DAWLADDA DEEGAANKA SOOMAALIDA
DHOOL GAZETA
Somali Regional State
የሶማሌ ክልላዊ መንግሥት

Qimaha ያንዱ ዋጋ Unit Price ብር	Dhool Gazeta Waxaa Soo Saara Golaha Xildhibaanada Dawladda Deegaanka Soomaalida	✉392

BAYAAN TIRSI:- 206/2013

BAYAANKA MAXKAMADAHA DAWLADDA DEEGAANKA SOOMAALIDA

Maadaama awooda garsoor lasiiyay maxkamadaha sida kucad dastuurka deegaan ka iyo Kan dalka

Maadaama dastuurka qaranaka iyo Kan deegaankuba xeeriyeen in muwaadin kastaayi xaq u leeyahay in uu arinkaste oo mudan in laga garsooro u dhawaysto maxkamad sharci lagu aasaasay islamarkaasina uu helo go'aan

Maadaama xuquuqaha iyo xoriyadaha dastuurka lagu qeexay loogaga midho dhalin karo oo kaliya marka ay jirto maxkamad madax banaan oo leh qaabdhismeed iyo awoodo cayiman oo cadcad taasi oo uu dastuurkuna damaanad qaaday.

Maadaama xuquuqda cadaalad helida ay gundhig u tahay in bulshadu ay helaan adeeg bixin garsoor oo u dhaw si fududna lagu heli karo islamarkaasna waqti iyo kharsh tashiil leh.

አዋጅ ቁጥር 206/2013

የሱማሌ ክልል ፍርድ ቤቶች አዋጅ

በክልሉ እና በኢፌዴሪ ህግ-መንግሥት የዳኝነት ሥልጣን ለፌዴራል እና ለክልሎች ፍርድ ቤቶች በመሆኑ፤

ማንኛውም ሰው በፍርድ ሊወሰን የሚገባውን ጉዳይ ለፍርድ ቤት የማቅረብና ውሳኔ ወይም ፍርድ የማግኘት መብት ያለው መሆኑ በህግ-መንግሥት የተደነገገ በመሆኑ፤

በህግ-መንግሥቱ የተደነገጉት የዜጎችና መሠረታዊ መብቶች እና ነፃነቶች መብቶች መከበር የሚቻለው ህገ-መንግሥታዊ ዋስትና ያለው ነፃና የራሱ አደረጃጀት ያለው ገለልተኛ የዳኝነት አካል ሲኖር ብቻ በመሆኑ፤

ለማህበረሰቡ ተዳራሽ እና አዋጪ የዳኝነት አገልግሎት በአቅራቢያ መዛርጋት ለዜጎችን ፍትሕ የማግኘት መብት መሠረት በመሆኑን

PROCLAMATION NO. 206/2021

S O M A L I REGIONAL STATE COURTS PROCLAMATION

WHEREAS, in the Somali Regional State Constitution and FDRE Constitution, judicial power is vested to courts;

WHEREAS, the in federal and state Constitution specified that everyone has a right to bring justiciable matter to obtain a decision or judgment from, a court of law; irreplaceable;

WHEREAS, it is necessary to ensure that Federal Courts do provide effective, efficient, accountable and predictable service in accordance with judicial independence mentioned in the provision of the Constitution to play an inimitable role in enforcing the rules of law and, protection of human and democratic rights;

WHEREAS, the immediate access of delivery of judicial services to the public is vital to the right to justice of citizens with timely and affordable costs.

Maadaama oo ay lagama maarmaan noqotay in dib u habayn lagu sameeyo Bayaanka lagu aasaasay Maxkamadaha deegaanka si loo suurto geliyo in maxkamadaha Deegaanku u gutaan waajibaadyada ay u aasaasan yihiin si madax-banaan islamarkaana Sharciga waafaqsan si loo fududeeyo hanaanka adeeg bixinta garsoorka iyo ilaalinta Xuquuqaha Dastuurku xeeriyay ee Muwaadiniinta

Ayaa hadaba, Golaha Xildhibaanadu isaga oo ka duulaya qodobka **49(3) B**, ee dastuurka dib loo habeeyay ee Dawladda Deegaanka Soomaalida waxa uu soo saarauy Bayaankan:

QAYBTA KOWAAD

GUUD AHAAN

1 **:- Ciwaan Gaaban**

Bayaankan waxaa loogu yeedhi karaa ‘’**bayaanka Maxkamadaha Dawladda Deegaanka Soomaalida ee Bayaan Tirsi:- 206/2013.**

2**. Qeexid**

Bayaanka dhexdiisa haddii ereygu weedha uu ku jiro macne kale u yeelin:-

1**.”Gole”**waxaa loola jeedaa Golaha xildhibaanadda Deegaanka Soomaalida.

2**.”maxkamada”** waxaa loola jeedaa maxkamada guud, maxkamada sare, maxkamadaha Degmooyinka Dawladda Deegaanka Soomaalida.

3. “**Dastuurka”** waxaa loola jeedaa dastuurka deegaanka soomaalida iyo dastuurka federaalka.

4. “**Dawladda:-**waxaa loola jeedaa Dawladda Deegaanka Soomaalida.

የክልሉ ፍርድ ቤቶች ማቋቋሚያ አዋጅ የክልሉ ፍርድ ቤቶች ኃላፊነታቸውን በነፃነትና በገለልተኛ አካሄድ መምራት በሚያስችል እና የዳኝነት አገልግሎት አሰጣጥና የዜጎችን ህግ-መንግሥታዊ መብቶች ማክበር እና ማስከበር በሚያረጋግጥ አኳኋን እንዳገና ማሻሻል በማስፈለጉ፡፡

የክልሉ ምክር ቤት በተሻሻለው የሶማሌ ክልላዊ መንግሥት ህገ-መንግሥት አንቀጽ 49(3)(ሀ) መሠረት የሚከተለው ታውጇል፡፡

ክፍል አንድ

ጠቅላላ

1.**አጭር ርዕስ**

ይህ አዋጅ **“የሱማሌ ክልላዊ መንግሥት ፍርድ ቤቶች አዋጅ ቁጥር 206/2013** ተብሎ ሊጠቀስ ይችላል፡፡

2. **ትርጓሜ**

የቃሉ አገባብ ሌላ ትርጉም የሚያሰጠው ካልሆነ በቀር በዚህ አዋጅ ውስጥ፡-

1. **“ምክር ቤት’’** ማለት የሱማሌ የክልል ከፍተኛ የሕግ አውጪ አካል ማለት ነው፡፡

2. “**ፍርድ ቤት’’** ማለት በተሻሻለ የሶማሌ ክልል ሕገ-መንግሥት መሠረት የተቋቋመ ጠቅላይ ፍርድ ቤት፣ከፍተኛ ፍርድ ቤት እና የወረዳ ፍርድ ቤት ማለት ነው፡፡

3. “**ሕገ-መንግስት’’** ማለት የተሻሻለው የሱማሌ ክልል ሕገ-መንግስትና የፌዴራል ሕገ-መንግስት ማለት ነው፡፡

4. ’’**መንግሥት’’** ማለት የሱማሌ ክልላዊ መንግስት ነው፤

WHEREAS, it is found essential to amend the state courts establishment proclamation of State Courts in a manner enabling to the State Courts to properly discharge their mandate in independently and legal procedures that cause conducive atmosphere for provisions of accessible judicial services and for ptotection of rights granted by the Constitution for Citizens.

NOW, THEREFORE, the State Council in accordance with Article 49(3) (A) of the Revised Constitution of the Somali Regional State, it is hereby proclaimed as follows:

PART ONE

GENERAL

1. **Short Title**

This Proclamation may be cited as “**The Somali Regional State Courts Proclamation No.206/2021**”.

2. **Definitions**

Unless the context requires otherwise, in this proclamation:

1. “**Council”** means the legislative organ of Somali Regional State.

2. “**Court**” means Supreme Court, High Court and Woreda Court established in accordance with the Revised Constitution of Somali Regional State,

3. “**Constitution”** means The Revised Constitution of the Somali Regional State as well as the Federal Constitution.

4. ‘’**State**’’ the State of Somali Region.

5. “**Deegaan”** waxaa loola jeeda Dawladda Deegaanka Soomaalida
6. “**Guddi’’** waxaa loo la jeedaa Guddiga maamulka garsoorka ee DDS
7. “**Garsoore**” waxaa loo la jeeda xirfad le sharci oo si waafaqsan sharciga guddigu ugu xulay Goluhuna ugu ansixiyay in uu adeeg bixin garsoor ka bixiyo ama garsoorenimo kaga Shaqeeyo qaab dhismeedka maxkamadaha kala duwan ee degaanka
8. ‘**Xubin magacaabis**’’ waxaa loo la jeedaa xirfadle sharci oo uu guddigu u xulo kuna:-meeleeyo xafiis-hoosaadyada, waaxaha iyo boosaska kale ee shaqo ee qaab-dhismeedka kala duwan ee maxkamadaha, waxaana kamid ah:- masuuliyiinta xafiis hoosaadyada, gadhwadeenada geedi-socodyada, rejisteraalada, qareenada dawlada, kal-kaaliyayaasha garsooreyaasha, kalkaaliyayaasha rejisteraalada iyo xirfadlayaasha kale.’
9. ‘’**Regiopolis, darajada 1aad, 2aad & 3aad ee magaaalooyinka’’**: waxaa loola jeeda sida kuxusan bayaanka dib-loohabeeyay ee aasaasida, awoodaha iyo waajibaadyada magaalooyinka ee tirsigiisu yahay **198/2020** iyo xeer hoosaadka sii faahfaahinaya ee uu golaha fulinta ee deegaanku soo saaro.

QAYBTA LABAAD AASAASKA, QAAB-DHISMEEDKA IYO UJEEDOOYINKA

3· Aasaaska Guud

1. Maxkamadaha deegaanka oo ah hayad garsoor oo madax banaan ayaa lagu aasaasay bayaankan si waafaqsan qodobka 65 (1) ee dastuurka deegaanka.

5. **“ክልል’’** ማለት የሱማሌ ክልል መንግስት ማለት ነው።።
6. “**ጉባኤ**’’ ማለት የሱማሌ ክልል መንግስት የዳኞች አስተዳደር ጉባኤ ማለት ነው።።
7. “**ዳኛ**“ ማለት የዳኝነት አገልግሎት እንዲሰጥ በጉባኤ የተመረጠ የሕግ ባለሙያ ሆኖ በክልሉ ምክር ቤት የተሾመ የሱማሌ ክልል ፍርድ ቤቶች ዳኛ ማለት ነው።።
8. **“ተሿሚ’’** ማለት በክልሉ ፍርድ ቤቶች አመራር አካል ዉስጥ ሥራን ወይም የሥራ ክፍልን ወይም የሥራ ሂደት እንዲሰራ ወይም እንዲመራ በፐሬዝዳንት አቅራቢነት በጉባኤ የተሾመ ሲሆን በጠቅላይ ፍርድ ቤት ዳይሬክተር፣ የጽ/ቤት ኃላፊ፣ የችሎት አስተባባሪ፣ የችሎት ወይም የጉዳዮች መሪ፤
9. **‘’ሪጂዮ-ፖሊታን፣ የፈርጅ አንድ፤ የፈርጅ ሁለትና የፈርጅ ሦስት የከተማ አስተዳደር ከተሞች’’** ማለት በተሻሻለው የከተሞች እንደገና ማቋቋሚያ፣ ማደራጃና ሥልጣንና ተግባራት መወሰኛ አዋጅ ቁጥር 198/2012 እና በሌሎች አዘስፋፃሚው በሚውጣ ዝርዝር ድንጋጌዎች ማለት ነው።።

ክፍል ሁለት

ስለክልሉ ፍርድ ቤቶች መቋቋም፣ ዓላማና አደረጃጀት

3· መሠረት

1. የክልሉ ፍርድ ቤቶች የክልሉ ነፃ የዳኝነት አካል ሆነው በክልሉ ሕገ-መንግስት አንቀጽ 65(1) መሠረት ተቋቁሟል።።

5. **“Region**” means the Somali Regional State.
6. “**Commission**” means the Judicial Administration Commission of Somali Regional State.
7. “**Judge**” means a legal professional who, in accordance with the relevant law, has been nominated by the Commission and appointed by the State Council to serve as a judge in Somali Regional State Courts.
8. “**Appointee”** means a legal professional who is nominated appointed by the Commission to work on or lead a job or a section or a work process in the courts of the region and includes. directors, office head, division coordinator, case/division manager; Registrars, public defenders, Assistant judge, Assistant Registrars and other professional assigned in structure of three tiers of courts.
9. **’Regiopolis City Administration, Category One City Administration, Category Two City Administration Category Three Cities’’**: means in accordance with The Revised Proclamation To Provide For The Re-Establishment, Organization and Determination Of Their Powers And Duties Of Urbans Centers , Proclamation No:-198/2020, city Administrations ‘that shall be established woreda courts of judicial organ.

PART TWO
Establishment፣ Organization and Objectives of the Regional Courts

3. General Establishment

1) Pursuant to Article 61(1) of the State Constitution, Regional Courts are established as an independent judicial body.

2. Awoodda garsoor waxaa is ka leh maxkamadaha oo kaliya

3. Maxkamado gaar ah ama kuwo kumeel gaadh ah oo aanan ku shaqeynin habraacyada iyo shuruucda shaqo ee dalka lagama aasaasi karo deegaanka

4. Arinta lagu xeeriyay qodob hoosaadka 3aad iyada oo ay sideeda tahay golaha deegaanku waxa uu aqoonsi sharci ah siin karaa maxkamadaha shareecada iyo kuwa dhaqanka.

4. **Aasaaska Maxkamadaha**

1. Bayaaankan Waxaa Lagu aasaasay Maxkamadaha Kala ah:-
   b. Maxkamada guud
   t. Maxkamada sare
   j. Maxkamada degmada
2. Iyada oo ay sideeda tahay arinta lagu sheeegay qodob hoosaadka koowaad maamul-magaalooyinka regiopoliska, maamul-magaalooyinka darajada 1aaad,2aad&3aad waxay yeelan maxkamad heer degmo
   b) Maxkamada degmada ee magaaladu waxay awood u leedahay awooda uu bayaankani siiyay maxkamadaha degmada marka arintu ka dhacdo dhulka magaalada ee ku xusan qorshe hagaha maamul magaalooyinka.
   t) Racfaanka laga qaato go'aanada maxkamadaha maamul magaalooyinka waxaa loo dhawaysan maxkamada sare ee gobolka ay ku taalo magaaladaasi.
   j) Bayaanka maamulka garsoorka maxkamadaha deegaanka ayaa dhaqan gal ku ah magacaabista, dalacsiinta, hoos u dhigista iyo shaqo ka qaadista gudoomiyayaasha, garsooreyasha, rejisteraalada iyo kalkaaliyayaasha maxkamadaha.

2. በሕግ የዳኝነት ሥልጣን የተሰጠው የፍርድ ቤት ብቻ ነው።
3. በሕግ ከተደነገገ የዳኝነት ሥርዓት ውጪ የሚሠራ ልዩ ፍርድ ቤት ወይም ጊዜያዊ ፍርድ ቤት በክልሉ ውስጥ ሊቋቋም አይችልም።
4. በዚህ አንቀጽ ንዑስ አንቀጽ 3 የተደነገገዉ እንደተጠበቀ ሆኖ ምክር ቤት የባህል ወይም የሃይማኖት ፍርድ ቤቶችን ማቋቋም ወይም ቀድሞ ለነበሩት በሕግ እውቅና መስጠት ይችላል።

4. **ስለፍርድ ቤቶች መቋቋም**

1. በዚህ አዋጅ መሠረት የሚከተሉት የፍርድ ቤቶች እርካን ተቋቁሟል፤
   ሀ). የክልሉ ጠቅላይ ፍርድ ቤት፣
   ለ) ከፍተኛ ፍርድቤት እና
   ሐ) የወረዳ ፍርድ ቤት
2. የዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው እንደተጠበቀ ሆኖ በሪጂዮ-ፖሊታን የከተማ አስተዳደሮች፣ የፈርጅ አንድ የከተማ አስተዳደር፤ የፈርጅ ሁለት የከተማ አስተዳደርና የፈርጅ ሦስት የከተማ አስተዳደር ከተሞች ውስጥ የወረዳ ፍርድ ቤቶች ይቋቋማል።
   ሀ). የከተማ አስተዳደር ወረዳ ፍርድ ቤት ጉዳዩ በከተማ አስተዳደር ፕላን ክልል ውስጥ የተከሰተ እንዳሆነ ለወረዳ ፍርድ ቤቶች የተሰጡት የዳኝነት ሥልጣን ይኖራቸዋል።
   ለ). የከተማ አስተዳደር ወረዳ ፍርድ ቤት የሰጠውን ውሳኔ በመቃወም የሚቀርብ ይግባኝ ከተማው በሚገኙበት አስተዳደራዊ ግዛት ወሰን ውስጥ በሚገኙ ዞን ከፍተኛ ፍርድ ቤት ይቀርባል፤
   ሐ).የከተማው ፍርድ ቤት ፕሬዚደንት፣ ዳኞችና ራጂስትራር አሿሿም፣ የድረጃ ዕድገት አሠጣጥ ፣ ከድረጃ ዝቅ ስለማድርግና ከሥራ ስለመነሳት ሁኔታ በክልሉ ዳኞች አስተዳደር ጉባኤ አዋጅ በተመሳሳይ ተፈጻሚነት ይኖራቸዋል።

2). Judicial power vests only in courts.

3) Special or ad hoc courts which do not follow legally prescribed procedures shall not be established in the region.

4) Notwithstanding the provision of Sub-article (3) of this Article, state council may give official recognition to religious or customary courts.

4. **Establishment of courts**

1. the following level of courts are hereby established:-
   a) Supreme courts
   b) High courts
   c) Woreda Courts
2. subject to provisions under Sub-Article (1) of this Article, city administrations with the status of 'Regiopolis City Administration, Category One, Category Two and Category Three Cities shall also have judicial organ of Woreda Courts .
   a) the jurisdictions of Woreda courts established in the 'Regiopolis City Administration, Category One City Administration, Category Two City Administration and Category Three shall be the same with the jurisdiction of woreda courts under this proclamation over cases arising in the administrative boundary of the City Administration.
   b) Appeals against Decisions of woreda courts in the city administrations shall fall within the jurisdiction of Zonal high courts which the city administration is within boundary of zonal administration.
   c) Judicial Administration Commission proclamation shall be applicable on matters related with appointment, promotion, downgrading and dismissal of presidents, Judges and Registrars and Assistance Judges of Courts.

3. Iyada oo laga duulayo fidinta adeeg bixinta garsoorka ayaa darajooyinka maxkamadaha ee laga aasaasayo qaabdhismeedka kala duwan ee deegaanka waxaa lagu salayn codsiga iyo daraasaadka maxkamada guud.

5. **Ujeedooyinka**

Maxkamadaha deegaanku waxay u aasaasan yihiin ujeedooyinkan soosocda

1. Ilaalinta xuquuqaha wadareed iyo kuwa shaqsi ahaaneed ee lagu damaanad qaaday dastuurka heer qaran iyo heer deegaan
2. Xalinta khilaafyada ka dhex abuurma shaqsiyaadka kala duwan iyo bixinta go'aan cadaaladeed oo ku salaysan sharciga
3. Xaqiijinta sareynta sharciga iyaga oo maxkamaduhu kaqaybqaadanaya horumarinta nidaamka diimuqraadiyeed.

QAYBTA SADDEXAD

6. **Madaxbanaanida Hay'adda Garsoorka**

1. Maxkamaduhu waxay shaqadooda u gudan iyaga oo leh madax banaani buuxda. Marka ay shaqadooda ku guda jiraana waxay ka madax banaan yihiin fara galin kaste oo kaga timaada hayadaha dawlada, masuul dawladeed ama cid kaleba
2. Maxkamaduhu waxay u madax banaan yihiin miisaaniyad ahaan, shaqaale ahaan iyo maamul ahaan ba.
3. Maxkamada guud waxay miisaaniyadeeda u gudbisataa golaha baarlamaanka deegaanka marka loo ansixiyana way isticmaashaa.

7. **Madaxbanaanida Garsoorka**

1. Garsooruhu waxa uu shaqadiisa u gudan si ay ku dheehan tahay madax banaani buuxda iyo anshax wanaag. Waxaana haga oo kaliya sharciga iyo damiirkiisa.
2. Garsoorena shaqada loogama qaadi karo. Marka laga reebo si waafaqsan asbaabaha uu bayaankani xeerinayo.
3. Xili Mudeeddka hawlgab ee garsooraha lama dhaafin karo xili mudeedka hawlgab ee uu sharcigu xeeriyay.

