

Law on Crimes against Internal and External Security

**Approved by the Revolutionary Council of the Democratic Republic of
Afghanistan by decree No. 153 dated Oct. 1987**

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Article 1:

The Law on Crimes against Internal and External Security (LCIE) contains two chapters and thirty articles.

Article 2:

Investigation of the crimes mentioned in this law with exception of articles 25 and 26 shall be carried out by the investigating authorities of the Ministry of State Security. Handling crimes mentioned in article one of this law based on jurisdiction specified in article two of the decree No. 177 dated 9/11/1364 of the Revolutionary Council on Law of Military Crimes shall be the authority of the respective organs.

Article 3:

The Ministry of Justice in cooperation with Ministry of State Security as well as other law protection authorities shall be duty bound to amend the Law on Crime Detection and Investigation and Attorney General Office Monitoring Legitimacy of its Implementation in accordance with this law and present it to the Revolutionary Council for approval.

Article 4:

The Ministry of Justice of the Democratic Republic of Afghanistan shall be duty bound to develop the table of contents of the Penal Code which would be repealed by this law within 15 days time and present it to the Revolutionary Council.

Article 5:

This decree shall be approved in the same time as the Law on Crimes against Internal and External Security is approved and shall come into force after publication in official gazette.

Haji Mohammad Samkani
Acting Head of Revolutionary Council
Democratic Republic of Afghanistan

Chapter One
Crimes against Internal and External Security
Democratic Republic of Afghanistan

Article 1:

National Embezzlement (National Treachery)

1. intentional acts by a citizen of Democratic Republic of Afghanistan against national sovereignty, preservation, territorial integrity, independence and public security and country's defense capability which are:
 - a. Joining enemy, armed activity against national sovereignty, espionage, surrendering forces, handover of arms, military techniques, war fortifications and other equipments, disclosing state and military secrets to countries or organizations or other anti-state individuals.
 - b. Sharing efforts and cooperate with other anti-state foreign states or organizations/groups in conducting their hostile acts against Democratic Republic of Afghanistan,
 - c. Hatching plots for winning seats in governments
 - d. Embezzlement crime against one's country shall be punished by continuous imprisonment or death penalty as well as confiscating criminal's property.
2. if the citizen of Democratic Republic of Afghanistan who is intending or is forced to commit any acts mentioned in this article voluntarily reports to state authorities such intention, he/she shall be exempted from any punishments.

Article 2:

Espionage

Any person submitting, stealing or collecting secret information of the state for the purpose of handing to a foreign state, anti-state organization/entity or their appointees and any person submitting and collecting any information ordered by any foreign intelligence agencies which could be used against the Democratic Republic of Afghanistan except when the perpetrator is a foreign national or

someone without any nationality, shall be punished with life imprisonment or death penalty and forfeiture of property.

Article 3:

Terror

1. any one who assassins any governmental, political, social, religious personality, government representatives and tribal leader, clan and tribe because of their governmental or social status for the purpose of subverting and weakening the sovereignty, shall be punished with continuous imprisonment or death penalty and forfeiture of property.
2. if the person mentioned in clause 1 of this article is physically or psychologically pressured to commit such acts, he/she shall be sentenced to 3 to 10 years imprisonment.

Article 4:

1. If a foreign representative gets killed when provoking for war or creating tension between the diplomatic relations of Democratic Republic of Afghanistan and other countries, he/she shall be sentenced to death penalty and forfeiture of property.
2. if a foreign representative is psychologically or physically pressure to commit the above mentioned purposes, he/she shall be sentenced to 3 to 10 years imprisonment.

Article 5:

Subversive activities

1. if a person, in order to weaken the sovereignty and national economy, detonates and burns or by other means any institutions, high ways, transportation vehicles, communication means and other state, social, cooperative and personal properties or causes spread of epidemics or mass intoxication, he/she shall be sentenced to 10 to 20 years of imprisonment.
2. if the acts mentioned in clause 1 of this article brings about human loss or leads to permanent disability, great economical loss or other critical consequences for the country, he/she shall be sentenced to death penalty or continuous imprisonment.

Article 6:

Sabotage activities

1. if a person by using any institution, entities or social or personal organizations dismantles either intentionally or unintentionally for the purpose of weakening state authority, industry, trade, transportation, agriculture, livestock, financial system, communication means and other economical sources of the state or activities of state agencies, social organizations, cooperative and personal, he/she shall be sentenced to 3 to 10 years imprisonment.
2. if such acts result in a huge national economical loss, the perpetrator shall be sentenced to continuous imprisonment.

