

**Disclaimer:** This is an unofficial translation of an official document and is not endorsed or approved by any government agency. Every effort has been made to ensure accuracy however, some inaccuracies or differences in wording may exist.

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

Circular No: 63

Date: July 16, 2023 (1444/12/28)

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 of the Supreme Court, was conducted on July 13, 2023 (1444/12/24). The second subject matter addressed was as follows: In the meeting of the High Council of the Supreme Court on July 6, 2023 (1444/12/17), it was directed that when the claimant refers to the relevant court of his/her residence for legal matters, the court of the defendant's residence has jurisdiction. Any change in the defendant's residence after referring to the court does not affect this jurisdiction.

Now the question arose: Should the appeal stage be processed in the province where the Primary Court resolved the case, or in the province where the defendant resided after the Primary Court's resolution?

The High Council of the Supreme Court provided directions under Decision No. (2) of Approval No. (46) dated July 13, 2023 (1444/12/24) as follows:

When the claimant refers to the relevant court of the defendant's residence for legal issues, the court of the defendant's residence has jurisdiction. Any change by the defendant in the place of residence after referring to the court is not accepted and has no effect on the court's jurisdiction. Also, the appeal stage should be processed in the province where the decision of the Primary Court was made.

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

Respectfully,

Mufti Abdul Rasheed "Saeed"  
Head of the General Directorate of Secretariat, Supreme Court

This document was translated by the International Development Law Organization (IDLO) for the Afghanistan Rule of Law Observatory (ARLO) initiative. To find out more about ARLO, please visit our website at [www.arlo.online](http://www.arlo.online).