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Islamic Emirate of Afghanistan
Supreme Court Press Conference
Foreign Relations, Public Relations, and Media Division

**Brief Report of the Activities of Judiciary of
the Islamic Emirate of Afghanistan,
Aug 2021 (1443)**

This document was translated by the International Development Law Organization (IDLO) for the Afghanistan Rule of Law Observatory (ARLO) initiative. To find out more about ARLO, please visit our website at www.arlo.online.

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In the name of Allah, the most merciful, the most gracious

Authorities of the Media Center, representatives of the media, and all the compatriots!

May peace, mercy, and blessings of Allah almighty be on all of you:

1. Allah almighty says ((وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ))

Translation: Thy Lord hath decreed that ye worship none but Him.

2. Allah almighty says ((إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ وَلَا تَتَّبِعِ الْهَوَىٰ))

Translation: We did indeed make thee a vicegerent on earth: so, judge thou between men in truth (and justice): Nor follow thou the lusts (of thy heart).

The wisdom behind the legitimacy of Qazaa (Judgement): Allah Almighty prevailed this system so that divine justice could be guaranteed because Allah Almighty Himself is a judge, and His messengers and caliphs have maintained divine justice too. In the divine administration of justice, the oppressed is hoped, whereas the oppressor is prevented from engaging in oppression, hostilities and corruption are eliminated, and reformation of society and every single individual is ensured; it safeguards life, possession, integrity, and sovereignty of the people, it encompasses reformation and prosperity of the world, and in it, virtue is promoted whereas vice is prevented.

The world must be grateful to the Muslim countries, the Islamic Emirate of Afghanistan in particular, for this great blessing (Justice) of Islam. Because maintaining divine Islamic justice is the only way to the endurance and survival of this world.

Commandment on Legal (Sharyee) Judgement: Allah Almighty says: ((كُونُوا
فَوَّامِينَ بِالْقِسْطِ))

Translation: Stand out firmly for Allah as witnesses to fair dealing.

Legal judgment is *Fardh* (compulsory), whereas *Fardh Kefayee* falls in the second category.

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The judiciary is independent and autonomous; no governmental authorities or non-governmental individuals have permission to interfere with judicial proceedings.

1. Justification: Allah Almighty says, ((ولا يجرمنكم شنآن قوم على ألا تعدلوا اعدلوا هو أقرب للتقوى))

Translation: And let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety.

2. Justice is the administration of the commandments of Allah Almighty, which is a standard for righteousness and justice. Buildings constitute apparent, superficial, and mortal reclamation which type of reclamation is short-lived and bound to perishing.

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**Brief Report of the
Activities of
Judiciary of the
Islamic Emirate of
Afghanistan,
2021/2022**

2021/2022 (1443¹) Organizational structure of the judiciary comprises 5408 positions, among which
2600 are judicial positions
1072 are administrative positions
1736 are employees for providing support services

¹ [Translator’s Comment: The dates in the original documents are based on the lunar Hijri calendar. However, for ease of use, they have been converted to the Gregorian calendar during the translation process.]

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**Brief Report of
the Activities of
Judiciary of the
Islamic Emirate
of Afghanistan,
2021/2022**

In the mentioned period, the High Council of the Supreme Court has convened 56 general and extraordinary sessions in which the following matters have been addressed:

In the area of inspecting review applicants: 55 matters have been addressed.

Differences in areas of authority: In this area, 14 legal, criminal, commercial, and family cases have been addressed. In the area of seeking guidance: 635 issues of seeking guidance have been answered in the light of provisions of Islam. Out of this figure, 28 points bearing general aspects have been dispatched as a circular to all courts for improved implementation of the legal provisions.

In the area of change of courts: Separate approvals in respect of 830 criminal, civil, commercial, and family cases have issues and necessary decisions adopted.

