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Islamic Emirate of Afghanistan

Supreme Court High Council Secretariat Correspondence Directorate Circular Section

Circular No: 7

Date: August 23, 2022 (1444/01/25)

To: Officials of the Directorates of Tamizs, Dewans, Appeal and Primary Courts of the Islamic Emirate of Afghanistan

With utmost respect, this notice is to inform you that the High Council of the Supreme Court held a meeting on August 3, 2022 (5/1/1444 AH) under the chairmanship of the Honorable Sheikh Abdul Hakim Haqani, Chief Justice of the Supreme Court. The meeting included the participation of High Council members, heads of central Dewans, and heads of the central judicial department of the Supreme Court. A number of matters were addressed during Decision No. 3 on August 3, 2022 (5/1/1444 AH) and subsequently shared with the supreme leader of the Islamic Emirate.

The third topic discussed at the meeting pertained to a fatwa issued by the Directorate of Dar al-Ifta regarding the preparation of foreign powers of attorney. The Supreme Court reached the following decision:

The Directorate of Dar al-Ifta should examine the issue of whether a power of attorney prepared by delegating judicial authority to an ambassador or consul outside of the country is valid and compliant with Sharia law. Additionally, the fatwa states that if the defendant acknowledges the representation of the attorney in the presence of a judge, or if witnesses testify in court on behalf of the client regarding the attorney's representation, there is no Sharia issue with the preparation of the power of attorney in either case.

As a result, the decision of the Supreme Court of the Islamic Emirate of Afghanistan concerning the third topic of the aforementioned meeting was communicated to the directorates of Cassations, Dewans, appellate, and primary courts of the Islamic Emirate of Afghanistan through a circular, instructing them to take the necessary Sharia-compliant actions.

Note: The aforementioned fatwa from the Chief Justice of the Supreme Court has been disseminated to all courts within five sheets attached to this circular.

Regards,

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Mufti Abdul Rasheed “Saeed”

Head of Supreme Court High Council Secretariat