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

Circular No: 29

Date: 1444/3/27 AH – 23/October/2022

To: Officials the Directorates of Cassations, 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 fourth subject matter of the meeting agenda was as follows:

((Should the courts Muftis write an independent Fetwa to approve or reject a resolution or not? If writing the Fetwa is essential, should the reasons for approval or rejection also be written or not?))

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

((The court's Muftis should write an independent Fetwa for approval or rejection of a resolution. The reasons for approval in case of approval of the resolution and the reasons for rejection in case of rejection should be written in detail, and the resolution statement of the independent Fetwa should be clearly written as per the prominent narration of the Hanafi religion.))

Moreover, the fifth decision of the above meeting was as follows: ((The Supreme Court High Council Secretariat should prepare a table in both Pashto and Dari languages for the Muftis of central divans of the Supreme Court and primary and appellate courts of provinces to review and register the cases and send it to all courts as a circular.))

Therefore, the decision number (4) and (5) of the above resolution of the High Council of the Supreme Court and the prepared tables were 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.

Respectfully,
Mufti Abdul Rasheed Saeed
Director for the Secretariat
Supreme Court

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