


Year 1384 (21 March 2005-
21 March 2006)

Year 1385 (21 March 2006-
21 March 2007)

Year 1386 (21 March 2007-
21 March 2008)

Detected by ANP	Judicial verdict	Detected by ANP	Judicial verdict	Detected by ANP	Judicial verdict
Murder	1 547	25	1 431	45	1 359
Corpse found	38	0	51	0	58
Robbery	257	9	255	23	260
Theft	2 161	61	2 144	121	2 283
Armed theft	196	5	201	0	64
Abduction	260	7	252	10	218
Injury	2 171	157	2 201	129	4 115
Fire	97	3	107	31	101
Drug smuggling	265	0	235	0	163
Goods smuggling	59	0	133	0	336
Extortion	138	0	101	0	65
Embezzlement	74	0	103	0	47
Bribery	36	0	34	0	44

The figures given for judicial verdicts obtained were provided by the MoI rather than by the judiciary, and the true figures are likely higher. According to the MoI, ‘It’s worth mentioning that the continuous efforts of this organ to obtain the exact number of all three courts’ decisions about criminal cases have not ended with an acceptable result, due to a lack of coordination and interest of the judicial organs with police in most of the provinces. ... There are usually tangible mistakes in this regard.’

[47] The system’s formal structure is laid out in the *Interim Criminal Procedure Code of 2004* (ICPC) together with other statutes and the Constitution. However, it is generally acknowledged that there is weak compliance with some of this code’s detailed provisions. Moreover, many cases are dealt with in customary legal systems.

[48] ICPC, arts. 21, 23.

[49] ICPC, art. 39.

[50] ICPC, arts. 25, 63.

[51] ICPC, art. 71.

[52] ICPC, arts. 81, 83.

[53] The killing of a family member on suspicion of engagement in any actions deemed dishonorable, ranging from mere association with the opposite sex to sexual relations or running away from home.

[54] Article 476(1) of the *Penal Code of 1976* provides that in certain crimes against the person committed by a family member, an action may only be brought based on a complaint by the victim. Following a highly questionable interpretation of this provision, there have been cases in which the fact that the (dead) victim has not “chosen” to bring a complaint against the perpetrator has served as a basis for refusing to prosecute.

[55] In most situations, the isolated killing of individuals will constitute a simple crime and not give rise to any governmental responsibility. But once a pattern becomes clear in which the response of the Government is clearly inadequate, its responsibility under international human rights law becomes applicable. (See E/CN.4/2005/7, paras. 71-75.) This is because human rights law obligates governments to investigate, prosecute, and punish crimes that impinge upon the rights of its people. (ICCPR, art. 2(1).) When doing so is obstructed by existing laws or practices, governments are obligated to change these. (ICCPR, art. 2(2).) As the Special Rapporteur has repeatedly observed, governments that fail to punish murders because they are “honor killings” are violating international human rights law. (See E/CN.4/2000/3, paras. 78-84; see also the report of the Special Rapporteur on violence against women, its causes and consequences on her visit to Afghanistan in 2005, E/CN.4/2006/61/Add.5.)

[56] See e.g., Physicians for Human Rights, “PHR Demands that Authorities Fulfill Responsibilities toward Afghan Mass Graves” (December 2008).