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

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To: The Islamic Emirate of Afghanistan's Appeals Court, Cassation Departments, Divisions, Arbitration Court, and Primary Courts.

Peace, mercy, and blessings of God be upon you!

On the 8th day of Hamal-1402 AH, corresponding to 1444/09/06 or 28 March 2023, a meeting of the High Council of the Supreme Court of the Islamic Emirate of Afghanistan was convened. The fourth issue of the aforementioned meeting was as following:

The Islamic Emirate of Afghanistan's Prison Affairs Authority explained the five problems they have with the courts in a letter which are summarized as follows:

1. The prison administration and the prisoner does not receive information about court proceedings. The court is requested to share a summary of its actions post-inquiry with us, enabling the prison administration to inform the prisoner and provide timely responses to them when they complain.
2. Courts that rule on a prisoner's release should ensure that the decision and the letter of release reach the prison on the same day. This practice enables the prison to initiate the release process. If the ruling is on imprisonment, the court should deliver a copy of the decision to the prison within a week to enable the transfer of the accused from custody to prison.
3. Certain courts do not adequately clarify the parties' disputes in their rulings. If the court could indicate the satisfaction or dissatisfaction of the parties at the end of its decision, the finality or progression of the decision would be more transparent.
4. The court should send a copy of the extradition letter to the relevant prison in future instances, enabling the prison or the prisoner's heirs to follow up with the appropriate authority.
5. In some courts, imprisonment rulings are primarily based on the defendant's conviction without informing the relevant prison. Unless the court receives the prisoner's release letter, the said prisoner remains imprisoned.

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In response to the above concerns, the High Council of the Supreme Court issued the following guidelines, according to decision No. 25 dated 1444/09/06 or 27 March 2023:

1-4:	The relevant court should provide brief updates to the province's jail directorate about ongoing or decided cases. Upon concluding a decision, the court should share the decision's finality or appeal status with the prison authority.
2-4:	When a court announces a decision on a convict (whether the convict is satisfied or not) in both circumstances, the prisoner is transferred from custody to the prison and there are two buildings in the prison. All courts should inform the appropriate prison after issuing a decision, allowing the prisoner to be transferred from custody to the prison. The prison is divided into two sections to differentiate between prisoners whose cases have been decided and those under trial.
3-4:	All courts will be instructed to share the finality or appeal status of decisions with the relevant prison.
4-4:	If a case is dismissed due to incompetence, the court should send a copy of the withdrawal letter to the relevant prison. This will allow the accused or the prisoner's heirs to pursue the case further.
5-4:	All Courts are directed to provide written information about a prisoner's release two days before the completion of their prison term. The general directorate of the secretariat shall send all parts of this decision in a circular to courts.

In light of these guidelines from the High Council of the Supreme Court of the Islamic Emirate of Afghanistan, this message is directed to the Islamic Emirate of Afghanistan's Appeals Court, Cassation Departments, Divisions, Arbitration Court, and Primary Courts to act in accordance with the principles of Sharia law and the guidelines provided.

Mufti Abdul Rasheed Saeed

Chief of the Secretariat of the Supreme Court

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