3. ጠቅላይ ፍርድ ቤት በየትኛውም ደረጃ የሚገኝ ፍርድ ቤት የፍትህ አገልግሎቱን ውጤታማ ለማድረግ የሚያስፈልገዉን ችሎት በተጨማሪ ማደራጀት ይችላል።

5. **ዓላማ**

የክልሉ ፍርድ ቤቶች ቀጥሎ የተዘረዘሩት ዓላማ ይኖራቸዋል።

1. በፌዴራሉና በክልሉ ሕገ-መንግስት የተደነገጉ የግልና የጋራ መብትና ነፃነቶችን ማስከበር፤
2. በተለያዩ ሰዎች መካከል የሚከሰቱ አለመግባባቶችን ሕግን መሠረት በማድረግ ፍትሃዊ ውሳኔ መስጠት፤
3. የሕግ የበላይነትን በማረጋገጥ ለዲሞክራሲ ሥርዓት ግንባታ አስተዋፅዎ ማድረግ።

ክፍል ሦስት

የዳኝነት ነፃነት

6. **የፍርድ ቤቶች ነፃነት**

1. የክልሉ ፍርድ ቤቶች በሙሉ ነጻነት ሥራቸውን ያከናውናሉ። ከመንግሥት አካል፣ ባለሥልጣን ወይም ከማንኛውም አካል ተፅዕኖ ነፃ ሆነዉ ሥራቸውን ይሠራሉ።

2. የክልሉ ፍርድ ቤቶች በበጀት፣ በሰው ኃይል አስተዳደር እና በውስጥ አሰራራቸው እራሳቸውን ችለው ይሠራሉ።

3. ጠቅላይ ፍርድ ቤት የክልሉን ፍርድ ቤቶች በጀት በቀጥታ ለምክር ቤቱ አቅርቦ ያጸድቃል፤ ሲፈቀድለትም ያስተዳድራል።

7. **የዳኞች ነፃነት**

1. ዳኛ ሥራውን በሙሉ ነጻነትና ከፍተኛ ሥነ-ምግባር ይሠራል፤ ከሕግ በቀር በሌላ በማንኛዉም ነገር አይመራም።
2. ማንኛዉም ዳኛ በዚህ አዋጅ ውስጥ ከተደነገገው ውጭ ከሥራው አይነሳም።
3. የዳኛ የጡረታ ዕድሜ በሕግ ከተደነገገው ጊዜ በላይ በማንኛውም መልኩ አይራዘምም።

3. The Supreme Court may, by the request of court of any level additionally organize other divisions necessary to render an effective judicial service.

5. **Objectives**

The Regional Courts shall have the following objectives:

1. To safeguard the individual and group rights and freedoms guaranteed by the federal and the regional constitutions;
2. To resolve disputes arising between different persons and render justice on the basis of law;
3. To ensure the rule of law thereby contributing for the development of the democratic system.

PART THREE

INDEPENDENCE OF THE JUDICIARY

6. **Independence of the Judiciary**

1. The Courts shall exercise their functions with full independence. They perform their functions free of influence from any governmental body, official, or any other source.
2. The Courts are independent in relation to their budget, human resources and internal administration pursuant to article 37 of this proclamation.
3. The Supreme Court shall submit the budget of the Regional Courts directly to the state council and administer it upon approval pursuant to article 35 of this proclamation.

7. **Independence of Judges**

1. A judge shall exercise his functions with full independence and high ethical standard; he shall be directed solely by the law.
2. No j u d g e shall be removed from his duties except in accordance with the provisions of this proclamation.
3. The retirement of a judge may not be extended beyond the retirement age determined by law.

4. Garsooruhu waxa uu xaq uu leeyahay in uu helo mushaar iyo gunooyin shaqadiisa u qalma.

8. **Ilaalinta Madaxbanaanida Garsoorka**

1. Garsoore kaste waxaa waajib ka saaranyahay in uu kashaqeeyo ilaalinta madaxbanaanida garsoorka mid hayad ahaaneed iyo mid shaqsi ahaaneedba.

2. Hayadaha dawlada, hayadaha aan dawliga ahayn, Ururada siyaasada, ururada bulshada iyo sidoo kale masuuliyiinta dawladaba waxaa waajib kasaaran yahay in ay ilaaliyaan madaxbanaanida garsoorka mida hayad ahaaneed iyo mida garsoor ahaaneedba.

QAYBTA SADEEXAAD

9. **Himilada Iyo Awood Garsoorka Maxkamadaha**

1. Guud ahaan maxkamaduhu waxay leeyihiin himilada ah in ay si dhexdhexaadnimo ah u fidiyaan adeeg garsoor oo si fudud loo heli karo, hufan, waqti iyo kharash tashiil leh islamarkaasna ku salaysan sharciga.
2. Iyada oo arinta lagu sheegay qodob hoosaadka sare kuxusani sideeda yahay ayaa hadana heerarka kalagadisan ee maxkamadauhu mid waliba waxay yeelanaysaa himiladeeda gaar ahaaneed

b) Maxkamadda guud waxaa waajib kasaaranyahay in ay xaqiijiso in hanaanka garsoor ee deegaanku yahay mid la saadaalin karo isla markaasina isku mid ah

t) Maxkamadda sare iyada oo sidoo kalena awood bilow ah leh ayaa waxaa waajib kasaaranyahay in ay saxdo xaqiijisana saxnaan-shahooda iyo khaladaadka sharci iyo midka farsamo ee ku jira go'aanada maxkamadaha hoose marka ay racfaan ku eegayso

4. ዳኛ ደመወዝ እና ልዩ ልዩ ጥቅማ ጥቅም የማግኘት መብት አለው።

8. **የዳኝነት ነፃነትን ማክበር እና ማስከበር**

1. ማንኛውም ዳኛ በነፃነት የመሥራት እና የፍርድ ቤት እና የዳኛን ነጻነት የማክበር እና የማስከበር ግዴታ አለበት።

2. የመንግስ አካላት፣ መንግስታዊ ያልሆኑና የማሕበረሰብ ተቋማት እንዲሁም ማንኛውም ባለሥልጣን የፍርድ ቤትንና የዳኛን ነፃነት የማክበር እና የማስከበር ግዴታ አለበት።

ክፍል ሶስት

9. **የክልሉ ፍርድ ቤቶች ተልዕኮ እና የዳኝነት ስልጣን**

1. የክልሉ ፍርድ ቤቶች አጠቃላይ ተልዕኮ ተደራሽ፤ ቀልጣፋና ውጤታማ የዳኝነት አገልግሎት ሕግን ብቻ መሰረት በማድረግ ከአድልዎ እና ወገናዊነት በጸዳ መልኩ መስጠት ነዉ። ሥራቸውንም በሙሉ ነጻነት እና ከፍተኛ ኃላፊነት ይፈጽማሉ።

2. በዚህ አንቀጽ ንኡስ አንቀጽ 1 ሥር በጥቅል የተደነገገው እንደተጠበቀ ሆኖ በየደረጃው ያሉ ፍርድ ቤቶች ቀጥሎ የተጠቀሱትን ተልዕኮ ይኖራቸዋል።

(ሀ) ጠቅላይ ፍርድ ቤት በክልሉ ውስጥ የዳኝነት አገልግሎት ወጥነት እና ተገማችነት እንዲኖረው ይሰራል።

(ለ) ከፍተኛው ፍርድ ቤት ከመሰረቱ ይግባኝ ሰሚ ፍርድ ቤት ሆኖ የህግ ወይም የፍሬ ነገርስህተት፤ በአጠቃላይ የሥር ፍርድ ቤት ውሳኔ ያለውን ግድፈት በይግባኝ አይቶ ለማረም ይሰራል።

4. A judge is entitled to get salary and other benefits.

8. **Upholding the Independence of the Judiciary**

1. Every judge shall work with independence and has the duty to uphold the independence of judiciary and of the individual judge.

2. Governmental, non-governmental and social organizations as well as any government official shall have the duty to respect the independence of courts and that of individual judges.

PART THREE

9. **Mission and Jurisdiction of the Courts of the Region**

1. The courts have an overall mission to impartially render accessible, efficient and effective judicial services solely based on the law. They discharge their duties with full independence and high responsibility.

2. Notwithstanding the generality of the terms of the provision of Sub-article (1) of this Article, the different levels of courts shall have the following specific mission:

a) The Supreme Court shall be responsible to ensure the uniformity and predictability of the judicial services in the region.

b) The High Court shall in principle be as an appellate court, the responsibility of which shall be to rectify, by way of appeal, the error of law or fact, or any fault of the judgments of the lower court.

j) Maxkamadaha degmooyinkuna iyaga oo ah maxkamadaha heerka koobaad waxaa waajib kasaaranyahay in ay go'aano tayo leh oo sharciga waafaqsan ka soo saaraan arimaha awoodooda ah ee la horkeeno sidaasna ku dhaqan galiyaan sharciga.

10. **Awoodda Garsoorka Maxkamadaha**

1. **Awood Garsoorka Guud**

Maxkamadaha deegaanku waxay awood garsoor u leeyihin arrimaha deegaanka si toos ah iyo racfaan ahaanba, marka laga reebo awood garsoorka gaarka u ah maxkamadaha federaalka sida ku cad bayaanka tirsigisu yahay 1234/2021 iyo, qodobka 80aad ee dastuurka federaalka iyo qodobka 68 ee dastuurka dawladd degaanka soomaalida. Sidoo kale maxkamadaha deegaanku waxay awood garsoor u leeyihiin arimaha habka xeerka ciqaabta, habka xeerka madaniga iyo waxka bedelkooda iyo waliba shurruucda kale ee federaalku u reebeen dawladd deegaanada

2. **Awood Garsoorka Maxkamadda Guud**

Maxkamadda guud waxay awood garsoor oo heer bilaw ah u leedahay arimahan soosocda.

(1). **Arrimaha Ciqaabta**

B. Waxay wareejin kartaa dacwad ciqaab ah oo ay awood garsoor u leedahay maxkamada sare ee Gobolku iyadoo u wareejin karta maxkamad sare oo kale ama waxay u soo wareejin kartaa Maxkamada guud lafteeda.

T. Arrimaha hoos yimaada awooda garsoorka ee maxkamada sare ee federalka sida ku cad QOD.61aad tirsiga 2aad xarafka T ee dastuurka deegaanka iyo QOD 80(2) ee dastuurka federaalka.

(ሐ) የወረዳ ፍርድ ቤቶች የመጀመሪያ ደረጃ ፍርድ ቤት ሆኖ ዳኝነት የተጠየቀባቸው ጉዳዮችን ተቀብሎ በመጀመሪያ ደረጃ በማየት ውሳኔ መስጠት ይችላል፡፡

10· **ፍርድ ቤቶች የዳኝነት ስልጣን**

1. **የዳኝነት ስልጣን መሰረታዊ መርሆዎች**

የክልሉ ፍርድ ቤቶች በፌዴራሉ ሕገ-መንግስት አንቀጽ 80 እና በክልሉ ሕገ-መንግስት አንቀጽ 68 መሠረት ለክልሎች የመጀመሪያ ና ይግባይኝ የዳኝነት ሥልጣን በግልጽ ተለይቶ በአዋጅ ቁጥር 1234/2021, ለፌዴራሉ መንግስት ባልተሰጡ ማናቸውም ጉዳዮች ላይ ወይም በሥነ ሥርዓት ሕግ ወይም በሌላ ሕግ መሰረት ለክልሉ ፍርድ ቤቶች በተሰጡ እና በክልሉ ውስጥ በተከሰቱት ጉዳዮች ላይ የዳኝነት ሥልጣን ይኖራቸዋል፡፡

2. **የክልሉ ጠቅላይ ፍርድ ቤት የዳኝነት ስልጣን**

የክልሉ ጠቅላይ ፍርድ ቤት በሚከተሉትን ጉዳዮች ላይ የመጀመሪያ የዳኝነት ስልጣን ይኖረዋል፡፡

(1). **የወንጀል የዳኝነት ሥልጣን**

(ሀ) በሥነ ሥርዓት ሕጉ መሰረት አንድ ጉዳይ ከአንድ ከፍተኛ ፍርድ ቤት ወደ ሌላኛው ከፍተኛ ፍርድ ቤት ወይም ወደ ጠቅላይ ፍርድ ቤት ተዛውሮ እንዲታይ የሚቀርብ ጥያቄን አይቶ የመወሰን፡

(ለ) በፌዴራሉ ሕገ-መንግስት አንቀጽ 80(2) እና በክልሉ ሕገ-መንግስት አንቀጽ 61(2 ለ) መሰረት የፌዴራሉን ከፍተኛ ፍርድ ቤት የመጀመሪያ ደረጃ ስልጣን፤

c) The Woreda Court shall serve as a court of first instance and be responsible to decide cases in its first instance jurisdiction.

10. **Jurisdiction of the Courts**

1. **General Principles**

The Courts of the Region shall have the following jurisdiction over Any matter not exclusively reserved to the Federal Courts under proclamation No 1234/2021 or state matters as per Article 80 of the Federal Constitution and Article 68 of state Constitution.or Cases arising under the Regional Constitution as stipulated under Article 68 or Matters falling by virtue of procedural and other laws, under the jurisdiction of the regional courts and cases arising in the boundary of the region;

2. **Jurisdiction of the Supreme Court**

The Supreme Court shall have jurisdiction over the following matters:

1. **Criminal Jurisdiction**

a) The Supreme Court shall have criminal first instance jurisdiction over application lodged in accordance with the law for change of venue from one zonal High Court Division to another zonal High Court Division.

b) First instance jurisdiction over Federal matters in accordance with Article 80(2) of the Federal Constitution and under Article 61 (2, b) of Regional state Constitution.

(2). **Arimaha Madaniga**

B. Waxay wareejin kartaa dacwad madani ah oo ay awood garsoor u leedahay maxkamada sare ee Gobolku iyadoo u wareejin karta maxkamad sare oo kale ama waxay u soo wareejin kartaa Maxkamada guud lafteeda.

T. Arrimaha hoos yimaada awooda garsoorka ee maxkamada sare ee federalka sida ku cad Qodobka.61aad (2) ee dastuurka deegaanka iyo Qodobka.80(2) ee Dastuurka Federaalka

(3). **Arimaha Racfaanka**

Maxkamada guud waxay awood racfaan uleedahay arrimahan soo socda:-

B. Go'aamada ay maxkamada sare gaadho ee ay ku eegto awooda racfaan iyada oo bedelaysa go'aanka maxkamada degmada

T. Go'aanka ay maxkamada sare ku gaadho heer bilaw ah ee racfaanka laga qaatay

(4). Go'aamada ay maxkamada guud ka gaadho arrimaha heer deegaan waxay noqonayaan Kama dambays.

(5). Maxkamada guud waxay leedahay awooda dib u eegista oo ay ku eegto goo'aamada Kama dambaysta ah, ee ay gaadhaan maxkamada guud iyo maxkamada sare ee leh khaladaad qaanuni ah oo aas aasi ah sida kucad QOD 80(3)(t) ee dastuurka federaalka iyo Qodobka 68 (2) (j) ee dastuurka ee Deegaanka soomaalida

3. **Awood Garsoorka Maxkamadaha Sare**

(1). **Arrimaha ciqaabta**

Iyada oo aan Lagu xad gudbeynin sida ku cad Qod10aad ee bayaankan sidoo kalena laraacayo hanaanka awood qaybsiga ay u sameeyaan shuruucda fedraalku ayaa maxkamadaha sare waxay yeelanayaan woodahan soo socda;

(2). **የፍትሐ ብሔር የዳኝነት ሥልጣን**

(ሀ) በሥነ ሥርዓት ሕጉ መሰረት አንድ ጉዳይ ከአንድ ከፍተኛ ፍርድ ቤት ወደ ሌላኛው ከፍተኛ ፍርድ ቤት ወይም ወደ ጠቅላይ ፍርድ ቤት ተዛውሮ እንዲታይ የሚቀርብ ጥያቄን አይቶ የመወሰን፡

(ለ) በፌዴራሉ ሕገ-መንግስት አንቀጽ 80(2) እና በክልሉ ሕገ-መንግስት አንቀጽ 61(2) መሰረት የፌዴራሉን ከፍተኛ ፍርድ ቤት የመጀመሪያ ደረጃ ስልጣን፤

(3). **የይግባኝ የዳኝነት ሥልጣን**

ጠቅላይ ፍርድ ቤት የሚከተሉትን ጉዳዮች በይግባኝ የማየት ሥልጣን ይኖረዋል፤

ሀ), የክልሉ ከፍተኛ ፍርድ ቤት በይግባኝ ሰሚነት ሥልጣኑ የመጀመሪያ ደረጃ ፍርድ ቤት ከሰጠው ውሳኔ የተለየ ውሳኔ የሰጠባቸው ፣

ለ). የክልሉ ከፍተኛ ፍርድ ቤት በመጀመሪያ ደረጃ ሥልጣኑ ውሣኔ የሰጠባቸው፣

(4). ጠቅላይ ፍርድ ቤት የክልል ጉዳዮችን የሰጠባቸው ውሣኔዎች የመጨረሻ ውሳኔ ይሆናል፣

(5). የክልሉ ጠቅላይ ፍርድ ቤት መሠረታዊ የሆነ የሕግ ስሕተት ያለባቸውን በክልሉ ጠቅላይ ፍርድ ቤት፣ በከፍተኛ ፍርድ ቤት የመጨረሻ ውሳኔ የሰጠባቸው የሚከተሉትን ጉዳዮች በፌዴራል ህገ-መንግሥት አንቀጽ 80(3)(ሀ) እና በክልሉ ህገ-መንግሥት አንቀጽ 68 (2) (ሐ) በሰበር የማየት ሥልጣንይኖረዋል።

3.የከፍተኛ ፍርድ ቤት የዳኝነት ሥልጣን

(1). **የወንጀል የዳኝነት ሥልጣን**

የአዋጁ አንቀጽ 10 ሥር የተደነገገው እንደተጠበቀ ሆኖ የከፍተኛ ፍርድ ቤት በዞኑ አስተዳደራዊ ግዛት ወሰን ውስጥ በሚከሰቱ ጉዳዮች ላይ የሚከተሉት የዳኝነት ስልጣን ይኖረዋል፡፡

2. **Civil Jurisdiction**

a) The Supreme Court shall have first instance jurisdiction over application lodged in accordance with the law for change of venue from one zonal High Court Division to another zonal High Court Division.

b) First instance jurisdiction over Federal civil matters in accordance with Article 80(2) of the Federal Constitution and under Article 61 (2) of Regional state Constitution.

3. **Appellate Jurisdiction**

The state Supreme Court shall have appellate jurisdiction over the following cases:

a) Decisions of the zonal High Court rendered in its appellate jurisdiction in variation of the decisions of the woreda Court;

b) Decisions of the zonal High Court rendered in its first instance jurisdiction;

4. Decisions of Supreme Court over State matters shall be final.

5. The state Supreme Court shall have cassation jurisdiction over reviewed by way of cassation according to Article 80(3)(b) of federal constitution and article 68 (2) (c) of state constitution only if the final decision of state supreme court or zonal high court believed to have fundamental error of the law

3. **Zonal High Court Jurisdiction**

1. **Criminal Jurisdiction**

Without prejudice with the provisions under Article 10 of this proclamation and in accordance with the division of power by federal laws The High Court shall have the following jurisdiction in relation to matters arising in the boundary of the zonal administration:

1. Dacwadaha ciqaabta culus ee ka sareeya 5 sano iyo awood garsoorka ciqaabeed ee maxkamadaha sare ee deegaanada sida tooska ah loogu siiyay habka xeerka ciqaabta iyo waxka bedelkiisa iyo waliba shuruucda kale ee federaalka
2. Sidauu dhigayo Qod. 80 (4) ee dastuurka fedraalka iyo Qod. 61aad Tirsiga 3aad ee dastuurka deegaanka arrimaha hoos yimaada awood garsoorka Maxkamada heerka koobaad ee federaalka ee loo wakiishay maxkamadaha sare ee deegaanada.
3. Sida qaanuunku dhigayo marka la soo codsado dacwad ciqaab ah oo ay maxkamada degmadu hayso in loo soo wareejiyo maxkamad degmo oo kale ama maxkamada sare laftigeeda.

(2). **Arimaha madaniga**

1. Awood garsoorka heerka koowaad ee arimaha hoos yimaada awood garsoorka maxkamadaha sare sida ku xusan habka xeerka madaniga iyo arimaha maxkamadaha sare ee deegaanada sida tooska ah loogu siiyay shuruucda federaalka.
2. dhamaan dacwadaha khuseeya hantida guurtada ah ee cadadkooda lacageed uu ka badanyahay 2,000 000 Birr (laba milyan oo birr)
3. Dhamaan dacwadaha khuseeya hantida maguurtada ah ee cadadkooda lacageed uu kabadan yahay 3,000,000 Birr (sadex milyan)
4. Sida qaanuunku dhigayo marka la soo codsado dacwad ciqaab ah oo ay maxkamadda degmadu hayso in loo soo wareejiyo maxkamad degmo oo kale ama maxkamada sare laftigeeda.

1. በሥነ ሥርዓት ሕግ መሠረት ለክልሎች የተሰጡ ጣራቸው ከ05 አመት በላይ ጽኑ እሥራት የሚያስቀጡ የወንጀል ጉዳዮች ላይ የመጀመሪያ ደረጃ ዳኝነት፤
2. **በፌዴራል ህገ-መንግሥት አንቀጽ** 80(4) **እና በክልሉ** ህገ-መንግሥት **አንቀጽ** 61 (3) የፌዴራል መጀመሪያ ደረጃ ፍርድ ቤት የመጀመሪያ ደረጃ ሥልጣንን ሥር የሚወድቁ በውክልና ለክልል የከፍተኛ ፍርድ ቤት የተሰጠ፤
3. የሥነ ሥርዓት ሕጉ በሚያዘው መሠረት አንድ የወንጅል ጉዳይ ከአንድ ወረዳ ፍርድ ቤት ወደ ሌላ ወረዳ ፍርድ ቤት ወይም ወደ ከፍተኛ ፍርድ ቤት ተላልፎ እንዲታይ የሚቀርብ ጥያቄን ተቀብሎ የመወሰን፤

(2)**<u>የፍትሐ ብሔር ዳኝነት ሥልጣን</u>**

1. **በፍትሐ ብሔር ሕግ ሥና ሥርዓት መሠረት** የከፍተኛ ፍርድ ቤት በዞኑ አስተዳደራዊ ግዛት ወሰን ውስጥ በሚከሰቱ ጉዳዮች ላይ **የመጀመሪያ ደረጃ የፍትሐ ብሔር የዳኝነት ሥልጣን ይኖረዋል፡፡**
2. ግምቱ ከብር ሁለት ሚሊዮን በላይ የሆነ የሚንቀሳቀስ ንብረት፤
3. ግምቱ ከብር ሶስት ሚሊዮን በላይ የሆነ የማይንቀሳቀስ ንብረት ላይ የሚነሱ የፍትሐብሔር ጉዳይን በመጀመሪያ ደረጃ ዳኝነት አይቶ የመወሰን፤
4. የሥነ ሥርዓት ሕጉ በሚያዘው መሠረት አንድ ጉዳይ ከአንድ ወረዳ ፍርድ ቤት ወደ ሌላ ወረዳ ፍርድ ቤት ወይም ወደ ከፍተኛ ፍርድ ቤት ተላልፎ እንዲታይ የሚቀርብ ጥያቄን ተቀብሎ የመወሰን፤

1. A first instance jurisdiction over criminal matters categorized as state jurisdiction under criminal procedure code, the punishment of which may go above five years imprisonment;
2. A first instance jurisdiction by way of delegation over jurisdiction of the Federal First Instance Court pursuant to Article 80(4) of the Federal Constitution and Article 61/3/ of the state Constitution ;
3. Application for change of venue from one District Court to another or to the High Court, in accordance with the relevant procedural law.

