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

Circular No: 62

Date: July 13, 2023 (1444/12/25)

To: Officials of the Directorates of Tamiz, Diwans, Appellate and Primary Courts of the Islamic Emirate of Afghanistan

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

A meeting of the High Council of the Supreme Court of the Islamic Emirate, chaired by the Chief Justice of the Supreme Court, was conducted on July 6, 2023 (1444/12/17). The sixth subject matter addressed was as follows: Based on the direction decided in the meeting on August 3, 2023 (1444/1/5), the issue of bank interest was presented to the Supreme Leader of the Islamic Emirate. His Highness provided the following guidance: The banks' loans issued to the people in exchange for interest during the previous administration should be detailed in written statements and sent, after review, to both Dar al-Ifta of the Supreme Court as an inquiry letter. Following the direction of the General Directorate of Scrutiny and Research of the Supreme Court, the statements on the above-mentioned issues were composed and sent to the Supreme Court Office on November 12, 2022 (1444/4/17), for forwarding to the Supreme Leader of the Islamic Emirate.

Now, some banks are referring to the courts, stating that they do not request interest on their money but merely demand repayment of the loan itself. What is your direction in this regard?

The High Council of the Supreme Court provided the following directions under Decision No. (6) of Approval No. (45) dated 17/12/1444:

The related courts should take the required Sharia-compliant actions concerning the issues of banks that do not demand interest but only seek repayment of their loans from the debtor when they refer to the courts.

Therefore, the written direction of the High Council of the Supreme Court of the Islamic Emirate of Afghanistan was attached to this circular and dispatched to all directorates of the Supreme Court, Tamizs, Diwans, Appeal, and Primary Courts of the Islamic Emirate of Afghanistan to ensure the required Sharia-compliant actions in this matter are taken.

Respectfully,

Mufti Abdul Rasheed "Saeed"

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Head of the General Directorate of Secretariat, Supreme Court

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