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In the name of Allah, the most Merciful, the most Gracious

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

Circular No: 27 Date: 08 Jan 2024 (16/6/1445 AH – 9/10/1402 HS)

To: Respected officials of the Directorates of Cassations, Divisions, Appellate, and Primary Courts of the Islamic Emirate of Afghanistan.

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

Enquires from some courts have arrived as summarized below: The cases, granted priority right by H.E. the Supreme Leader of the Islamic Emirate, or granted priority right by the High Council of the Supreme Court and/or granted priority right by Office of the Chief Justice of the Supreme Court, have increased. If cases are granted priority according to the aforesaid orders, addressing other cases would be delayed, and people's complaints against the court would multiply. Keeping this in account, it would be better to direct which cases to be granted priority rights and which others need to be left to be addressed upon their turn. Based on the instruction from the Office of the Chief Justice of the Supreme Court, the Secretariat of the Supreme Court has drafted an explanatory reply, which was discussed in the Supreme Court's High Council meeting held on 20 December 2023 (6/6/1445 A.H.). The High Council, in this regard, instructed through decision no. 2 of Approval no. (17) that its English translation is given below:

((The contents developed by the Secretariat of the Supreme Court regarding giving priority right to the cases in courts is approved and it should be communicated to all courts as a circular.))

Therefore, pursuant to the above-mentioned written instruction of the Supreme Court, the content developed by the Secretariat of the Supreme Court concerning giving priority rights to cases was communicated in (2) pages via this circular to the IEA's Supreme Court-associated directorates and the Cassations, Divisions, Appellate, and Primary Courts so that legal actions could be taken accordingly.

Respectfully
Mufti Abdul Rasheed Saeed
General Director of the Secretariat

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The Supreme Court
In the name of Allah, the most Merciful, the most Gracious

Islamic Emirate of Afghanistan
The Supreme Court
The Secretariat
Correspondence Department
Circular Section

Date: 19 December 2023 (05/6/1445 AH – 28/9/1402 HS)

Inquiries by Certain Courts Regarding Cases Granted Priority Status

Enquires from some courts have arrived as summarized below: The cases, granted priority right by H.E. the Supreme Leader of the Islamic Emirate, or granted priority right by the High Council of the Supreme Court and/or granted priority right by Office of the Chief Justice of the Supreme Court, have increased. Given the mentioned instructions, if these cases are granted priority rights, addressing other cases would be delayed, and people's complaints against the court would multiply. Keeping this in account, it would be better to direct which cases to be granted priority rights and which others need to be left to be addressed upon their turn.

According to the instruction from the Office of the Chief Justice of the Supreme Court, the Secretariat of the Supreme Court drafted an explanatory response in respect of the cases with priority rights as follows:

1. Based upon part 4 of Order no. (288), dated 9 November 2022 (15/4/1444 A.H.), of the Office of the Chief of Staff of H.E. Supreme Leader of the Islamic Emirate, the cases related to *Hudood* and *Qesas* (retribution) have been granted priority right. The said order has been communicated to all courts via circular no. (36), dated 3 December 2022 (9/5/1444 A.H.), of the Secretariat of the Supreme Court.
2. Based on letter no. (225V.4), dated 15 August 2020 (25/12/1441 A.H.) of the High Administration of the Courts, which has been sent to all courts via circular no. (2), dated 8 August 2022 (10/1/1444 A.H.), the following four types of cases have been granted priority rights.
 - Cases related to the Accountability court
 - Criminal cases
 - Prisoner related cases

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- The cases were referred back to the primary or appellate court for rectifying the defect.
3. Based on instruction in decision no. 2 of Approval no. (31), dated 21 February 2023 (1/8/1444 A.H.), of the Supreme Court's High Council: Cases of the prisoners whose crime is light have been granted priority right. The said instruction has been dispatched to all courts via circular no. (43), dated 25 February 2023 (5/8/1444 A.H.), of the Secretariat of the Supreme Court.
 4. Other cases granted priority rights by the Office of the Chief Justice of the Supreme Court based on the request and petition of the petitioner.
 5. There are other cases that have been granted priority rights based upon decision no. Three of the Approval no. (38), dated 10 May 2023 (20/10/1444 A.H.), of the High Council of Supreme Court. The said decision has been sent to all courts via circular no. (52), dated 20 May 2023 (30/10/1444 A.H.), in which kidnapping-related cases mandated to the military court and were in various stages have been granted priority rights following their referral to the military court.
 6. According to Order no. (2576), dated 4 December 2023 (20/5/1445 A.H. coinciding with 13/9/1402 H.S.), of the H.E. the Supreme Leader of the Islamic Emirate of Afghanistan, cases related to the Ministry of Finance and Municipalities have been granted priority right. The said Order has been communicated to all courts via circular no. (23), dated 6 December 2023 (22/5/1445 A.H.), of the Secretariat of Supreme Court.
 7. Cases related to travelers and other cases have been granted priority rights in the Hanafi jurisprudence books.
 8. Therefore, given that cases with the right to priority in most of the provincial centers, particularly in Kabul, are so much in abundance with the implementation of which other clients could sustain damage. In such cases, the mentioned cases cease to have priority rights, and the honorable judges should address the filed cases according to their turn. However, there are a few exemptions:
 - i. Those cases are exempted and have been granted priority rights by the H.E. Supreme Leader of the Islamic Emirate and/or are being granted priority rights in the future. These cases should be given priority in the courts.
 - ii. Those cases are exempted that precedence causes no damage to clients, such as the case of prisoners (Hudood, Qesas, and Criminal cases), particularly if the felony of the prisoner is not serious. This case needs to be granted priority rights in contrast to other prisoners.

Since independent Divisions, like the Criminal Division and the Public Security Division, exist in primary urban courts in the provincial centers for the prisoners, these divisions should grant priority rights to committers of light crime among the prisoners. The primary courts, like the district

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- primary courts where there is no division, should grant priority rights to the cases of the prisoners compared to other cases and grant priority rights to prisoners with light crimes among the prisoners.
- iii. There are cases that have been referred by the higher court to the lower court for rectification of the defects or delegated from one division to another, such kidnapping cases and so others cases... Only these cases should be granted priority rights in all courts.

Note: If there is a need to grant a case priority, that too in case of serious necessity, the instruction shall only be issued to the relevant court on granting priority right by the honorable Chief Justice, and the court shall grant the case priority right.

Respectfully

Mufti Abdul Rasheed Saeed
General Director of the Secretariat
The Supreme Court