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**Islamic Emirate of Afghanistan
Supreme Court
General Department of Secretariate
Correspondence Sub-directorate
Circular Section**

S/No: 50

Date: 1444/09/27-18 April 2023

To the Islamic Emirate of Afghanistan's Appeals Courts, Cassation Departments, Divisions, Arbitration Courts, and primary courts!

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

To follow letter No: 20 on 1443/12/29-28 July 2022 of the General Secretariate of the Supreme Court, it is written:

Regarding the fifth decision of the Supreme Council of the Supreme Court of the Islamic Emirate of Afghanistan, dated 22/7/1444 AH, by the honorable leadership, a review was directed at the arrangement of the subjects of the Diwans to the five scholars of the Supreme Court and the Cassation Department of the West Zone. The explanation regarding this matter has been given to the honorable leadership of the Islamic Emirate of Afghanistan through issue number (1721) dated 4/9/1444 A.H. of the High Department of Cassation and the Supreme Court of the South West Zone, submitted by scholars:

Since there was a contradiction between the materials of the Civil Security Division and the Military Division and the courts were worried about it or it was better to transfer the cases to other Divisions. All other issues were deleted and replaced by other materials and interpretations that do not contain contradictions and also fulfill all the mentioned topics, under one name. There were three topics in Military Division:

- 1- The fourth article: All kinds of topics related to the Khawarij (ISIS) group.
- 2- The fifth article: Accountability topics (political).
- 3- The sixth article: Suicide.

Three issues in the Civil Security Division:

- 1- Article forty: Kidnapping or abduction.
- 2- Article forty-one: Formation of groups against the Islamic government.
- 3- Article forty-three: Placing bombs on roads and other places.

The above six cases or articles should be removed from both Divisions and two articles should be replaced in Civil Security Division as follows:

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1- Groups that are armed against the Islamic Emirate.

This article will include all the armed groups that are active against the Emirate, such as Maqawamat (resistance) fighters, ISIS, or any other group.

2- In all cases of abduction, whether leads to murder or not, the abductor is a military person or a non-military person.

Since this issue is difficult and often abductors are powerful people, it needs a strong court, so we considered it appropriate to transfer the court to the military.

And in the list related to the Public Security Court, an article should appear like this:

- All the groups that act non-militarily against the Islamic government.

In this article, all the non-armed groups that are active against the Islamic Emirate such as Hizb ut-Tahrir, Jamiat Islah, and others will be included.

And two subjects that were not previously on the list of subjects of the Courts shall also be added to the lists of the following Divisions:

1- Illegitimate relationship, this matter should come under the Division of Jurisdiction.

2- The matter of (mining claims) should be included in the Civil Division.

Regarding the explanation written above, the leadership of the Islamic Emirate of Afghanistan directed as follows:

((Reviewed:

To the honorable position of the Supreme Court!

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

Authorities and duties of different divisions mentioned in the above table are accepted. You have to review the duties of the divisions. If there is no problem, therefore distribute them to the courts, so that there would be a separation in the work of the courts.))

Based on the guidance of the honorable leadership of the Islamic Emirate of Afghanistan, according to the explanation of the selected scholars regarding the determination of the subjects of the courts, the tables of the determination were rearranged and based on the oral guidance of the honorable leader of the Supreme Court. This circular which contains 15 pages is sent to the relevant departments of the Islamic Emirate of Afghanistan's Appeals Court, Cassation Departments, Divisions, Arbitration Court, and Primary Courts to carry out their activities based on the principles of Sharia and principled actions.

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regards

Mufti Abdul Rasheed Saeed

Secretary General of the Supreme Court

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**Islamic Emirate of Afghanistan
Supreme Court
Head Department of Penal Division**

Number	Cases related to the Penal Division
	The type of case
1.	Intentional or accidental murder
2.	Act of adultery
3.	Illegitimate relationships
4.	Adultery
5.	Stealing in the ways
6.	Armed robbery
7.	Theft, buying, and selling of stolen property
8.	A lawsuit for dishonor and disrespect to a person's privacy
9.	Injury
10.	Abortion
11.	Demolition of walls, etc., and incitement of property and personal property
12.	Fighting, beating
13.	Threatening and warning the public
14.	Pickpocketing
15.	Hostile gambling
16.	Assisting in murder
17.	Escaping of a woman from home
18.	Illegal marriage (for example, marrying another person's estranged wife)
19.	Attempted a murder
20.	Looting
21.	Neglect of duty
22.	Defamation (insults, etc.)
23.	Cutting the trees of personal property
24.	Fighting
25.	Entering a stranger's house without permission and violating a person's privacy
26.	Drinking wine
27.	Harassment and intimidation
28.	Dios (Attracting women)
29.	Selling of women (married and unmarried)
30.	Forced testimony
31.	Non-observance of medical regulations
32.	Poisoning

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**Islamic Emirate of Afghanistan
Supreme Court
Civil Security Division**