(2). **<u>Civil Jurisdiction</u>**

1. state high courts shall gave first instance jurisdiction over civil cases which are provided to state high courts by civil procedure code and matters that are directly given to state high courts under other federal laws.
2. A first instance jurisdiction over all civil matters regarding movable property where the amount involved exceeds Birr two million;
3. A first instance jurisdiction over all civil matters regarding immovable property where the amount involved exceeds Birr three million;
4. Application for change of venue from one woreda Court Division to another woreda Court Division or to itself, in accordance with the law;

(3). **Arrimaha racfaanka**

Maxkamadaha sare waxay awood racfaan u leeyihiin:-

1. Awooda racfaanka ee arrimaha uga yimaada maxkamada degmada
2. Awooda racfaanka ee arrimaha uga yimaada maxkamadaha maamul magaalooyinka katirsan gobolka ay ku taalo maxkamadaasi sare
3. Waxaa kale oo ay go'aan siinaysaa racfaanada laga soo qaato go'aamada ay bixiyaan hayadaha qaanuunku siiyay awooda garsoor

4. **Awooda Garsoorka Maxkamadaha Degmooyinka**

(1). **Arimaha ciqaabta**

Iyada oo aan lagu xad gudbaynin sida ku xusan Qodobka 10aad ee bayaankan maxkamadaha degmooyinku waxay awood garsoor ciqaabeed u leeyihin;

1. Dacwadaha ciqaabta ah ee ciqaab-toodu ka hoosayso 5sano
2. arimaha maxkamadaha degmooyinka ee deegaanada sida tooska ah loogu siiyay habka xeerka ciqaabta, iyo waxka bedelkiisa iyo waliba shuruucda kale ee federaalka
3. sharciyada deegaanku soo saaro ee xanbaarsan arimo ciqaabeed ciqaab tooduna ka hoosayso 5sano
4. dhagaysiga baadhista hore ee denbiyada culus ee ka dhaca awood garsoorka deegaaneed ee degmadaasi

(2). **Arrimaha madaniga**

1. Arrimaha hoos yimaada awooda garsoorka ee maxkamada awraajaha iyo Degmada sida ku xusan xeerkaka habka madaniga &arimha maxkamadaha degmooyinka ee deegaanada sida tooska ah loogu siiyay shuruucda federaalka.

(3). **የይግባኝ ስልጣን**

የከፍተኛ ፍርድ ቤት የሚከተሉትን የፍትሐብሔርና የወንጀል ጉዳዮች በይግባኝ የማየት ሥልጣን ይኖረዋል፡

1. **በወረዳ ፍርድ ቤት የሰጠውን** ውሳኔን በይግባኝ አይቶ የመወሰን፤
2. **በዞኑ** አስተዳደራዊ ግዛት ወሰን ውስጥ በሚገኙ **የከተማ አስተዳድር ወረዳ ፍርድ ቤት የሰጠውን** ውሳኔን በይግባኝ አይቶ የመወሰን፤
3. **የህግ** የዳኝነት ሥልጣን የተሰጠቸው ሌሎች አካላት የተሰጠ ውሳኔን በይግባኝ አይቶ የመወሰን፤

4. **የወረዳ ፍርድ ቤት የዳኝነት ሥልጣን**

1. **የወንጀል የዳኝነት ሥልጣን**

በዚህ አዋጅ አንቀጽ 10 ሥር የተደነገገው እንደተጠበቀ ሆኖ የወረዳ ፍርድ ቤቶች በፀደቁ ሕጎች ውስጥ የወንጀል ቅጣት በሚያስከትሉ ጉዳዮች ላይ የመጀመሪያ ደረጃ ሥልጣን፤

1. ጣራቸው ከ05 አመት በታች ጽኑ እሥራት የሚያስቀጡ የወንጀል ጉዳዮች ላይ፤
2. በሥነ ሥርዓት ሕጉ እና በሌሎች ህጎች መሠረት ለወረዳ ፍርድ ቤቶች የመጀመሪያ ደረጃ ዳኝነት የተሰጠቸው የወንጀል ጉዳዮች፤
3. ከ05 አመት በታች ጽኑ እሥራት የሚያስቀጡ ሆኖ በክልሉ ምክር ቤት በፀደቁ ሕጎች ውስጥ የወንጀል ቅጣት በሚያስከትሉ ጉዳዮች ላይ፤
4. በወረዳው አስተዳደራዊ ግዛት ወሰን ውስጥ በሚከሰቱ **ከባድ** ወንጀሎች የቅድም ምርመራ ፡

(2). **የፍትሐ ብሔር ዳኝነት**

1. በ**ፍትሐ ብሔር** ሥነ ሥርዓት ሕግ መሠረት ለአውራጃ ፍርድ ቤቶችና ለወረዳ ፍርድ ቤቶች የመጀመሪያ ደረጃ ዳኝነት የተሰጠቸው የፍትሕ-ብ**ሔር** ጉዳዮች፤

(3). **Appellate Jurisdiction**

High courts shall have appellate jurisdiction over the following matters:-

1. An appellate jurisdiction over decisions of the District Courts;
2. An appellate jurisdiction over decisions of the city Administration Courts which within the administrative boundary of the Zone;
3. An appellate jurisdiction over decisions of tribunals given based on their legally recognized power.

4. **Jurisdiction of Woreda Courts**

(1). **Criminal Jurisdiction**

Without prejudice with the provisions of article 10 of this proclamation The Woreda Courts shall have first instance jurisdiction over the following criminal matters:

1. criminal matters the maximum punishment of which does not exceed fifteen years of imprisonment
2. Criminal cases under the jurisdiction of woreda courts as provided in the criminal procedure code and its subsequent amendments.
3. Criminal matters under the provisions of state enacted laws the maximum punishment of which does not exceed five years of imprisonment.
4. Preliminary hearing of rigorous crimes committed within the administrative jurisdiction of the woreda courts.

(2). **Civil Jurisdiction**

1. First instance jurisdiction over civil matters falling under the jurisdiction of the awraja and woreda Courts pursuant to civil procedure code and other matters given to state woreda courts under federal laws.

2. dhammaan dacwadaha khuseeya hantida guurtada ah ee cadadkooda lacageed aanu kabadnayn 2 000 000 Birr (laba milyan)

3. Dhammaan dacwadaha khuseeya hantida maguurtada ah ee cadadkooda lacageed aanu kabadnayn 3 000 000 Birr (sadex milyan).

(3). **Racfaanka**

Racfaanka laga soo qaato maxkamadaha arrimaha bulshada.

11. **Sharciyadda Aasaasiga Ah Ee Maxkamaduhu Dhaqan-Gelinayaan**

1. Maxkamadaha deegaanku waa in ay doodaha iyo dacwadaha ay awood garsoorka u leeyihin ee loo gudbiyo go'aan ka gaadhaan iyaga oo raacaya:-
   1. sharciyadda deegaanka iyo
   t) sharciyadda federaalka marka dacwadu khusayso

2. Hadii dacwad loo soo gudbiyay ay khusayso fasiraad dastuur, Maxkamadaha deegaanku arinta waa in ay u gudbiyaan guddiga baadhista dastuurka

3. Xeerka habka ciqaabta, xeerka habka madaniga iyo sidoo kale sharciyadda kale ee ku haboon ayaa dhaqan gal ku ah arrimaha aan lagu xusin bayaankan hadii aanay ka hor imaanayn.

QAYBTA AFRAAD

QAABDHISMEEDKA IYO HABKA SHAQO EE MAXKAMADAHA

12. **Garsooreyaasha Iyo Shaqaalaha Maxkamadda**

1. Maxkamada guud waxay yeelan gudoomiye iyo gudoomiye kuxigeen loo magacaabo hab waafaqsan Qodobhoosaadka (1) ee Qodobka 69aad ee Dastuurka dib loo habeeyay ee Deegaanka Soomaalida.

2. ግምቱ ከብር 2,000,000 (ሁለት ሚሊዮን) ያልበለጠ የሚንቀሳቀስ ንብረት ላይ የሚነሱ የፍትሐ ብሔር ክርክር አይቶ የመወሰን፤

3. ግምቱ ከብር 3,000,000 (ሶስት ሚሊዮን) ያልበለጠ የማይንቀሳቀስ ንብረት ላይ የሚነሱ የፍትሐ ብሔር ክርክር አይቶ የመወሰን፤

(3) **የይግባኝ ስልጣን**

በማህባራዊ ፍርድ ቤት የሰጠውን ውሳኔን በይግባኝ አይቶ የመወሰን፤

11. **የክልል ፍርድ ቤቶች ስለሚሠሩ ባቸው መሠረታዊ ሕጎች**

1. የክልል ፍርድ ቤቶች የሥልጣን ክልላቸውን መሠረት አድርገው የሚቀርቡ ጉዳዮችን ወይም ክርክሮችን ቀጥሎ የተጠቀሰውን መሠረት አድርገው ይዳኛሉ:-
   (ሀ).የክልል መንግሥቱ ሕጐችና
   (ለ).ጉዳዩ የሚመለከት ከሆነ የፊዴራል መንግሥቱ ሕጐች

2.ለፍርድ ቤቶች የሥልጣን ክልላቸውን መሠረት አድርገው የሚቀርቡ ጉዳዮች የህገ-መንግሥት ትርጉም የሚያስፈልግ ሆኖ ከተገኘ የክልሉ ፍርድ ቤቶች ጉዳዮን ወደ ህገ-መንግሥት ጉዳዮች አጣሪ ጉባኤ ያቀርባል፤፤

3.አግባብነት በላቸው የፍትሐ ብሔር ሥነ ሥርዓት ሕግ፣ የወንጀል ሥነ ሥርዓት ሕግ እና ሌሎች ሕጎች ተፍፃሚ ይሆናሉ፤

ክፍል አራት

የፍርድ ቤቶች አደረጃጀትና የሥራ አካሄድ

12. **የፍርድ ቤቶች ዳኞች እና ድጋፍ ሰጭ ሠራተኞች**

1. የክልሉ ጠቅላይ ፍርድ ቤት በህግ-መንግስቱ አንቀጽ 69 (1) መሠረት የሚሾም አንድ ኘሬዚዳንትና ምክትል ኘሬዝዳንት ይኖሩታል፡፡

2. A first instance jurisdiction over all civil matters regarding movable property where the amount involved does not exceeds Birr two million;

3. A first instance jurisdiction over all civil matters regarding immovable property where the amount involved exceeds Birr three million;

(3). Appellate Jurisdiction

Woreda courts shall have appellate jurisdiction over decisions of the social courts.

11. **Substantive Laws to be applied by the Courts**

1. State Courts shall settle cases or disputes, submitted to them within their jurisdiction on the basis of:
   (a) the state laws;
   (b) Federal laws, where the case relates to same.

2. Where the cases or disputes, submitted to them subject to constitutional interpretation, the state courts shall refer the matter to the Constitutional inquiry commission.

3. The Criminal and Civil Procedure Codes as well as other relevant laws in force shall apply with respect to matters not provided for under this Proclamation insofar as they are not inconsistent therewith.

PART FOUR

STRUCTURE OF COURTS AND WORKING PROCEDURE

12. **Judges, and Other Professionals of Court**

1. The state Supreme Court shall have a President and a Vice-President to be appointed in accordance with Sub-Article (1) of Article 69 of the Revised Constitution of Somali Regional State.

2. Waxaa kale oo ay maxkamadda guud yeelan garsoorka, rejisteraalada, kalkaaliyayaasha, shaqaalaha taakulaynta, fadhiyada, xafiis hoosaadyada, geedisocodyada iyo waaxaha hadba inta lagama maarmaan ka u ah ka gun gaadhida himilda hay'ada garsoorka.
3. Iyada oo arinta lagu sheegay qodob-hoosaadka 2aad ee qodobkani uu sideeda yahay, ayaa madaxa xafiis-hoosaadyada, madax-fadhiyada, masuuliyiinta geedisocodyada, iyo xirfadlayaasha kale ee magacaabista ah, faahfaahinta xilkooda iyo waajibaadkooda waxaa xeerin doona awaamiir uu guddigu soo saaro.
4. Maxkamadda sare waxay yeelan gudoomiye, garsooreyaal, rejisteraal, kalkaaliyayaal iyo shaqaalaha taakulaynta, fadhiyo iyo waaxo hadba in ta lagama maarmaan ka u ah shaqada maxkamada sare.
5. Maxkamadda degmadu waxay yeelanaysaa gudoomiye garsooreyaal, rejisteraal, kalkaaliyayaal, waaxyo, iyo shaqaalaha taakulaynta haddba inta shaqada loogu baahdo.

13. **<u>Magacaabista Gudoomiyaha Iyo Gudoomiye Ku Xigeenka</u>**

1. Gudoomiyaha iyo gudoomiye ku xigeenka maxkamada guud iyada oo uu soo xulayo madaxweynaha deegaanku ayaa waxaa ansixiya Golaha.
2. Iyada oo arinta lagu sheegay qodob hoosaadka 1aad ay sideeda tahay ayaa madaxweynuhu marka uu soo xulanayo gudoomiyaha iyo gudoomiye kuxigeenkaba waxa uu tixgalin siin arimahan soo socda.

2. ጠቅላይ ፍርድ ቤቱ ሌሎች ዳኞች፣ ሬጅስቴራር፣ ረዳት ዳኛ፣ ድጋፍ ስጪ ሠራተኞች፣ የችሎት አስተባባሪ፣ የጽ/ቤት ኃላፊ፣ ዳይሬክተርና ሌሎች ለሥራ የሚያስፈልጓቸው ይኖራቸዋል።
3. **የዚህ አንቀጽ ንዑስ አንቀጽ (2) አጠቃላይ አነጋገር እንደተጠበቀ ሆኖ፤** የጽ/ቤት ኃላፊዎች፣ የችሎት አስተባባሪ፣ **የሥራ ክፍል** ዳይሬክተሮች እና ሌሎች ተሿሚዎች ባለሙያዎች አሿሿም እና ዝርዝር ሥልጣንና ተግባር በጉባኤው በሚዋጣው መመሪያ ይወስናል፡
4. የከፍተኛ ፍርድ ቤቶች **ፕሬዝዳንት፣** ዳኞች፣ ሬጅስቴራር፣ ረዳት ዳኞች፣ ድጋፍ ስጪ ሠራተኞች፣ የችሎት አስተባባሪና ለከፍተኛ ፍርድ ቤት ሥራ የሚያስፈልጓቸው ባለሙያዎች ይኖራቸዋል።
5. የወረዳ ፍርድ ቤቶች **ፕሬዝዳንት፣** ዳኞች፣ ሬጅስቴራር፣ ረዳት ዳኞች፣ ድጋፍ ስጪ ሠራተኞች፣ የችሎት አስተባባሪ ለሥራ የሚያስፈልጓቸው ሠራተኞች ይኖራቸዋል።

13. **<u>የጠቅላይ ፍርድ ቤትፕሬዚዳንት እና ምክትል ፕሬዚዳንት አሿሿም</u>**

1. የጠቅላይ ፍርድ ቤት ፕሬዚዳንት እና ምክትል ፕሬዚዳንት በሱማሌ ክልላዊ መንግሥት ፕሬዚዳንት አቅራቢነት በክልሉ ምክር ቤት ይሾማል።
2. በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው እንደተጠበቀ ሆኖ የሱማሌ ክልላዊ መንግስት ፕሬዚዳንት የጠቅላይ ፍርድ ቤት ፕሬዚዳንትና ምክትል ፕሬዚዳንትን በዕጩነት ሲመርጥ፡-

3. The state Supreme Court shall have Judges, directorates, registrars, assistant judges, legal experts and other support staff administered by regulation issued by the Court.
4. Without prejudice with provisions under sub-article hereof the powers and duties of court offices, presiding judge of court divisions, directors and other professional appointees shall be determined by a directive to be issued by the Commission.
5. The high court shall have president, Judges, registrars, assistant judges, other support staff, division and directors as deemed necessary for the high Courts.
6. The district courts shall have president, Judges, registrars, assistant judges, other support staff, and divisions as deemed necessary for the district Courts.

13. **<u>Appointment of the President and the Vice President of the Supreme Court</u>**

1. The President and Vice President of the Supreme Court shall, upon submission of nominees by the President of the Somali Regional State, be appointed by the State council;
2. Notwithstanding the provision of sub-article (1) of this Article, the President of the Somali Regional State while nominating the President and Vice President of the Supreme Court shall take the following into account:

b. In musharaxu leeyahay karti iyo aqoon sharciyeed.

t. In musharaxu leeyahay xirfad hogaamineed oo sareysa taasi oo uu kaga midho dhalin karo himilada hayada garsoorka.

14. **Magacaabista Gudoomiyeyaasha Maxkamadaha Sare Iyo Gudoomiyeyaasha Maxkamadaha Degmooyinka**

1. Gudoomiyeyaasha maxkamadaha sare, maxkamadaha degmooyinka iyo maxkamadaha maamul magaalooyinka waxaa soo xula gudoomiyaha maxkamada guud waxaana ansixiya guddiga.

2. Marka uu guddooomiyaha maxkmada guud xulan hayo musharaxiinta wuxuu tixgalin siin kartidooda, awooda hogaamineed, sharafta, iyo waxqabadkooda

3. Muddo xileedka shaqo ee gudoomiyaha maxkamada sare iyo gudoomiyaha maxkamada degmadu wuxuu noqonayaa muddo lix sano ah:-

   b. Mar labaad waxaa dib loodooran karaa hal muddo xileed oo kaliya, haddii loo arko lagama maarmaan.

4. Iyada oon waxba loo dhimayn arrimaha lagu xusay qodob hoosaadka 3aad ee qodobkan. Gudoomiyaha maxkamada sare ama gudoomiyaha maxkamada degmada xilka waa laga qaadi karaa ka hor inta ayna dhamaysan muddo xileedkooda, arrimo la xidhhiidha hoggaamintooda sharaftooda, ama dhibaatooyin la xidhiidha dhanka shaqo fulinta awgeed.

15. **Magacaabista Garsooreyaasha**

1. Garsooreyaasha maxkamada guud, maxkamadaha sare, iyo maxkamadaha degmooyinka iyo kuwa maamul magaalooyinka marka uu gudoomiyuhu hor keeno waxaa xula guddiga waxaana ansisiya Golaha.

(ሀ) ከፍተኛ የሕግ ችሎታና ሥነ-ምግባር ያላቸው መሆኑን፣

(ለ) የክልሉን ፍርድ ቤቶች ዓላማና ተልዕኮ ከግብ ለማድረስ የሚያስችል የአመራር ብቃት ያላቸው መሆኑን ከግምት ማስገባት አለበት፡፡

14. **የከፍተኛ ፍርድ ቤት እና የወረዳ ፍርድ ቤት ፕሬዚዳንት አሿሿም**

1. የከፍተኛው ፍርድ ቤት፣ የወረዳ ፍርድ ቤት እና የከተማ አስዳድር ፍርድ ቤቶች ፕሬዚዳንት ከዳኞች ተመልምለው በፕሬዚዳንቱ አቅራቢነት በጉባኤ ይሾማሉ፡፡

2. ፕሬዚዳንቱ የከፍተኛ ፍርድ ቤት ወይም የወረዳ ፍርድ ቤት ፕሬዚዳንት ሲመረጥ ችሎታን፤ የአመራር ብቃት፣ ሥነ-ምግባሩንና ሥራ አፈጻጸሙን ከግምት ማስገባት አለበት፡፡

3. የከፍተኛ እና የወረዳ ፍርድ ቤት ፕሬዚዳንት ሥራ ዘመን ስድስት /6/ ዓመት ይሆናል፡፡

   ሀ). ሆኖ እንደ አስፈላጊነቱ ለአንድ የሥራ ዘመን ብቻ ድጋሚ ሊሾም ይችላል፡፡

4. በዚህ አንቀጽ ንዑስ አንቀጽ 3 ሥር የተደነገገው እንደተጠበቀ ሆኖ የከፍተኛ ፍርድ ቤት ፕሬዚዳንት ወይም የወረዳ ፍርድ ቤት ፕሬዚዳንት በአመራር ድክመት፣ በሥነ ምግባር ጉድለት ወይም በሥራ አፈጻጸም ጉድለት ምክንያት ከሥራ ዘመኑ ጊዜ ቀድሞ ከአመራር ሊነሳ ይችላል፡፡

15. **የዳኞች አሿሿም**

1. የጠቅላይ ፍርድ ቤት፣ የከፍተኛ ፍርድ ቤት እና የወረዳ ፍርድ ቤት ዳኛ በፕሬዚዳንቱ ተመልምለው በጉባኤው አቅራቢነት በምክር ቤቱ ይሾማሉ፡፡

(a) That the candidates possess high degree of legal competence and integrity;

(b) That the candidates possess strong leadership capacity to realize the objectives and missions of the Courts of the region; and

14. **Appointment of the Presidents of the High Court and the Woreda Court**

1. The President of the High Court or of the District Court shall be nominated by the President from among the judges and appointed by the Commission.

