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

Circular No. 46

Date: April 2, 2023 (11/09/1444 Islamic Calendar)

To: 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!

On March 01, 2023, the Supreme Court High Council convened a meeting, during which the 10th issue addressed was as follows: "In cases where the Primary Court issues a decision, and one party requests an appeal, or the Appellate Court issues a decision and one party requests Cassation, what order should the case file be sent to the appellate or cassation court?"

The High Council of the Supreme Court issued directives through its 10th decision (Approval No. 32) dated March 01, 2023, stating: "The contents of Letter No. (157 Volume 5) dated January 25, 2021, from the General Administration Office of Courts of the Islamic Emirate, regarding the order in which cases are sent to the courts mentioned above, should be conveyed to all courts for a second time to ensure proper execution."

The instructions provided by the High Council of the Supreme Court in Letter No. (157 Volume 5) dated January 25, 2021, are as follows:

"When the appellate court issues a decision and one party requests cassation, the requesting party must submit all documents/files to the Court of Cassation. However, if the opposing party fails to submit the documents/files within the specified time, delays and confusion can arise, causing problems for one side. To prevent this, Appellate Courts should adhere to the following procedure:

Upon reaching a decision, the original verdict must be provided to the acquitted party, while a copy is to be given to the convicted party. After gathering the case file documents, securely fasten the documents for each party separately to prevent their intermingling, and then seal each document within the file.

Note the total number of documents pertaining to both parties in the accompanying letter, and present the sealed file envelope to the party requesting cassation. Inform

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them that they are responsible for delivering the sealed envelope to the Court of Cassation.

The appellate court must advise the party seeking cassation that if they have any grievances concerning the Appellate Court's decision, they should prepare their complaint in a separate file and submit it to the Court of Cassation along with the case file. The court is then responsible for making copies of all case documents and retaining them for their records.

The Appellate Court must send a letter indicating the total number of documents for both parties to the Court of Cassation via WhatsApp. Once the Court of Cassation either approves or rejects the decision and resolves the matter, they are to attach the corresponding approval or refusal letter to the case file. The court will then seal all case file documents in an envelope, as previously done, and hand it over to the individual who initially brought the file to the Court of Cassation, instructing them to return it to the appropriate court.

Additionally, the Court of Cassation must send the approval or refusal letter to the Appellate Court via WhatsApp.

Note: The Appellate Court must thoroughly explain the above procedure to the party seeking an appeal. Additionally, during the appeal process, Primary Courts must submit case files to Appellate Courts per the specified order to prevent delays, forgery, and falsification."

Therefore, in compliance with the High Council of the Supreme Court's instructions, the contents of Letter No. (157 Volume 5) dated January 25, 2021, from the General Administration Office of Courts are hereby conveyed through this circular to the relevant directorates of the Supreme Court, Cassations, Divisions, Appellate, and Primary Courts of the Islamic Emirate of Afghanistan for proper execution.

Respectfully,

Mufti Abdul Rashid "Saeed"
General Director of the Secretariat
Supreme Court

[Signed and Stamped]