DAWLADDA DEEGAANKA SOOMAALIDA
DHOOL GAZETA
Somali Regional State
የሶማሌ ክልላዊ መንግሥት

Qimaha ያንዱ ዋጋ 91.82 Unit Price	Dhool Gazeta Waxaa Soo Saara Golaha Xildhibaanada Dawladda Deegaanka Soomaalida	✉ 392

Bayaan Tirsi: - 216/2014 Bayaanka Aasaasidda Guddiga Maamulka Garsoorka.....Bog 1	**አዋጅ ቁጥር** 216/2014 **የዳኞች አስተዳደር ጉባዔ ለማቋቋም የወጣ አዋጅ**…… **ገጽ** 1	Proclamation No: -216/2022 Judicial Administration Commission Establishment Proclamation… Page 1

Bayaan Tirsi 216/2014
Bayaanka Aasaasidda Guddiga Maamulka Garsoorka Dawladda Deegaanka Soomaalida

Maadaama uubayaanka aasaaska guddiga maamulka garsoorka ee tirsigiisu yahay 59/1999 uu si cad uga hor imanayo Qodobka 70aad firqadiisa 1aad ee dastuurka dib-loo habeeyay ee dawladda deegaanka soomaalida, kaas oo islamarkaana aan sicad u sheegayn in la dhiso gole garsoor oo ay garsooreyaashu aqlabiyada leeyihiin.

Maadaama oo bayaanka dib loo habeeyay ee tirsigiisu yahay 59/1999 uu yahay mid gabi ahaanba ka hor imanaya madax-banaanida garsoorka, gaar ahaana kala madax banaanshaha sadexda hay'adood ee kala ah; sharci dajinta, fulinta iyo garsoorka ee kuxusan qodobada 50aad iyo 78aad ee dastuurka JDFI iyo qodobka 46aad iyo 65aad ee dastuurka deegaanka.

Maadaama oo Guddiga Maamulka Garsoorka DDS uu yahay guddiga ugu sareeya arimaha maamul ee hayada garsoorka. Sidoo kalena xoojinta iyo casriyaynta qaab-dhismeedka Guddiga Maamulka Garsoorka DDS, uu lagama maar-maan u yahay madax-bannaanida hay'adda garsoorka, iyo kor u qaadista awoodda fulineed, hirgalinta maamulka

አዋጅ ቁጥር 216/2022
የሶማሌ ክልላዊ መንግሥት የዳኞች አስተዳደር ጉባዔ ለማቋቋም የወጣ አዋጅ

የሶማሌ ክልል የዳኞች አስተዳደር ጉባዔ ማቋቋሚያ አዋጅ ቁጥር 59/1999 ከተሻሻለው የሶማሌ ክልል ሕገ መንግሥት አንቀጽ 70 ንዑስ አንቀጽ (1) ጋር በግልጽ የሚቃረን ሆኖ በመገኘቱ።

የሶማሌ ክልል የዳኞች አስተዳደር ጉባዔ እንደገና ለማቋቋም የወጣ አዋጅ ቁጥር 59/1999 ከዳኝነት ነፃነትን መርሆዎች በተለይም በኢፌዲሪ ሕገ መንግሥት አንቀጽ 50 እና 78 እና በሶማሌ ክልል ሕገ መንግሥት አንቀጽ 46 እና 65 ሥር የተደነገገው ሕግ አውጪ፣ አስፈጻሚና የዳኝነት አካል ነፃነት ጋር የሚቃረን ሆኖ በመገኘቱ።

የሶማሌ ክልል የዳኞች አስተዳደር ጉባኤው ከፍተኛው የዳኝነት አስተዳደር አካል ሲሆን። በዚህ መሠረት የሶማሌ ክልል የዳኞች አስተዳደር ጉባኤ አደረጃጀትን ማጠናከርና ማዘመን ለዳኝነት አካሉ ነፃነት፣አማስፈጸም አቅም ማጎልባት፣መልካም አስተዳደር ማሰፈን እና የፍርድ ቤቶችን አጠቃላይ አሠራር መሻሻል

Proclamation No. 216/2022
Proclamation to provide for the Establishment of Judicial Administration Commission of the Somali Regional State

WHEREAS, the proclamation to provide for the establishment of Judicial Administration Commission Proclamation No. 59/1999 clearly contradicts with sub-Article (1) of Article 70, of the revised constitution of the Somali Regional State, which does not provide the establishment of Judicial Administration Commission that judges shall be majority.

