

**ISLAMIC REPUBLIC OF AFGHANISTAN
THE SUPREME COURT**

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

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

CHAPTER 1: GENERAL PROVISIONS

Article 1:

Objective:

This law has been enacted pursuant to the provisions of Articles 116 and 123 of the Constitution for the purpose of managing the affairs related to the organization of the judiciary, duties and powers of the Supreme Court, primary and appeal courts and judges of the Islamic Republic of Afghanistan.

Article 2:

Independence:

The Judiciary shall be the independent pillar of the state and composed of Supreme Court, Courts of Appeal and Primary Courts. Traveling courts may be established when needed, on recommendation by the Supreme Court and approval of the President.

Article 3:

Dispute Resolution:

The Judiciary may resolve disputes between and among individuals, legal entities including the state in accordance with law.

Article 4:

Jurisdiction:

No law under any circumstances may take a case out of the jurisdiction of judiciary and submit it to a different authority.

This article may not hamper the formation of specialized courts and military courts set forth in Articles 69, 78, and 127 of the Constitution.

Article 5:

Appealing:

The parties to the case may appeal against decisions issued by the lower courts in accordance with law. The final decisions of the courts shall be considered exception to this provision.

Article 6:

Resolution Methodology:

- (1) The cases shall be resolved in courts taking into consideration the quality and nature of the case in two stages, primary and appeal.

- (2) The Supreme Court shall deal with the referred cases of courts of appeal only in terms of accurate application of law (to see if any provision of law is breached or accurately applied), unless it has been authorized by law to resolve a case taking into consideration the quality and nature of the case.
- (3) Cases in courts shall be handled as follows:
 - 1 – At the primary stage, with participation of three judges. Except less than three judges may decide a case when they are not available.
 - 2 – At the appeal stage, three judges shall decide any case.
 - 3 – At the cessation stage, shall take place by two or more persons.

Article 7:

Source of Decisions:

The courts shall resolve cases in accordance with the constitution and other laws of the Islamic Republic of Afghanistan. If there is no clear legal provision for the case, the case shall be handled in accordance with Articles 130 and 131 of the Constitution.

Article 8:

Open Trials:

Trials in the Afghanistan courts shall happen in open procedure in which everybody may attend, subject to law. The court may convene the trials in a close procedure only if they are legally required or that it is deemed necessary. Making notice of the final decision shall always be open to public.

Article 9:

Legal Citation:

The courts shall be duty bound to rely on the reasons, grounds and legal provisions for a decision to issue.

Article 10:

Enforceability of Decisions:

The courts final decisions shall be enforceable unless it is about a death sentence, which requires approval of the President.

Article 11:

Right to Defense Attorney:

Each person shall be entitled to a defense attorney immediately after the person's arrest to remove the accusation charged against. In criminal cases, there shall be assigned defense attorneys for the destitute in accordance with the relevant legislation.

Article 12:

Translators / Interpreters:

If the party does not speak the official language that trial is held in, a translator / interpreter may help the person understand articles and details 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 issue an order in any case that is under its proceeding. A case may leave the court only after decision is taken.

Article 14:

Independence in Issuing Decisions:

Courts shall be independent but subject to law only when issuing orders. Resolving a case and issuing an order by the courts shall be based on the principle of the parties' mutual equality before the law and the court and obeying justice and impartiality.

Article 15:

Prohibition on Party Membership:

Judges may not hold membership in any political party while working as judge.

CHAPTER 2:

ORGANIZATION, STRUCTURE, AND JURISDICTION OF THE SUPREME COURT

Article 16:

The Supreme Court:

The Supreme Court constitutes the highest authority of the judiciary of the Islamic Republic of Afghanistan.

Article 17:

Organization of the Supreme Court:

The Supreme Court shall be composed of 9 persons appointed by the President in agreement with *Wolesi Jirga* (House of the People) in accordance with Articles 117 and 118 of the Constitution. The president shall appoint one of the members as the Chief [Justice] of the Supreme Court.

