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Decree of Amirul Momenin, may Allah protect him, regarding missing people

Circular No: 43/ V5

Date: 7 December 2019 (1441/4/10)

The issue of the lost people is mostly referred to the courts. The judges are indecisive about which jurisprudence to decide because there are various jurisprudence on this issue. Therefore, in order to prevent the hesitation of judges, if any case regarding a missing husband is referred to the court, and the missing person is lost during the war and believed to be dead, and the evidence of his death is obvious, and the missing duration has taken as long as the judges reach prevailing suspicion of his death, the judge declares him dead based on Hanafi's jurisdiction. After that, the court should order his wife to spend the death waiting period (Edat al wafat) for her missing husband and then give permission to her to marry another person.

As far as this is a matter of the death of someone, the following steps should also be taken into account for the sake of more caution. All the courts should share the process with the General Administration Office of Courts. The General Administration Office of Courts should consider the mentioned case's conditions, take the decision, submit it to the supreme leader of the Islamic Emirate for approval, and enforce it after getting the approval.

Regards,

Amirul Momenin, Sheikh al Qur'an and Hadith, Mawlawi Hebatullah Akhundzada

Entry No: 120

22 November 2022 (4/27/1444 AH)

Office of the Supreme Court