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

Circular No: 6

Date: 20 August 2022 (1444/1/22)

To: Officials of the Directorates of Cassations, Divisions, Appellate and Primary Courts of the Islamic Emirate of Afghanistan

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

Based on the verbal guidance of the Supreme Leader of the Islamic Emirate of Afghanistan, His Excellency Amirul Momineen Sheikh Sahib, may Allah protect him, the Prime Minister's Office made an inquiry from the Supreme Court through letter No (314) dated 4 January 2022 (1443/6/1) regarding the issues of wives and inheritance of the Afghan citizens who are missed since the occupation of Americans.

The Supreme Court replied in writing to the inquiry of the Prime Minister's Office, and both the inquiry and the answer were sent to some great religious scholars and Muftis of the Supreme Court. They carefully reviewed them and approved the answer to the mentioned inquiry by signing the answer. Then, the Chief Justice Office sent this answer to the Supreme Leader of the Islamic Emirate of Afghanistan through letter No. (165) dated 30 January 2022 (1443/6/27). The Supreme Leader of the Islamic Emirate of Afghanistan sent the answer mentioned above (Fatwa) to the General Directorate of Central Dar Al Ifta to get its opinion. The mentioned directorate approved the answer in its session dated 10 February 2022 (1443/7/9) and submitted it to the Supreme Leader of the Islamic Emirate of Afghanistan through a letter (No: 63, page: 13, answer 1) dated 14 February 2022 (1443/ 7/13). The Supreme Leader of the Islamic Emirate of Afghanistan issued the following guidance based on the direction dated 14 February 2022 (1443/ 7/13):

((To the Supreme Court Office!

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

Your fatwa is also approved by us, and the judge of each region is responsible for obtaining information in this regard through any possible way and then sharing it with you, and you should share it with us.)).

The fatwa mentioned above was raised in the session dated 8 March 2022 (1443/8/5) of the High Council of the Supreme Court. The High Council provided the following directions based on the decision No (34):

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((The fatwa communicated to this office after the approval of the Supreme Leader of the Islamic Emirate regarding the missing persons should be sent as a circular to all the courts and published by the press and Public Relations Department of the Supreme Court.

This fatwa also should be shared with the Prime Minister's Office to publish as they deem necessary, and the implementation procedure should be in a way that the Supreme Leader of the Islamic Emirate receives.))

Therefore, the fatwa mentioned above should be communicated with the Officials, the Directorates of Tamizis, Diwans, Appeal, and Primary Courts of the Islamic Emirate of Afghanistan so that the Shariah and regulatory actions will be taken.

Note: The Supreme Leader of the Islamic Emirate of Afghanistan directed the courts to the courts through decree No (15) dated 8 August 2022 (1444/1/10) regarding missing Afghans who were missed during the 20 years of Jihad. The above decree was sent to Officials of the Directorates of Tamizis, Diwans, Appeal, and Primary Courts of the Islamic Emirate of Afghanistan through this circular within (2) sheets so that the Shariah and regulatory actions will be taken in this regard as per the fatwa of the Supreme Court and the decree mentioned above of the Supreme Leader of the Islamic Emirate of Afghanistan.

Respectfully,

Mufti Abdul Rasheed Saeed
General Directorate of the Secretariat