



Somali Republic Supreme Court

Ref: Wareegto No:09

Date: 16/07/2013

KU: Guddoomiyaha Gobolka Banaadir
Og: Wasiirka Arrimaha Guddaha
Og: Maxkamadaha Degmooyinka Gobolka Banaadir

Ujeeddo: Cadaynta Awooddaha Maxkamadaha Dalka

Taxaaca warqada Guddoomiyaha Gobolka Banaadir e NO: Di/GGDM/01/985/2013. Ee ku Tarikhdu ay tahay 15/06/2013

Wareegtooyin badan oo ay ugu danbaysay Tii ay Maxkamada Sare qortay 30-06-2013 oo ay Maxkamada Sare Ku faahfaahisay Awooddaha Maxkamadaha ayaan jirto.

Waxan jecelahay in aan halkaan u soo Guuriyo:

- 1) Maxkamadaha degmooyinka Waxay Awood u leyihiin in ay gafaan Wiil daciwada ah ee qiimaheedu aanu ka badnayn \$3000.
Guddoomiye degmo ma gali karo Awoodna uma leh daciwad dhul ku saabsan. Sababta waa weeyi Majiro Daciwad dhul ku saabsan oo qiimaheedu aanu ka badnayn \$3000
Fiiri 1(3) ee Xeerka Garsoorka NO:3. Ee 12/6/1962.
Garsoorayaasha Degmo ee sida Guddoomiyaha Gobolka ku tilmaamay Warqadaha Qaadaa ama Galleya Daciwadaha dhulka Waa inay Ogadaan in ay Shari' darto tahay haddii lagu qasbanaa in dhibaato ku imankarto Sida Ganaax, Bedel ama Casilaad.
- 2) Haddii Daciwada Qiimaheedu ka badan yahay \$3000 ha ku saabsan dhul, ama Wiil kale ee Wiil Iqtiyaas ku leh Daciwadaas Maxkamada Gobolka. Qiimaheeda iyo Qiyaadkaheeda Wiil kamaa ahaate. Fiiri Qodobka 3(3) ee Xeerka nidaamka Garsoorka 1962.
- 3) Raxaanada laga soo qaato Maxkamadaha Degmooyinka ama kuwa Gobolka, waa inay tagaan Qaada Maxkamada Raxaanka. Fiiri Qodobka 4(1) ee Xeerka Shari' Garsoorka Ee 1962.
- 4) Haddii qofku ku qanci waayo Go'aanka ama Xukunka Maxkamada Raxaanka inay tagaan Raxaanka qaadanayna Maxkamada Sare oo ah Maxkamada ugu harsan ee Garsoorka Dalka.
Maxkamadaasi Sare Go'aanka ay soo qaarto ama Xukunka ay gadiiray haddii ku saabsan qof, Maamul, Madani, Qiyaas ama wax kale ee waa lama dandaan oo meelaha in Raxaanka laga qaadan karo majiro.

Guddoomiyaha Maxkamada Sare ee Dalka
Caydiid C/Laali Husein

Maxkamadda Sare
Somali Republic Supreme Court

Ref: Waregto No: 09

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Ku: Guddoomiyaha Gobolka Banaadir

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Og: Maxkamadaha Degmooyinka Gobolka Banaadir

Ujeeddo: *Cadaynta Awooddaha Maxkamadaha Dalka*

Tixraac: warqada Guddoomiyaha Gobolka Banaadir ee No. Dh/GGDM/001/985/2013 ee ka taariikhaysan 2/7/2013.