2. The President shall, while nominating the candidates, take into account their competence, leadership capacity, integrity and performance.

3. The term of office of the President of the High Court and of the District Court shall be six years;

   (a) They may be reappointed only for one additional term as may be necessary.

4. Notwithstanding the provision of Sub-article (3) of this Article, the President of the High Court or of the District Court may be removed from their posts before the end of their term of office on account of leadership, integrity or performance problems.

15. **Appointment of a Judges**

A judge of the Supreme Court, the High Court and the District Court shall, upon selection and submission by the President, be nominated by the Commission and subsequently appointed by the state council.

2. Nidaamka xulashada, iyo xilka qaadista guddiga ayaa awaamiir ku soo saari doona
3. Garsoorku waxay hoos tagaan guddiga iyo golaha.

16. **Shaqo Ka Qaadista Garsoorka**

1. Garsoore waxaa shaqada looga qaadi karaa oo kaliya marka guddigu ay go'aamiyaan shaqo ka qaadistiisa
   1. arimo la xidhiidha ku xad gudubka xeerka anshaxa ama uu ka soo bixi waayo waajibaadkiisa shaqo, ama uu lumiyo cududii wax caqabad
   T. Ama ay la soo daristo xanuun sababa in uu shaqayn kari waayo
   J. Ama uu gaadho da'da hawlgabka
   X. Marka goluhu cod aqlabiyad ah ku ansixiyo go'aanka guddiga
   Kh. Xubin kaste oo ka mid ah xubnaha magacaabista ah waxaa shaqada looga qaadi karaa iyaga oo aanan gaadhin da'da hawlgabka marka uu guddigu go'aamiyo in uu ku xad gudbay xeerka anshaxa ama uu ka soo bixi waayo waajibaadkiisa shaqo, ama uu lumiyo cududii wax caqabad ama ay la soo daristo xanuun sababa in uu shaqayn waayo.
   D Garsoore kaste ama xubin kaste oo kamid ah xubnaha magacaabista ah haddii uu rabo in uu xilka ka tago waa inuu muddo 60 maalmood kahor ah codsigiisa shaqo ka tagista ah uu u soo gudbiya gudoomiyaha maxkamada guud

17. **Fadhiga Maxkamadaha**

1. Maxkamad kasta waa inay yeelataa fadhiyo madani, ciqaab iyo fadhiyo kaleba hadba sida loogu baahdo.
2. Fadhiyada maxkamada guud iyo maxkamada sare waxay yeelan gudoomiye (madaxfadhi) iyo labo garsoore.

2. ስለዳኞች መልምላ እና ከስራ ስለመሰናብበት ሁነታ በጉባኤው በሚወጣ መመሪያ ያወስናል፡፡

3. ዳኞች ለምክር ቤቱ እና ለጉባኤው ተጠሪ ይሆናል፡፡

16. **የዳኞች ከሥራ መሰናበት**

1. ማንኛውም ዳኛች ቀጥሎ ከተገለፀው ውጪ በህግ የተወሰነው የጡረታ መውጫ ጊዜው ሳይደርስ ከዳኝነት ስራው አይሰናበትም፡፡

(ሀ) የሥነ-ምግባር ጥሰት ፈጽሞ ወይም በችሎታ ማነስ ወይም በሥራ አፈጻጸም ጉድለት ምክንያት ጉባኤው እንዲሰናበት ከወሰነ ወይም

(ለ) በጤና እክል ምክንያት ስራውን በአግባቡ መፈጸም አለመቻሉን ጉባኤው ሲወስን እና

(ሐ) የጡረታ መውጫ እድሜዉ ከድረሰ

መ) ምክር ቤቱ የጉባኤውን ውሳኔ በአብላጫ ድምጽ ሲያጸድቀው ዳኛው ከሥራ ይሰናበታል፡፡

ሠ/ ማንኛውም ተሿሚ የጡረታ መውጫ እድሜዉ ከመድረሱ በፊት በሥነምግባር ጉድለት ወይም በችሎታ ማነስ ወይም በሥራ አፈጻጸም ድክመት ወይም በጤና መታወክ ምክኒያት በጉባኤው ውሳኔ ከፍላጎቱ ውጪ ከሥራ ይሰናበታል፡፡

ረ) ማንኛውም ዳኛ ወይም የጉባኤ ተሿሚ ወይም የፕሬዝዳንቱ ተሿሚ በፍላጎቱ ስራ ለመልቀቅ ለፕሬዝዳንቱ በጹሁፍ የማሳወቅ ግዴታ አለበት፡፡ ፕሬዝዳንቱ ካመነበት ግን ሁለት ወር መጠበቅ ሳያስፈልግ ሊያሰናብተው ይችላል፡፡

17. **የዳኝነት የችሎት አደረጃጀት**

1. ማንኛውም ፍርድ ቤት የፍትሐብሔር ችሎት፣ የወንጀል ችሎት እና ሠበር ችሎት ይኖሩታል፡፡
2. በጠቅላይ ፍርድ ቤት እና ከፍተኛ ፍርድ ቤት ማንኛዉም ጉዳይ ቢያንስ በአንድ ሠብሳቢ እና በሁለት ዳኞች በተሰየሙበት ችሎት ታይቶ የሚወሰን ይሆናል፤

2. The commission shall issue a directive on the selection and Termination Of tenure procedures of judges.
3. Judges shall be accountable to the commission and the Council.

16. **Termination of tenure of a Judge**

1. No judge may be suspend from the duties unless the judicial administration commission decides so on grounds of:-
   (a) Where he/she violates the disciplinary code of conducts or failed to discharge his responsibility or because of his incompetence or inefficiency; or
   b) Where the Commission decides that he is incapable of properly discharging his duties due to illness; and
   c) he reaches retirement age;
   d) When state council approves the decision of the Commission by majority vote.
   e) Any Appointee may be removed before his attainment of his retirement age against his will based on the decision of the Commission on grounds of his breach of disciplinary rules, or incompetence or inefficiency, or his incapability to discharge his duty due to illness.
   f) Any judge, Appointee of Commission or Appointee of the President who wants to resign has a duty to submit to the President a two month prior written notification of resignation.

17. **Organization of Court Divisions**

1. Each Court shall have Civil Division, Criminal Division and other Divisions as found necessary.
2. The supreme court and High Court shall have a Presiding and two other Judges

3. Maxkamadaha degmooyinka waa in ay fadhiistan hal garsoore.
4. Gudoomiyaha iyo gudoomiye ku xigeenka maxkamada guud waxay hogaamin karaan fadhi kasta oo ay maxkamada guud leedahay, sidoo kale gudomiyaha maxkamada sare wuxu hogaamin karaa fadhi kasta oo ay maxkamada sare leedahay.

18. **Fadhi Aan Shan Garsoore Ka Yarayn**

Dacwada waa in ay dhagaystaan fadhi aan Shan garsoore kayarayn marka;

1. Marka dacwada lagu eegayo fadhi dib u eegis ah.
2. Marka uu sidaas soo jeediyo gudoomiyaha maxkamada guud ama ka timaado fadhi maxkamada guud ah.

19. **Habka Soo dhawaynta Cabashada Dibu Eegista**

1. Codsaduhu waa in uu cabashadiisa ku soo faahfaahiyaa khaladaadka qaanuuniga aas-aasiga ah ee ku jira go'aanka dib loo eegayo.
2. Codsaduhu waa in uu sidoo kale arjigiisa cabashada soo raaciyaa nuqulada go'aanka dib loo eegayo iyo go'aanki maxkamada hoose.
3. Codsiga Dibu eegista ah waa in maxkamada guud loogu soo gudbiyaa muddo 90 maalmood gudohood ah, oo ka bilaabmaysa maalintii go'aanka Kama dambaysta ah lagaadhay.
4. Marka fadhiga hore ee ka kooban sadexda garsoore ay aqoon sadaan isla markaasna ay go'aan sadaan in aanu jirin wax khaladaad sharci oo aasaasi ah oo ku jira go'aanada maxkamada hoose oo xalalaalayn Kara in loo gudbiyo fadhiga 5ta ah waxay diidi codsiga dib u eegista ah.

3. የወረዳ ፍርድ ቤቶች ማንኛዉም ጉዳይ በአንድ ዳኛ በተሰየሙበት ችሎት ታይቶ የሚወሰን ይሆናል፤
4. የጠቅላይ ፍርድ ቤት ፕሬዚዳንትና ምክትል ፕሬዚዳንት እና የከፍተኛ ፍርድ ቤት ፕሬዚዳንት በማንኛውም ችሎት ላይ ሠብሳቢ ሆኖ መሥራት ይችላል፡፡

18. **ከአምስት ያላነሱ ዳኞች ስለሚሰየሙበት ችሎት**

አንድን የክርክር ችሎት ከአምስት ያላነሱ ዳኞች እንዲታይ የሚድርገው፡

1. ጉዳዩ በሠበር ችሎት በሚታይበት ጊዜ.
2. በክልሉ ጠቅላይ ፍርድ ቤት ፕሬዚዳንት ሲቀርብ ወይም በጠቅላይ ፍርድ ቤት ችሎት ከታመነ፤

19. **የሰበር አቤቱታ አቀራረብ ሥነ-ሥርዓት**

1. ለሰበር ችሎት የሚቀርብ የሰበር ማመልከቻ ጠያቂ በውሳኔው ለይ የተፍፀመውን መሠረታዊ የሆነ የሕግ ስህተት በሚገልፃ አካታን ማቀርብ አለበት
2. የሚመላከተው አቤት ባይ ከሚያቀርበው ማመልከቻ በተጨማሪ የሰበር አቤቱታ የቀረበበትን ውሣኔ እና የበታች ፍርድ ቤት ውሣኔ ቅጂዎችን ማቅረብ አላበት፡፡
3. የሰበር ጥያቄ ማመልከቻ ለጠቅላይ ፍርድ ቤት መቅረብ የሚገባው የሰበር ጥያቄ በሚቀርብበት ጉዲይ ላይ የመጨረሻ ውሣኔ ከተሰጠ ጀምሮ ባለት ፮ (በዘጠና) ቀናት ውስጥ ይሆናል፡፡
4. የሰበር አቤቱታ በሦስት ዳኞች ተመርምሮ አቤቱታ በቀረበበት ጉዳይ ላይ የተፍፀመ መሠረታዊ የሆነ የሕግ ስህተት አለመኖሩን ከተረዳና በአምስት ዳኞች መታየት አላመሆኑን ሲታመን አቤቱታውን ውድቅ በማድረግ ትዕዛዝ ይሰጣል፡፡

3. The district courts sitting shall be set by one judge.
4. The president and vice president of Supreme Court may preside over Supreme Court divisions as well as presidents of zonal high courts may preside over high courts benches.

18. **Cassation Division Sitting with more than five Judges**

The case shall be heard by Sitting with no more than five Judges where:-

1. when the case should be hear in Cassation Division;
2. When the president of Supreme Court recommended by being hear sitting with no more than five Judges five.

19. **Application Procedure for Cassation**

1. An application for review by the Cassation Division shall clearly state the nature of the error or the reason why the final decision is said to have a fundamental error of law
2. The applicants shall accompany its Application with the copy of the final decision and other lower decision.
3. An application for review by the Cassation Division shall be lodged within sixty (60) successive days from the date of the final decision.
4. When the Cassation Division to which the application is referred concludes upon examination of the application that there is no basic or fundamental error of law, it shall order the dismissal of the application.

5. Marka fadhiga hore ee ka kooban sadexda garsoore ay aqoon sadaan isla markaasna ay go'aan sadaan in uu jiro khaladaad sharci oo aasaasi ah islamarkaasna xalaalaynkara in la eego ayaa iyaga oo soo saaraya nuxurka khaas ka ah ee ay aamin sanyihiin in uu leeyahay khaladaad sharci waxay u gudbin fadhiga 5ta ah iyaga oo warqad yeedhis ah u diraya dhinaca kale si uu uga soo jawaabo

20. **Khaladaadka Sharci ee aasaasiga ah**

Khaladaad sharci oo aasaasi ah waxaa loola jeedaa:-

1. Marka ay arintu xad gudub ku tahay dastuurka.
2. Iyada oo tafaasiil khaldan laga bixiyo qodobo sharci oo cad cad ama iyada oo dacwada loo isticmaalo qodobo sharci oo khaldan.
3. Iyada oo aanan habayaraatee la soo saarin nuxurkii ku haboonaa in laga soo saaro dacwada ama iyada oo la soo saaro nuxur aan dacwada la xidhiidhin amaba aan khusayn.
4. Iyada oo go'aan laga soo saari waayo arin mudnayd in laga garsooro.
5. Marka ay arintu xadgudub ku tahay go'aanada qaadashada leh ee fadhiga dib u eegista maxkamada guud ee fedraalka.

21. **Awooda Go'aanada Dib U Eegista**

1. Fasiraadda sharci ee uu sameeyo fadhiya 5ta ah ee dib u eegista ee dawlad deegaanka soomalidu waa loo raacayaa marka arinta ay turjun ka bixiyeen mid lamid ahi timaado maxkamadaha hoose ee deegaanka marka la daabaco islamarkaasina aanay ka hor imaanayn go'aanada dib u eegista ee qaadashada leh ee maxkamada guud ee federaalka.

5. የሰበር ችሎቱ ለሦስት ዳኞች ተመርምሮ አቤቱታ በቀረበበት ጉዳይ ላይ ያስቀርባል ብሎ ከተረዳ በአምስት ዳኞች እንዲታይ ጭብጡ በመያዝ በተጠሪ መልስ እንድሰጥበት በአመልካች ከቀረበው የሰበር ማመልከቻ እና መጥሪያ ጋር ይልካል፡፡

20. **መሰረታዊ የህግ ስህተት**

አንድ የመጨረሻ ውሳኔ መሰረታዊ የህግ ስህተት አለው የሚባለው ውሳኔዉ፡-

1. ውሳኔው ህግ-መንግሥቱን የሚቃረን ሆኖ ከተገኘ.
2. የህግ ትርጉም ወይም መሰረታዊ የህግ መርሆ ስህተት ካለበት ወይም ግልጽ የሆነ የህግ ድንጋጌ ጥሰት ካለበት፤
3. ማንኛውም የፍሬ ነገር ወይም የማስረጃ አቀባበል ወይም ማስረጃ ምዘና ስህተት የተፈጸመበት ውሳኔ፤
4. የመጨረሻ ውሳኔ መስጠት አለመቻል፤
5. ጉዳዩ በፌዴራል ጠቅላይ ፍርድ ቤት የሰበር ችሎት ከተሰጠ አስገዳጅነት ያለው ውሳኔ ጋር ከሚቃራን ከሆነ፤

21. **የሰበር ውሳኔ አስገዳጅነት**

1. ፕሬዝዳንቱን እና ምክትል ፕሬዝዳንቱን ጨምሮ ቢያንስ አምስት የጠቅላይ ፍርድ ቤት ዳኞች የተሰየሙበት ሰበር ችሎት በክልል ጉዳይ ላይ በሙሉ ድምጽ የሚሰጠው የህግ ትርጉም በክልሉ ፍርድ ቤቶች ላይ አስገዳጅ የህግ ትርጉም ይኖረዋል፡፡

5. When the Cassation Division to which the application is referred concludes upon examination of the application that the case has a merit, it shall frame issue and sends the same with the Cassation application and summon to the respondent to reply in writing.

20. **Fundamental error of the law**

a final decision is believed to have a fundamental error of law when:-

1. when the decision contravenes with the constitution:
2. there is an error in the interpretation of the law or of the legal principle, or a breach of a clear provision of the law that resulted in undue restriction of human rights or that unduly affected the overall legal system; or
3. Decisions rendered without framing the issue of dispute or rendering decision against the point of dispute or rendering a decision that doesnot relate with orginal issue.
4. matters that have not yet received final decision or denial of justice;
5. Where the case contravenes the Binding Decision of the Cassation Division of the federal Supreme Court.

21. **Binding Nature of the Decision of the Cassation Division**

1. A decision of a Cassation Division, with at least five judges sitting including the President and the Vice President, rendered by unanimity on a state matter, shall be binding on the courts of the region as regards to its legal interpretation.

2. Go'aanada la xushay ee awooda leh iyo qaabka xulashada iyo daabacaadaba guddiga ayaa awaamiir ku soo saari doona.

22. **Goobaha Fadhiyada**

1. Fadhiga joogtada ah ee maxkamada guud wuxuu noqonayaa magaalo madaxada deegaanka ee jigjiga.
2. Fadhiga joogtada ah ee maxkamadaha sare ee goboladu waxay noqonayaa magaalo madaxada gobolka.
3. Fadhiga joogtada ah ee maxkamadaha degmooyinku waxay noqonayaan magaalo madaxda degmada.
4. Fadhiga joogtada ah ee maxkamadaha maamul magaalooyinkuna waxay noqonayaan maamul-magaalooyinka.
5. Maxkamaduhu heer kastaba ha noqdaane marka ay u arkaan muhiim waxay fadhi kasamayn karaan goobaha ay awood garsoor uu leeyihin, si adeeg bixinta garsoorka bulshada loogu dhaweeyo, cadaalad deg deg ahana loo helo.
6. Iyada oo arrinka lagu sheegay qodobka 19aad ee bayaankan ay sideeda tahay maxkamadaha sare iyo kuwa degmooyinku markay talaabadan sare qaadanayaan waxay la tashi lasamayn maxkamada guud.

23. **Afka Shaqo ee Maxkamadaha**

1. Afka shaqo ee maxkamaduhu waa Af-soomaali.
2. Dhinacyada aan AF soomaaliga garanayn maxkamaduhu waa in ay u qabtaan turjumaan.

24. **Fadhi Furan**

1. Maxkamadduhu waa in ay dacwada ku dhegeystaan fadhi dadweynaha u furan.

2. የሰበር ችሎት አስገዳጅ ውሳኔ የአስገዳጅነት ኃይል የሚኖረው በልዩ ልዩ መንገድ ለፍርድ ቤቶች ሲገለጽ ወይም ሲታተም ይሆናል።.

22. **የክልሉ ፍርድ ቤቶች መቀመጫ**

1. የሶማሌ ክልል ጠቅላይ ፍርድ ቤት መቀመጫ የክልሉ መንግስት ዋና ከተማ የሆነችው ጂግጂጋ ነው።

2. የከፍተኛ ፍርድ ቤት መቀመጫ የዞኑ አስተዳደር ዋና ከተማ ነው።

3. የወረዳ ፍርድ ቤት መቀመጫ የወረዳው አስተዳደር ዋና ከተማ ነው።

4. የከተማ አስተዳድር ወረዳ ፍርድ ቤት መቀመጫ የከተማ አስተዳድሩ ዋና ከተማ ነው።

5. በየትኛውም ደረጃ ያለ የክልሉ ፍርድ ቤት የዳኝነት አገልግሎቱን ተደራሽነት ለማረጋገጥ ሲባል ውጤታማነቱ በታመነበት ቦታ ቋሚ ምድብ ችሎት ወይም ተዘዋዋሪ ችሎት ማቋቋም ይችላል።

6. የዚህ አዋጅ አንቀጽ 19 ዲንጋጌ እንዳተጠበቀ ሆኖ የወረዳ ፍርድ ቤት እና የከፍተኛ ፍርድ ቤት ይህንን ተግባራዊ በሚድርግበት ጊዜ ከጠቅላይ ፍርድ ቤት ጋር መመከር አለበት።

23. **የፍርድ ቤቶች የሥራ ቋንቋ**

1. የክልሉ ፍርድ ቤቶች የሥራ ቋንቋ ሶማሌኛ ነው።

2. ሶማሌኛ ቋንቋ ለማይችሉ ተከሳሾች የትርጉም አገልግሎት በነጻ እንዲያገኙ ፍርድ ቤቱ ያመቻቻል።

24. **በግልፅ ችሎት ስለ ማስቻል**

1. ፍርድ ቤቶች ሥራቸውን በግልፅ መምራት አለባቸው።

2. The Commission shall select those binding decisions are rendered to publish and disseminate to the courts through different mechanisms.

22. **Seats of the Regional Courts**

1. The seat of the Supreme Court shall be in Jig-jiga, the seat of the Regional State.
2. The seat of the Zonal High Court shall be in the capital city of the zonal administration.
3. The seat of the District Court shall be in the capital city of the district administration.
4. The seat of the District Court of city administrations shall be in the capital city of the city administration.
5. A Court of any level may, where it finds it necessary to ensure the accessibility of the judicial service, organize a standing or circuit division at places where it is found necessary.
6. Notwithstanding with the provisions under Article 19 of this proclamation where zonal high courts and district courts are to apply the provision of sub-article 5 hereof shall consult the matter with the supreme court.

23. **Working Language of the Courts**

1. Somali Language shall be the working language of the courts.
2. The court shall assign an interpreter, free of charge, for defendants who do not understand Somali Language.