Article 18:

Supreme Court *Dewans*:

(1) The Supreme Court shall consist of the following *Dewans*:

- 1 – General Criminal *Dewan*.
- 2 – Public Security *Dewan*.
- 3 – Civil and Public Rights *Dewan*.

4 – Commercial *Dewan*.

- (2) Each *Dewan* set forth in paragraph (1) of this article shall be headed by a member of the Supreme Court as selected on rotation basis by the Chief Justice for the period of 1 year.

Article 19:

Powers of Heads of *Dewans*:

Each head of the Supreme Court *Dewans* shall have the following powers and duties:

- 1 – Leading relevant *Dewan*'s activities.
- 2 – Holding and presiding over relevant *Dewan*'s sessions.
- 3 – Arranging affairs, coordinating judicial experiences of the *Dewans*, and submission of report to the Supreme Court.

Article 20:

Judicial Advisors:

The Supreme Court shall have judicial advisors and their total number may not be more than 36 persons.

Article 21:

Appointment of Judicial Advisors:

Judicial advisors of the Supreme Court shall be selected from among the judges who have required qualification, sufficiency and full competency, and at least have 10 years practical judicial work experience.

Assignment of judicial advisors to the *Dewans* shall be the authority of chief justice.

Article 22:

Duties of Advisors:

The judicial advisors shall analyze and study the cases filed and provide a report to the judicial meeting for decision to be made.

Article 23:

General Administration Office of the Judiciary:

- (1) The judiciary shall have General Directorate of Administration to manage issues related to judicial and administration affairs.
- (2) Head of the Administration Office of the Judiciary shall be appointed on the recommendation of the chief justice and approval of the President. Head of the Administration Office of the Judiciary shall at the same time be both the secretary and spokesman for the Supreme Court and shall have the following qualities:
 - 1 – Must not be younger than 30 [years old] upon appointment.
 - 2 – Have higher education and have enough administrative experience.

- 3 – Have good character and moral and be well known.
- 4 – Not be convicted with anti-human crime, felony, or deprived of civil rights.
- (7) The Supreme Court shall have professional and administrative branches, which operate under the framework of General Administration Office of the Judiciary. Organization and structure of the professional and administrative branches shall be regulated by special regulation.
- (8) General Administrative Office may create, if required, other branches after the consent of Supreme Court and approval of the President.

Article 24:

Judicial Powers and Duties of the Supreme Court:

The Supreme Court shall have the following jurisdictions and duties within the scope of interpretation of laws and judicial issues:

- 1 – Assessment on conformity of laws, decrees, legal documents, international contracts and conventions with the Constitution and their interpretation based on the government or courts demand in accordance with law.
- 2 – Propose for draft law on regulating the judicial affairs to the national assembly through government.
- 3 – Revising the rulings of courts due to presence of new reasons based on complaint by the Attorney General's Office (AGO) or by party to the claim according to the mentioned provisions and arrangement in the law.
- 4 – resolving Courts' Conflict of Jurisdiction and submitting jurisdiction of resolving a case from one court to the other based on proposal by the Attorney General's Office or party to the claim when reasonable grounds arise.
- 5 – Studying reasons and making decision on extraditing criminals to foreign states in accordance with law.
- 6 – Studying reasons of a charge made and making decision on submitting the Afghan citizen to the foreign state in the light of Article 28 of the Constitution.
- 7 – Ensuring uniformity in judicial treatment.
- 8 – Taking measures on criminal and disciplinary offences by judges.
- 9 – Evaluating the courts inquiries on judicial issues and providing responses accordingly.

Article 25:

Convening Sessions:

- (1) The Supreme Court shall convene its regular sessions once in 15 days.

