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## **Islamic Emirate of Afghanistan**

### **Supreme Court**

### **Supreme Court High Council Secretariat**

### **Correspondence Directorate**

### **Circular Section**

Circular No: 43

Date: February 25, 2023 (1444/08/05 AH)

**To:** Officials of the Directorates of Cassations, Dewans, Appeal and Primary Courts of the Islamic Emirate of Afghanistan

With most regards, it is written that,

The High Council of the Supreme Court convened a meeting on February 22, 2023 (1444/8/1 AH), during which the second topic discussed was a letter received on February 21, 2023 (1444/7/30 AH) from the General Directorate of Judicial Inspection of the Supreme Court. The letter highlighted that individuals imprisoned for minor offenses were facing lengthy waits, particularly in the criminal and public security Dewans, due to the overwhelming number of case files and the time needed for courts to issue verdicts. The Council sought a resolution to better organize these cases.

In response, the High Council of the Supreme Court issued Directive No. 31 on February 22, 2023 (1444/8/1 AH) with the following second resolution: All courts must prioritize cases involving prisoners in accordance with Circular No. 2, dated August 8, 2022 (1444/1/10 AH), issued by the General Directorate of the Supreme Court Secretariat. Relevant Dewans with a higher number of prisoners and case files not yet submitted to the courts, such as the Public Security Dewan and the Criminal Dewan Court, should present their case files and prisoners for review. Cases should be presented to the Public Security Court every Sunday and to the Criminal Court every Tuesday, prioritizing those prisoners whose crimes are more serious than others. Case files for prisoners with more severe offenses should be processed in turn and completed in a timely manner. The heads of central zones and appellate and civil courts should request new prisoners not from the Public Security Dewan or the Criminal Dewan, along with their case files, every Monday. This will separate perpetrators of serious and minor crimes and ensure each prisoner's case is resolved without delay, in accordance with the aforementioned directive.

The fifth topic of discussion during the meeting was: ((If a court sends an excuse for the delay of settling a case to the Supreme Court according to Circular No. 36, dated December 3, 2022 (1444/5/9 AH) from the Supreme Court Secretariat, what should be done about it?))

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In response, the High Council of the Supreme Court issued Directive No. 31 on February 22, 2023 (1444/8/1 AH) with the following fifth resolution: When a court submits an excuse for the delay in settling a case to the Supreme Court, the matter should be forwarded to the relevant court after obtaining approval from the Chief Justice through the head of the General Directorate of the Supreme Court Office. The relevant court should then include the approval letter for the aforementioned excuse in the case file.

Consequently, based on the above directive from the Supreme Court of Afghanistan, all Cassations, Dewans, appellate, and primary courts of the Islamic Emirate of Afghanistan were informed through this circular to take the necessary, Sharia-compliant actions in this regard.

Regards,

Mufti Abdul Rasheed "Saeed"

Head of the Supreme Court High Council Secretariat