Whereas, Proclamation No. 59/1999 is found to contravene with the principles of independence of the judiciary, in particular, with the independence of the three institutions; the legislature, the executive and the judiciary as provided under Articles 50 and 78 of the FDRE constitution and Articles 46 and 65 of the Somali Region constitution.

Whereas, the Judicial Administration Commission of the Somali Regional State is the highest governing body of the judiciary. At the same time, strengthening and modernizing the structure of the Somali Regional State Judicial Administration Commission is.

suuban iyo guud ahaanba horumarinta maxkamadaha, gaarahana la xisaabtanka garsooreyaasha.

Haddaba, iyada oo laga duulayo qodobka 49aad farqada 3aad xarafka b iyo Qodobka 70aad farqada 1aad ee dastuurka dib loo habeeyay ee deegaanka Soomaalida ayaa la soo saaray bayaankan.

QEYBTA KOOBAAD

QODOBO GUUD

1: **Ciwaan Gaaban**

Bayaankan waxaa loogu yeedhi karaa ‘’**Bayaanka Aasaasidda Guddiga Maamulka Garsoorka ee Deegaanka Soomaalida, Bayaan Tirsi 216/2014**’’.

2: **Qeexid**

Haddii aanay tuduca ay ku jiraan micno kale siininin; -

1. **‘’Garsoore’’** waxa loola jeedaa qofkasta oo golaha Xildhibaanada ee deegaanka soomaalidu u ansixiyay ama u ansixin doono in uu bixiyo adeeg-garsoor kaasoo ka hawlgala qaab-dhismeedka kala duwan ee maxkamadaha DDS.
2. **‘’Guddi**’’ waxa loola jeedaa gudiga maamulka garsoorka ee DDS.
3. **‘’Kaaliye Garsoore’’** waxa loola jeedaa xirfadle sharci oo loo xilsaaray inuu ka caawiyo garsooraha arrimaha garsoorka.
4. **‘’Dastuurka Deegaanka’’** waxa loola jeedaa Dastuurka Dib loo habeeyay ee dowladda Deeganka Soomaalida.
5. **‘’Kormeerka iyo dabagalka’’** waxa loola jeedaa xubno uu magacaabo guddiga maamulka garsoorka DDS oo shaqadoodu tahay kormeerka iyo dabo galka hab sami u socodka hawlaha garsoorka, baadhista iyo hubinta dacwdaha la xidhiidha anshaxa gasoorka.

በተለይም ተጠያቂነትን ለማረጋገጥ ወሳኝ ሚና ያለው በመሆኑ።

የሶማሌ ክልል ምክር ቤት በተሻሻለው የሶማሌ ክልላዊ *መንግሥት* ሕገ-መንግስት አንቀጽ 49 **ንዑስ አንቀጽ** 3 (*ሀ*) **እና በሕገ-*መንግስቱ* አንቀጽ** 70 (1) ***መሠረት* የሚከተለው *ታውጇል*።**

ክፍል አንድ

ጠቅላላ ድንጋጌ

1. **አጭር ርዕስ**

ይህ አዋጅ “**የሶማሌ ክልል ዳኞች አስተዳደር ጉባኤ ለማቋቋም የወጣ አዋጅ ቁጥር** 216/2014” **ተብሎ ሊጠቀስ ይችላል።**

2. **ትርጓሜ**

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

1. “***ዳኛ***“ **ማለት የዳኝነት አገልግሎት እንዲሰጥ በጉባኤ የተመረጠ የሕግ ባለሙያ ሆኖ በክልሉ ምክር ቤት የተሾመ የኦሮሚያ ፍርድ ቤቶች *ዳኛ* ማለት ነው።**
2. “***ጉባኤ***’’ **ማለት የሶማሌ ክልላዊ *መንግስት* የዳኞች አስተዳደር ጉባኤ ማለት ነው።**
3. **“*ረዳት ዳኛ*’’ ማለት በዳኝነት *ሥራ ዳኛን* በማገዝ እንዲሠራ የተመደበ የሕግ ባለሙያ ማለት ነው።**
4. **“*የክልል ሕገ-መንግስት*’’ ማለት የተሻሻለ የሶማሌ ክልላዊ *መንግስት* ሕገ-*መንግስት* ማለት ነው።**
5. **"*ክትትልና ቁጥጥር*" ማለት በሶማሌ ክልል የዳኞች አስተዳደር ጉባዔ የተሾሙ አባላት የዳኝነት አካላትን አሰራር የመቆጣጠር እና የዳኝነት አካሄዶችን የሚመለከቱ ጉዳዮችን የማጣራት ስራ ነው።**

essential to the independence of the judiciary, and to enhancing the executive capacity, good governance and the overall improvement of the courts, especially accountability of. Judges.

