Afghan government of Afghanistan in terms of combating drugs and arresting traffickers. However, the entire manpower of this unit is only 2700 staff. The minimum number this division requires in order to effectively enforce the law is 5,000.

CNPA not only faces a shortage of staff in terms of quality and quantity, but they face shortages of modern equipment like secure radio communication, vehicles, and computers for collecting and reporting information.

To improve the capacity of CNPA, there should be a number of short and long-term training based on their needs, literacy and English language courses as well as computer training. They
should arrange short training trips for senior CNPA officers to countries like Columbia to learn from their experience. They can also witness modern methods to detect and arrest drug traffickers, criminal investigation techniques, facilities and equipment to identify drugs and chemicals, modern eavesdropping devices and this institution’s relationship with intelligence organizations of neighbouring countries and international Counter Narcotics organizations within the region.

**Ministry of Defense**

The current Counter Narcotics section of the Ministry of Defense should have 3,000 to 5,000 dedicated soldiers. The MoD counter narcotics force should be deployed to four zones throughout the country to carry the supporting and logistical responsibilities for CNPA. Experiences of countries like Turkey and Columbia show that the Ministry of Defense can play a key role in controlling drug cultivation and stopping drug trafficking. This unit can also be beneficial to MoD as it can identify and treat national army soldiers who are addicted to drugs.

The second subject is capacity building of the Counter Narcotics staff within the Ministry of Defense. They also should conduct short and long term professional training, literacy courses, English language courses, computer training, and short-term trips to countries like Columbia and other countries that have experience in counter narcotics so that they can learn from their experiences, including modern methods to detect and arrest drug traffickers. These activities should be taken into action for building the capacities of Counter Narcotics staff of this ministry.

**Border Police**

Border Police’s counter narcotics division current numbers should increase to at least 1200. The border police counter narcotics specialists should be deployed to all borders and zones across the country and will take an important role in detecting and seizing drugs and arresting traffickers.

To enhance their capabilities, Border Force soldiers should receive short and long term professional training, literacy courses, English language training, computer training, as well as short-term trips to countries like Columbia and other countries that have experience in counter...
narcotics. This will allow them to learn from their experiences, modern methods to detect and arrest drug traffickers. These activities should be undertaken for building the capacities of Counter Narcotics staff of these forces. Border Forces must also be equipped with equipment for detecting and identifying drugs and precursor chemicals.

**National Directorate of Security**

The National Directorate of Security, as a leading intelligence gathering institution can play a crucial role in arresting drug traffickers through cooperation and coordination with other law enforcement agencies.

The NDS should be provided with English language and computer training courses, modern eavesdropping devices and it should have relationships with intelligence organizations of neighbouring countries and international counter narcotics organizations within the region. These activities will be necessary to build the capacity of this entity.

**Ministry of Counter Narcotics**

The law enforcement department of Ministry of Counter Narcotics is responsible for coordinating the activities of all CN law enforcement agencies. There is a need to build the capacity of this department and its staff should be increased to 25.

This department should be provided with long and short-term professional courses in English language, computer, report writing, report collection and information analysis.

**Customs**

In order to detect precursors coming into the country it is essential to provide well-equipped laboratories in the major zone customs offices and provide mobile laboratories services in other customs offices across the country. Training brochures about drugs and chemicals must be prepared for the relevant customs staff. Customs staff must be able to coordinate and share information with border forces in order to operate at a higher capacity.
Chapter Nine

Coordination among Counter Narcotics Institutions

Lack of coordination among counter narcotics institutions of Afghanistan is one of the major problems in terms of combating drugs. With regards to the above problems, it is necessary to create an “operations and drug control coordination center” in the organizational structure of the Islamic Republic of Afghanistan. This center should be independently chaired by a president and its membership structure should include representatives from all counter narcotics institutions such as the Deputy Minister of Interior for Counter Narcotics, Ministry of Counter Narcotics, the counter narcotics section of Border Forces and the Ministry of Defense, relevant department of national security, a representative from the attorney general’s office, and a representative from customs. It is also worth mentioning that the head of this center will be directly reporting to the president or one of his deputies. The members will also be reporting to the head of this office in addition to their reports to their relevant ministries and departments.

This Center’s responsibilities are the following:

- This center is responsible for designing and arranging all counter narcotics related operation plans, coordination and cooperation among law enforcement and counter narcotics agencies, and is the leading institution in law enforcement operations for combating drugs.
- Implementing the policies of Ministry of Counter Narcotics
- Leading, coordinating, planning, implementing, monitoring and reporting the implementation process of destroying poppy cultivation
- This institution will be reporting to the president of the Islamic Republic of Afghanistan and Ministry of Counter Narcotics
- This center is responsible for monitoring the counter narcotics policy implementation of the Islamic Republic of Afghanistan, across the country. In case of any ambiguities in the process, he/she will provide necessary consultations regarding resolutions for such possible and unexpected ambiguities.
Policy Implementation Plan

The Department of Coordination with Law Enforcement Agencies of the Ministry of Counter Narcotics in coordination with law enforcement agencies should place the implementation plan of this policy in their programs within three months after the policy is approved by the Government of the Islamic Republic of Afghanistan.

Monitoring and evaluating the policy implementation

Ministry of Counter Narcotics will monitor and evaluate the implementation of this policy with specific indicators. The Department of Coordination with Law Enforcement Agencies of Ministry of Counter Narcotics is responsible for preparing reports on implementation process and developments of this policy, to the Ministry of Counter Narcotics and other relevant institutions on annual basis.

Reviewing the policy

The Department of Coordination with Law Enforcement Agencies of Ministry of Counter Narcotics is responsible for the review of this policy every eighteen months.