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**Proceedings of
the 3 branches
of the Judiciary**

In 2021/2022, 3,356 cases were in progress in the relevant divisions of the Supreme Court, 11,762 cases were in progress in the Appellate Courts, and 65,319 were in progress in primary courts of the center and provinces, making a total of 80,437 cases. Of these cases, 35,092 have been settled at the primary level, 7,156 cases have been settled at the appellate level, and 1,382 cases have been settled at the cassation level. The remaining 43,630 cases are currently being processed in the 3 branches of the judiciary.

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Receiving reports and oversight of the activities

Report on functions and proceedings of the courts has been organized through video conferences, and a system for receiving reports from courts' zones of the country for the past year has been developed. Moreover, the court proceedings' report has been heard in the High Council of the Supreme Court.

Additionally, general inspection has, per the plan, received 41 times reports of the activities of the courts in the center and provinces in one year, out of which 73 issues have been judicially adjudicated based on instructions from the Office of the Supreme Court.

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Appointment and transfer of justices The process of appointing justices has been organized in such a way that initially, *Ulema* with professional background and specialized education in the area of justice and adjudication and equipped with devotion, sincerity, honesty, and truthfulness, are required to attend a written test followed by viva through a transparent process.

Details of the successful judge are then shared with the High Council of the Supreme Court. His appointment proposal is dispatched to the Office of Leadership in the final stage.

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**Capacity
building**

Ten academic and training programs (including Master, primary leadership skills for newly appointed heads of departments, basic computer training, procedures for professional proceedings and conduct, administrative correspondences, and recording legal and criminal entries) have been organized for personnel of the judiciary. Seventy-seven individuals participated in these programs.

Holding a training workshop titled Leadership for capacity building of heads of departments which was held in the training center for the Civil Services Institute of the Administrative Services Reforms Authority.

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**Fighting
administrative
corruption**

In connection with fighting administrative corruption, 15 persons, including 1 judge, 3 administrative employees, a clerk, and 6 people associated with the judiciary, have been arrested by the Inspection Division of the Supreme Court on charges of accepting bribes, fraud, using fake documents, and stealing official documents. After preliminary investigations, their relevant cases have been prosecuted within legal provisions in time.

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**Cases
management
system**

Through the registration system, 5449 criminal and 8749 legal cases, with a total of 13308 cases, have been registered in the center and provinces. The process of registering cases continues.

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**Publications
and Public
Awareness**

- Proceedings of the Judiciary have been publicized for the compatriots through social media such as Twitter, Facebook, and website in their respective times.
- Similarly, video clips and interviews with various authorities of the Judiciary and individuals from the public have been developed and published.

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**Convening
Public/Open
Judicial
Proceedings**

Open judicial proceedings have been held in many of the country's courts, particularly in courts with conference halls. All judicial proceedings have been convened publicly in the presence of the public, media, and students, complying with legal provisions.

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About abolishing fees for the legal documents

- Based on the Decree from His Excellency Amir-al Momenin (May Allah protect him) of the Islamic Emirate of Afghanistan, fees for valuable documents, the fee of civil and commercial decisions, the fee of title deeds, the fee of judicial services delivery, the fee for registering applications have been abolished. All the mentioned services are now delivered free of cost.
- It is noteworthy that the judiciary has printed and distributed 15410 marriage certificates free of cost among fellow citizens.

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**About General
and
Development
Budget**

- For the year 2021/2022 (1443), the Judiciary was awarded 89,2013 Afghanis as development judgment due to budget deficit.
- For 2021/2022 (1443), the Judiciary was awarded three billion, four hundred seventy-two thousand, two hundred and 10 Afghanis as the general budget.

Similarly, in addition to constructing 8 buildings for Urban courts in the provinces and 12 buildings for district courts, the Supreme Court plans to construct one fully equipped building for the Supreme Court in the Darul Aman area in the year 2022/2023 (1444).

Recently, the administration of the Supreme Court was able to hold meetings with authorized representatives of the diplomatic missions of China and Indonesia to fund the said budget. Fortunately, they have also agreed, and after the signing of the agreement, practical work on the said projects will begin in the following years.