

ISLAMIC REPUBLIC OF AFGHANISTAN  
THE SUPREME COURT

LAW ON ORGANIZATION AND JURISDICTION  
OF COURTS OF THE ISLAMIC REPUBLIC OF  
AFGHANISTAN

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Article 12:

Translators / Interpreters:

If the party does not speak the official language at trial is held in, a translator / interpreter may help the person understand articles and laws of the case and the person shall have the right to speak in the person's native language before the court.

Article 13:

Nonrefusal of Ruling:

The court may not refuse to i80.0002.82 orsta th



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Article 29:

Administrative Duties and jurisdictions of Supreme Court:

- (1) The Supreme Court shall have the following duties and jurisdictions in its relevant administration affairs:
  - 1 – To prepare the budget for the judiciary in consultation with the government
  - 2 – To lead and control the administrative activities of courts of Islamic Republic of Afghanistan
  - 3 – To approve rules and regulations to regulate matters concerning judicial and administration of courts.
  - 4 – To evaluate the results of judicial scrutiny and studies and taking measures to remove defects and coordinate courts' procedures.
  - 5 – To propose on the appointment of judges and judicial advisors to the president's office according to provisions of this law.
  - 6 – To propose on the appointment, transfer, upgrading, extension of the appointments' duration and retirement of judges according to the provisions of this law.
  - 7 – To propose on the establishment of courts and legal document registration directorates, and their specification of judicial and administration jurisdiction to the president's office.
  - 8 – To implement the budget of the judiciary.
  - 9 – To provide necessary facilities for the activities of the courts.
  - 10 – To hold judicial practice courses.
  - 11 – To take appropriate initiatives for the employment of judges and judicial staff.

Article 230







Article 41:

Primary Court Structure:

- (1) A central primary court shall be comprised of the following *Dewans*:
  - 1 – General Criminal *Dewan*.
  - 2 – Civil *Dewan*.
  - 3 – Public Rights *Dewan*.
  - 4 – Public Security *Dewan*.
  - 5 – Traffic Criminal *Dewan*.
- (2) The *Dewans* of central primary court shall have one head and no more than 4 members.

Article 42:

Resolving Cases by *Dewans* of Primary Courts:

Central provincial primary courts shall have the relevant *Dewans* to resolve cases in primary level in accordance with law:

- 1 – Resolving general criminal cases by General Criminal *Dewan*.
- 2 – Resolving civil disputes between natural persons by Civil *Dewan*.
- 3 – Resolving civil disputes between natural and legal individuals/entities or among legal entities by Public Rights *Dewan*.
- 4 – Resolving criminal cases of public security and interest, drug trafficking and other crimes by Public Security *Dewan* in accordance with law.
- 5 – Resolving traffic criminal cases by Traffic-Related Crime *Dewan*.

Article 43:

Leading Court and *Dewans*:

- (1) There shall be a head for the central provincial primary court to lead and manage the judicial and administrative activities of the *Dewans* and shall attend their meetings when required.
- (2) Heads of the primary court *Dewans* shall lead meetings of *Dewans*. In case head of the primary court presides over judicial meeting of the *Dewan*, head of the respective *Dewan* shall thus be considered as member.
- (3) Head of the General Criminal *Dewan* shall at the same time be deputy head of the central primary court.

Article 44:

Juvenile Court:

- (1) There shall be established a juvenile primary court in the center of every province.



- (2) The Supreme Court may, as needed, establish *Divans* within the structure of district provincial primary courts after approval of the President.

Article 51:

Resolving Multiple Crimes:

- (1) A criminal shall be tried in the court which has the jurisdiction of resolving cases, in accordance with this and other laws. In case a person commits multiple crimes each of which requires an individual resolving by different courts, the courts dealing with serious crimes shall have jurisdiction of resolving the case first. In case the committed crimes are in one level of gravity, the jurisdiction of resolving the case shall be on the court which has already begun resolving the charges made against the accused.
- (2) If a person committed multiple crimes which in terms of jurisdiction is subject to two (specialized and ordinary) courts, each of the courts shall be based on the nature of the crime have jurisdiction on the case. In case the committed crime is multiple which is indivisible, the case shall be resolved by the court which has jurisdiction of resolving crimes of higher gravity.
- (3) Crime accessories and assistants shall be tried in the court in which the actual criminal is tried.

Article 52:

Responsibility:

The chief of each Primary Court, heads *Divans*, and their judicial members shall be responsible for deciding cases in a timely manner according to the law, correct application of the law, and for explaining the ground for their decision.

Article 53:

Finality of Decisions:

The decisions of the primary courts are also final in the following situations:

- 1 – When both parties agree upon the decision of the court.
- 2 – When the time for appealing has expired.
- 3 – When the disputed property is worth up to 100,000 Afghanis.
- 4 – When the order for a cash fine of 50,000 Afghanis is issued.
- 5 – Other situations set forth in law.

Article 54:

Administrative Branches:

Primary courts shall have some administrative branches and personnel whose activities and manner of performance shall be specified through separate regulations.





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Article 62:

Retirement of Judges:

- (1) A judge shall be retired in the following and may not be reemployed:
  - 1 – Upon completion of 40 years of practical service.
  - 2 – Permanent overall disability and continuous illnesses which hamper job performance.
  - 3 – Up on completion of age of 65 [years].
  - 4 – Other situations mentioned in law.
- (2) The Supreme Court when needed may, before forwarding the issue of retirement of a 65-year-old judge to the authorities, extend his/her employment for another 10 years if the judge is knowledgeable with academic and professional experience.

The approval for continuation of service shall be renewed every year.

Article 63:

Transfer of Judges:

- (1) A judge may not be transferred before 5 years except at the judge's personal request based on reasonable grounds.
- (2) The normal transfer of a judge shall occur in the last month of the solar year (Hoot) and shall be valid as of the first month of the next year.

Article 64:

Appreciation Letters:

- (1) Appreciation Letters for judges and judicial administration employees shall be distributed on the recommendation of the Chief Justice with approval of, or directly by, the President.
- (2) Grades 2 and 3 Appreciation Letters, appraisal letters, and cash benefits for judges and administrative staff of the judiciary shall be offered on recommendation of the General Administration Director and approval of, or directly by, the Chief Justice.

Article 65:

Implementing Labor and Civil Servants Laws:

- (1) Conditions and circumstances of appointment, transfer, upgrading, extending appointment duration, approval and acceptance, resignation, leave and other merits, privileges and duties of judges and administrative staff of the judiciary not mentioned in this law shall be exercised in accordance with labor law, civil service law, and other respective legislation.
- (2) For the purpose of upgrading judges, in addition to the terms and conditions set forth in paragraph (1) of this article, quality of decisions issued by judges are also considered.



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