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

Circular No: 8

Date: 24 August 2022 (1444/1/26)

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!

And then, the High Council of the Supreme Court held a meeting on 3 August 2022 (1444/ 1/5) under the chairmanship of His Excellency Sheikh Abdul Hakim al-Haqqani, the Chief Justice with the participation of the High Council members, the heads of the Central Courts, and the heads of the Central Judicial Directorates of the Supreme Court. Based on decision No (3) dated 3 August 2022 (1444/ 1/5), the High Council decided to share some issues with the Supreme Leader of the Islamic Emirate of Afghanistan. As per the above decision, the mentioned issues were shared with the Supreme Leader of the Islamic Emirate of Afghanistan; the fourteen subject matter was as follows:

((We are hereby requesting your guidance regarding the duties of the heads of military Courts, Civil Courts, Appellate Courts, and Cassations.))

((The heads of Military Courts, Civil Courts, Appellate Courts, and Cassation have judicial prestige, and the decisions are not considered valid without the approval of the heads of the courts.

There is no problem with not obtaining the signature of the Court's head in case of invalidation or rejection of the decision.

The courts having the heads in addition to judges should write the text (we issued the ruling and Judgment) in their ruling and judgment, and the courts with no separate judges in addition to their heads should write the text (I issued the ruling and judgment).

The judge should listen to the case proceeding, and the clerk should write it.

The written process of the case should be given to the Mufti after the review; the Mufti should find the fatwa in this regard, enter the number and date, and sign it. Then, the judge makes a ruling based on the fatwa and keeps it in the archive. Only the judge and the head of the court can sign the decision.

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Therefore, this directive from the High Council of the Supreme Court regarding the fourteen subject matter of the meeting mentioned above has been relayed to all relevant Directorates of Cassations, Divisions, Appellate, and Primary Courts so that the legal and Sharia proceedings will be made in accordance with the direction mentioned above.

Respectfully,

Mufti Abdul Rasheed Saeed

General Director of the Secretariat

Supreme Court