

**Disclaimer:** This is an unofficial translation of an official document and is not endorsed or approved by any government agency. Every effort has been made to ensure accuracy however, some inaccuracies or differences in wording may exist.

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

Circular No: 19

Date: 7 September 2022 (1444/2/10)

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

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

The High Council of the Supreme Court held a meeting on 3 August 2022 (1444/1/5) under the chairmanship of His Excellency Sheikh Abdul Hakim al-Haqqani, the Chief Justice, with the participation of the High Council members, the heads of the Central Courts, and the heads of the Central Judicial Directorates of the Supreme Court. Based on decision No (3) dated 3 August 2022 (1444/1/5), the High Council decided on some issues to be shared with the Supreme Leader of the Islamic Emirate of Afghanistan. As per the above decision, the mentioned issues were shared with the Supreme Leader of the Islamic Emirate of Afghanistan. Its fourth subject matter was as follows:

((The courts of the previous administration used to decide on separation between husband and wife for various reasons, for example: (disagreement, not giving alimony, absence, alcohol addiction, defect due to loss) and now some of them ask the courts of the Islamic Emirate for separation for various reasons. Now, which method should the courts adopt in these two cases (the ruling on separation issued by the previous administration or issuing a ruling on the current request for separation)?

The Supreme Leader of the Islamic Emirate provided the following direction based on the fourth decision:

(In the first case of separation (the separation occurred between the husband and the wife during the previous administration for various reasons), the issue is under work, and the problem will be solved when it is unified and approved. If it is not unified, then we will make a decision in this regard.

In the second case of separation (that the wife is now requesting her separation), the reasons for separation, and the answer for each reason should be written according to the Hanafi religion. Then, it should be shared with the Supreme Leader of the Islamic Emirate for the purpose of obtaining guidance.

Therefore, this directive from the Supreme Leader of the Islamic Emirate regarding the fourth subject matter of the session mentioned above has been relayed to all relevant

This document was translated by the International Development Law Organization (IDLO) for the Afghanistan Rule of Law Observatory (ARLO) initiative. To find out more about ARLO, please visit our website at [www.arlo.online](http://www.arlo.online).

**Disclaimer:** This is an unofficial translation of an official document and is not endorsed or approved by any government agency. Every effort has been made to ensure accuracy however, some inaccuracies or differences in wording may exist.

---

Directorates of Cassations, Divisions, Appellate, and Primary Courts so that the legal and Sharia proceedings will be made in accordance with the aforementioned direction.

Respectfully,

Mufti Abdul Rasheed Saeed  
General Director of the Secretariat  
The Supreme Court