Now, THEREFORE, in accordance with Article 49(3) (A) and Article 70 sub-Article (1) of the Revised Constitution of the Somali Regional State, it is hereby proclaimed as follows:

CHAPTER ONE

GENERAL PROVISIONS

1. **Short Title**

This Proclamation may be cited as “**Somali Regional State Judicial Administration Commission Establishment Proclamation No.216/2022**”

2. **Definitiion**

Unless the context requires otherwise, in this Proclamation:

1. “**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.
2. “**Commission”** means the Somali Regional State Judicial Administration Commission;
3. “**Assistant judge**” means a legal professional assigned to assist a judge concerning judicial functions.
4. “**Regional Constitution”** means the Revised Constitution of Somali Regional State;
5. "**Monitoring and Oversight"** means members appointed by the Judicial Administration Commission of the Somali Regional State whose job is to oversee the functioning of the judiciary, and to investigate cases related to the conduct of the judiciary.

6. **''Shaqaale''** waxa loola jeeda shaqaalaha ka shaqeeya maxkamadaha ee loo shaqaalaysiyay nidaamka shaqalaynta ee shaqalaha DDS.

7. **''Maxkamad''** waxa loola jeeda Maxkamadaha lagu aasaasay si waafaqsan dastuurka dib loo habeeyay ee DDS, iyo bayaanka tirsigiisu yahay 206/2021ee aasaaska maxkamadaha dawladd degaanka soomaalida. Kuwaasoo kala ah; Maxkamadda guud, Maxkamadda Sare iyo Maxkamadda Degmada.

8. **''Deegaan''** waxa loola jeedaa Deegaanka Soomaalida.

9. **''Guddoomiye''** waxa loola jeeda guddoomiyaha Maxkamadda guud ee DDS.

10. **''Xubnaha Magacaabista''** waxa loola jeedaa qofka/sarkaal uu magacaabay guddigu si uu hawlo shaqo ama geeddi-socodka shaqada uga shaqeeyo, kuwaas oo ay ka mid yihiin; madax-xafiiseedyada, agaasinada, rejisteraalada, kaaliyayaasha garsoorka iyo kaaliyayaasha rejisteraalada, lataliyayaasha, madax-waaxeedyada, madax kooxeedyada Khabiirada sharci, xirfadleyaasha kale iyo qareenada dawliga ah ee ka hawl-gala dhammaan saddexda heer maxkamamadeed.

11. **''Qof''** waxa loola jeeda qofka dabiiciga iyo midka aqoonsi sharci oo qofnimo leh.

3: **Fasiiraada Jinsiga**

Dhamaan qodobada ku jira bayaankan ee laxidhiidha labka sidoo kalena waa lagu dabaqayaa dheddiga

QEYBTA LABAAD

AAS-AASKA IYO QAAB – DHISMEEDKA GUDDIGA MAAMULKA GARSOORKA

4. **Aas-Aasidd**

Bayaankan waxaa dib loogu aasaasay Guddiga Maamulka Garsoorka DDS (kaaso bayaankan dhexdiisa loogu yeedhi doono Guddiga).

6. "**ሠራተኛ**" ማለት በሶማሌ ክልል ሲቪል ሰርቪስ ህግ መሰረት የተቀጠረ የፍርድ ቤት ሠራተኛ ነው።

7. "**ፍርድ ቤት**'' ማለት በተሻሻለዉ የክልሉ ሕገ-መንግሥትና በአዋጅ ቁጥር 206/2013 መሠረት የተቋቋመ የሶማሌ ክልል መንግስት ጠቅላይ ፍርድ ቤት፣ ከፍተኛ ፍርድ ቤት እና የወረዳ ፍርድ ቤት ማለት ነው።

