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

Circular No: 10

Date: 27 August 2022 (1444/1/29)

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 on some issues to be shared 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 first subject matter was as follows:

((The Supreme Leader of the Islamic Emirate of Afghanistan had directed on 2 December 2021 (1443/4/27) that the issue of documents be postponed until the establishment of the Council of Religious Scholars.))

According to the guidance mentioned above, those issues that are document-based and one side of the case is submitting the documents to the court to prove his/her right, such issues are not resolved and have remained pending in the courts, and the clients are repeatedly referring to them to resolve their issues. How should the courts act to resolve the problems of the clients regarding such issues, considering the current conditions?))

The Supreme Leader of the Islamic Emirate of Afghanistan provided the following direction in this regard under the first decision:

((When the documents are submitted to the court, the court should conduct a comprehensive investigation of the provisions related to the documents. If the mentioned documents are considered undoubtful by the dominant belief of the court, they should be validated, and if they are not regarded as doubtful, then should not be validated.

The provisions related to the documents that determine the undoubtful and doubtful documents, and their dominant suspicion of un-doubtfulness and doubtfulness are

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determined should be added in the legislative documents in the form of notes or appendices.))

Therefore, this directive from the High Council of the Supreme Court regarding the first 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 of the Supreme Court