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In the Name of Allah, the Most Merciful, the Most Gracious

Praise be to Allah (SWT), lord of the worlds, and may the peace and blessings of Allah Almighty be upon his messenger, Muhammad (PBUH), his family, and his companions.

Decree of His Excellency Amir al-Momenin (May Allah “SWT” Protect Him)
on
Courts’ Rulings

No. 5

Date: 28 August 2024 (22/2/1446)

Based on the jurisprudential principles and regarding court rulings that contradict the law, or contain fundamental legal disagreements, or raise doubts regarding confession documents, I hereby declare the following:

Article 1

- (1) If a court ruling has been issued in contradiction to the law, it shall be returned to the lower court for legal correction.
- (2) In the case, stipulated in paragraph (1) of this Article, the relevant court shall correct the ruling without the presence of the involved parties.

Article 2

- (1) Whenever a court ruling has been issued based on confession, and there is a legal disagreement in the ruling, and when there is no doubt in the confession document, the ruling shall be returned to the lower court for correction.
- (2) In cases stipulated in paragraph (1) of this Article, the relevant court shall correct the ruling in the presence of the involved parties.

Article 3

- (1) In the case stipulated in paragraph (1) of Article 2 of this decree, if there is any doubt in the confession document, the document shall not be revoked and may be referred to the defendant. If the defendant agrees to the confession, the ruling shall proceed

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accordingly. However, if the defendant denies the confession, the claimant shall be asked to present the witnesses to validate the confession as documented so that a ruling to be issued.

Article 4

- (1) If a ruling has been issued by a court and is in contradiction to the law due to the components of the rulings, it shall be referred to the upper court for consideration. The correction by the court shall be made without the presence of the involved parties.
- (2) In cases stipulated in paragraph (1) of this Article, if the legal disagreement lies in the issued ruling based on the confession, the upper courts shall correct the ruling only in the presence of the involved parties.

Article 5

In cases stipulated in paragraph (1) of Article 4 of this decree, if there is doubt in the confession document, the claimant and defendant shall not be asked for the indictment, defense statement, or a repeat confession. Instead, the confession made in the lower courts shall be presented against the defendant. If the defendant validates the confession, a ruling shall be issued accordingly. However, if the defendant denies, the claimant shall be asked to present the witnesses included in the confession document to prove it, and a ruling shall then be issued based on that evidence.

Article 6

This decree shall enter into force from the date it is ratified and published in the Official Gazette.

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

Amir al-Momenin Sheikh ul-Quran wa al-Hadith

Maulavi Hibatullah Akhundzada