8. "**ክልል**'' ማለት የሶማሌ ክልል ማለት ነው።

9. "**ፕሬዝዳንት**'' ማለት የሶማሌ ክልል ጠቅላይ ፍርድ ቤት ፕሬዝዳንት ነው።

10. **"የጉባኤ ተሿሚ**'' ማለት በክልሉ ፍርድ ቤቶች አመራር አካል ዉስጥ ሥራን ወይም የሥራ ክፍልን ወይም የሥራ ሂደት ይሠራ ወይም ይመራ ዘንድ በፕሬዝዳንት አቅራቢነት በጉባኤ የተሾመ ሲሆን የጠቅላይ ፍርድ ቤት ዳይሬክተር፣ የጽ/ቤት ኃላፍ፣ የችሎት አስተባባሪ፤ የችሎት ወይም የጉዳዮች መሪ ሆኖ ረዳት ዳኛ፣ ዕጩ ዳኛ፣ የሸርዓ ፍርድ ቤት ቃዲ፣ የከፍተኛ እና የወረዳ ፍረድ ቤት ፕሬዚዳንትን ይጨምራል፡

11. "**ሰው**'' ማለት የተፈጥሮ ሰው ወይም በሕግ የሰውነት መብት የተሰጠው አካል ነው።

3. **የፆታ አገላለጽ**

በዚህ አዋጅ ውስጥ በወንድ ፆታ የተገለፀው የሴትንም ፆታ ያጠቃልላል።

ክፍል ሁለት

ስለዳኞች አስተዳደር ጉባኤ መቋቋምና አደረጃጀት

4. **ስለመቋቋም**

የሶማሌ ክልላዊ መንግስት ዳኞች አስተዳደር ጉባኤ ከዚህ በኋላ ጉባኤ ተብሎ የሚጠራ የፍርድ ቤቶች አስተዳደር ጉባኤ ሆኖ በዚህ አዋጅ እንደገና ተቋቁሟል።

6. "**Employee**" means an employee of the court hired in accordance with the Somali Regional State Civil Service Law.

7. "**Court"** means Supreme Court, High Court and District Court established in accordance with the Revised Constitution of Somali Regional State and Proclamation No. 206/2021.

8. "**Region**" means the Somali Region;

9. "**President"** means the President of the Somali Supreme Court.

10. "**Appointee of the Commission**" means an official who is nominated by the President and 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: director, office head, division coordinator, Case/division manager; assistant judge, candidate judge of Supreme, High court and District Court.

11. "**Person**" means a natural or juridical person.

3. **Gender Reference**

In this proclamation, any expression in the masculine gender includes the feminine.

PART TWO

ESTABLISHMENT AND STRUCTURE OF JUDICIAL ADMINISTRATION COMMISSION

4. **Establishment**

The Somali Regional State Judicial Administration Commission hereinafter referred to as the "**Commission**" is hereby reestablished by this proclamation.

5: **Ujeeddada**

Bayaanku waxa uu yeelanayaa ujeeddooyinkan soo socda;

1. Waxa uu aasaasayaa hanaan cad oo loo maro dhismaha iyo qaab-shaqeedka guddiga garsoorka
2. Waxa uu suurto galinayaa sidii ay hay'adda garsoorku shaqadeeda ugu gudan lahayd si kamadax banaan faragalin nooc kaste iyo dhan walba ah
3. Waxa uu suurto galinayaa sidii loo dhisi lahaa hanaan garsoor oo suurto galiya sareynta sharciga iyo si dii loo kasban lahaa loona joogtayn lahaa kalsoonida shacabka.

6: **Xadka Fulineed ee Bayaanka**

Bayaankani waxa uu dhaqangal ku yahay dhammaan maxkamadaha deegaanka, garsooreyaasha, xubnaha magacaabista ee uu Guddigu magacaabo, iyo shaqaalaha taakuleynta ee ka hawl gala dhamaan saddexda heer maxkamadeed ee deegaanka.

7. **Qaab-Dhismeedka Guud Ee Guddiga**

1. Qaab-dhismeedka guud ee guddiga heer Deegan wuxuu yeelanaya sidansoo socda:
   B. Kulan-waynaha guddiga
   T. Xog-hayaha guddiga
   J. Kooxda baadhista iyo dhagaysiga dacwadaha anshaxa
2. Qaab-dhismeedka guud ee guddiga heer gobol wuxuu yeelanaya sidan soo socda:
   b. Kulan-waynaha guddiga heer gobol
   t. Kooxda baadhista iyo anshaxa ee heer gobol

