

Islamic Emirate of Afghanistan
Supreme Court
General Department of Secretariate
Correspondence Sub-directorate
Circular Section

S/No: 47

Date: 10 April 2023 - 1444/09/19

To the Islamic Emirate of Afghanistan's Appeals Court, Cassation Departments, Divisions, Arbitration Court, and Primary Courts!

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

On 1444/09/06- 27 March 2023, which coincides with the 8th day of the month of Hamal-1402 AH, a meeting of the High Council of the Supreme Court of the Islamic Emirate of Afghanistan was held, and the following topic was discussed: ((The judgments which were issued with imprisonment or whipping)) and have reached the final stage at the preliminary or appeal stage the Supreme Court sends to the respected authority to obtain the enforcement orders, which often arrives very late. What arrangement should be made in this regard?)

Based on the initial decision of the High Council of the Supreme Court (Approval No. 35) dated 1444/09/06- 27 March 2023, the matter was directed as follows:

((In the cases where the penal decision is final in the primary or appellate courts, sometimes imprisonment has been decided, and sometimes the punishment involves beating, imprisonment, or both. During such instances, these penal decisions should be forwarded to the Supreme Court.

The court should try in every possible way to send the decision directly to the Supreme Court. If this is the case, the relevant court should share the matter of being released on bail with the respected authority of the Supreme Court and release the prisoner on strong bail before the imposition of the bail. After that, they should perform according to the guidance of the position.

According to the above-written guidance of the High Council of the Supreme Court of the Islamic Emirate of Afghanistan, it was sent to the Islamic Emirate of Afghanistan's appeals court, Cassation Departments, divisions, Arbitration court, and primary courts so that actions in accordance with Sharia and principles can be carried out.

Mufti Abdul Rasheed Saeed

Chief of the Secretariat of the Supreme Court