Wareegtooyinka hadan aray uu ugu dambaysay tii ay Maxkamadda Sare qortay 30-06-2013 ee ay Maxkamadda Sare ku faahfaahisay Awooddaha Maxkamadaha ayaa jira. Waxaan jeclaanlahaa inaan halkaan ku soo gudbiyo:

1. **Maxkamadaha degmooyinka** waxay awood u leeyihiin inay qaadaan Dacwad Weli dacwoode ahi uu ku dacweeyo dacwad ku saabsan oo qiimaheedu ka badan yahay \$3000. Qodobkan wuxuu ka yimid Awooddaha uu leeyahay Guddoomiyaha Gobolka, balse sida uu dhigayo Qodobka 13(3) ee Xeerka Garsoorka No. 3 ee 12/6/1962. Garsoorayaasha Degmo ee sida Guddoomiyaha Gobolka ku tilmaamay Warqaddaas Dacwada ku Gallaya Dacwadaha dhulka waa inay ogaadaan inay sharci darro tahay haddii lagu qaado in dhulku uu muran ka jiro sida Ganaax, Beddel ama Ciqaab.
2. Haddii dacwada ciwaankeedu ka badan yahay \$3000 iyo ka sarreeyaba dhul ama hanti kale la xiriirta, waxaa dacwadaas Maxkamadaha Gobolku qaadi doonaan, lana xallin doonaa, sida ku cad Qodobka 31(3) ee Xeerka Maxkamadaha Gobolka 1962.
3. Racfaannada laga soo qaato Maxkamadaha Degmooyinka ama kuwa Gobollada waxaa la diiwaangeliyaa, iyadoo Maxkamadda Racfaanka laga gudbiyo sida uu dhigayo Qodobka 41 ee isla Xeerka Garsoorka Ee 1962.
4. Haddii qofku ku qanci waayo Go'aanka ama Xukunka Maxkamadda Racfaanka, wuxuu Racfaan u gudbin karaa Maxkamadda Sare oo ah Maxkamadda ugu dambaysa ee Garsoorka dalka. Go'aannada Maxkamadda Sare waa kama dambays, waxaana lagu dhaqmi doonaa dhammaan dhulka Jamhuuriyadda Federaalka Soomaaliya. Go'aannadaas mar kale lagama racfaan karin.

Guddoomiyaha Maxkamadda Sare ee Dalka

Caydiid C/laahi Ilka-xanaf

SUPREME COURT OF THE SOMALI REPUBLIC

Circular No. 09

Date: 16 July 2013

Somali Republic Supreme Court

Ref: Circular No: 09

Date: 16/07/2013

To: Governor of Banadir Region

Cc: Interior Minister of Somalia

Cc: District Courts of Banadir Region

Subject: Clarification of the Jurisdiction of the Courts of the Country

Reference: The letter of the Governor of Banadir Region No. Dh/GGDM/001/985/2013 dated 2/7/2013.

Following the recent circular issued by the Supreme Court on 30/06/2013, which clarified the powers of the courts, the Supreme Court wishes to emphasize the following:

1. Jurisdiction of District Courts

District Courts have the authority to hear civil cases where the claim is not more than USD \$3,000.

This authority arises from the powers provided under Article 13(3) of the Civil Procedure Code (Law No. 3 of 12 June 1962).

District Court judges must recognize that it is unlawful for administrative officials, such as the Governor of the Region, to adjudicate land disputes of this value, whether the matter involves sale, transfer, substitution, or compensation.

2. Jurisdiction of Regional Courts

Where the value of the dispute exceeds USD \$3,000, or concerns immovable property (land or other assets), the case shall be heard and decided by the Regional Courts, in accordance with Article 31(3) of the Law on Regional Courts of 1962.

3. Appeals

Appeals arising from judgments of District Courts or Regional Courts shall be filed and recorded in accordance with Article 41 of the same Civil Procedure Code of 1962.

4. Supreme Court Review

If a party is not satisfied with the decision or judgment of the Court of Appeal, he/she may appeal to the Supreme Court, which is the highest judicial authority in the country.

The decisions of the Supreme Court are final and shall be enforced throughout the territory of the Federal Republic of Somalia.

Such decisions are not subject to further appeal.

Chief Justice of the Supreme Court

Caydiid C/laahi Ilka-xanaf