Article 7:

Propaganda against government

1. if a person for the purpose of ensuring his/her own interests and weakening sovereignty intentionally publicizes false declarations and statements or verbally/in written in any forms propagandizes against or possess such publications, he/she shall be sentenced to medium imprisonment.
2. if the acts mentioned in this article leads to breach of peace (public disorder) and dismantling routine activities of state agencies, institutions, organizations and other entities or leads to demolitions, ravages and fires or that such acts were as result of communication or other means of contact with anti-government groups or with any foreign hostile states, the perpetrator shall be sentenced to long term imprisonment.
3. if the above acts lead to public disorder or human loss, the perpetrator shall be sentenced to continued imprisonment or death penalty.

Article 8:

War proclamation

Any person who makes any kind of proclamation for war shall be sentenced on the basis of the circumstances to medium imprisonment.

Article 9:

Organizational activities against internal and external security

1. A person, who establishes, regulates or administers any secret organization under the name of a union, body or party for the purpose of committing crimes set forth in chapter one of this Law, shall be sentenced to continued imprisonment.

2. A person, who obtains the membership of any the organization set forth in clause (1) of this Article or any of their branches, shall be sentenced to long imprisonment.

a person who himself or through anyone else establishes relationship with any of the organizations set forth in clause (1) of this Article or with any of their branches on the purpose of attainment of illegitimate objectives or caused to encourage and terror the others or to use physical and mental pressures, shall be sentenced on the basis of the circumstances to long imprisonment.

Article 10:

Crimes against Diplomatic Relations of Afghanistan with Foreign Countries

When ever an act of a person harms mutual relations of Afghanistan with foreign countries, he/she shall be sentenced to imprisonment of three to ten years.

Whenever an act of a person causes disconnection of diplomatic relations between Afghanistan and foreign countries, the perpetrator shall be sentenced to continued imprisonment.

CHAPTER TWO

Other Crimes against Internal and External Security

Article 11:

Violation of national, religious and racial equality of rights

1. A person who make proclamation with intention to motivate national, racial, religious, tribal and linguistic disputes and differences he/she shall be sentenced to medium imprisonment up to three years.
2. In case such activities cause insurrection or affect social order among communities, the perpetrator shall be sentenced to long imprisonment.

Article 12:

Obstinately command and control of armed forces

A person who with the intention of crime takes the leadership of armed forces without the order of responsible authority and without legitimate reason or in spite of the issued order of the responsible authority based on the prevention of his/her leadership he or she continue to his/her action shall be sentenced to long imprisonment or to death penalty

Article 13:

Disclosure of state-secrets

1. A person who discloses state secrets without the intention of national treachery, which were referred to him/her as part of his duty or discovered those secrets while he /she was in-service, he or she shall be sentenced to medium imprisonment.
2. in case the above mentioned actions results a tremendous consequences to the Democratic Republic of Afghanistan in various aspects such as economy, politics and military, the perpetrator of this action shall be sentenced to long imprisonment.

Article 14:

Loss of documents containing state-secrets

1. A person who loses the documents containing state-secrets or things which deemed to be state-secrets, at the result of negligence of his duty, he/she on the basis of circumstances shall be sentenced to medium imprisonment.
2. In case the above mentioned crime results to tremendous consequences, the perpetrator of this crime shall be sentenced to long imprisonment.

Article 15:

Armed Plunder (*banditism*)

Conducting armed attack on governmental, social, economical, private, joint-stock institutions for the purpose of looting and damaging including participation in armed gang is called *banditism*. And the perpetrator of this action shall be sentenced to continued imprisonment or death penalty.

Article 16:

Taking hostage

1. Whenever a person takes others as hostages by means of menace and violence or by any other means, shall be sentenced to long imprisonment and to the compensation of the damaged thing itself or to its equal cost or to the benefit achieved from.
2. If the hostage is wounded, disabled or killed, the perpetrator of the action shall be sentenced to continued imprisonment or death penalty in addition to the compensation of the damaged thing itself or to its equal cost or to the benefit achieved from.

Article 17:

Violation of the international flights regulations

Whenever entrance and departure takes place through the Aerial territory of Afghanistan without official permission as well as non-observance of allowed specific routes, landing areas, flying altitude or other violations of the international flights regulations, the perpetrator of such action shall be sentenced to medium imprisonment.

Article 18:

Illegal occupation of public buildings

Anyone who commits forced occupation of the public buildings, institutions and other places which are built for the public interest, shall be sentenced on the basis of circumstances to long or continued imprisonment.

