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

Circular No: 16

Date: 1445/4/9 AH - (24/October/2023)

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

May peace, mercy, and blessings of Allah be upon you!

His Highness Amirul Momenin, may Allah protect him, provided the following guidance in part (1) of Article (2) of Decree No. (1215) dated 1444/4/21 AH (15 November 2022) regarding the dissolution of the Anti-Corruption Justice Center, including its directorates and departments related to the fight against serious crimes of administrative corruption: “(1- The Court of Fighting Against Serious Crimes of Administrative Corruption shall be dissolved from the structure of the Supreme Court, and the powers and responsibilities of said court shall be transferred to the military court.)” Since there was no specific direction regarding the determination and details of serious crimes, it is necessary to clarify what constitutes serious crimes so that all relevant files are transferred to the appropriate military courts in accordance with the guidance of the Supreme Leader of the Islamic Emirate of Afghanistan. This issue was addressed in the High Council of the Supreme Court meeting. The High Council of the Supreme Court directed, in its decision No. (15) of Resolution No. (2):

“The Supreme Court High Council Secretariat shall identify the issues of the Court of Fighting Against Serious Crimes of Administrative Corruption and present them in the next meeting.”

The Supreme Court High Council Secretariat investigated the issues of the Court of Fighting Against Serious Crimes of Administrative Corruption and presented its findings at the meeting dated 1445/1/29 AH (16 August 2023) of the High Council. The High Council of the Supreme Court provided the following directions in this regard:

“The Supreme Court High Council Secretariat shall request guidance regarding the resolution of identified issues of the Court of Fighting Against Serious Crimes of Administrative Corruption from the Supreme Leader of the Islamic Emirate of Afghanistan.”

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The aforementioned issues, as identified by the Supreme Court High Council Secretariat regarding the Court of Fighting Against Serious Crimes of Administrative Corruption, were submitted to the Supreme Leader of the Islamic Emirate of Afghanistan via letter No. (45/22) of the Supreme Court. The Supreme Leader of the Islamic Emirate of Afghanistan provided the following guidance on the mentioned issue through ruling No. (1752) dated 1445/3/30 AH (15 October 2023):

“All issues of the Court of Fighting Against Serious Crimes of Administrative Corruption, which have been identified by the Supreme Court High Council Secretariat, totaling twenty subjects, shall be referred to the military court.”

Therefore, the list of twenty subjects constituting serious crimes and the list of high-ranking government officials prepared by the Supreme Court High Council Secretariat was relayed to the Directorates of Cassations, Divisions, Appellate, and Primary Courts after being approved by the Supreme Leader of the Islamic Emirate of Afghanistan through ruling No. (1752) dated 1445/3/30 AH (15 October 2023) of the Supreme Leader of the Islamic Emirate of Afghanistan to ensure that legal and Sharia proceedings are conducted in accordance with the aforementioned direction.

Respectfully,

Mufti Abdul Rasheed Saeed
General Director of the Secretariat
Supreme Court