S/No	Related cases to the Civil Security Division
1	Hashish/Cannabis Trafficking in the Case of Litigation
2	Cultivation of poppy in the case of litigation
3	Hemp Seed cultivation and trafficking
4	Opium use, buying, and selling in the case of litigation
5	Heroin trafficking in case of litigation: (Heroin is obtained from poppy, which is a modified form of morphine. This drug is very addictive, and excessive use of it can cause breathlessness and causes death because it is made of substances such as chalk, flour, talc, etc.)
6	Morphine is a drug that is derived from opium and is consumed in two forms (liquid and powder). The consumption of these substances is common among youths and it causes sleep and has the effects of opium.
7	Using and buying and selling (MDMA), commonly known as ecstasy or K-tablets (tablets that are made from narcotic powder)
8	Glass and crystal are a type of provocative drug in a compound form that can be found in a transparent form like a blue and green crystal, in the case of litigation
9	Buying and selling alcoholic beverages in the case of litigation
10	Fraud in business transactions (Deception)
11	Forgery (duplicity) and falsification (for example, providing another document instead of the original document or changing the original words), converting documents, and changing the writing book.
12	Any kind of deception
13	Giving the Check without having money in the bank account
14	False information
15	Theft of Emirate property and betrayal
16	Embezzlement (taking of public property by a security officer for personal benefit)
17	Ghadr (disloyalty and breach of covenant)
18	Abuse of official authority
19	Arbitrary extortion, taking money by force, on the highways by the Emirati agent.
20	Disobedience (persons who disobey the final court order or the order of the authorities and the law)
21	Assault against civil servants (a person who uses force against civil servants such as police, government employees, etc., and threatens to assault or beat them)
22	use of counterfeit money

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23	Money laundering (transmitting illegal money or laundering CIA money such as dollars, etc.)
24	Weapons smuggling and use of illegal weapons
25	Escape from prison
26	Concealing a crime (hiding a crime that is a threat to public safety)
27	Misleading the judge (deliberately making a mistake by making a false statement, etc.)
28	Cooperation with the criminal
29	Car smuggling (illegal transfer of cars from borders and ports)
30	Wood smuggling (illegal transfer of wood)
31	Stone smuggling (transfer of precious stones illegally)
32	Gold smuggling (transfer of gold illegally)
33	Cutting Emirati trees without permission
34	Cooperation with smugglers
35	Smuggling SIM boxes (transmission of detection and
36	Telecommunication devices related to telecommunications without permission)
37	Smuggling authorized items (transfer of authorized items out of the country)
38	Use of chemicals (harmful substances)
39	Human trafficking (transporting people from outside the country to inside and from inside to outside the country illegally)
40	Groups that have unarmed activities against the Emirate government. All political groups such as Hizbutahrir and Jamiayt Islah shall be added to this article.
41	National treason (propaganda against the Islamic government "propagandizing and plotting against the Islamic Emirate", transmitting information and threatening independence)
42	Smuggling of antiquities (illegal transfer of historical and cultural relics)
43	Buying and selling and transferring prohibited property (prohibited by the government)
44	Betrayal of property donated to people
45	Escaping the suspect, the accused, and the criminal
46	Escaping the suspect, the accused, and the criminal
47	Evasion of customs laws
48	Irresponsible personal use of Emirati uniform
49	Misconduct of civil servants with others
50	Disclosure of Emirati secrets
51	Broadcasting immoral movies/videos
52	Espionage (extracting military secrets from the outside or the anti-Emirate group)
53	Violation of the privacy of airfields.

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54	Insulting the Emirati flag or emblem
55	Incitement to civil war (religious, ethnic, etc.)
56	Targeted killings and creating instability with the cooperation of domestic and foreign organizations and their funding
57	Manufacturing and transfer of explosives and deadly devices and crimes resulting from them
58	Crimes against the immunity of air flights and their crew
59	Leading an armed group to usurp or loot Emirati or non-Emirati properties in case of hostilities
60	Crimes against diplomatic relations (a person or a group who commits acts of hostility to create tension or break diplomatic relations between the Islamic Emirate of Afghanistan and foreign governments and international organizations)
61	Bribery in the form of hostility
62	Betrayal in case of hostilities
63	Insulting the Prophethood and denying the end of Prophethood in the form of hostility
64	Insulting Islam and the rituals of Allah the Almighty in the form of hostility
65	Respecting the signs of blasphemy and using them, which are considered blasphemy in Islam, for example, the cross, etc., in the form of hostility
66	Apostasy in the form of hostility
67	Insulting the Companions of Prophet Mohammad PBUH, Salaf in the form of hostility
68	Public law: (all legal disputes between a legal person or a specific ruling, institution, or company in the form of hostility)
69	Poultry Claim (Pasture)
70	Importing low-quality goods and selling them (such as spices, etc.)
71	The issue of hiding the criminal