5. **ዓላማ**

ይህ አዋጅ የሚከተሉት ዓላማዎች ይኖሩታል፤

1. **የዳኞች የአስተዳደር ክልል ፍርድ ቤቶች የሚሾሙ ዳኞች ግልጽና አሰራር የሚሾሙበትን ሥርዓት ማዘርጋት፤**
2. **የዳኝነት ሥርዓቱን ከማናቸውም ውስጣዊና ውጫዊ ተጽዕኖና ጣልቃ ገብነት ነጻ ሆኖ እንዲሰራ ማስቻል፤**
3. **የዳኝነት ሥርዓቱ የሕግ የበላይነትን ያረጋገጠ፣ እንዲሁም የሕዝብ እርካታ እና አመኔታን ያገኘ እንዲሆን ማድረግ።**

6. **የተፈጻሚነት ወሰን**

ይህ አዋጅ በሶማሌ ክልል ፍርድ ቤቶች፣ በማንኛውም ደረጃ በሚሾሙ የክልል ዳኞች፣ የክልል ፍርድ ቤቶች የአስተዳደር ሠራተኞች፣ የጉባዔ አባላት እና የጉባዔው ጽሕፈት ቤት ሠራተኞች ላይ ተፈጻሚ ይሆናል።

7. **ስለ ጉባኤው አደረጃጀት**

1. **የክልል ጉባኤ የሚከተለውን አደረጃጀት ይኖረዋል።**
   ሀ) ጠቅላላ ጉባኤ;
   ለ) የጉባኤ ጽ/ቤት ;
   ሐ) የሥነ-ምግባርና ኢንስፔክሽን ቡድን
2. **በከፍተኛ ፍርድ ቤት ደረጃ:-**
   ሀ) የዞን ጉባኤ
   ለ) የዞን የሥነ-ምግባርና ኢንስፔክሽን ቡድን

5. **Objective**

This Proclamation shall have the following objectives;

1. To establish a legal framework and procedures that guide the establishment and operation of the Judicial Administration Commission
2. To enable the judiciary to exercise its judicial function free from any and all internal and external influences
3. To maintain a Judicial System that upholds the supremacy of the law and earns and maintains satisfaction and trust of the people.

6. **Scope of Application**

This Proclamation shall be applicable on all state courts and state judges appointed at all level of courts and non-judicial personal working in three layers of Courts.

7. **Organization of the Commission**

1. At Supreme Court Level the Commission shall have the following structure:
   a) Plenum of the Commission
   b) Secretariat of the Commission
   c) Supreme Adjudicatory Team and
   d) Office of Ethics and Inspection
2. At Zonal High Court Level
   a) Plenum of the Zonal Commission
   b) Zonal Ethics and Inspection Team

3. Guddigu wuxuu yeelan karaa qaab-dhismeeed kale kolba sida loogu baahdo.
4. Guddigu waxa uu yeelan xubno magacaabis ah iyo xirfadlayaal lagama maarmaan u ahgudashada xilka, kuwaas oo ka hawlgalaya dhammaan heerarka kala duwan ee maxkamadaha.
5. Guddigu waxa uu Adeegsan karaa guddi hoosaadyo joogto ah iyo kuwo ku meelgaadh ah.

8: **Xubnaha Guddiga Heer Deegan**

1. Guddiga maamulka garsoorka ee heer Deegaan waa 11 xubnood (kow iyo toban) oo ka kooban xubnaha hoos ku cad;

b. Guddoomiyaha Maxkamadda Guud ee Deegaanka--------- Shir-guddoon

t. Guddoomiye ku – xigeenka Maxkamadda Guud ---------- Kuxigeen

j. Laba xubnood oo ka tirsan Golaha Xildhibaanada Deegaanka oo aan ka tirsanayn hay'adda fullinta ----- Xubin

x. Saddex Garsoore oo ka tirsan maxkamadda guud-------- Xubno

kh. Laba Garsoore oo ka tirsan maxkamadaha heer gobol --- Xubin

d. Hal Garsoore oo ka tirsan maxkamadaha heer degmo---------- -----Xubin

r. Hal qareen oo ka tirsan qareenada madaxa banaan oo ay iska soo doortan xubnaha ururka qareenada madaxa banaan ---------- Xubin.

2. Marka uu shir-guddoonku maqan yahay guddoomiye ku xigeenka maxkamada guud ayaa sii wadaya hawsha shir-gudoonka.

3. Madaxa xafiiska arimaha guddiga iyo maamulka garsoorka ayaa isaga oo aan wax cod ah lahayn ayuu noqonaya xoghaynta guddiga.

