

# **The Islamic Republic of Afghanistan**

## **President's Special Amnesty Decree**

### **Regarding**

### **Granting Sentence Pardon, Investigation Postponement, and the Order Suspension of Confined Children and Convicted Prisoners**

Pursuant to the provision of article 64 section 18 of CPC, enactment/draft number 1 of the Islamic Republic Afghanistan's Cabinet (*dated Mar-21-2020*) and decision number 2 (*dated Mar-19-2020*) of Emergency Committee, I (*the president of the Islamic republic of Afghanistan*), for the purpose of taking precautionary measures in order to avert the outbreak of COVID-19 (Coronavirus) in detention centers and prisons, hereby issue the decree of sentence pardon, postponement of investigation, and order suspension of confined children and convicted prisoners as follows:

#### **To Grant Amnesty for Confined Children and Convicted Prisoners:**

##### **Article one:**

Confined children and convicted prisoners whose crimes are not included in article 350 of Criminal Procedural Code and Elimination of Violence Against Women (*EVAW*) and to pay their fines/fees shall be granted amnesty and released as follows:

1. The remaining duration of confinement and imprisonment/incarceration of female confined children and convicted prisoners without consideration of the duration they have served;
2. The remaining duration of confinement and imprisonment/incarceration sentence of male confined children and convicted prisoners who are sentenced to 5 years of confinement and imprisonment/incarceration and/or maximum 5 years duration of their confinement or imprisonment/incarceration is remained;
3. The remaining duration confinement and imprisonment/incarceration sentence of male confined children and convicted prisoners who are sentenced/convicted to 5 years of confinement and imprisonment/incarceration if he/she has served half of the confinement or imprisonment/incarceration actually (inside) the prison;
4. The remaining duration of imprisonment/incarceration of the convicted prisoners who have completed 55 years of age without consideration of the duration they served.

#### **To Grant Amnesty for Confined Children and Convicted Prisoners Infected with Diseases:**

##### **Article two:**

1. To grant amnesty and to release the infected confined children and convicted prisoners infected with intractable (*incurable*) illnesses with consideration of amendment of article 350 of Criminal Procedure Code that is published on Official Gazette (*magazine*) number 1318 *dated Ocy-21-2018*.
2. The Ministry of Public Healthcare of center (*Capital*) and through its directorates in provinces shall/must assign professional and expert teams in order to diagnose the infected confined children and convicted prisoners with intractable (*incurable*) illnesses; and the Commissions implementing this special decree must take actions based on their relevant provincial medical teams and with consideration of sub-article 1 of this article.

**Postponement of Investigation and Suspension in Order Issuance:**

**Article three:**

According to the provisions mentioned in articles 162 and 332 of criminal Procedural Code and with consideration article 333, the Attorney General is duty bounded to postpone the investigation of detained accused and to **suspend** the issuance of imprisonment/incarceration and confinement of confined children and convicted prisoners.

**Public Security (Internal/External) Convicted Prisoners:**

**Article four:**

This special decree is not being implemented on public security convicted prisoners; a separate decree was previously sent so measures shall/must be performed based on that.

**The Relevant Implementing Authorities.**

**Article five:**

- (1) In order to effectively and immediately implement this decree in center in (*capital*) and provinces, the following commissions led by relevant provincial deputies and competent authorities:
  1. The relevant provincial prosecutors- enactors of provisions;
  2. The representative of Independent Human Rights Commission;
  3. The representative of Detention Centers and Prisons Administration;
  4. The relevant provincial Justice Director;
  5. Legal counsel/representative from the Directorate of National Security Council in Central Commission;
  6. Deputy representative of Policy of the Ministry of Interior Affairs in Central Commission; and
  7. The Director of Decrees Implementation Prosecution as a member in Central Commission.
- (2) The implementing commissions of decree are duty bounded/subject to implement this decree in 10 days with full preciseness and understanding of responsibility and due to the serious situation going on in Heart province, are assigned to quickly perform their duties.
- (3) After implementing the decree, the central and provincial commissions shall submit the list of released individuals to the Attorney General to be combined and through AG to be referred to the General Directorate of the Presidential Affairs Office of the Islamic Republic of Afghanistan.
- (4) How the provision mentioned in article 3 of this decree is implemented is the responsibility Detention Centers and p-Prisons Administration, the Attorney General and the relevant courts.

**Initiating /Filing Private Right Claim**

**Article six:**

To implement the provisions of this decree, (it) shall not stop the filling of private right claim of people.

**The Ministry of Public Healthcare's Measures:**

**Article seven:**

**\*\*Unofficial Translation\*\***

- (1) The ministry of public healthcare in center (*capital*) and its provincial directorates are duty bounded to test the confined children and convicted prisoners who are being released and to take necessary precautions if they are infected of COVID-19 (Coronavirus).
- (2) The Ministry of public Healthcare is duty bounded to take precautionary measure in all prisons for the confined children and convicted prisoners who are being released based on this decree and to take and emergency measures for the treatment of COVID-19 (Coronavirus) in coordination with the Detention Centers and Prisons Administration.

**Enactment and Follow up:**

**Article eight:**

This decree is enacted after the date it is signed/approved and the General Directorate of the President's Affairs office of the Islamic Republic Of Afghanistan is responsible for the coordination and its implementation's follow up.

**H.E. Dr. Mohammad Ashraf Ghani**  
**The President of the Islamic Republic of Afghanistan**