24. **Open Court Proceeding**

1. The courts shall discharge their functions transparently.

2. Iyada oon lagu xad gudbin shuruudaha farqada 1aad ee qodobkan iyo Nidaamyada fadhiyada furan ee hababka iyo xeerarku Sheegayaan, waxaa fadhi xidhan lagu dhagaysan karaa;

B. Marka loo arko in sidaasi lagama maarmaan u tahay Nabad gelyada dadweyaha & dawlada.

T. Marka loo arko dacwadu in ay la xidhiidho waxyaabo sharciga, akhlaaqda guud iyo danaha dhinacyada wax u gaysan karaa.

J. Marka la aamiinsan yahay in ay lagama maarman utahay sharafta qoyska

X. Marka dacwaddu ay la xidhiidho caruur.

25. **Adeega Qareenka Bilaashka ah**

Iyada oo laga duulayo farqada 5aad ee qodobka 21aad ee dastuurka deegaanka iyo farqada 5aad ee qodobka 20aad ee kani federaalka dhinacyada dacwadu waxay xaq u leeyihiin inay helaan qareen u dooda, ama helaan adeeg bixin qareen ayaa:-

1. Qof kastaa waxa uu xaq u leeyahay in uu qareen qabsado ama uu helo adeega qareenka.
2. Maxkamadu waxay u qaban qareen difaac oo bilaash ah ama waxay u fidin adeeg bixin qareen oo bilaash ah, iyada oo kharashka ku baxayana ay dawladu bixinayso, shaqsiyaadka aan dhaqaale ahaan qabsan Karin qareen ama adeegan heli Karin marka lagu soo eedeeyo dacwad culus oo ciqaab teeduna ayna kayarayn 5sano.
3. Iyada oo ay sideeda tahay arinta lagu sheegay qodob hoosaadka 1aad waxay sidoo kale maxkamaddu qareen bilaash ah u qaban ama loo fidin adeeg qareen oo bilaash ah. Marka lagu soo eedeeyo dacwad ay ciqaabteedu kayartahay 5sano, haddii la aaminsanyahay in dheelitirnaan la'aan darteed ay caddaalad daro ka dhalanayso iyo sidoo kale dacwadaha ay ku lug leyihiin dadka nugulka ahi.

2. በዚህ አንቀጽ ንዑስ አንቀጽ 1 እና በሌሎች ሕጎች የተደነገገው እንደተጠበቀ ሆኖ ችሎቱ ቀጥሎ ባሉት ጉዳዮች የችሎት ሥራውን በዝግ ችሎት መምራት ይችላል፡፡

(ሀ) ለሀገርና ህዝብ ደህንነት አስፈላጊ ሆኖ ከተገኘ፤

(ለ) ለማህበረሰብ ወግና የተከራካሪ ወገኖች ግላዊ ኑሮ ለመጠበቅ አስፈላጊ መሆኑ ከታመነበት፤

(ሐ) የቤተሰብን ሚስጥር መጠበቅ አስፈላጊ መሆኑ ከታመነ፤

(መ) ከህፃናት ጋር የሚገናኝ ጉዳይ ከሆነ፡፡

25. **የሕግ አገልግሎት ድጋፍ**

በክልሉ ህግ-መንግሥት አንቀጽ 21 (5) እና በፌዴራል ህግ-መንግሥት አንቀጽ 20 (5) መሠረት ማንኛውም ሰው የሕግ ጠበቃ በማቆም የሕግ ድጋፍ የማግኘት መብት አለው በሚለው ድንጋጌ መሠረት፡፡

1. ማንኛውም ሰው በሕግ ጠበቃ የመወከል ወይም ነፃ የሕግ ድጋፍ የማግኘት መብት አለው፡፡
2. አምስት (5) ዓመት ፅኑ እስራት በሚያስቀጣ ወንጀል የተከሰሰ እና ጠበቃ ማቆም ለማይችል ሰው ፍርድ ቤቱ በመንግስት ወጪ የተከላካይ ጠበቃ አገልግሎት ወይም በነፃ የሕግ ድጋፍ እንዲያገኝ ያደርጋል፡፡
3. በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተጠቀሰው እንደተጠበቀ ሆኖ ፍርድ ቤቱ ፍትህ ይዛባል ብሎ ካመነ ጠበቃ ማቆም የማይችል እና ከአምስት (5) ዓመት በታች በሚያስቀጣ ወንጀል ለተከሰሰ ሰው በመንግስት ወጪ ተከላካይ ጠበቃ ወይም ነፃ የሕግ አገልግሎት ድጋፍ እንዲያገኝ ማድረግ ይችላል፡፡

2. Notwithstanding the provisions of sub-Article (1) of this article and without prejudice to the provisions of other laws, a court division may decide to hear the following cases in camera:

a) If the case involves state and public safety and security;

b) If it is believed that it is necessary for the morality of the public and the privacy of the litigants;

c) When it is believed to be necessary to maintain the integrity of the family; or

d) If the case involves children.

25. **Free Legal Aid Services**

As stipulated in Article 21 sub article 5 of state constitution and Article 20 sub article 5 of federal constitution the right of parties have the right to be represented by legal counsel thereto:-

1. Every party to a proceeding has the right to have a legal councilor and get the service thereof.
2. The court shall assign a defense council, at a state expense, or a free legal service to an individual who doesn't have sufficient means to pay for it if he is accused of a crime punishable with rigorous imprisonment not less than five years.
3. Notwithstanding the provision of sub-article (2) of this Article, the court shall assign a defense council, at a state expense, or a free legal aid service to an individual who does not have sufficient means to pay for it and accused of a crime punishable with an imprisonment less than five years if miscarriage of justice would result otherwise.

4. Maxkamada guud waxay diyaarin qaabdhismeedka iyo hanaanka shaqo ee qareenada difaaca ee dhammaan saddexda heer maxkamadadeed, waxayna kalashaqayn bahwadaagta iyo dhinacyada doorka u leh iyada oo adeegkasta oo noocan ah waxqabadkeeda loo soo gudbin doono maxkamada guud, maxkamada guudna ay u gudbin doonto golaha baarlamaanka.

26. **Fadhi Ka Bixida Garsooraha**

1. Garsoore kasta waa in uu fadhiga ka baxo marka:
   B. Dhinacyada ama qareenka ay xigto yihin ama xidid yihiin, sida uu dhigayo xeerka madaniga ah ama dooda ay ku jiraan xaaskiisa ama xaas ay kala tageen ama dacwad la xidhiidha arin uu wakill qareen ama ilaaliye ka ahaa.
   T. Dooda mar-hore garsoore-nimo ama oday nimo uu ku galay ama
   J. Dacwawad kale dhinacyada midkood ay isku hayaan.
2. Qodobkan tirsigiisa 1aad sida ku xusan garsooruhu marka uu ogaado jiritaanka arrimaha sare ku xusan waa in uu fadhiga ka baxo.
3. Sida kuxusan Qodobkan Tirsigiisa 2aad haddii uusan garsooruhu fadhiga ka bixin, dhinaca arintu ay khuseyso waa in uu maxkamada u soo qortaa codsi fadhi kabixida garsoorka la xidhiidha inta aanu doodaa bilaabin ama marka uu ogaado sababaha keenaya fadhi ka bixida garsooraha.
4. Garsooraha ay arrintu khuseyso wuu kabaxaya fadhiga marka ay garsooreyaasha kale cabashada laga keenay go'aan ka gaadhayaan. Haddii fadhiga arjiga loo gudbiyay hal garsoore yahay cabashadana isaga laga keenay:- garsoore-haasi cabashada marka uu eego kadib fadhiga wuu iskaga bixi karaa, ama wuxuu cabashada u gudbin karaa fadhi kale oo isla maxkamada ah. Haddii uuna fadhi kale jirina waxa uu cabashada u gudbin maxkamada racfaan ee ka saraysa

4. ጠቅላይ ፍርድ ቤት የተከላካይ ጠበቃ አገልግሎት፣ የሕግ ግንዛቤና ነጻ የሕግ ድጋፍ በየትኛውም ደረጃ ባሉ የክልሉ ፍርድ ቤቶች ውስጥ እንዲሰጥ፤ አስፈላጊውን መዋቅርና ሥርዓት ይዘረጋል፡፡ ጉዳዩ ከሚመለከታቸው የክልሉ ምክር ቤት ይሁንት እንዲሰጥበት ያደርጋል፡፡

26. **ዳኛን ከችሎት ስለመነሳት**

1. ማንኛውም ዳኛ ቀጥሎ ካሉት ምክንያቶች ከችሎት መነሳት አለበት፡፡
   (ሀ) ከተከራካሪ ወገን ወይም ከጠበቃው ጋር የሥጋ ወይም የጋብቻ ዝምድና ካለው ወይም ከተከራካሪ ወገን መካከል የፈታው ባል ወይም ሚስት ወይም አባት ወይም እናት ወይም አሳዳጊ ከሆነ ወይም በሕግ ተወካይ ወይም ነገረ ፈጅ ወይም ጠበቃ በሆነበት ጉዳይ ላይ ከርከር ተነስቶ ከሆነ፤
   (ለ) ክርክር በተነሳበት ጉዳይ ላይ አስቀድሞ በዳኛ ወይም ሽማግሌ በመሆን አይቶ ከሆነ
   (ሐ) ከተከራካሪ ወገኖች ጋር ክርክር ካለው፣
2. ማንኛውም ዳኛ በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተገለፀው መኖሩን እንዳወቀ ወዲያውኑ ከችሎት መነሳት አለበት፡፡ ከችሎት የተነሳበትን ምክንያት በመዝገቡ ላይ ማሥፈር አለበት፡፡
3. ዳኛው በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሠረት ከችሎት ካልተነሳ ከተከራካሪ ወገኖች ቅሬታ ያለው ወገን ዳኛው ከችሎት እንዲነሳ አቤቱታ ማቅረብ ይችላል፡፡የሚቀርበው አቤቱታም ክርክር ከመጀመሩ በፊት ወይም ለአቤቱታው ምክንያት የሆነው መኖሩ እንደታወቀ ወዲያውኑ መሆን አለበት፡፡
4. **ዳኛው ብቻቸውን የሚያስችል ከሆነ እና ከችሎት ስለመነሳት የሚቀርበውን ማመልከቻ ተመልከቶ/ታ ጥያቄውን የተቀበለ/ች እንደሆነ ከችሎት ይነሳል/ትነሳለች፡፡**

4. The Supreme Court shall organize necessary structure and working system for the defense council, legal awareness and free legal aid services in all tiers of the courts; it shall work in collaboration and partnership with other organizations to achieve same purpose.

26. **Withdrawal of a Judge**

1. No judge shall sit in a proceeding of case on account of one or more of the following grounds:
   a) Where one of the parties or his attorney is related to him by consanguinity or affinity pursuant to relevant law, or is his spouse or his divorced spouse or is a guardian or the dispute relates to a case in which he acted as a legal representative or an attorney or an advocate;
   b) Where the matter has earlier been brought to his attention in his capacity as a judge or as an arbitrator ;
   c) Where he has a law suit against or in bad terms with any one of the parties;
2. The judge shall withdraw as soon as he is aware of the existence of the circumstances mentioned under sub-article (1) of this article; he shall re-cord on the file the reasons for his withdrawal.
3. Where the judge fails to withdraw in accordance with sub Article (2) of this article, the party in the proceeding may lodge a complaint. The application shall be made before the trial opens or soon after the party becomes aware of the reason for making such an application.
4. An application lodged pursuant to Sub-article (3) of this Article shall be addressed to the presiding judge and be heard and decided by judges other than the one the application was made against. A decision given in this manner shall be final.

5. Mid ka mida codsadayaasha haddii uu san cabashadiisa sababo sugan ku soo gudbinin garsoorayaashu waa in ay ku ganaaxaan ilaa 3000 (saddex Kun oo Bir) codsigiisana siiyaan.
6. Qodobkan sida ku cad go'aanka lagu gaadho racfaan ma laha.

QAYBTA SHANAAD

AWOODA & WAAJIBAADKA GUDDOOMIYEYAASHA MAXKAMADAHA

27. **Awooda Iyo Waajibaadka Guddoomiyaha Maxkamadda Guud.**

Guddoomiyaha Maxkamadda Guud oo hoosyimaada Golaha Deegaanka, ayaa wuxuu leeyahay Awoodaha iyo waajibaadka soo socoda:-

1. Wuxuu metelayaa Maxkamadaha deegaanka.
2. Wuxuu kala meelaynayaa fadhiyada hawl gelinayaa, maamulayaana garsoorayayaasha Maxkamada guud.
3. Wuxuu shaqaalaynayaa oo uu meelaynayaa shaqaalaha ay Maxkamadu u baahan tahay isaga oo soo marinaya sharciga.
4. Wuxuu diyaarinayaa miisaaniyada maxkamadaha una gudbinayaa Golaha xildhibaanada marka loo fasaxana shaqda ku fulinayaa (hawl-gelinayaa).
5. Wuxuu diyaarinayaa qorshe hawleedka maxkamadaha.
6. Wuxuu u gudbinayaa Golaha warbixinta hab u socodka shaqada maxkamadaha oo lagu xoojiyay macluumaad lagu sharaxay shaxda jaantuska.

5. ከተከራካሪዎቹ አንደኛዉ ወገን ዳኛው/ዋ ከችሎት እንዲነሳ ያቀረበዉ ማመልከቻ በቂ ምክንያት የሌለዉ እንደሆነ ፍርድ ቤቱ ማመልከቻዉ ውድቅ በማድረግ በአመልካቹ ላይ እስከ ሦስት ሺህ ብር ያላነሰ ብር መቀጫ ሊጥል ይችላል፡፡
6. በዚህ አንቀጽ መሠረት የተሰጠው ውሳኔ ለይ ይግባኝ ማቀርብ አይፈቀድም፡፡

ክፍል አምስት

የፍርድ ቤቶች ፕሬዚዳንቶች ሥልጣንና ተግባር

27. **የጠቅላይ ፍርድ ቤት ፕሬዚዳንት ሥልጣንና ተግባር**

የጠቅላይ ፍርድ ቤት ፕሬዚዳንት ለክልሉ ምክር ቤት ተጠሪ ሆኖ ቀጥሎ የተዘረዘሩ ሥልጣን እና ተግባር ይኖሩታል፡-

1. የክልሉን ፍርድ ቤቶች ይወክላል፡፡
2. የጠቅላይ ፍርድ ቤቱን ዳኞች በየችሎቶች ይደለድላል፣ ሥራ ይሰጣል፣ ያስተዳድራል፤
3. ለፍርድ ቤቱ የሚያስፈልጉ ሠራተኞችን ይቀጥራል፣ ይመድባል፣ ያስተዳድራል፡፡
4. የክልሉን ፍርድ ቤቶች ዓመታዊ ዕቅድና በጀት አዘጋጅቶ ለምክር ቤት ያቀርባል፤ ሲፈቀድም ያስተዳድራል፤ ሥራ ላይ ያውላል፡፡
5. የክልሉን ፍርድ ቤቶች እስትራቴጅ ክዕቅድ ያዘጋጃል፤ ተግባራዊነቱንም ይከታተላል፡፡
6. የፍርድ ቤቶች የሥራ አፈጻጸም ሪፖርት አስመልክቶ ስለተከናወኑት ተግባር በስታስቲክስ የተደገፈ ሪፖርት አዘጋጅቶ ለክልሉ ምክር ቤት ያቀርባል፡፡

5. Where a party makes an application without good cause, the court may, in addition to dismissing the application, impose a fine not less than 3000 Birr;
6. A decision rendered under this Article shall be final with no appeal

PART FIVE

POWERS AND FUNCTIONS OF COURTS THE PRESIDENTS

27. **Powers and Functions of the Supreme Court President**

Being accountable to the state council, the President of the Supreme Court, who is the top leader of the regional courts, shall have the following powers and functions:

1. Administers the judiciary of the region and represents them thereof;
2. Place, assign in different divissions and administer judges of the court;
3. Hires, assigns and administer other employees necessary for the court;
4. Prepares and submits to the State Council annual budget of the regional courts; administers or ensures its implementation upon approval;
5. Prepares and submits to the State Council annual work plan.
6. causes the preparation and the submission to the State Council of reports on the activities of Regional Courts, as supported by statistical data;

7. Wuxuu soo diyaarinayaa Ajendaha kalfadhiga maxkamada guud shirkana iskugu yeedhayaa.
8. Wuxuu u gudbinayaa golaha hindisaha sharciyada loo baahanyahay& fikradaha dibu habaynta sharciyadda ee uu soo diyaariyo kalfadhiga maxkamada guud.
9. Wuxuu iskugu yeedhayaa xubnaha ku haboon inay ka qayb galaan shirka kalfadhiga maxkamada guud.
10. Wuxuu suurto gelinayaa in la soo xulo islamarkaana la daabaco xukunada iyo go'aanada sanad walba ee laga faa'iidaysan karo.
11. Wuxuu suurto gelinayaa in dadweynuhu fahmaan doorka ay ka ciyaaraan maxkamadaha deegaanku, ilaalinta dastuurka federaalka iyo deegaanka, tixgelinta xuquuqda aadamiga, iyo madax banaanida asaasiga ah ee lagu xaqiijiyay dastuuradaas.
12. Wuxuu sahlayaa isla markaana socodsiinayaa tababarada iyo Waxbarashada Garsoorayayaasha iyo Shaqaalaha kale ee maxkamadaha.
13. Waxa uu isu duba ridaa islamarkaana hawlgaliyaa xafiiska xoghayaha guddiga maamulka garsorka, xafiiska maamulka qareenada dawlada, xafiiska dib u habeynta iyo geedi socodyada kale ee muhiimka ah.
14. Wuxuu soo xulaa guddigana ka ansixiyaa masuuliyiinta xafiiska xoghayaha guddiga maamulka garsoorka, xafiiska maamulka qareenada dawlada, iyo xafiiska dib u habeynta iyo xubnaha kale ee magacaabista ah.
15. Wuxuu soo xulaa guddigana ka ansixiyaa gudoomiyayaasha maxkamadaha sare iyo kuwa degmooyinka

7. .የጠቅላይ ፍርድ ቤት ጉባኤ ስብሰባዎች ያዳራጃል፣ ይጠራል፤
8. ለፍርድ ቤቶች ሥራ አስፈላጊ የሆኑ የህግ ሀሳቦች በመመንጨት ለመንግሥት ያቀርባል እንዲሁም ተዘጋጀቶ የቀርቡ የህግ ማሻሻያ ሀሳቦች ለጠቅላይ ፍርድ ቤት ጉባኤ ያቀርባል፡፡
9. የጠቅላይ ፍርድ ቤት ጉባኤ ስብሰባዎች ላይ የሚሳታፊት አበላት መረጦ እንዲሳተፉ ያደርጋል፣
10. ምርጥ ዓመታዊ ውሳኔዎች ለጥናትና ትንተና ይውሉ ዘንድ መረጦ እንዲታተሙ ያደርጋል፡፡
11. ህብረተስቡ ስለፍርድ ቤቶች አሠራር፣ የፌዴራሉ ሆነ የክልሉ ህገ-መንግሥት ማክበር እና ማስከበር፣ በህገ-መንግሥት የተደነገጉትን የስብዓዊ መብቶችና ነጻነቶች አጠብባቅ ያላቸው ሚና በተመለከተ ግንዛቤ እንዲኖራቸው ያድርጋል፡፡
12. የዳኞችና የሌሎች ሠራተኞች ትምህርትና ሥልጠና የሚካሄድበትን ሁኔታ እንደሰፈላጊነቱ ያመቻቻል፣ ያስተባብራል፤
13. የዳኞች አስተዳድር ጉባኤ ጽ/ቤት፣ የተከላካይ ጠበቆች ጽ/ቤት፣ እና የዳኝነት ማሻሻያ ጽ/ቤትና ሌሎች ለሥራው አስፈላጊ የሥራ ክፍሎች ያዳራጃል እንዲሁም ያስተባብራል.
14. የዳኞች አስተዳድር ጉባኤ ጽ/ቤት ኃላፊ፣ የተከላካይ ጠበቆች ጽ/ቤት ኃላፊዎች፣እና የፍትህ ማሻሻያ ጽ/ቤት ኃላፊና ሌሎች ተሻሚዎች መረጦ/መልምሎ ለሹመት ለጉባኤ ያቀርባል፤
15. የከፍተኛ ፍርድ ቤት እና የወረዳ ፍርድ ቤት ፕሬዚዳንቶች መልምለው በጉባኤ እንዲሾም ያደርጋል፡፡

7. Cause the preparation of Ajendas for discussion by the Plenum of the Supreme Court and call its meetings.
8. Submit to the State Council proposals of darft laws and proposals on Revision of laws that are necessary for the courts which are initiated by Plenum of the Supreme Court.
9. Call and chair participant members of the Supreme Court Plenum meetings.
10. Cause the indexing and publication of judgments and case related data by their type and nature for the purpose of dissemination, research and analysis;
11. Cause provision of training for continuous development of the public attitude toward their role in judicial process, upholding and safeguarding of Federal and state Constitutions, respecting of fundamental rights and freedoms enshrined by the Constitutions.
12. facilitate conditions for the education and training of judges and other personnel;
13. Organize and coordinate the office of judicial Administration Commission, public defense office, Judical reform office and other organs that are necessary for the judicial duties.
14. Nominate and present to the commission for approval, heads of office of judicial Administration Commission, public defense office, Judical reform office and other organs that are necessary for the judicial duties.
15. Nominates and submits to the commission for approval President of High courts and Woreda courts.

16. Wuxuu sababaa in ladarso qaab-dhismeedka maxkamadaha natiijadana u soo bandhigaa guddiga

17. Wuxuu sababaa in la hormariyo siyaasadaha iyo istiraatiijiyadaha la xidhiidha hanaanka adeeg bixinta garsoorka

18. Wuxuu sababaa in lasameeyo daraasadaha la xidhiidha hanaanka garsoorka iyo mida cadaaladeed iyo guud ahaanba hanaanka maamul ee maxkamada fulinteedana waxa uu kala shaqeeyaa dhinacyada doorka ku leh.