- (2) The Supreme Court's extraordinary sessions shall be convened on a request by the chief justice, proposal by the Attorney General's Office or on the demand by one-third of its members.
- (3) The required number to attend the Supreme Court meetings shall be completed by two-thirds of its members. The decisions shall be made upon by majority vote unless this law mentions different.
- (4) The Attorney General or, in case absent, the Attorney General's deputy to whom the Attorney General's jurisdiction was transferred, shall attend the Supreme Court meetings on criminal issues.
- (5) On the issues mentioned in clauses 1, 2, 3, 4, 5, 6, and 8 of Article 24 of this law, decision may be made by two-thirds majority of all the members of the Supreme Court.

Article 26:

Overturing Lower Court Decisions:

- (1) If a Supreme Court *Dewan* determines that the lower court ruling was contrary to the law, fails to conform or interpret or contrary to the Articles 130 and 131 of the Constitution, it shall overturn the ruling and remand it to the lower court for issuance of ruling. The Supreme Court *Dewan* may overturn a ruling which it observes as contrary to the law even if the breach is not mentioned in the appeal.
- (2) If the failure in consistency or interpreting the law does not substantially affect the ruling and the ruling is accurate and agrees to the law, the relevant *Dewan* may confirm it.

Article 27:

Remand for Invalidity:

- (1) If the Supreme Court *Dewan* overturns the appealable ruling due to invalidity in the order or invalidity in the basic procedures of the order, it shall remand the case to the relevant court by mentioning the reasons for a decision. In the event the case is remanded to the first court, majority of the judges who consider the case shall not have decided the case before the appeal.
- (2) If there is a second appeal against the decision of the court for which the case was previously remanded and the appeal is based on the previous reasons and grounds and the referred court has issued the previous ruling (overturned by supreme court) with the same (first) reasons, the Supreme Court shall take the issue into further study. If the appealed case is overturned by the majority vote of the Court for related cases, the court for which the remanded ruling was referred shall resolve and issue ruling and in this case the referred court shall be duty bound to respect the instructed resolution by the Supreme Court and their ruling at this stage shall be final.

Article 28:

Enforceability of orders and Rulings (*Qarar*):

The orders and *Qarars* by the higher court shall be enforceable on the lower courts on newly resolving of cases.

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 measures for enhancing the knowledge and experience of judges.
 - 12 – To monitor the performance and activities of employees of the judicial authority.
 - 13 – To prepare annual statistic report of all courts judicial activities.
 - 14 – Other duties and jurisdictions which are delegated to Supreme Court according to this law and all other laws.
- (2) The powers set forth in clause one of this article shall be implemented through the General Administration Office of the Judiciary.

Article 30:

Powers of the Head of Supreme Court (Chief Justice):

The Chief Justice shall represent the Judicial Authority of Islamic Republic of Afghanistan and shall have the following jurisdiction and duties:

- 1 – To lead the judicial and administrative activities of the Supreme Court.
- 2 – To preside over the meetings of the Supreme Court.
- 3 – To chair the judicial sessions of the relevant *Dewans* of the Supreme Court as needed.
- 4 – To issue orders on the inspection of court activities.
- 5 – To issue orders on resolving cases resulting from crimes and judicial and administrative violation by judges.
- 6 – To monitor the implementation of courts final decisions.
- 7 – To monitor and control appropriate expenditure of the judicial budget.
- 8 – To delegate all or some of his/her powers to one of the members of the Supreme Court when sick, on leave, absence and other reasons.
- 9 – To monitor activities the General Administration Office of the judiciary.
- 10 – To provide reports on judicial and administrative activities of the judiciary to the president.
- 11 – To propose on pardoning, mitigation of imprisonment and other punishments of judges to the President's office.
- 12 – Other assigned powers in accordance with the provisions of this and other laws.

CHAPTER 3: ORGANIZATION, STRUCTURE, AND POWERS OF THE COURTS OF APPEALS

Article 31:

Organization of the Courts of Appeals:

- (1) Courts of Appeals shall be established in all the provinces in accordance with this law.
- (2) The Courts of Appeals shall be composed of chief of the court, heads of *Dewans*, and other judicial members. Head of the Courts of Appeal shall be selected from among the judges who have enough qualification, experience, and competency.
- (3) Head of the General Criminal *Dewan* shall be deputy head of court of appeals.