**Islamic Emirate of Afghanistan
Supreme Court
Head Department of Civil Division**

Number	Cases related to the Civil Division
	Type of the case
1.	Disputed claim

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2.	Lawsuit to repel an assault
3.	Movable property lawsuit
4.	Immovable property lawsuit
5.	Amortized guarantee lawsuit
6.	Inheritance lawsuit
7.	lawsuit of usurpation
8.	lawsuit of intercession
9.	Borrowing lawsuit
10.	Deposit lawsuit
11.	Debt guarantor lawsuit
12.	Time-lapse claim (it should be in the form of disposal, not in the original form)
13.	Lineage lawsuit
14.	Marriage lawsuit
15.	Divorce lawsuit
16.	Appeal from divorce
17.	Stripped-off lawsuit
18.	Custody lawsuit
19.	Breastfeeding lawsuit
20.	Dowry lawsuit
21.	Feeding lawsuit
22.	Alimony claim
23.	Divorce lawsuit between spouses
24.	Executor lawsuit
25.	Way's Lawsuit
26.	Water right lawsuit
27.	Custody and child support lawsuit
28.	Neighbor's damage claim
29.	Claims for partition and merits
30.	Lawsuit for sale of trust and mortgage
31.	Entitlement lawsuit
32.	Farming Contract Lawsuit
33.	Gardening Contract Lawsuit
34.	Lawsuit over mining rights

**Islamic Emirate of Afghanistan
Supreme Court
Head Department of Traffic Division**

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Number	Traffic division Related cases
1.	Traffic accident (it is an incident that occurs due to negligence, carelessness, or non-observance of traffic laws and regulations, and leads to death or physical and financial loss.)
2.	A traffic accident that leads to murder
3.	A traffic accident leads to permanent disability.
4.	A traffic accident that leads to serious injury.
5.	A traffic accident leads to a broken limb.
6.	A traffic accident leads to minor injuries.
7.	A traffic accident leads to financial loss.
8.	Using vehicles without route permits, legal number plates, and temporary documents.
9.	Using others' Driving Permit and Plates
10.	Giving your driver's license and number plate to another person for use
11.	Erasing and changing the car and chassis number
12.	The driver's movement against the direction and illegal direction on the road
13.	Driving while drunk or intoxicated, regardless of whether he commits a traffic accident or not
14.	Driving in the state of having diseases that often lead to traffic accidents
15.	Escaping from the scene of a traffic accident
16.	Not having a driver's license
17.	Committing a traffic accident as a result of a major violation of technical and professional principles
18.	Non-observance of public traffic regulations
19.	Changing the shape of traffic signs
20.	Removing or hiding traffic signs and signs that may or may not cause a traffic accident
21	Not creating warning signs on the public road that has been dug up or other things have been left.
22	Removing the warning and lighting signs
23	Turning off, destroying, removing, or damaging the lights on the public road or square for lighting.
24	Loading vehicles against traffic rules
25	Using vehicles against traffic rules (moving at high speed, high brightness, lights, worn-out tires, etc.)

Notice: Its final decision is related to the Arbitration court of the zone.

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Islamic Emirate of Afghanistan
Supreme Court
The Head Department of the Commercial Division

Number	Commercial Division Related cases
	The type of case
1.	Claiming pledge and provision of any type of movable property and assuming and accepting any type of information and constructions.
2.	The lawsuit related to the establishment of a factory, management of the plant, photography press, publications, book sales, etc.
3.	The lawsuit related to the opening of exhibitions, and the opening of public places (such as hotels, commercial warehouses, restaurants, preparation of workers' offices and auction houses, etc.)
4.	The lawsuit related to the transportation of passengers, animals, and other objects on land, sea, and air.
5.	Lawsuits of companies related to the distribution of water, gas, electricity, the establishment of telephone communication, etc.
6.	The lawsuit related to the work of brokers and brokerage (trading guide, etc.)
7.	Lawsuit for acquittal, proof and check related to business transactions
8.	The lawsuit which is related to exchange transactions
9.	The lawsuit is related to current account transactions and related agreements. (For example, the company pledges to give a certain amount of money to someone weekly)
10.	Lawsuit related to private and public bank transactions
11.	Litigation regarding mortgage documents and receipts (for example, a businessman places movable property or money in commercial warehouses or banks due to credit, and a receipt is given in return.)
12.	The lawsuit related to the establishment of trading companies and buying and selling of shares
13.	Sales contract lawsuit
14.	Lease contract litigation
15.	Lawsuit for rent
16.	Lawsuit for selling the price
17.	Wage Lawsuit
18.	Guarantee claim against the hirer
19.	Mudarabat lawsuit
20.	Lawsuit for annulment of the contract
21.	Debt and bankruptcy lawsuits
22.	Goodwill claims

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Islamic Emirate of Afghanistan
Supreme Court
Head Department of Military Personnel Division

Number	Cases Related to Military Personnel Division
	Type of the case
1.	If an employee of the three organizations (Ministry of Defense, Ministry of Internal Affairs, and General Directorate of Intelligence) is the defendant in any kind of matter, the matter is related to the military court.
2.	Any kind of claim by a military person against a military person
3.	Any kind of claim by a person or civil persons against those who are in the military.
4.	Groups that are armed against the Islamic Emirate. This article will include all the armed groups that are active against the Emirate, such as Maqawamat (resistance) fighters, ISIS, or any other group.
5.	In all cases of abduction, whether the motive is murder or not, the abductor is a military person or a non-military person. Since this issue is difficult and often abductors are powerful people, it needs a strong court, so we considered it appropriate to transfer the court to the military.