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

Date: 22 February 2022

Circular No. 05

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**To:** The Directorates of Supreme Court, Divisions, Appellate, and Primary Courts of the Islamic Emirate of Afghanistan!

Greetings:

The General Directorate of Secretariate had submitted the following suggestion to the High Council regarding Ta'aziri punishments of the previous corrupt administration: (In cases where the previous corrupt administration has canonically decided against a person, if his Ta'aziri penalty has been applied or a part of it has been applied, and the prisoner has been released on the day of conquest, or the Ta'aziri punishment has not been applied, and the prisoner has been released on the day of conquest. If such cases are brought before the court, should the applied Ta'aziri punishment be sufficient, or the remaining Ta'aziri penalty be applied to the person, or in all three cases, the relevant court should decide on the Ta'aziri punishment again[?])

In connection with the above-mentioned suggestion of the Directorate of the Secretariate, the High Council of the Supreme Court has ordered through approval number (02) in the meeting on 10 January 2022, as follows:

((If the Ta'aziri decisions issued by the previous corrupt administration regarding the divine rights have been applied or not, the convicted person is free in both cases, and the court cannot summon the convicted person.

In public rights, the Ta'aziri decisions are similar to other decisions in accordance with the meeting held between the Supreme Leader and the Head of the Supreme Court on 29 November 2021 because the phrase (decisions of the corrupt administration) is implicitly mentioned in that meeting.

Therefore, if the party requests to implement the Ta'aziri decisions or wants the imprisonment to be completed, the Ta'aziri decisions will be sent to the Fatwa Department of the Supreme Court. This department will investigate that if it is against the Sharia, it shall be re-trialed or if it is in accordance with the Sharia, it shall be implemented.

If the Primary Court has issued its Ta'aziri decision in a case, the Appellate Court shall investigate it, and if the Appellate Court has issued a decision, the Cassation Court shall investigate it, and it shall be acted upon accordingly as other decisions.))

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The steps contained in the above approval number of the High Council of the Supreme Court are hereby extended to all the directorates of the Supreme Court, divisions, and primary and appellate courts of the Islamic Emirate of Afghanistan to act in light of the above guidelines.

Regards,

Mufti Abdurrashid “Saeed”

Head of the Secretariat

Supreme Court

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