Article 19:

Fabrication and circulation of money and negotiable instruments

1. Whenever a person under any circumstances fabricates valid currency in Afghanistan, negotiable instruments or foreign currencies, shall be sentenced to continued imprisonment.
2. a person who intentionally uses or deals with the fabricated currency or negotiable instruments or keeps them in his/her possession for the purpose of using or dealing, shall be sentenced to long imprisonment no longer than ten years.
3. If a person, in spite of being aware or through other person, brings in or takes out of Afghanistan counterfeit currency or forged negotiable instruments, he/she will be sentenced to long imprisonment.
4. The person who, makes or uses or sells or supplies for sale or puts in lease or brings in his ownership the tools, instruments or accessories

to fabricate money or negotiable instruments, shall be sentenced to long imprisonment which shall not be less than ten years.

Article 20:

Collection of money and material assistance to Non-Governmental Organizations

The person who himself or through other person, in any way whatever, obtains money or any other kind of benefit or assistance from national or international sources to commit the crimes mentioned in this law, shall be, according to the situation, sentenced to long imprisonment not less than ten years.

Article 21:

Illegal trade during the war

1. During the war, if a person by himself or through his/her representative, with out an agreement from the Government of the Democratic Republic of Afghanistan, establishes commercial relationship with a foreign country or with its representative, which is engaged in war with the Government of the Democratic Republic of Afghanistan, no matter where is his/her residence, he/she shall be sentenced to long imprisonment which is not more than ten years and in addition, the goods of the issue of the crime shall be confiscated.
2. If the things related to the issue of crime mentioned in the clause (1) of this article are not yet confiscated, the Court shall order for the payment of price of those things.

Article 22:

Procrastination in the fulfillment of commitments during the war

1. During the war, if a person deliberately does not fulfill all or parts of his/her commitments to the government, which is based on import or supply of needed material for the armed forces or basic food needs of the community, shall be sentenced to long imprisonment.

2. If the crime set forth in the upper mentioned clause weakens the defensive power of the country or the operations of the Armed Forces, the perpetrator of this crime shall be sentenced to continued imprisonment.
3. During the war, if a person hesitates in the fulfillment of his/her assigned duties, he/she shall be sentenced to medium imprisonment.

Article 23:

Assistance to the forces of enemy

If a person, in order to gain material or virtual benefit for himself or for some one else, directly or indirectly serves the forces of the enemy in situations other than that set forth in the articles of this law, shall be sentenced to long imprisonment which shall not be more than ten years.

Article 24:

Indignity or humiliation of the governmental flag and badge

If a person through an aboveboard tool humiliates the Flag or badge of the government of Afghanistan, according to the situation, he/she shall be sentenced to medium imprisonment.

Article 25:

Provision and sale of things that leads to vileness

1. The person who, for trading purposes, distributes puts in lease, supplies or owns or provides or imports or exports media material, writings, drawings, slides, photo types, sculptures, paintings or other things that are contrary to the public culture and manners, shall be sentenced to one to three years of imprisonment.
2. If the actions specified in clause (1) of this article take place for vileness purposes, the perpetrator shall be sentenced to imprisonment from one to five years.

Article 26:

Abuse or thievery of the cultural and ancient relics

1. Misuse or thievery of the cultural and ancient relics and ancient writings and the use of the signboards, sculptures and other cultural and ancient relics related to public property, as well as the alienation, gifting and renting of such things necessitates imprisonment punishment from one to three years.
2. Robbery, sale, destruction or deliberate demolition of the cultural relics necessitates long imprisonment or restitution for the loss and a cash fine equal to the loss.

Article 27:

Failure to report about crimes that are against the internal and external security

If a person obtains authentic information or knows about crimes being carried out and that are considered treacherous act against the country, like terror, harmful espionage, obstructionism, propaganda, organization of anti-government crimes, banditism, and he/she does not report about those activities to the related organs of public rule, he/she shall be sentenced to medium imprisonment.

Article 28:

Occultation of anti-government crimes and other crimes contrary to the National Interest

If a person, with out prior agreement with the perpetrators, has authentic information about the foreseen crimes that are considered treacherous like parricide, terror, harmful espionage, obstructionism, propaganda, organization of anti-government crimes, banditism, fabrication of money and negotiable instruments and hides such information, he/she shall be sentenced to medium imprisonment.

Article 29:

Legal Exemption from criminal responsibility

1. if a person, after the perpetration of a crime and prior to legal suit, reports to the responsible officials and provides complete information about the perpetrators or the partners of the crime or provides any other information helpful in the exposure of the crime or introduces the perpetrators of the

similar crimes to the responsible officials, the court shall observe the mitigatory measures for him/her.

2. If the information is provided to the officials prior to perpetration and completion of crime, the reporter shall be exempted from punishment.
3. In case of occultation or failure in reporting, the husband, wife, children or parents shall not be put under criminal prosecution.

Article 30:

Enforceability

This law shall come into force after publication in the Official Gazette.