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Islamic Emirate of Afghanistan
Supreme Court
General Directorate of Secretariate
Correspondence Department
Circular Section

Circular No. 52

Date: 30-10-1444 / 20-May-2023

To: The Officials of Cassations, Divisions, Appellate, and Primary Courts of the Islamic Emirate of Afghanistan!

Greetings,

On 20/02/1402 – 08-Oct-2020, the High Council of the Supreme Court was convened, whose agenda 3rd item was as follows:

((Request for Instructions from some courts have been received, whose summary reads as follows: “According to the instruction of Circular No. (49) dated 18-April-2023, The Supreme Court General Directorate of Secretariate has the power to resolve two issues:

- a. 1- Groups that are conducting armed operations against the Islamic Emirate
- 2- All issues relating to kidnapping which result in murder or not murder, if the kidnapper is a military or non-military kidnapper, the power of resolving such issue has been entrusted to military courts. Now the question remains whether the district courts have the power to resolve such issues or whether the cases must be handed over to the military courts.
- b. Issues that belonged to divisions before and now are transferred to other divisions or military courts on the basis of the supreme leader's instructions which are indifferent stages such as:
 1. The indictment in some issues which have been presented to divisions.
 2. If indictment and defense statements have been presented together
 3. A verdict has been prepared but has not been notified.
 4. If it has been violated by the appeals court or the cassation
 5. If the cases mentioned above, like indictment and defense statements and communication, are in appeal of cassation stages.

Therefore, if the above issues are in the aforementioned stages, the power of resolving lies with the former division (the division from whom the issue has been taken) or be sent to the other division ((the division or court to which the issue has been submitted))

Meanwhile, the High Council of the Supreme Court issued approval number 38, dated 10 May 2023, which reads as follows:

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- a. ((Groups who are conducting armed operations against the Islamic Emirate and all issues relating to kidnapping which result in murder or not murder, if the kidnapper is a military or non-military kidnapper, the power of resolving such issues has been entrusted to military courts. Therefore, the issue of convicts refers to the military courts in districts or provinces, and the civil courts in districts do not have the authority to resolve such cases.
- b. Issues that belonged to divisions before and now are transferred to other divisions or military courts:

For example (If the indictment has been presented to previous divisions, if the indictment and defense statements have been presented together, if a verdict has been prepared but has not been notified, or if the appeals court or the cassation has violated it, or if the above issues such as the indictment, defense statement or notification of the issue are in the appeal or cassation stages) in all these cases, issues shall be presented to the next division or court to whom the power of resolving cases has been given.)) The courts or divisions must give priority to such issues in order to not cause any delay.

Therefore, the instruction of the above-mentioned approval of the High Council of the Supreme Court shall be conveyed through this circular to all the cassations, divisions, appellate and primary courts of the Islamic Emirate of Afghanistan. So, please proceed with it in accordance with the rules and regulations.

Respectfully,

Mufti Abdul Rashid “Saeed”
General Director of the Secretariat
Supreme Court

[Signed and Stamped]