19. Wuxuu fulinayaa waajibaadyada kale ee shuruucda kale loogu xilsaaray.

28. **Awooddaha iyo Waajibaadka Guddoomiye Ku-Xigeenka Maxkamadda Guud**

1. Waxa uu matalaa gudoomiyaha maxkamada guud marka uu maqanyahay.
2. Iyada oo arinta lagu sheegay qodob hoosaadka 1aad ay sideeda tahay gudoomiye ku xigeenka maxkamada guud waxa uu door hoggaamineed ku leeyahay hanaanka adeegbixinta garsoorka.
3. Waxa kale oo uu qabtaa hawlaha kale ee uu u xilsaaro gudoomiyuhu.

29. **Awooda Iyo Waajibaadka Guddoomiyaha Maxkamada Sare**

Guddoomiyaha Maxkamada sare wuxuu leeyahay awoodaha iyo waajibaadka soo socoda:-

1. Wuxuu metelayaa maxkamada sare
2. Wuxuu fadhiyada ku kala meelaynayaa hawl-gelinayaa, maamulayaa gorsoorayayaasha maxkamada sare.

16. የፍርድ ቤቶችን መዋቅር አጥንቶ ወይም አስጠንቶ ለጉባኤ ያቀርባል፤ ሲፀድቅም ሥራ ላይ ያውላል፡፡

17. የክልሉን ፍርድ ቤቶች የዳኝነት አገልግሎት አሠጣጥ ፖሊሲ እና እስትራቴጅ **የሚሻሻልበትን ሁኔታ ያመቻቻል፣**

18. የክልሉን ፍርድ ቤቶች የዳኝነት አገልግሎት አሠጣጥ እና አስተዳደር እንዲሁም የክልሉን ፍትህ ሥርዓት አስመልክቶ ጥናት እንዲካሄድ ያደርጋል፣ የጥናት ውጤት ሥራ ላይ እንዲውል ከሚመለከተው አካል ጋር ይሠራል፡፡

19. ሌሎች ከዳኝነት አገልግሎት ጋር የተያያዙ ስራዎችን ይሠራል፡፡

28. **<u>የጠቅላይ ፍርድ ቤት ምክትል ፕሬዚዳንት ሥልጣንና ተግባር</u>**

1. ፕሬዚዳንቱ በሌለ ጊዜ ተክቶ ይሠራል፡፡
2. በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር ለፕሬዚዳንቱ የተሰጡትሥልጣንና ተግባራት እንደተጠበቁ ሆነዉ የጠቅላይ ፍርድ ቤት ምክትል ፕሬዚዳንት የዳኝነት አገልግሎት አሠጣጥ ሥራን ይመራል፡፡
3. በፕሬዚዳንቱ የሚሰጡት ሌሎች ሥራዎችን ይሠራል፡፡

29. **<u>የከፍተኛ ፍርድ ቤት ፕሬዚዳንት ሥልጣንና ተግባር</u>**

የከፍተኛ ፍርድ ቤት ፕሬዚዳንት የሚከተሉትን ሥልጣንና ተግባር ይኖረዋል፡፡

1. ፍርድ ቤቱን ያስተዳድራል፣ ይወክላል፡፡
2. የፍርድ ቤቱን ዳኞች ሥራ ላይ መድቦ ያሠራል፣ ያስተዳድራል፡፡

16. cause to be studied the structure of the courts of the region and submit to the Commission for decision; implements it upon approval;

17. cause ways of Developing policies and strategies regarding the judicial service delivery of the courts; follows up its implementation;

18. Causes the conduct of research and study regarding the rendition of judicial service and court administration as well as the justice system of the region; works in collaboration with concerned organs in order to implement the findings of the research and study;

19. Discharges other functions related to the judiciary entrusted by law.

28. **Powers and Functions of the Supreme Court Vice President**

1. He shall act on behalf of the President in his absence.
2. Notwithstanding the provisions under sub article 1 hereof, he shall be responsible to lead on the rendition of judicial services.
3. He shall carry out other responsibilities as may be entrusted to him by the President.

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29. **Powers and Functions of the President of the High Court**

The President of the High Court shall have the following powers and functions:

1. Administers and represents the court;
2. Assigns and administers the judges and appointees of the court;

3. Isaga oo tixraacaya awaamiirta ay maxkamada guud siiso ayuu maamulaya shaqaalaha kale ee maxkamada.
4. Wuxuu maxkamada guud u soo gudbinaya warbixin xiliyeedka la xidhiidha hab socodka shaqada maxkamada iyo maxkamadaha degmooyinka ee hoos yimaada taas oo lagu xoojiyey macluumaad lagu sharaxay shaxda jaantuska.
5. Wuxuu diyaarinayaa qorshe hawleedka iyo qorshe miisaaniyadeedka maxkamada sare iyo degmooyinka hoos yimaada, wuxuuna u gudbinayaa maxkamada guud, marka loo fasaxana wuu hawl-galinayaa.
6. Wuxuu soo xulaa isla markaana u gudbinayaa maxkamada guud, xukunada iyo go'aamada laga faa'idaysan karo.
7. Wuxuu fulinayaa waajibadyada kale ee sharciyadda kale loogu xilsaaray.

30. **Awoodda & Waajibaadka Guddoomiyaha Maxkamada Degmada**

Guddoomiyaha maxkamada degmadu wuxuu leeyahay awoodaha iyo waajibadka sooso socoda;

1. Wuxuu metelaa maxkamada degmada.
2. Wuxuu fadhiyada ku kala meelayaa, hawlgaliyaa, sidoo kale maamulaa garsoorayaasha maxkamada degmada.
3. Wuxuu maamulaa shaqaalaha maxkamada isaga oo tixraacaya awaamirta ay maxkamada guud iyo maxkamada sare siiyaan.
4. Wuxuu maxkamada sare u gudbinayaa warbixin xiliyeedka hawlaha maxkamada.

3. በጠቅላይ ፍርድ ቤቱን እና በከፍተኛ ፍርድ ቤት በሚስጠው መመሪያ መሠረት የፍርድ ቤቱን ሠራተኞች ያስተዳድራል፡፡
4. የዞኑን ፍርድ ቤቶች እና የተጠሪ የወረዳ ፍርድ ቤቶች እቅድና ሥራ አፈጻጸም ሪፖርት አስመልክቶ ስለተከናወኑት ተግባር በስታስቲክስ የተደገፈ ሪፖርት አዘጋጅቶ ለጠቅላይ ፍርድ ቤት ያቀርባል፡፡
5. የዞኑን ፍርድ ቤት እና የተጠሪ የወረዳ ፍርድ ቤቶች **ዕቅድና በጀት አዘጋጅተው ለጠቅላይ ፍርድ ቤት ያቀርባለ፣ ሲፈቀድም ሥራ ላይ ያውላል፡፡**
6. ምርጥ ውሳኔዎች ለጥናትና ትንተና ይውሉ ዘንድ አይነት በአይነት ተጠናቅረው እንዲታተሙ ለጠቅላይ ፍርድ ቤት ኢንዲቀርቡ ያደርጋል፡፡
7. በህግ የተሰጡትን ሌሎች ተጨማሪ ሥራ ይሠራል፡፡

30· **የወረዳ ፍርድ ቤት ፕሬዚዳንት ሥልጣንና ተግባር**

የወረዳ ፍርድ ቤት ፕሬዚዳንት የሚከተሉትን ሥልጣንና ተግባራት ይኖሩታል፡-

1. ፍርድ ቤቱን ያስተዳድራል፤ ይወክላል፡፡
2. የፍርድ ቤቱን ደኞችን ሥራ ላይ መድቦ ያሠራል፤ ይቆጣጠራል፤ ያስተዳድራል፡፡.
3. በጠቅላይ ፍርድ ቤቱን እና በከፍተኛ ፍርድ ቤት በሚስጠው መመሪያ መሠረት የፍርድ ቤቱን ሠራተኞች ያስተዳድራል፡፡
4. የፍርድ ቤቱን ውቅታዊ ሪፖርት ለከፍተኛው ፍርድ ቤት ያቀርባል፡፡.

3. Have the ultimate responsibility for monitoring the conducts of the court employee in the zonal administration;
4. Prepare and submit the periodic performance reports of the Courts of the zonal administration and that of Woreda courts accountable it is zone.as supported by statistical data;
5. Prepare and submit to the Supreme Court the work plan and budget of the High court and Woreda courts accountable to it, implement same upon approval.
6. Cause the selection of indexing and publication of judgments and case related data by their type and nature for the purpose of dissemination, research and analysis;
7. Carries out other responsibilities as may be entrusted to him under other laws.

30. **Powers and Functions of the President of the Woreda Courts**

The President of the Woreda Court shall have the following powers and functions:

1. shall represents the Woreda court;
2. Assigns and administers judges and appointees of the court;
3. have the ultimate responsibility for monitoring the conducts of the court employee as per the direction given to him from supreme and zonal high courts;
4. Prepares and submits plans and reports of the Court to the zonal High Court;

31. **Awooda Wakiilashada**

1. Gudoomiyaha maxkamada sare ee gobolka ama gudoomiyaha maxkamada degmadu, waxa uu garsoore ka mid ah maxkamadiisa wuxuu u xulan karaa in uu isaga matalo marka uu maqan yahay. Sido kalena, waxa uu xubin shaqaalihiisa ka mid ah uu si kumeel gaadh ah ugu qoondayn karaa in uu shaqo banaan sii buuxiyo
2. Marka uu gudoomiyaha maxkamada sare ama gudoomiyaha degmadu fulinayo waajibaadka ku xusan qodob hoosaadka 1aad waxa uu tixgalin siin waayo aragnimada, kartida iyo hufnaanta loogu baahanyahay shaqadaas.

32. **Gudoomiyeyaasha Iyo Hanaanka Isu Qoolanaanta Masuuliyadeed**

1. Sadexda heer maxkamadeed (deegaan, gobol iyo degmo) sadex-duba waxay yeelan gudoomiye-yaashooda
2. Masuuliyada isu tiirsanaanta ee saddexda heer maxkammadeed waxay noqonaysaa sidan soo socota

B. Gudoomiyaha maxkamada guud waxa uu hoos tagaa golaha baarlamaanka

T. Gudoomiye ku xigeenka maxkamada guud waxa uu hoos tagaa golaha baarlamaanka iyo gudoomiyaha maxkamada guud

J. Gudoomiyaha maxkamada sare ee goboladu waxa uu hoostagaa gudoomiyaha maxkamada guud

X. Gudoomiyaha maxkamada degmaduna waxa uu hoos tagaa gudoomiyaha maxkamada sare

Kh.Gudoomiyaha maxkamada maamul-magaaladuna waxa uu sidoo kale hoos tagaa gudoomiyaha maxkamada sare ee gobolka ay magaaladaasi ku taalo.

31. **ውክልና ስለመስጠት**

1. የዞኑ ወይም የወረዳው ፍርድ ቤት ፕሬዚዳንት ከፍርድ ቤቱ ዳኞች መካካል አንድን የውክልና ሥልጣን ሊሰጥ ይችላል፤፤ እንዲሁም ከሠራተኞቹ ውስጥ አንድን በጊዛዊነት መድቦ ሊያስራ ይችላል፡፡

2. በዚህ አንቀጽ ንኡስ አንቀጽ (1) መሠረት የዞኑ ወይም የወረዳው ፍርድ ቤት ፕሬዚዳንት የውክልና ሥልጣን ሲሰጥ የሥራ ልምድ፣ ሥራው የሚፈልገውን ችሎታ እና ሥነ-ምግባር ከግምት ማስገባት አለበት፡፡

32. **ፕሬዚዳንቶችና ተጠሪነታቸዉ**

1. የሶስቱም እርከን ፍርድ ቤቶች የየራሳቸው ፕሬዚዳንት ይኖራቸዋል፡

2. የክልሉ ፍርድ ቤቶች ፕሬዝንዳቶች ተጠሪነት እንደሚከተለው ይሆናል፡፡

(ሀ) የጠቅላይ ፍርድ ቤት ፕሬዚዳንት ለክልሉ ምክር ቤት፣ተጠሪ ይሆናል፡፡

(ለ) የጠቅላይ ፍርድ ቤት ምክትል ፕሬዚዳንት ለፕሬዚዳንቱና ለክልሉ ምክር ቤት ተጠሪ ይሆናል፤

(ሐ) የከፍተኛ ፍርድ ቤት ፕሬዚዳንት ለፕሬዚዳንት ተጠሪ ይሆናል፡፡፣

(መ) የወረዳ ፍርድ ቤት ፕሬዚዳንት ለከፍተኛ ፍርድ ቤት ፕሬዚዳንት ተጠሪ ይሆናል፡፡

(ሠ).የከተማ አስተዳድር ወረዳ ፍርድ ቤት ፕሬዚዳንት ለከፍተኛ ፍርድ ቤት ፕሬዚዳንት ተጠሪ ይሆናል፡

31. **Power of Representation**

1. The President of High Court or that of the Woreda court may as, Whenever the President of the Court gives power of representation,
2. Where the president of Woreda courts is exercising the power under sub-article hereof he shall take into account the work experience, the competence and integrity required for that particular assignment.

32. **Presidents and their Line of Responsibility**

1. All the three levels of Courts shall have their respective presidents.
2. The line of responsibility of the different levels of Courts shall be as follows:

(a) The President of the Supreme Court is responsible to the state council;

(b) The Vice President is responsible to the President and to the state council;

(c) The President of the zonal High Court is responsible to the state supreme court President;

(d) The President of the Woreda Court is responsible to the President of the zonal High Court.

e). The President of the Woreda Court of city administration is responsible to the President of the zonal High Court.

QAYBTA LIXAAD
MIISAANIYADA IYO MAAMULKA CUDUDA SHAQAALAHA TAAKULAYNTA EE MAXKAMADDAHA DEEGAANKA

33. **Madaxbanaanida Miisaaniyad Ahaaneed ee Maxkamadaha**

1. Maxkamadda guud waxay miisaaniyada maxkamadaha u gudbin golaha baarlamaanka; marka loo ansixiyana way isticmaali.
2. Xafiiska maaliyada iyo horumarinta dhaqaalaha, isaga oo raacaya xeerarka maaliyada ayaa waxaa waajib ka saaranyahay in miisaaniyada sanad laha ah ee ay golaha baarlamaanku u ansixiyeen maxkamadaha in ay u soo daayaan maxkamada qasnadeedana ugu soo shubaan bilawga rubuc kaste oo sanad miisaaniyadeedka ka mid ah

34**. Miisaaniyada Maxkamadaha**

1. Iyada oo laga duulayo sida uu dhigayo qodobka 68aad firqadiisa 7aad ee dastuurka DDS gudoomiyaha maxkamadda guud ayaa diyaarin miiisaaniyada maxkamadaha una gudbin golaha xildhibaanada ee Deegaanka.
2. Gudoomiyaha maxkamada guud isaga oo kaashanaya masuuliyiinta kale ee hayada garsoorka ayuu sharaxaad iyo faahfaahin ka siin golaha codsiga iyo qorshaha miisaaniyadeed ee loo soo gudbiyay
3. Maxkamada guud waxay warbixinta la xidhiidha isticmaalka miisaaniyada loo ansixiyay u gudbisaa golaha Deegaanka.
4. Sanad miisaniyadeedka maxkamaduhu waxa uu lamid yahay sanad miisaaniyadeedka dawlada.
5. Hanaanka ansixinta miisaaniayada maxkamadaha faahfaahinteeda iyo doorka gudiyada joogtada ah ee ay khusayso waxaa lagu soo saari doonaa awaamiir.

35.**Mudo Shaqeedka Maxkamadaha**

1. Saacadaha shaqo ee maxkamadaha iyo garsooreyaashu waxa uu lamid yahay saacadaha shaqo ee hayadaha dawlada iyo shaqaalaha dawlada

ክፍል ስድስት
ስለክልል ፍርድ ቤቶች የበጀትና የሰው ሀብት አስተዳደር

33.**የፍርድ ቤቶች የበጀት ነፃነት**

1. የክልሉ ጠቅላይ ፍ/ቤት የክልሉ ፍ/ቤቶችን በጀት አዘጋጅቶ ለክልሉ ምክር ቤት ያቀርባል፡፡ ሲፅድቅም በአግባቡ መጠቀሙን ያረጋግጣል፡፡
2. **የክልሉ ፍይናንስና ኢኮኖሚ ልማት ቢሮ** በክልሉ ምክር ቤት አማካይነት ለክልሉ ፍርድ ቤቶች የጸደቀ በጀት **በፍይናንስ ህግ መሠረት** ሲጠየቅ የመፈቀድ □□ ታ□አለበት.□

34. **ስለ ፍርድ ቤቶች በጀት**

1. በክልሉ ሕገ-መንግሥት አንቀጽ 68 (7) በተደነገገው መሰረት የክልሉ ጠቅላይ ፍ/ቤት ፕሬዚዳንት የክልሉ ፍ/ቤቶችን በጀት አዘጋጅቶ ለክልሉ ምክር ቤት ያቀርባል፡፡
2. የክልሉ ጠቅላይ ፍ/ቤት ፕሬዚዳንት ከሌሎች የፍርድ ቤት ታላፊዎች ጋር በመሆን ለክልሉ ምክር ቤት በመቅረብ የበጀት ጥያቄውን ያስረዳል፡፡
3. የክልሉ ጠቅላይ ፍርድ ቤት ለፍርድ ቤቱ የጸደቀላቸውን በጀት አጠቃቀም አስመልክቶ ለክልሉ ምክር ቤት ሪፖርት ያቀርባል/ታቀርባለች፡፡
4. የክልሉ ፍ/ቤቶች የበጀት ዓመት የክልል መንግሥቱ የበጀት ዓመት ይሆናል፡፡
5. የፍርድ ቤቶች የበጀት አፀደድቅ ዝርዝር ሂድት እንዲሁም በሂድቱ ለይ የቋሚ ኮሚቴዎች ሚና በመመሪያ ይወስናል፡፡

35. **የፍርድ ቤቶች የስራ ጊዜ**

1. የክልል ፍርድ ቤቶች እና ዳኞች የስራ ሰዓት ከሌሎች የመንግስት መስሪያ ቤቶች የስራ ሰዓት ጋር ተመሳሳይ ይሆናል።

PART SIX
BUDGET AND HUMAN RESOUCE MANAGEMENT OF STATE COURTS

33.**Budgetary Adminstration Autonomy of State Courts**

1. State Supreme Court shall submit the annual budget of courts to the state council, shall disburse upon approval.
2. Bureau of finance and economic development in accordance with the financial administration rules and regulation shall release the appropriation of the budget to the supreme Courts made state council on quarterly bases.

34**. Budget Of Courts**

1. In accordance with Art 68 (7) of the Constitution, the president of the state Supreme Court shall prepare budget for Federal Courts and submit the same to the House of People`s Representatives.
2. The President shall, together with other judicial officials, shall explain the budget request of the state Courts before the state council.
3. The state Supreme Court shall present report to the state council regarding the administration of budget to state Courts.
4. The fiscal year of the State courts shall be the same as the fiscal year of the reginal state Government.
5. The procedure in which standing committees shall present to the council and its role courts budget approval process shall be determined by a directive of the council.

35. **Callander Of The Courts**

1. The work hours of the state courts and state judges shall be the same with the working hours of other government institutions and civil servants

2. Iayda oo aan waxba loo dhimaynin sida lagu sheegay qodob hoosaadka 1aad ee qodobkan maxkamadaha deegaanku way xidhnaan doonaan sanad walba 1da bisha hamle ilaa 30 bisha Nehaase
3. Arinta lagu sheegay qodob hoosaadka 2aad ee qodobkan iyada oo ay sideeda tahay. Hadii ay timaado xaalad degdeg ah waxaa shaqayn garsoor la siiyo gunada shaqada dheeriga ah. Faah-faahinta waxaa lagu soo saari doonaa awaamiir ay maxkamada guud soo saarto.

36. **Shaqaalaha Taakulaynta**

1. Maxkamaduhu waxay u madax banana yihiin xulashada, meelaynta iyo maamulista shaqaalaha taakulaynta si waafaqsan tiirarka aasaasiga ah ee bayaanka shaqaalaha dawlada
2. Iyada oo arinta lagu sheegay qodobhoosaadka 1aad ee qodobkan:- xulashada, meelaynta dalacsiinta, kala bedelka, tababarka, mushaahar korodhka, gunooyinka, arimaha anshaxa iyo arimaha kale ee la xidhiidha shaqaalaha taakulaynta waxaa lagu maamuli xeer-nidameedka ku soo baxa hab wafaaqsan bayaankan.
3. Xuquuqaha iyo gunooyinka shaqaalahan taakulayntu kama hoosaynayo xuquuqaha shaqaalaha dawlada lagu siiyay bayaanka shaqaalaha dawladda
4. Inta laga soo saarayo sharci ku saabsan habka shaqaalaynta shaqaalaha taakulaynta ee maxkamadaha, dalacsiintooda, kala badelkooda iyo maamulkooda waxaa lagu sii maamulayaa sharcigii hore ee shaqaalaha dawlada.

37. **Hantidhawrka**

Diiwaaɬada xisaabaadka iyo dhokumeentiyada lacageed ee maxkamada deegaanka waxaa hantidhawr ku samayn hantidhawrka guud ee Deegaanka.

QAYBTA TODOBAAD

38. **Kalfadhiga Maxkamadda Guud**

Maxkamadda guud waxay yeelan kalfadhiga maxkamada guud oo bayaankan dhexdiisa loogu yeedhayo kalfadhiga maxkamada guud.

