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

Circular No. 39

Date: January 5, 2023

To: Officials of the Directorates of Cassation, Divisions, Appellate, and Primary Courts of the Islamic Emirate of Afghanistan

May Allah's blessings, mercy, and peace be upon you!

Pursuant to the directive of the honourable Supreme Leader of the Islamic Emirate of Afghanistan, a procedure was established for re-examining unimplemented final decisions of the previous regime's courts. Following the honourable Supreme Leader's approval, this procedure was disseminated to all courts via Circular No. 15 from the General Directorate of the Secretariat of the Supreme Court, dated May 23, 2022. The circular stipulates that unimplemented decisions from the previous regime issued by Primary Courts should be submitted to the Appellate Courts of the Islamic Emirate, while those issued by Appellate Courts should be submitted to the relevant Cassation Courts of the Islamic Emirate.

Subsequently, the lawsuits of the previous regime were transferred to the Islamic Emirate Courts. The Supreme Leader then provided oral guidance to the Supreme Court, instructing that, per Circular No. 31 dated 13/11/2022 from the General Directorate of the Supreme Court, all courts should address cases from the previous regime that have completed only the Primary stages, both Primary and Appellate stages, or all three stages (Primary, Appellate, and Cassation) but have not yet been implemented. If the convicted party files an appeal or the prevailing party demands implementation of the decision, the case should be assigned to a Special Court (judicial board) in the relevant province after one of the opposing parties has applied.

Some courts have inquired whether they should send unimplemented final decisions from the previous regime that have been processed in the Islamic Emirate courts to Special Courts. This matter was presented to the Supreme Leader of the Islamic Emirate for guidance, and his excellency instructed as follows:

“Noted!

May Allah's blessings, mercy, and peace be upon you as well!

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All cases from the previous regime, whether processed in the courts of the Islamic Emirate or not, should be sent to the Special Court.”

In light of the Supreme Leader's instruction and the aforementioned Supreme Court Circular, this directive has been communicated to the Directorates of Cassation, Divisions, Appellate, and Primary Courts of the Islamic Emirate of Afghanistan. Accordingly, all cases from the previous regime that have completed only the Primary Court stages, both Primary and Appellate stages, or all three stages (Primary, Appellate, and Cassation) but have not been implemented, regardless of whether they have been processed in the courts of the Islamic Emirate, should be sent to the Special Court of the relevant provinces for review and decision-making based on Sharia law.

**Mufti Abdul Rashid “Saeed”
General Director of the Secretariat
Supreme Court**