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Islamic Emirate of Afghanistan
Supreme Court
General Directorate of Secretariate
Correspondence Department
Circular Section

Circular No. 35

Date: 02/05/1444 – 26 November 2022

To: The Officials of the Directorates of Cassations, Divisions, Appellate, and Primary Courts of the Islamic Emirate of Afghanistan!

May peace, mercy, and blessings of Allah be upon you!

The Supreme Leader of the Islamic Emirate of Afghanistan had given instructions based on the Decree dated 25 May 2022 that the Supreme Court shall prepare a procedure on the decisions finalized and concluded during the previous regime but not implemented.

Based on the above instruction, the Supreme Court has prepared a procedure for the decisions finalized and concluded during the previous regime but not implemented. This procedure has been approved based on the Decree of the Supreme Leader of Afghanistan dated Muharram of 1443 (2021) and has been sent to all the courts through Circular No. (13) of General Directorate of Secretariate of the Supreme Court dated 29 August 2022.

Since it has been written in the above Decree of the Supreme Leader of the Islamic Emirate of Afghanistan (the decisions that have been finalized and concluded during the previous regime but have not been implemented), now the question is what does it mean by the decisions that have been finalized and concluded during the previous regime? In this case, the Supreme Court High Council instructed based on Decision No. (1) in a Session held on 30 July 2022: (Mr. Mufti Qiyamuddin, the Head of the Civil Division of the Supreme Court, and Mr. Shaikh Azizullah Al-Muzahari, the Head of Dar Ul Iftah of the Supreme Court, shall be assigned to collect information about the decisions that have been finalized and concluded during the previous regime); therefore, the mentioned Ulema have gathered and shared the mentioned information in the session of the Supreme Court High Council dated 04 October 2022, it is instructed based on Decision No. (2) of Approval No. (7) dated 04 October 2022 of the High Council as:

((The finalized and conclusive decisions of the previous regime are those decisions which are considered final and conclusive based on the rule and regulations of the previous regime.))

Therefore, the Decision No. (2) of the High Council of the Supreme Court has been communicated to related Directorates of the Supreme Court, Divisions, Appellate, and Primary Courts of the Islamic Emirate of Afghanistan so that their legal/Sharia proceedings shall be carried out accordingly.

Respectfully,
Mufti Abdul Rashid "Saeed"
General Director of the Secretariate
Supreme Court

[Signed and stamped]

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