Article 32:

Structure of *Dewans* of Courts of Appeals:

- (1) The Courts of Appeals shall contain the following *Dewans*:
 - 1 – General Criminal *Dewan*.
 - 2 – Public Security *Dewan*.

- 3 – Civil and Family *Dewan*.
 - 4 – Public Rights *Dewan*.
 - 5 – Commercial *Dewan*.
 - 6 – Juveniles *Dewan*.
- (2) There shall not be more than 6 judicial members within each *Dewan* of the Court of Appeals.
 - (3) General Criminal *Dewan* of Court of Appeals shall resolve traffic-originated cases.
 - (4) The Supreme Court may as needed establish other *Dewans* within the structure of the Court of Appeals with the approval of the President.

Article 33:

Follow-Up on Decisions and Rulings (*Qarar*):

- (1) The Court of Appeals shall oversee the rulings and decisions of the lower courts, in situations according to the provisions of the related laws.
- (2) The Court of Appeals while resolving cases set forth in paragraph (1) of this article shall reconsider the whole legal process. It may correct, overturn, amend, confirm or repeal the rulings and decisions of the lower courts.

Article 34:

Resolving Conflicts of Judicial Jurisdiction:

- (1) Whenever there is a conflict over jurisdiction of resolving a criminal case between two courts within jurisdiction of a single Court of Appeals, an authorized board made up of the head of the Court of Appeals as head and the heads of *Dewans* shall decide on which court has the jurisdiction to decide a case.
- (2) Deciding about the future of the accused that is in custody as mentioned in paragraph (1) of this article shall only be the jurisdiction of the Court of Appeals.

Article 35:

Finality of Decisions and Rulings:

The issued decisions and rulings of the Court of Appeals shall be final in all relevant cases.

Article 36:

Duties and Powers of Head of the Court of Appeals:

The head of the Court of Appeals has the following responsibilities and powers:

- 1 – To lead and organize activities of the respective *Dewans*.
- 2 – To preside over the judicial meetings of the *Dewans*, when necessary.
- 3 – To assign member of one *Dewan* to another on temporary basis.

- 4 – To assign one of the judges of the court of appeals to the primary courts when necessary.
- 5 – To delegate the authority of resolving a certain case from one *Dewan* to another, when necessary.
- 6 – To coordinate judicial experiences of respective *Dewans*.
- 7 – To prepare activity reports of *Dewans* and courts and to deliver the reports to the Supreme Court.

Article 37:

Presiding Over Meetings:

Heads of the *Dewans* of the Court of Appeals shall have the responsibility of leading the respective *Dewans* as well as presiding over meetings. In case head of the court of appeals presides over judicial meeting, the head of respective *Dewan* shall then be considered as member.

Article 38:

Responsibility:

The head of each Court of Appeals and each judge and head of each *Dewan* 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 39:

Branches of the Court of Appeals:

Each Court of Appeals and relevant *Dewans* shall have administrative branches and personnel whose activities and manner of performance shall be specified through separate regulations.

CHAPTER 4:

ORGANIZATION, STRUCTURE, AND JURISDICTION OF PRIMARY COURTS

Article 40:

Organization:

- (1) In the jurisdictional area of each Court of Appeals, there are these primary courts:
 - 1 – Central Provincial Primary Court.
 - 2 – Juveniles Court.
 - 3 – Commercial Primary Court.
 - 4 – District Primary Court.
 - 5 – Family Issues Primary Court.
- (2) The Supreme Court may establish more courts in the centers of provinces when required after approval of the president.

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 Crimes *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 juvenile primary court shall be made up of a head and four members.

In case the head is absent due to any reason, the head's powers and duties shall be transferred to one of the judicially experienced judges.

- (3) The method to resolve juveniles' offences shall be determined by a special regulation.

Article 45:

Commercial Primary Court:

- (1) A commercial court shall be established in center of every province. This court shall have a chief and 4 other members.
- (2) In provinces where commercial court is not available, dealing with commercial cases is the jurisdiction of the civil *Dewan* of the provincial central primary court.

