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Islamic Emirate of Afghanistan

Supreme Court

General Directorate for Secretariat

Correspondence Directorate

Circular Section

Circular No: 41

Date: January 25, 2023 (1444/07/03 AH)

To: Officials of the Directorates of Cassation, Diwans, Appeal and Primary Courts of the Islamic Emirate of Afghanistan

With most regards, it is written that,

Based on Decision No. (16) dated December 29, 2022 (1444/6/5 AH) from a meeting held on the same date, concerning the detention of criminals sentenced to prison by district and city primary courts as well as provincial appeal courts, the High Council of the Supreme Court has provided the following guidelines:

In general, prisoners should be held in district jails for six months from the date of their arrest. Afterward, they should be transferred to a provincial prison and detained there for one year from the transfer date. If the convict's imprisonment period extends beyond one year in the province, they will be transferred to a zone prison for up to three years from the handover date. If time remains in the detainee's sentence after three years in the zone prison, they will be moved to the central prison to serve the remaining period. This applies to cases where decisions are not finalized in primary or appeal courts.

If the district's primary court imposes a one-year sentence and all involved parties are satisfied, the detainee should be transferred to a provincial jail. If the district's primary court issues a sentence between one and three years and all parties are content, the detainee should be moved to a zone prison. If the sentence exceeds three years and all parties agree, the detainee must be transferred to the central prison.

In cases where the appellate court imposes a three-year sentence and all parties are satisfied, the convict will be transferred to a zone prison. If the appellate court's sentence exceeds three years and all parties concur, the detainee should be transferred to the central prison. The General Directorate of the Cassation Court should adhere to the aforementioned procedures. The Secretariat Directorate should circulate this information to all courts as a circular.

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Consequently, in accordance with the Supreme Court of Afghanistan's directive, all Cassation, Dewan, Appeal, and Primary Court Directorates within the Islamic Emirate of Afghanistan are informed through this circular to take necessary Sharia-compliant actions.

Regards,

Mufti Abdul Rasheed "Saeed"

General Director for Secretariat of the Supreme Court