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

Circular No: 28

Date: 1444/3/26 AH – 22/October/2022

To: Officials the Directorates of Cassation, Diwans, Appeal and Primary Courts of the Islamic Emirate of Afghanistan

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

The High Council of the Supreme Court held a meeting on 1444/3/9 AH - 5/October/2022 under the chairmanship of His Excellency Sheikh Abdul Hakim al-Haqqani, the Chief Justice that the third subject matter of the meeting agenda was as follows:

((The lawsuit cases that have no petitioner in the center and provinces are sent to the courts by the Law Departments and Prosecution offices. What should be done in this regard?))

The High Council of the Supreme Court provided the following directions in this regard according to decision number (3) of resolution number (7) dated 1444/3/9 AH – 5/October/2022:

((The Ministry of Justice and General Attorney Office should be asked through a letter to instruct all law and prosecution directorates to accept only the cases that have petitioners and not send the cases that have no petitioner because the courts cannot take action regarding the cases that have no petitioner as per article (188) of the Administrative Procedure.)).

Therefore, the decision number (3) of the above resolution of the High Council of the Supreme Court was relayed to Directorates of Cassations, Divisions, Appellate, and Primary Courts after being approved by the Supreme Leader of Islamic Emirate of Afghanistan through this circular so that the legal and Sharia proceedings will be made in accordance with the aforementioned direction.

Note: The above-mentioned guidance has been sent to the Ministry of Justice through letter number (600) dated 1444/3/23 AH – 19/October/2022 and to the General Prosecution Office through letter number (601) dated 1444/3/23 AH – 19/October/2022 so that to inform all law and prosecution directorates in this regard.

Respectfully,

Mufti Abdul Rasheed Saeed
Director of the Secretariat
Supreme Court

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