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

Circular No: 60

Date: July 10, 2023 (1444/12/22)

To: Officials of the Directorates of Tamiz, Diwans, Appellate and Primary Courts of the Islamic Emirate of Afghanistan

May peace, mercy, and blessings of Allah be upon you,

A meeting of the High Council of the Supreme Court of the Islamic Emirate, chaired by the Chief Justice and Head of the Supreme Court, was conducted on July 6, 2023 (17/12/1444). The third subject matter was as follows: Should the defendant in criminal cases, who escapes from the place of crime commitment and is caught elsewhere, have their issue resolved in the court where the crime was committed or where the arrest was made? This subject matter was shared with Your Highness to take the necessary actions based on your direction.

The High Council of the Supreme Court provided the following directions under Decision No. (3) of Approval No. (45) dated July 6, 2023 (17/12/1444):

Criminal crimes and cases are categorized into two types:

1. Non-Continuous: Examples include murder, theft, etc., where the court of the place where the crime was committed has jurisdiction to resolve.
2. Continuous: Examples include a woman running away from home. In this situation, if there is a claimant, he/she may request the case's resolution in either the court where the crime was committed or the court of the place of arrest. The court to which the claimant refers has jurisdiction to resolve the case. If there is no claimant, the court of the place of arrest has jurisdiction to resolve. In abduction cases, if the abductor is caught with the abductee, it is a continuous crime, and the claimant may choose the court for resolution. If the abductor is caught without the abductee, it is a non-continuous crime, and only the court of the place of arrest will have jurisdiction.

The written direction of the High Council of the Supreme Court of the Islamic Emirate of Afghanistan has been attached to this circular and sent to all Directorates of the Supreme Court, Tamizs, Divans, Appeal, and Primary Courts of the Islamic Emirate

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of Afghanistan. This is to ensure that the required Sharia-compliant actions are taken in this regard.

Wa Salaam,

Mufti Abdul Rasheed “Saeed”

Head of the General Directorate of Secretariat, Supreme Court