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## Decree

### **of His Excellency the *Amir-al Momenin*, May Allah protect him, on Missing Mujahideen and Other People**

No.: (5)

Date: 8/3/1444 L.C Coinciding with 12/7/1401 S.C & October 4, 2022 A.D.

Respectable Muslim brothers!

Since some of our countrymen have gone missing during the past 20 years of Jihad (Holy War) and they are now survived by widows and orphans in a limbo and their belongings and properties have not been legally inherited by the heirs thus far, hence, I issue the following instructions and orders to all the countrymen:

During the American invasion and the corrupt regime, where after continuous investigations and as a result of predominant evidences and obvious justifications, it becomes evident that our countrymen have been martyred on the ways or imprisoned and sometime later martyred, or have gone missing in wars and ambushes, but the survivors of the families of these martyred know nothing in regard to their martyrdom or life due to which their widows have remained in limbo and their belongings and properties, too, haven't been legally divided among the heirs, the Islamic Emirate of Afghanistan sought opinion from the prominent religious scholars in respect to which the scholars stated in reply: (The Hanafi jurisprudence scriptures state that those missing in wars or in those areas where they may be predominantly assumed dead as well as evidences of their death, too, are obvious and a lengthy period has passed as well, then they are presumed dead).

For the purpose that widows of those martyrs of ours no longer remain in limbo and their properties do not remain suspended from legal inheritance and division and other legal provisions, I hereby approve the following articles:

Article 1:

An individual who may have gone missing, or stuck in raid, routes and/or other places during government of the corrupt regime, but no whereabouts are yet known about them, despite the fact their relatives have tried hard to find his whereabouts, whose wedded wife now intends to marry another person and/or his heirs want his properties/possessions be divided, they should refer their matter to their relevant primary court.

Article 2:

The court shall demand from the relatives the full-fledged details in respect of the identity of that missing person, date and place and how he has gone missing.

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Article 3:

The court shall hold in writing an inquiry from the relatives about their efforts and information.

Article 4:

The court shall subsequently obtain information through extreme caution and possible way.

Article 5:

If the court is satisfied with respect to the demise of the individual after the information and given the evidences, it shall share this information with its appellate court.

Article 6:

The appellate court shall examine the matter with care, if the Appellate Court, too, gets satisfied, it shall order the Primary Court to declare the person as dead.

Article 7:

Then, the Primary Court shall declare the person dead pursuant to said judgement.

Article 8:

The Primary Court shall then order the married wife of the said person on observing death incurred *Iddah* (waiting period).

Article 9:

After observing death incurred *Iddah* (waiting period), it shall grant the married wife a choice of contracting wedding with another person.

Article 10:

After order of the court, properties and possessions of the martyrs shall be considered inheritable as well as divisible among their survivors according to the Islamic law.

Article 11:

We promulgate this decree based upon the Islamic prescribed judgment of the prominent *Ulema* (Religious scholars) of the country, however, where anyone with confirmed information with respect to their relatives shall remain exempted from this decree.

Article 12:

All the courts and other legal institutions shall conduct their proceedings in accordance with the provisions of this decree.

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Article 13:

This Decree shall enter into force from the date of endorsement and shall be published in the Official Gazette.

Peace be onto you

*Amir-al Momenin Sheikh ul Quran wal Hadith*

*Maulivi Hibatullah Akhundzada*