Article 46:

Resolving Special Cases:

Based on the case, the commercial, public rights and public security cases within the judicial jurisdiction of a Court of Appeals shall be initiated in the commercial court and in the relevant *Dewans* of the provincial central primary court.

Article 47:

District Primary Court Structure:

- (1) The District Primary Court shall consist of a chief and two members. In the areas where there are no members available, the cases shall be decided by fewer than three.
- (2) The Chief of the District Primary Court shall lead the court. In the Chief's absence, the responsibilities and powers shall be transferred to the most judicially experienced judge on the court.

Article 48:

District Primary Court Jurisdiction:

District Primary courts shall deal in primary stage with all ordinary criminal, civil, and family cases which are legally presented to them.

Article 49:

Temporary Assignment of Judges:

In case of the article 48 of this law, whenever the court has only one judge or some other situation occurs which requires the assignment of temporary judge; the chief of the Court of Appeals shall have the authority to appoint one of the Court of Appeals judges on temporary service basis.

Article 50:

Establishing Other Necessary *Dewans*:

- (1) The Supreme Court may, as needed, establish other *Dewans* within the structure of the central provincial primary courts after approval of the President.

- (2) The Supreme Court may, as needed, establish other *Dewans* 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 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 of *Dewans*, 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 absolute and final in the following situations:

- 1 – When both parties agree upon the issued 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.

Article 55:

Registration of Documents and Deeds Branches:

- (1) In the structure of every Court of Appeals, there shall be established Directorates of Documents and Deeds Registration (DDDR). There shall be a head in charge of a directorate and shall lead and manage the activities of the directorate.
- (2) The head and professional members of the Directorate of Documents and Deeds Registration shall be appointed from among the judges who have judicial authority.
- (3) In the districts where there is no such directorate for legal documents registration, the district courts shall have the authority to perform these duties.
- (4) Duties and powers of the Directorates of Documents and Deeds Registration shall be regulated through special legislation.

Article 56:

Registration of Documents and Trademarks:

Registration of commercial documents and trademarks shall be the jurisdiction of the commercial court.

Article 57:

Reporting:

Heads of the primary courts and Directorates of Documents and Deeds Registration shall be duty bound to report on their activities to the court of appeals.

CHAPTER 5:

ISSUES CONCERNING JUDGES AND THE EMPLOYEES OF THE JUDICIARY POWER

Article 58:

Conditions of Being a Judge:

- (1) On the recommendation of the Supreme Court and with approval of the President, any qualified person meeting following requirements shall be appointed as a judge:
 - 1 – Upon appointment as judge, hold the citizenship of the Islamic Republic of Afghanistan for at least 10 years.
 - 2 – Not be convicted of any crime or intentional misdemeanor by absolute and final decision of an authorized court.
 - 3 – Hold the bachelor's (B.A.) degree from any faculties of law or *Shari'a* or above it or holds diploma on Religious Studies from an officially recognized center or equivalent.
 - 4 – Not have any illness or disability which impedes a judge performance of duties.
 - 5 – Has completed the age of 25 [years] upon appointment.
 - 6 – Have passed the practical stage of judicial training course successfully.

- (2) The holder of diploma on religious studies from an officially recognized center or equivalent and by meeting the requirements set forth in conditions 1, 2, 4, 5, and 6 of paragraph (1) of this article may be appointed as member in the primary court for a period of first 3 years.
- (3) When the number of applicants exceeds the number of vacancies available, the Supreme Court may add more conditions for its admission.

Article 59:

Oath-Taking:

Before occupying the position as judge, a person must swear in front of chief and members of Supreme Court as follows:

“I swear by the name of the Almighty Allah that I perform my duty with full trust and dignity and impartiality, respect and implement provision of Islamic *Shari’a*, constitution of Afghanistan and other laws of the country, respect confidentiality of my duty, will not commit any crime, violation of other rights, injustice, and bribery directly and indirectly.”

