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**Islamic Emirate of Afghanistan
Supreme Court
General Directorate of Secretariate
Correspondence Section**

Circular No. 38

Date: December 28, 2022

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

Greetings,

In accordance with Circular No. (30) dated October 24, 2022, from the General Directorate of the Secretariat of the Supreme Court, the following are conveyed:

Decisions related to Ta'aziri punishments (lashing) are issued in line with Sharia law within the courts of the Islamic Emirate of Afghanistan. Prior to sharing with the Supreme Court, they are executed in primary and/or appellate courts, with video recordings made during implementation. These videos are then shared on social media platforms (such as Facebook, etc.). However, given the current situation, sharing such videos does not contribute to community reform. Instead, they are being used against the Islamic Emirate.

Consequently, this issue was proposed to the Supreme Court, which provided the following directives:

Article 27 of the Court's Bylaw states: "The General Director of Courts shall have the authority to increase or decrease the time and punishment of Ta'aziri based on his discretionary power in the Ta'aziri decisions of other courts." Therefore, decisions related to Ta'aziri punishments (lashing) are exempt from this instruction in Circular No. (30) dated 24/10/2022 from the General Directorate of the Secretariat of the Supreme Court. All courts of the Islamic Emirate are required to send decisions related to Ta'aziri punishments (lashing) to the Supreme Court before implementation. Such decisions must not be executed prior to submission.

Per the letter from the Office of the Supreme Leader of the Islamic Emirate, photographs and videos during Qisas, Hudud, executions, and beatings are prohibited and will not be created or broadcasted, as they have no basis in Sharia law. As such, no videos or photographs should be taken during the implementation of Ta'aziri punishments (lashing) to ensure full compliance with the Supreme Leader's decree.

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The aforementioned Supreme Court instruction has been communicated to the relevant Directorates, Cassations, Divisions, Appellate, and Primary Courts of the Islamic Emirate of Afghanistan through this circular. In accordance with this instruction, all primary and appellate courts must submit final decisions related to Ta'aziri punishments (lashing) to the Supreme Court before implementation. Once an order is issued by the Supreme Court regarding these decisions, they shall be executed per the Supreme Court's instruction. However, no videos may be taken during implementation. Court officials are strictly obliged to prevent anyone from recording video in any possible manner.

Respectfully,

Mufti Abdul Rashid "Saeed"
General Director of the Secretariat
Supreme Court