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Islamic Emirate of Afghanistan

Supreme Court

Supreme Court High Council Secretariat

Correspondence Directorate

Circular Section

Circular No: 9

Date: August 25, 2022 (1444/01/27)

To: Officials of the Directorates of Supreme Court, Dewans, Appeal and Primary Courts of the Islamic Emirate of Afghanistan

The High Council of the Supreme Court conducted a meeting on August 3, 2022 (5/1/1444 AH) under the chairmanship of the Honorable Sheikh Abdul Hakim Haqani, the Chief Justice of the Supreme Court, with the participation of the High Council members, heads of the central Dewans, and heads of central judicial departments of the Supreme Court. They decided on a number of matters during their decision no (3) dated August 3, 2022 (5/1/1444 AH), in order to be shared with the supreme leader of the Islamic Emirate. The subject matters of the meeting were shared with the supreme leader of the Islamic Emirate as well. Its second subject matter was as follows:

((In certain instances, the defendant may fail to appear in court to address their case or designate a defense attorney. This could be due to evasion, requiring a court-appointed attorney, or the individual may be within or outside the country but uncooperative. Under these circumstances, it is necessary to either compel the defendant's attendance in court or have the court assign legal representation on their behalf.)).

The Supreme Court of the Islamic Emirate of Afghanistan instructed as following in its second decision:

(The court should refrain from assigning an attorney to a defendant located within the country. Instead, every feasible effort should be made to summon the in-country defendant. However, for individuals residing outside the country, the court should consider appointing legal representation based on the guidelines set forth in Letter No. (82 V 25) dated June 7, 2018 (23/09/1439 AH), concerning land seizure, and Letter No. (555) dated August 29, 2020 (10/1/1442 AH), addressing the appointment of counsel for overseas defendants. This approach is also in accordance with Article (1837) of the Majalat Al Ahkam.).

Therefore, the decision of the Supreme Court of the Islamic Emirate of Afghanistan regarding the second subject matter of the above-mentioned meeting was sent through a circular to the directorates of the Supreme Court, Dewans, and Appeal and

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Primary Courts of the Islamic Emirate of Afghanistan so that they to take required sharia compliant actions.

Regards,

Mufti Abdul Rasheed "Saeed"

Head of Supreme Court High Council Secretariat