This text must be written on a board and after signature of the judge be hung where the judge is employed.

Article 60:

Appointment and Transfer of Judges:

- (1) The appointment, transfer, upgrading, retirement, extension of the appointments’ duration, offering approval, and accepting the resignation of judges from Grade 1 and above are made upon the recommendation of the Supreme Court with the approval of the President.
- (2) The appointment, transfer, upgrading, retirement, extension of the appointments’ duration, offering approval, and accepting the resignation of judges of Grade 2 or lower shall be made upon the recommendation of the head of General Administration Directorate of the judiciary with the approval of Chief [Justice] of the Supreme Court.

Article 61:

Appointment and Transfer of Administrative Staff:

- (1) The appointment, transfer, upgrading, retirement, extension of the appointments’ duration, offering approval, and accepting the resignation of the administrative staff of the judiciary in HIHG grade and HIGHER grade and contractors of above grade shall be made upon the recommendation of the Chief Justice and approval of the President.
- (2) The appointment, transfer, upgrading, retirement, extension of the appointments’ duration, offering approval, and accepting the resignation of the administrative staff of grade one and contractors of grade one or lower shall be made upon the recommendation by the head of General Administration Directorate of the judiciary and approval of the Chief Justice.

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 3 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 accepting 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 the 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.

Article 66:

Professional Privileges:

Judges shall be entitled to judicial benefits, issues regarding requirements for judicial grade assignment, upgrading conditions and determining amount of the benefits shall be specified through separate regulation.

Judicial benefits shall be part of the salary.

**CHAPTER 6:
DISCIPLINE AND PUNISHMENT OF JUDGES**

Article 67:

Detention of Judges:

- (1) A judge can not be arrested or detained without the approval of the president except where the evidence against him/her is compelling.
- (2) Whenever a judge is accused with a felony crime, the Supreme Court shall resolve the case in accordance with article 133 of the Constitution.

Article 68:

Disciplinary Measures against Judges:

Disciplinary measures for judges shall take place according to particular regulation approved by the Supreme Court.

**CHAPTER 7:
MISCELLANEOUS PROVISIONS**

Article 69:

Reemployment of Resigned Judges:

A resigned judge upon requesting to continue again within judicial power may be reemployed at the same grade from which the judge resigned.

Situations mentioned in Article 62 of this law shall be considered exception.

Article 70:

Attire for Judges:

Judges while hearing a case must be dressed up in special clothing as set forth in the law.

Article 71:

Identity Card:

Judges shall be issued particular identity (ID) cards whose format and contents shall be prepared and designed by the Supreme Court.

Article 72:

Stamp:

Supreme Court, Courts of Appeal, Primary Courts, Special Courts, General Administration Directorate of the Judiciary, and Directorates of Documents and Deeds Registration shall all have special stamps.

Article 73:

Judges and Courts Security:

- (1) The Ministry of Interior and other security authorities shall be duty bound to ensure security and protection of judges, respective offices, and courthouses.
- (2) The agencies mentioned in paragraph (1) of this article shall be duty-bound to implement the final rulings and decisions of the courts.

Article 74:

Salary:

The judicial members of the Supreme Court, judicial advisors, and judges of courts shall be paid enough salary in accordance with the Article 155 of the Constitution. Amount of their salary shall be specified in relevant law.

Article 75:

Registration of Assets:

Judges of the courts and authorities in charge of the Directorate of Documents and Deeds Registration shall be duty-bound to register their movable and immovable property before assuming responsibility.

Article 76:

Special Publication:

- (1) The Supreme Court shall have a special publication of its own.
- (2) In order to unify judicial methodology, research and follow-up as required necessary by the Supreme Court, the final decisions of the courts shall be published.

Article 77:

Enforcement Date:

This law shall come into force after approval by the President and should be published in the Official Gazette. By application of this law, the provisions of the Law on the Organization and Jurisdiction of the Courts published in Official Gazette No. 739, dated 11 Hamal 1370 (1991), and other contradicting laws, shall be repealed.