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## **Islamic Emirate of Afghanistan**

### **Supreme Court**

#### **General Directorate for Secretariat**

#### **Correspondence Department**

#### **Circular Section**

Memo No: 40

Date: January 23, 2023 (1444/07/01)

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

May Allah's blessings, mercy, and peace be upon you!

Pursuant to Decree No. (4) dated October 3, 2022 (1444/03/ 7 AH) issued by the Supreme Leader of the Islamic Emirate of Afghanistan, the Regulation for Preventing the Usurpation of Lands and Returning Usurped Lands has been approved. Additionally, based on Ruling No. (696) dated October 3, 2022 (1444/03/ 7 AH) from the Supreme Leader of the Islamic Emirate of Afghanistan, the Terms of Reference and authorities of the Commission for Preventing the Usurpation of Lands and Restitution of Usurped Lands have been approved. Within these Terms of Reference and Regulation, the authority to review Emirate (Sultani) lands, usurped public lands, and donated pastures has been assigned to the aforementioned commission. However, no specific guidance was provided for particular pastures. As a result, we sought clarification from the Supreme Court, which issued the following instructions in its order dated January 22, 2023 (1444/ 06/29 HA):

1. In accordance with the decree issued by the Supreme Leader of the Islamic Emirate of Afghanistan, the authority to investigate the usurped lands of the Emirate (Sultani), public pastures, and donated lands has been granted to the Commission for Preventing Land Usurpation and Returning Usurped Lands. Matters pertaining to these issues should be referred to this commission.

2. When a land lawsuit is presented to the court, and it is proven after completing the necessary proceedings as per Circular No. (24) dated October 6, 2022 (1444/03/10 AH) of the Supreme Court High Council Secretariat that the subject of the claim involves Emirate (Sultani) lands, public pastures, or donated lands, such matters should also be referred to the aforementioned commission.

3. Courts may only accept specific cases and issue suspension verdicts concerning them in accordance with Article (105) of the Bill of Courts. Additionally, they should take the required actions as stipulated in Article 106 of the Bill of Courts for the protection of

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pastures and Paragraph 10 of Letter No. (31/3) dated January 6, 2019 (1440/06/ 30 AH) from the General Administration Office of Courts regarding actions to protect specific pastures.

In light of the Supreme Court of the Islamic Emirate of Afghanistan's guidance, this circular and its attachment have been sent to all directorates of Cassation, Dewans, Appeal, and Primary Courts of the Islamic Emirate of Afghanistan to ensure that the necessary Sharia-compliant actions are taken in this regard.

**Regards,**

**Mufti Abdul Rasheed “Saeed”**

**General Director for Secretariat  
Supreme Court**