2. የዚህ አንቀጽ ንኡስ አንቀጽ 1 የተመለከተዉ ቢኖርም የክልል ፍርድ ቤቶች በየአመቱ ከሀምሌ 1 እስከ ነሐሴ 30 ድረስ ዝግ ይሆናሉ።
3. የዚህ አንቀጽ ንኡስ አንቀጽ 1 እና 2 የተመለከተዉ ቢኖርም በትርፍ ጊዜ በሚሰሩ ዳኞች ፍርድ ቤቶቹ ከስራ ጊዜ ዉጭ አስቸኳይ ጉዳዮችን አንዲያስተናግዱ ሊደረግ ይችላል። ዝርዝሩ ጠቅላይ ፍርድ ቤት መመሪያ ይወሰናል።

36· **የሰው ሀብት**

1. ፍ/ቤቶች በመንግስት ሠራተኞች አዋጅ መሠራታዊ መርሆዎችን መሠረት በማድረግ ከዳኞች ዉጭ ያሉ የእራሳቸውን ሠራተኞችን የመመልመል፣ የመቅጠርና የማስተዳደር ነፃነት አላቸው።
2. የዚህ አንቀፅ ንዐስ አንቀፅ (፩) ዴንጋጌ እንዯተጠበቀ ሆኖ ከዳኞች ዉጭ ያለ ሰራተኞች ምልመለ፣ ቅጥር፣ ምድባ፣ ዕድገት፣ ዝውውር፣ሥልጠና፣ የድመወዝ ጭማሪ፣ የጥቅማ ጥቅም ክፈ፣ያ፣ የሰራተኞች የዲሲፕልን እና ተያያዥ ጉዲዮች የሚወሰነው ይህንን አዋጅ ለማስፍፀም በሚወጣው ድንብ አማካኝነት ይሆናል።
3. የአስተዳደር ሠራተኞች መብትና ጥቅማ ጥቅም በመንግስት ሠራተኞች አዋጅ ለሌሎች የመንግስት ሠራተኞች ከተፈቀደው ያነሰ ሊሆን አይችልም።
4. የአስተዳደር ሠራተኞች መተዳደሪያ ድንብ እስከሚወጣ ዴረስ የሠራተኞች ቅጥር፣ ዝውውር፣ እድገትና አስተዳደር የዚህን አዋጅ መርሆዎች ሳይቃረን ቀደሞ ሲሰራበት በነበረው ሕግ መሰረት ይቀጥላል።

37. **ኦዲት**

የክልሉ ፍርድ ቤቶች የሂሳብ መዝገብና የበጀት አጠቃቀም በህግ መሰረት መከናወኑን በክልሉ ዋና ኦዲተር በየአመቱ ይመረመራል።

ክፍል ሰባት

38. **የጠቅላይ ፍርድ ቤት ጉባዔ**

የጠቅላይ ፍርድ ቤት አንደ የክልል ፍርድ ቤቶች ጉባዔ እየተባለ የሚጠራ ይኖራቸዋል።

4. Notwithstanding sub-article (1) of the provision of this article, state courts shall be closed from July 8 to September 12 every year.
5. Notwithstanding sub article (2) of this article, emergency cases shall be tried in courts by judges who work in over-time voluntarily. Details shall be determined by a directive to be issued by the Supreme Court.

36. **Human Resources**

1. State Courts shall have independence to recruit, hire and administer their own non- judicial personnel.
2. without being limited to generality provided under sub-article (1) hereof, The recruitment, hire, placement, promotion, transfer, training, salary increments, benefits, disciplinary matters and other related matters of non-judicial personnel shall be governed by a regulation prepared by the Supreme Court and approved by the Council.
3. The rights and benefits of non-judicial personnel cannot be less than the rights of other government employees provided for by the civil service law.
4. Recruitment, placement, promotion and transfer of non-judicial personnel shall continue to be governed by the repealed law in so far as they are consistent with this Proclamation until a regulation is issued to that effect.

37. **Audit**

The books of accounts and utilization of budget of state courts shall be audited annually by the state Auditor General.

PART SEVEN

38. **Plenum of the Supreme Court**

The Supreme Court shall have a state Courts Plenum (hereinafter referred to as" the Plenum.")

39. **Xubnaha Kalfadhiga**

1. Guddoomiyaha iyo ku-xigeenka maxkamada guud, garsooreyaasha maxkamada guud, madax xafiised hoosadyada, gudoomiyeyasha maxkamada sare, waxay xubno ka noqonayaan kalfadhiga maxkamada Guud.
2. Garsoorayaasha kale ee aan lagu xusin iyo xafiisyada, ururada iyo shaqsiyada ku haboon ee gudoomiyaha maxkamaddu kumarti qaado waxay kalfadhiga ka qayb gali karaan iyaga oo aan cod lahayn.

40. **Awoodda Iyo Waajibaadka Kalfadhiga**

Kalfadhigu wuxuu yeelanhayaa awoodaha iyo waajibaadka soo socda;

1. Wuxuu ka wada hadlaa xalna u raadiyaa dhibaatooyinka hawsha garsoorka lagala kulmo.
2. Wuxuu soo saara awaamiir iyo go'aano wax tari Kara hawsha garsoorka maxkamadaha.
3. Wuxuu golaha dawlada talo ugu soo jeedinayaa in la dejiyo sharciyo cusub in dib u habayn lagu sameeyo sharciyadii hore ee jiray.
4. Wuxuu meel mariyaa waajibaadyada kale ee dadejinaya isla markaana caawinaya dardar gelinta hawsha cadaalada iyo garsoorka.
5. Wuxuu soo saaraa xeer hoosaadyo waxtar u leh habsami u fulinta hawlaha garsoorka.

41. **Nidaamka Kalfadhiga**

1. Gudoomiyaha maxkamadda guud waa shir gudoomiyaha kalfadhiga
2. Kalfadhigu wuxuu yeelanayaa xoghayn
3. Kalfadhigu wuxuu shirayaa sanadkiiba mar, hase yeeshee markuu gudomiyuhu uu arko in loo baahan yahay ama ay codsadaan saddex dalool laba (2/3) xubnaha kalfadhigu waxaa la iskugu yeedhi karaaa shir aan caadi ahayn
4. Shirka kal fadhiga wuxuu qabsoomi karaa marka ay joogaan saddex dalool labo (2/3) xubnaha kal fahiga
5. Go'aanka shirka waxaa lagu qaadanayaa cod hal dheeri ah ee xubnaha jooga. Markasta uu codku bar baro noqdo dhinaca guddomiyuhu raaco ayaa go'aanku udhacaya

39. **የጉባዔው አባላት**

1. የጉባዔው አባላት የክልሉ ጠቅላይ ፍርድ ቤት ፕሬዚዳንት፣ ምክትል ፕሬዚዳንትና ዳኞች፣ የጽ/ቤት ኃላፊዎች፣ የከፍተኛ ፍርድ ቤቶች ፕሬዚዳንቶች ይሆናሉ፡፡
2. ሌሎች ዳኞች እና አግባብ ያላቸው የመንግሥት መሥሪያ ቤቶችን፣ ማኅበራትን የሚወክሉ ሰዎች ወይም ሌሎች ግላሰቦች በጉባዔው እንዲሳተፉ በጠቅላይ ፍርድ ቤት ፕሬዚዳንት ሊጋበዙ ይችላሉ፡፡ ሆኖም ድምፅ ይስጡም፡፡

40. **የጉባዔው ሥልጣንና ተግባር**

ጉባዔው ከዚህ የሚከተለት ሥልጣንና ተግባራት ይኖሩታል፦

1. በዳኝነት ነጻነት፣ ገለልተኝነት፣ ተጠያቂነት እና በፍትህ አስተዳድር ባጋጠሙ ችግሮች ላይ ተወያይቶ መፍትሔ መስጠት፣
2. የዳኝነት አሠራርን ለማሻሻል የሚረዱ መመሪያዎችና ውሳኔዎችን ማሳለፍ፣
3. አዲዱስ ሕጎች እንዲወጡ ወይም ነባር ሕጎች እንዲሻሻሉ መንግሥት ሃሣብ ማቅረብ፣
4. የዳኝነት ሥራ አካሄድን ለማቀላጠፍና ለማጠናከር የሚረዱ ሌሎች ተግባራትን ማከናወን፤ እና
5. የዳኝነት ሥራ አፍፃፀም አስፈላጊውን መመሪያ ማውጣት፡፡

41. **የጉባዔው አሠራር ሥነ-ሥርዓት**

1. የክልሉ ጠቅላይ ፍርድ ቤት ፕሬዚዳንት የጉባዔው ሰብሳቢ ይሆናል፡፡
2. ጉባዔው የራሱን ፀሐፉ ይመድባል፡፡
3. ጉባዔው በዓመት አንድ ጊዜ ይሰበሰባል፡፡ ሆኖም አስፍላጊ ሆኖ ሲገኝ በፐሬዚዳንቱ ሲጠየቀ ወይም ከጉባዔው አባላት ሁላት ሶስተኛው ሲጠየቀ ተጨማሪ ስብሰባም መጥራት ይችላል፡
4. ከጉባዔው አባላት ሁለት ሶስተኛው ከተገኙ ምልዓተ ጉባዔ ይሆናል፡፡
5. ውሣኔ በድምፅ ብልጫ ይተላለፍል፡፡ ድምፅ እኩል ለእኩል በተከፈለ ጊዜ የጉባዔው ሰብሳቢ ወሳኝ ድምፅ ይኖራቸዋል።

39. **Members of the Plenum**

1. Members of the plenum shall be the President, Vice-President and Judges of the supreme Court, heads of sub offices and zonal High Court Presidents,
2. Judges and representatives of appropriate government offices, organizations, or other individuals may be invited by the president of Supreme Court to participate in the Plenum without, however, having the right to vote.

40. **Powers and Duties of the Plenum**

The Plenum shall have the following powers and duties:

1. Deliberate on problems encountered by the judiciary and work out remedies thereto;
2. Issue directives and pass decisions that help improve the judicial practices of courts;
3. Submit proposals to the state council for the enactment of new laws or the amendment of existing ones;
4. Perform such other functions that help to make the judiciary efficient and strong; and
5. Issue directives necessary for the proper carrying out of its duties.

41. **Working Procedure of the Plenum**

1. The President of the Supreme Court shall be the chairperson of the Plenum.
2. The plenum shall designate its secretary.
3. The Plenum shall, where necessary, have its own liaison office and focal persons in courts.
4. The Plenum shall convene once a year on non-working days. Additional meetings may be called when necessary.
5. Two- thirds of the members of the Plenum shall constitute a quorum. Decisions shall be adopted by a majority vote. In case of a tie the chairperson shall have a casting vote.

QAYBTA SIDDEEDAAD

42. **Dhexdhexaadinta ay Maxkamaddu Hogaamiso**

1. Qaybo kamida dacwadaha yimaada maxkamadaha degmooyinka iyo maxkamadaha sare ee la xidhiidha arrimaha madaniga waxaa loo diri karaa dhexdhexaadin ay maxkamadu hogaaminayso, iyada oo la raacayo awaamiir ay maxkamada guud soo saarto.
2. Marka ay dhinacyadu kuguul daraystaan in ay khilaafaadkooda ku xaliyaan dhexdhexaadinta ay maxkamadu hogaaminayso, waxaa dib u bilaabmaya geedi-socodkii maxkamada ee caadiga ahaa, iyada oo laga duulayo warqada wargalinta ah ee ay saxeexaan dhexdhexaadiyeyaasha ay khusayso arrintaasi.
3. Marka ay dhinacyadu heshiiyaan dhex-dheexaadiyeyaashu waxay suurto galinayaan in ay maxkamadu heshiiskaas ansixiso, iyada oo si cad u qeexaysa qodobada lagu heshiiyay kana saxeexaysa dhinacyada.
4. Heshiiska laysla gaadhay ee la ansixiyay waxaa loo fulin sidii go'aan maxkamadeed oo kale.
5. Haddii geedi-socodka uu hakad ku yimaado sababo la xiidhiidha maqnaanshaha mid kamida labada dhinac awgii, dhex-dhexaadiyuhu wuxuu warbixin siin maxkamada, isaga oo cadaynaya sababata keentay hakadka. Waxaana labilaabi dhagaysigii maxkamada ee caadiga ahaa iyada oo uu dhinicii baaqday bixinayo ganaaxa ku haboon.
6. Marka ay dhinacyadu ay ku heshiiyaan dhex-dhexaadinta ay maxkamaddu hogaaminayso ama qaab kale oo la xidhiidha xalinta khilaafadka, ujuuro walba oo laqaaday waa loo celin marka laga reebo kharashka dhex-dhexaadinta si waafaqsan awaamiirta ay maxkamada guud soo saari doonto.

ክፍል ስምንት

42. **የፍርድ ቤት መር አስማሚነት**

1. በክልሉ የመጀመሪያ ፍርድ ቤት እና ከፍተኛ ደረጃ ፍርድ ቤት ከሚቀርቡ የፍታብሄር ጉዳዮች ዉስጥ ጠቅላይ ፍርድ ቤት በሚያወጣዉ መመሪያ የሚወሰኑ ጉዳዮችበፍርድ ቤቶቹ በሚቋቋም የፍርድ ቤት መር አስማሚነት በኩል እንዲያልፉ ይደረጋል።
2. ተከራካሪ ወገኖች በፍርድ ቤት መር አስማሚነት በኩል ጉዳያቸዉን በስምምነት ካልጨረሱ ይህንኑ የሚገልጽ በአስማሚዎቹ የተፈረመ ደብዳቤ ለፍርድ ቤት በማቅረብ የፍርድ ሂደቱ እንዲቀጥል ይደረጋል።
3. የተስማሙ ከሆነ የስምምነቱ ሁኔታዎች በአስማሚዉ በግልጽ ተለይተዉ ከቀረቡ እና ተከራካሪዎቹ ከፈረሙበት ቡኃላ አስማሚዉ ይህን ሰነድ ለፍርድ ቤት ቀርቦ እንዲጸድቅ ያደርጋል።
4. የጸደቀዉ የስምምነት ሰነድ እንደማንኛዉም የፍርድ ቤት ዉሳኔ ተፈጻሚ ይሆናል።
5. በአንደኛዉ ተከራካሪ ወገን ያለመቅረብ ምክንያት የመስማማት ሂደቱ ካልተሳካ አስማሚዉ ይህንኑ በመግለጽ ለፍርድ ቤቱ ሪፖርት ያደርጋል። መደበኛዉ የፍርድ ሂደትም ይቀጥላል።
6. በፍርድ ቤት መር አስማሚነትም ይሁን በሌላ አማራጭ የግጭት መፍቻ ዘዴ ግራ ቀኙ ከተስማሙ በደንቡ መሰረት ወጭዎች ተቀንሰዉ የከፈሉት የዳኝነት ክፍያ ተመላሽ ይደረግላቸዋል።

PART EIGHT

42. **Court Annexed Mediation**

1. Among the cases that are to be heard by the state woreda court and zonal High Court, some cases shall be referred to Court Annexed Mediation in accordance with directive issued by the Supreme Court.
2. Where the parties have failed to resolve their dispute through Court Annexed mediation, the court proceedings shall be initiated by filing a letter signed by the mediators to that effect.
3. Where the parties have reached an agreement, the mediator shall cause the approval of the settlement agreement by a court by clearly stating the terms of settlement and having it signed by the parties.
4. The approved settlement agreement shall be executed like any decision of a court.
5. Where the proceeding is interrupted due to absence of the other party, the mediator shall report to the court by specifying the reason for the interruption and the court proceedings shall be initiated.
6. Where the parties have reached an agreement, any paid court fee shall be reimbursed after deducting mediation expenses in accordance the directive to be issued by the Supreme Court.

7. Maxkamadda guud waa in ay aasaastaa guddi caawiya hawlaha dhexdhexaadinta maxkamaddu hoggaaminayso, islamarkaana kormeera dhex-dhexaadiyeyaasha kuwaas oo ka kooban hogaaminta maxkamadaha, garsooreyaasha iyo khabiiro sare oo dhex-dhexaadiyeyaal ah.
8. Maxkamada guud waxay soo saari awaamiir sii faahfaahinaysa arimaha lagu sheegay qodobkan.

43. **Tiirarka Dhex-Dhexaadinta**

Dhinacyadu waxay noqonayaan kuwo xor ah islamarkaana u siman geedi-socodkasta oo la xidhiidha dhexdhexaadinta ay maxkamaddu hogaamiso, xiliga geedi-socodka dhexdhexaadinta lagu jiro dhaarta iyo doodaha ay iswaydaarsadaan, dhinacyadu maxkamada looguma gudbin karo caddayn ahaan, dhexdhexaadiyuhuna waa in uu sidoo kale damaanad qaadaa arintaas

44. **Dhexdhexaadiyeyaasha**

1. Waxaa dhexdhexaadiye loo magacaabi karaa qof haysta shaahaadada digriiga (degree) ama shahaadada dhibloomada islamarkaana haysta ugu yaraan shan sano oo khibrad ah, taas oo uu ku shaqeeyay sharciga, iyo tababaro la xidhiidha arrimaha dhexdhexaadinta sidoo kalena buuxiyay shuruudaha ay soo saari doonto maxkamada guud.
2. Sidoo kale waxaa dhex-dhexaadiye loo magacaabi karaa qofkaste oo leh aqoon dhaqami ah u leh arimaha dhexdhexaadinta islamarkaasna sumcad ku dhex leh bulshada dhexdeeda kaas oo ay maxkamaddu u aragto in uu gudan karo shaqadaasi.
3. Xirfadlaha buuxiyay shuruudaha lagu xusay qodob hoosadka 1aad ee qodobkan, wuxuu galayaa diwaanka maxkamadda guud ee dhexdhexaadiyeyaasha.

7. ጠቅላይ ፍርድ ቤት ይህን የሚደግፍ ሥርዓትና መርሆዎችን ይዘረጋል፤ ጉዳዩ ከሚመለከታቸው ሌሎች አካላት ጋር በመተባበርም ይሠራል፡፡
8. የዚህን ድንጋጌ ለማስፈጸም የክልሉ ጠቅላይ ፍርድ ቤት ዝርዝር መመሪያ ያወጣል።

43. **ስለአስማሚነት መርሆዎች**

በፍርድ ቤት መር አስማሚነት የሚደረገዉ ማንኛዉም ሂደት በእኩልነት እና በባለጉዳዮቹን ሙሉ ፍላጎት ላይ የተመሰረተ መሆን አለበት። በማስማማት ሂደቱ ተከራካሪ ወገኖች የሚሰጡት የእመነት ቃሎች ወይም ማንኛዉም ንግግሮች ለፍርድ ቤት በማስረጃነት አይቀርቡም። ለዚህም አስማሚዉ ማረጋገጫ ይሰጣል።

44. **ስለአስማሚዎች**

1. የአስማሚነት ስልጠና ወስደዉ በክልሉ ጠቅላይ ፍርድ ቤት የሚያወጣዉን ምዘና ያለፉ ቢያንስ በህግ የመጀመሪያ ዲግሪ ያላቸዉ እና ከአምስት አመት ያላነሰ ጊዜ በህግ ሙያ ያገለገሉ አስማሚ ሆነዉ ሊመረጡ ይችላሉ።
2. በልምድ የአስማሚነት ከፍተኛ ልምድ በህላዊ ያላቸውና በማህበርስቡ ውስጥ መልካም ስምና ሥና ምግባር ያለው ማንኛውም ሰው ስማሚ ሆነዉ ሊመረጡ ይችላል።
3. የዚህ አንቀጽ ንኡስ አንቀጽ 1 የተገለጸዉን ያሟሉ ባለሙያዎች የክልሉ ጠቅላይ ፍርድ ቤት በሚያዘጋጀዉ የአስማሚዎች ሮስተር መዝገብ ዉስጥ እንዲካተቱ ይደረጋሉ።

7. the state supreme court shall establish a committee comprised of the administration of supreme court, senior judges and an experts with high expertise as mediators to support the Mediation activities and supervise mediators of Court Annexed Mediation.
8. The Supreme Court shall issue regulation for the implementation of this Article,

43. **Principles of Mediation**

The parties shall be free and equal in any process of mediation. Communications of the parties shall not be admissible as evidence in the process of litigation. And the mediator shall give assurance for same. All communication of the court-annexed mediation shall be confidential.

44. **Mediators**

1. A person with a bachelor degree in law and with at least five years of experience in the field of law and who has taken training in mediation and has fulfilled the criteria set by the Supreme Court may be appointed as Mediator.
2. In addition a person with an experience in the field of traditional Mediation practices may be appointed as Mediator.
3. A professional who has fulfilled the requirements provided for in Sub-article (1) of this Article shall be entered in the roster of mediators prepared by the state Supreme Court.

4. Maxkamaddu waxay si rasmi ah u shaqalaysiinaysaa dhexdhexaadiye hadba sida loogu baahdo.
5. Iyada oo sideeda ay tahay arrimaha lagu xusay qodobkan qodob-hoosadyadiisa (1) ilaa (3), xirfadleyaasha khibrada leh balse aqoon sharci aan lahayn waxaa lagu dari meelaha ay aqoontoda iyo khibradoodu khusayso.

45. **Ujuurada**

1. Dhexdhexaadiyeyaasha ay soo xushaan dhinacyadu ee dhexdhexaadinta sameeya waxa ay xaq uyeelanayaan in la siiyo gunno ku haboon adeega ay qaabteen awgeed.
2. Dhinacyada qaybta ka ah dhexdhexaadinta ay maxkamaddu hogaaminayso waa in ay bixiyan gunnada ku haboon adeega.
3. Maxkamada guud waxa ay soo saari awaamiir la xidhiidha ujuurada dhexdhexaadinta

46. **Maaraynta Geeddi-Socodka Dacwada**

1. Maxkamadda guud waxay hirgalin habka maaraynta geedisocodka dacwadaha si ay hanaanka adeeg bixinta garsoorka iyo cadaaladu u noqoto mid hufan islamarkaana loo xaqiijiyo tayada go'aanada waxayna jaangoyn waqti go'an oo lagu qaabilo dacwadaha isla markaana ay ku dhammaadaan.
2. Maxkamada guud waxay soo saari awaamiir lagu faahfaahinayo arrimaha lagu sheegay qodobhoosadka 1aad ee qodobkan.

