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

Circular No. 51

Date: 26/10/1444 – May 16, 2023

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 session of the Supreme Court's High Council was convened on May 10, 2023. The second item on the agenda involved inquiries received from various courts, summarized as follows: "There are instances where a single issue encompasses several aspects, each related to a different court. For instance, in a commercial lawsuit, a creditor might level claims of both debt and fraud against the debtor. The former (debt) pertains to the commercial division, while the latter (fraud) concerns the public security division. If a dispute arises within a civil matter, the civil aspect can be resolved by the civil court, with the criminal aspect deferred to another court. This procedure, however, can result in years-long case resolutions, creating a burdensome process for litigants. Therefore, guidance is requested for appropriate action."

The High Council of the Supreme Court provided the following directions under Decision No. (2) of Approval No. (38): ((For cases encompassing multiple aspects, courts should categorize these aspects as primary or secondary. The division or court that pertains to the primary aspect should handle the secondary aspects of the case as well, adhering to Article (88) of the Law on Administrative Procedure.))

Therefore, this directive from the High Council of the Supreme Court has been relayed to all relevant Directorates of Cassations, Divisions, Appellate, and Primary Courts so that all ensuing legal and Sharia proceedings will align with the aforementioned guidelines.

Respectfully,

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

[Signed and stamped]