47. **Maaraynta Gal-Dacwadeedyada Ku Salaysan Tiknooloojiyada Casriga ah**

1. Maxkamada guud waxay suurto-galinaysa in saddexda heer maxkamadaha laga hirgalinayo ee hanaan ku salaysan tiknoolajiyada casriga ah ee (ICT), kaasoo lagu casriyaynayo laguna kaydinayo dhamaan gal-dacwadeedyada.

4. እንደአስፈላጊነቱ ፍርድ ቤቱ ቋሚ የሆኑ ወይም በጊዜያዊነት ብቁ አስማሚዎችን ሊቀጥር ይችላል።
5. በዚህ አንቀፅ ከንዐስ አንቀፅ (1) እሰከ (3) የተጠቀሰው ቢኖርም ከህግ ሙያ ውጭ በሆነ ሌላ ሙያ ከፍተኛ ልምድ ያላቸው ኤክስፐርቶች ከሙያቸው ጋር ተያያዥ የሆኑትን ሊጨምር ይችላል፡፡

45. **ስለክፍያ**

1. አስማሚዎች በባለጉዳዮች ተመርጠዉ የማስማማት አገልግሎት ከሰጡ ተገቢዉ ክፍያ ይከፈላቸዋል።
2. በማስማመቱ ሂደት ዉስጥ የሚያልፉ ባለጉዳዮች ለፍርድ ቤት መር አስማሚነት ተገቢዉን ክፍያ ይፈጽማሉ።
3. ክፍያን በሚመለከት ዝርዝር መመሪያ በጠቅላይ ፍርድ ይወጣል።

46. **የጉዳዮች ፍሰት አስተዳደር**

1. የክልሉ ጠቅላይ ፍርድ ቤት የሚቀርቡላቸዉን ጉዳዮች የሚስተናገዱበት ወይም የሚጠናቀቁበትን የጊዜ ሰሌዳ ገደብ በማስቀመጥ የፍትህ አሰጣጥ ስርዓቱ የተሳለጠ እና ጥራቱ የሚረጋገጥበት የጉዳዮች ፍሰት አስተዳደር ተግባራዊ ያደርጋሉ።
2. የክልሉ ጠቅላይ ፍርድ ቤት በዚህ አንቀጽ ንኡስ አንቀጽ 1 የተገለጸዉን ለማስፈጸም ዝርዝር መመሪያ ያወጣል።

47. **በቴክኖሎጅ የተደገፈ የመዝገብ አመራር ስርአት ስለመዘርጋት**

1. የክልሉ የጠቅላይ ፍርድ ቤት በማንኛዉም የፍርድ ቤት ደረጃ የሚቀርቡ ክርክሮች አዳዲስ የመረጃ ቴክኖሎጅዎችን በመጠቀም ዳጂታል ወይም አዉቶሜትድ በሆነ መንገድ እንዲከናወኑ ስርዓት ሊዘረጉ ይችላሉ።

4. The court may hire mediators as permanent or temporary employee as may be necessary.
5. notwithstanding with the provisions provided under sub article 1-3 of this Article, mediators who has no legal education background but have experience in mediation shall be assigned in the level that may fulfill the criteria set for mediation.

45. **Fees**

1. Mediators who are elected by the parties and provides mediation service shall be entitled to appropriate fee for their service.
2. Parties to court annexed mediation shall pay appropriate fee for the service.
3. The state Supreme Court shall issue detail directive regarding fees

46. **Case-Flow Management**

1. Supreme Court shall implement case flow management system in order to make the system of rendering of justice efficient and ensure its quality by setting a time frame filing and disposition of cases.
2. The state Supreme Court shall issue detail directive for the implementation of the provision of Sub-article (1) of this Article.

47. **Technology Based File Management System**

1. The state supreme Courts may introduce a system for digitalizing or automating the filing and management of civil or criminal cases at any level of courts by using new information technology (IT

2. Dhinacyada dacwadu ka dhexayso wuxuu waajib kasaaran yahay inay dacwadooda u adeegsadaan iyaga oo isticmalaya teknoloojiyada casriga ee kuxusan qodob hoosadka (1aad) ee qodobkan.

3. Faahfaahinta waxaa lagu sharixi doonaa awaamiir ay maxkamada guud soo saarto.

QAYBTA SAGAALAD

QODOBO KALA DUWAN

48. **Tixgalinta Go'aanada Iyo Amaradda Maxkamadda**

Waxaa waajib ku ah dhammaan ururada, shaqsiyaadka iyo xubin kasta oo dawli ah in ay tixgeliyaan go'aanada iyo amarada ay bixiyaan maxkamadaha deegaanku.

49. **Masuuliyada Ciqaabeed**

1. Qofkaste oo ku xad gudba madaxbanaanida maxkamada ama ku cadaadiya garsoore arin, hadaan ciqaab tan kasareysa sharciyo kale lagu sheegin, waxaa lagu ciqaabi ciqaab aan kayarayn sadex bilood marka ay xaaladu culustahayna ciqaab aan ka badnayn laba sano.

2. Qofkaste oo ku guul daraysta in uu u hogaansamo amar ama go'aan maxkamadeed ama ka hor istaaga go'aan fulineed ama ku guuldaraysta in uu iskaashi lasameeyo ama caawiyo maxkamada marka ay maxkamadu sidaasi ka codsato waxaa lagu ciqaabi, ciqaab fudud oo aan ka badnayn laba sano ama ganaax lacageed oo aan kabadnayn shan kun (5000) hadaan ciqaab tan kasareysa sharci kale lagu sheegin.

50. **Anshaxa Garsoorka**

1. Garsoore kasta ama xubin kasta oo kamid ah xubnaha magacaabista ah waa in uu u gutaa shaqadiisa hanaan ay ku dheehan tahay akhlaaq sare iyo anshax wanaag.

2. ተከራካሪ ወገኖች በተዘረጋዉ ስርአት መሰረት ክርክሮቻቸዉን የማካሄድ ግዴታ አለባቸዉ።

3. ዝርዝሩ የጠቅላይ ፍርድ ቤት በሚወጣ መመሪያ ይወሰናል።

ክፍል ዘጠኝ

ልዩ ልዩ ድንጋጌዎች

48. **የፍርድ ቤትን ውሳኔ እና ትዕዛዝ የማክበር ግዴታ**

ማንኛውም ሰው ወይም አካል የክልሉን የፍርድ ቤቶች ዉሳኔ ወይም ትዕዛዝ የማክበር፤ የመፈጸም፤ ለአፈጻጸሙ ድጋፍ እንዲያደርግ ሲጠየቅ አስፈላጊዉን ድጋፍ የማድረግ ግዴታ አለበት።

49. **የወንጀል ተጠያቂነት**

1. በሌላ ሕግ የበለጠ የሚያስቀጣ ካልሆነ በስተቀር ማንኛውም ሰው ወይም አካል በፍርድ ቤት ነጻነት ጣልቃ በመግባት ወይም ዳኛው የዳኝነት ሥራውን በነጻነት እንዳይሠራ ያደረገ ከሦስት ያላነሰና ከሁለት ዓመት ያልበለጠ ጽኑ እስራት ይቀጣል።

2. በሌላ ሕግ የበለጠ የሚያስቀጣ ካልሆነ በስተቀር የፍርድ ቤትን ውሳኔ ወይም ትዕዛዝ ያልፈፀመ እንዳይፈፀም እንቅፋት የሆነ ወይም የዳኝነት ሥራ በአግባቡ እንዳይመራ ያሰናከለ ወይም አስፈላጊውን ድጋፍ ተጠይቆ ድጋፍ ያልሰጠ ሰው ወይም አካል ሁለት ዓመት በማይበልጥ ቀላል እሥራት ወይም ከብር 5,000.00 (አምስት ሺህ) በማይበልጥ ይቀጣል።

50. **የዳኝነት ሥነ-ምግባር**

1. ማንኛውም ዳኛ እና ተሿሚ ሥራቸውን በከፍተኛ ሥነ-ምግባር እና ጥብቅ ኃላፊነት ማከናወን አለባቸው።

2. Parties to a dispute shall have the obligation to conduct their litigation by using the system.

3. The detail shall be determined by a directive to be issued by the state Supreme Court

PART NINE

MISCELLANEOUS PROVISIONS

48. **Duty to Respect Decision and Order of the Court**

Any person or any organ shall respect, enforce or give any support when so required for the enforcement of the decision or order of the state courts;

49. **Penalty**

1. Whosoever hinders the independent functioning of a court or of a judge or puts pressure or attempts to put pressure by interfering or attempting to interfere in the independence of a court or of a judge is punishable by a rigorous imprisonment to three months to two years , unless a more severe penalty is provided for in another law,;

2. Whosoever fails to obey a court order or becomes an obstacle to the execution thereof or becomes an obstacle to the proper functioning of a court or fails to give any assistance when so requested is punishable, unless a more severe penalty is provided for in another law, by simple imprisonment not exceeding two years or by fine not exceeding Birr 5,000 (five thousands).

50. **Judicial Ethics**

1. Any judge and appointee shall discharge their duties with high ethics and heavy responsibility.

2. Garsoore kasta ama xubin kasta oo kamid ah xubnaha magacaabista waxay masuuliyad ka saaran tahay in uu ilaaliyo xeerka anshaxa iyo sharafta hay'dda garsoorka islamarkaana waa in uu udhaqmaa hab waafaqsan haybada garsoorka.

3. Guddiga hay'adda garsoorka waxay awaamiir ku soo saari doonaan habdhaqanka iyo xeerka anshax ee shaqaalaha hayada garsoorka looga baahan yahay.

51. **Aqlabiyadda Go'aanada Maxkamadaha**

1. Marka dacwadaha go'aan laga gaadhayo haddii cod buuxa uuna jirin waxaa meel mar leh go'aanka aqlabiyada ah, marka fadhiyadu ka kooban yihiin sadex ama Shan garsoore.

2. Iyada oo arinta lagu sheegay qodob hoosaadka 1aad ay sideeda tahay ayaa hadana fikirka gaar ka ah ee laga qaatay go'aanka aqlabiyada ah waxaa lagu kaydinayaa galdacwadeedka.

52. **Dhaarta**

1. Garsoore kasta oo guddigu uu soo xulo, ka hor inta aanushaqada galin,waxa uu baarlamaanka hortiisa ugu dhaaran sidan:

Aniga oo ah_____ waxaan golaha baarlamaanka hortiisa kaga dhaaranaya marka aan shaqada galo in aan shaqadayda u gudan doono si daacadnimo, dhexdhexaadnimo, xilkasnimo iyo aqoon sare ku dheehantahay. Aniga oo u hogaansan oo kaliya dastuurka iyo shuruucda kale, kalsoonida iyo masuuliyada weyn ee la isaaray.

2. Sido kale, Xubin kasta oo magacaabis ah oo uu guddigu soo xulo, ka hor inta aanu shaqada gelin, waxa uu Guddiga hortiisa uga dhaaran sidan:

2. *ማንኛውም ዳኛ እና ተሿሚ የዳኝነት ሥነ-ምግባር ኮድን እና የዳኝነት ስራ መሠረታዊ መርህን አክብረው የመሥራትና የመንቀሳቀስ ግዴታ አለባቸው፡፡*

3. *የዳኞች አስተዳድር ጉባኤው የዳኝነት ሥነ-ምግባር ኮድ እና ደንብ ያወጣል፡፡*

51. **ስለፍርድ ቤቶች ውሳኔዎች አብላጫ**

1. **በሦስት ውይም በአምስት ዳኞች በሚታዩ ችሎቶች ክርክር ውሳኔ በሚስጥበት ጊዜ በአብላጫ ውይም በተባበረ ድምፅ መውሰን ካልተቻለ ጉዳዩን በድምፅ ብልጫ ይወስናል፡፡**

2. **በዚህ አንቀጽ ንኡስ አንቀጽ (1) ሥር የተጠቀሰው ቢኖርም በልዩነት የተወሰዳው ሀሰብ በልዩ ሁኔታ እንዲመዘገብ ያደርጋል።**

52. ***ቃለ መሃላ***

1. *ማንኛውም ዳኛ ተሹሞ ሥራ ከመጀመሩ በፊት ምክር ቤት ፊት በአካል ቀርቦ የሚከተለውን ቃለ መሃላ መፈጸም አለበት፡፡*

"እኔ ---------- በዛሬው እለት የሶማሌ ጠቅላይ /የከፍተኛ/ የወረዳ ፍርድ ቤት ዳኛ ሆኜ ተሹሜ ሥራዬን ስጀምር የተጣለብኝን ከፍተኛ ኃላፊነትና እምነት ለሀገ መንግስቱ እና ለሀግ ብቻ ተገዢ በመሆን ስራው የሚፈልገውን ከፍተኛ ተነሳሽነት እና ሥኑምግባር በመላበስ ለመሥራት ቃል እገባለዉ፡፡"

2. *የጉባኤ ተሿሚ ጉባኤ ፊት በአካል ቀርቦ* **የሚከተለው** *ቃለ መሃላ ይፈጽማል፡-*

2. Any judge and appointee shall respect the judicial code of conduct and values of judicial functions and behave accordingly.

3. The Commission shall issue a judicial code of conduct and disciplinary rules.

51**. Majority Decision of courts**

1. When cases in courts are to be decided on, where there is no unanimous vote of the sitting judges, decision shall be passed by majority support of the sitting judges where the bench consists of three or five judges.

2. Without prejudice with the provisions stipulated under sub Article hereof, the dissenting opinion against the majority support shall be recorded and filed in the file.

52. **Oath**

1. Prior to assuming his duties, every judge shall present in person in front of state council and take the following oath:

"I_____, upon my appointment and assumption of duty as judge of Somali Supreme/High/ District Court, on this day, pledge to discharge, with high dedication and integrity the responsibility required of me, being loyal only to the Constitution and the law, the heavy responsibility and confidence entrusted to me."

2. Appointee of the Commission shall take same oath in person in front of the Commission.

Aniga oo ah,_____ waxaan Guddiga hortiisa kaga dhaaranayaa in marka aan shaqada galo aan shaqadayda u gudan doono si daacadnimo, xilkasnimo, dhexdhexaadnimo iyo aqoon sare ku dheehantahay. Aniga oo u hogaansan oo kaliya dastuurka iyo shuruucda kale, kalsoonida iyo masuuliyada weyn ee la isaaray.

53. **Dhawrsanaanta Garsoorayaasha**

Garsooruhu, isaga oo fal danbiyeed faraha kula jira mooye, lama qaban karo; lamana xidhi karo; iyada oo aan ogolaansho laga helin guddiga maamulkagarsoorka

54. **Fasaxa Garsoorka**

Fasax sannadeedka garsooreyaashu waa laba bilood oo ka bilaabmaya 1dabisha Hamle kuna eg 1da bisha Meskerem

55. **Nasakhaad**

Waxaa Halkan lagu Nasakhay:-

1. Bayaanka aasaasida maxkamadaha deegaanka qowmiyada soomaalida ee tisigiisu yahay 9/1991
2. Bayaanka waxka bedelka bayaanka aasaasida maxkamadaha dawlad deegaanka soomaalida itoobiya ee tirsigiisu yahay 152/2008
3. Sharci kasta ama go'aan kasta oo ka hor imanaya bayaankan, wax dhaqan-gal ah kuma yeelanayaan arrimaha bayaankan lagu xusay.

56. **Awoodda Soo Saarista xeer iyo Awaamiir**

Golaha Deegaanka iyo Guddiga maamulka garsoorka Deegaanka ayaa iska leh awoodda soo saarista xeer-nidaameedyada iyo awaamiirta loogu baahanyahay hirgalinta qodobada bayaankan, sida ay u kala horeeyaan.

57. **Qodobada Kala Guurka**

1. Dhammaan dacwadihii socday waxa dhamaystiraya maxkamadihi gacanta ku hayay, iyaga oo raacaya sharcigii la nasakhay.

"እኔ ---------- በዛሬው እለት በጉባኤው ተሾሜ ሥራዬን ስጀምር የተጣለብኝን ከፍተኛ ኃላፊነትና እምነት ለህገ መንግስቱ እና ለህግ ብቻ ተገዢ በመሆን ስራው የሚፈልገውን ከፍተኛ ተነሳሽነት እና ሥኑምግባር በመላበስ ለመሥራት ቃል እገባለዉ::"

53. **የዳኞች ልዩ መብት**

ዳኛው ከባድ ወንጀል ሲፈጽም እጅ ከፍንጅ ካልተያዘ በስተቀር ከጉባኤ ፍቃድ ውጪ አይያዝም፤ በወንጀልም አይከሰስም፤ አይታሰርምም::

54. **ስለ ዳኞች እረፍት**

ዳኞች በአንድ ዓመት ውስጥ ሁለት ወራት ተከታታይ የዓመት እረፍት :: ማለትም ከሀምሌ 1 እስከ መስከረም 1 ድርስ ይኖረዋል ::

55. **የተሻሩ ሕጎች**

የሚከተሉትን አዋጆች በዚህ አዋጅ ተሽረዋል::

1. **የሱማሌ ክልላዊ መንግሥት ፍርድ ቤቶች መቋቋሚያ አዋጅ ቁጥር 9/1991 በዚህ አዋጅ ተሽሯል::**
2. **የኢትዮጵያ ሱማሌ ክልላዊ መንግሥት ፍ/ቤቶች ማቋቋሚያ አዋጅ ማሻሻያ አዋጅ ቁጥር 152/2008 በዚህ አዋጅ ተሽሯል::**
3. **በዚህ አዋጅ ውስጥ የተካተቱት ጉዳዮችን አስመልክቶ አዋጁን የሚቃረኑ ሕጎች ወይም አሠራር ወይም ውሳኔዎች ተፈጻሚነት የላቸውም::**

56. **ደንብና መመሪያ የማውጣት ሥልጣን**

የክልሉ ምክር ቤትና የዳኞች አስተዳደር ጉባኤው ይህንን አዋጁን ሥራ ላይ ለማዋል የሚያስፈልጉ ደንቦችን መመሪያዎች ሊያወጣ ይችላል::

57. **መሸጋገሪያ ድንጋጌዎች**

1. **ይህ አዋጅ ሥራ ላይ በሚውልበት ጊዜ በክልሉ ፍርድ ቤቶች በየትኛውም ደረጃ በመታየት ላይ ያሉ ጉዳዮች በተጀመሩበት መንገድ ፍጻሜ የሚያገኙ ይሆናል::**

"I_____, upon my appointment and assumption of duty as Appointee of the Commission on this day, pledge to discharge, with high dedication and integrity the responsibility required of me, being loyal only to the Constitution and the law, the heavy responsibility and confidence entrusted to me."

53. **Immunity of Judges**

No judge may be seized, arrested or prosecuted without the permission of the Commission unless caught in-flagrante committing serious crimes;

54. **Leave of a Judge**

The Leave calendar of a Judges shall be for two months from July 8 to September 12 every year.

55. **Inapplicable Laws**

1. Somali state Courts establishment Proclamation No. 9/1991 is hereby repealed in its entirety.
2. Somali regional state courts establishment proclamation No 152/2008 as amended is hereby repealed.
3. Any law or practice or decision inconsistent with the provisions of this proclamation shall be inapplicable with respect to matters provided for in this Proclamation.

56. **Issusnce of Regulation and Directives**

The State Council and The commission may issue regulations and directives necessary for the implementation of this Proclamation accordingly;

57. **Transitory provisions**

1.Cases pending at all levels of the courts prior to the effective date of this proclamation shall be preceded and completed as per the existing law.

2. Qodobka 10aad ee ku xusan bayaankan waxa uu dhaqan galayaa marka la ansixiyo bayaanka lix bilood kadib

58. **Muddada DhaqanGalka Bayaanka**

Bayaankani wuxuu dhaqan galayaa laga bilaabo marka lagu soo daabaco Dhool Gaazeta.

Waxaa la ansixiyay 12kii Hamle,2013.

MUSTAFE MUXUMAD CUMAR

MADAXWAYNE KU XIGEENKA AHNA KU SII SIMAHA MADAXWAYNAHA DAWLADDA DEEGANKA SOOMAALIDA

2.የዚህ አዋጅ አንቀጽ 10 ድንጋጌዎች ተግባራዊነት አዋጁ ሥራ ላይ ከዋለበት ጊዜ ጀምሮ ከስድስት ወር ጊዜ ዝግጅት በኋላ ይሆናል፡፡

58. **አዋጁ የሚፀናበት ጊዜ**

ይህ አዋጅ በክልሉ ዶል ጋዜጣ ላይ ታትሞ ከወጣበት ቀን ጀምሮ የፀና ይሆናል፡፡

ጅግጅጋ ሐምሌ 12 ቀን 2013 ዓ.ም

ሙስጠፌ ሙሀመድ ዑመር

የሶማሌ ክልላዊ መንግሥት ምክትል ፕሬዝዳንትና ተጣባባቂ ፕሬዝዳንት

2. The provisions of article 1o The coming into effect shall be after six months preparatory period following the effective date of the proclamation.

58. **Effective Date**

This Proclamation shall become effective as of its publication on Dhool Gazetta.

DONE AT JIGJIGA THIS DAY OF 19 JULY ,2021

MUSTAPHE MO'HUMED UMER

VICE-PRESIDENT AND ACTING PRESIDENT OF SOMALI REGIONAL STATE