4. Xubinna kama wada mid noqon karo guddiga heer deegaan iyo guddiga heer gobol.

3. ጉባኤው አስፈላጊ ነው ብሎ ያመነበት መዋቅር ሊኖረው ይችላል።
4. በሁሉም ደረጃ ባሉ ፍርድ ቤቶች ጉባኤው ተሿሚና ለጉባኤው ሥራ የሚያስፈልግ ባለሙያ ሊኖረው ይችላል።
5. ጉባኤው ሥራውን ለማከናወን ልዩ ልዩ ቋሚ ወይም ግዘዊ ኮሚቴ ሊጠቀም ይችላል።

8. **የክልል ጉባኤው አባላት**

1. የክልል ዳኞች አስተዳደር ጉባኤ (11) አሥራ አንደ አባላት ያለው ሆኖ የሚከተለው ያጠቃልላል።

ሀ) የክልሉ ጠቅላይ ፍርድ ቤት ፕሬዚዳንት ---------- ሰብሳቢ

ለ) የክልሉ ጠቅላይ ፍርድ ቤት ምክትል ፕሬዚዳንት-------ምክትል ሰብሳቢ

ሐ) በአስፈጻሚው አካል ውስጥ የማይሠሩ ሁለት የክልል ምክር ቤት አባላት;

መ) ሦስት የጠቅላይ ፍርድ ቤት ዳኞች ---------- አባል

ሠ) ሁለት የከፍተኛ ፍርድ ቤት ዳኞች ------ አባል

ረ) አንድ የወረዳ ፍርድ ቤት ዳኛ --------- አባል

ሰ) ከክልሉ ጠበቆች ማህበር ተመርጦ የተወከለ አንድ ጠበቃ፤ -------- አባል

2. የጉባኤው ሰብሳቢ ኃላፊነቱን ለመወጣት በማይችልበት ጊዜ ምክትል ሰብሳቢው በሰብሳቢነት ሥራው ሊከናወን ይችላል።
3. የዳኞች አስተዳደር ጉባኤ ጽ/ቤት ኃላፊ ድምጽ አልባ የጉባኤው ፀሐፍ በመሆን ይሰራል።
4. ማንም ሰው የክልል ጉባዔ እና የዞን ጉባዔ በአንደ ጊዜ ሁለቱንም አባል መሆን አይችልም;

3. The Commission may have other structure where it deems necessary.
4. The Commission may have appointees and professionals necessary, at all level of the courts, to carry out its functions
5. The Commission may use different standing and ad hoc Committees to carry out its functions

8. **Members Of Regional Commission**

1. The members Commission shall constitutee 11(Elven) members which compose the following members:

a) The President of the Supreme Court, _____ Chairman

b) The Vice President of the Supreme Court, _____Vice Chairman

c) Two members of The State Council who are not serving in the Executive organ; _____ members

d) Three Supreme Court judges. _____ members

e) Two Zonal High Court Judges _____ members

f) One Woreda Court Judge_____ member

g) one from practicing lawyers elected by the Bar Association.

2. where the chairperson unable to carry out his responsibilities, deputy chairperson shall act as chairperson of the commission.
3. The head secretariate of the commission's office and the administration of the judiciary shall be the secretary of the commission without a vote.
4. No one can be a member of regional commission and zonal commission simultaneously;

9: **Shuruudaha Iyo Habka Xulashada Xubnaha Guddiga**

1. Xubnaha guddiga ee lagu xusay qodobka 8aad xarafkiisa (j) waxaa soo xulaya Af-Hayeenka Golaha Xildhibaanada Deegaanka.
2. Af-hayeenku marka uu soo xulayo xubnaha sare ku cad waxa uu ahmiyad weyn siinayaa shuruudahan soo socda;

b. In uu yahay xubin baarlamaan ah oo katirsan golaha;

t. Waa in xubnahasi ka koobnaadaan xubin Ragga iyo xubin dumara;

3. Garsooreyaasha xubnaha ka noqonaya guddiga waxaa lagu dooranayaa kulan waynaha garsoorka. Waxayna ku soo baxayaan cod aqlabiyad ah, iyaga oo laga dhex dooranaayo afar garsoore oo heer deegaan ah iyo laba garsoore oo heer gobol ah, iyo laba garsoore oo heer degmo ah kuwaas oo uu soo jeediyo guddoomiyaha maxkamadda guud.
4. Xubnaha uu soo jeediyo guddoomiyuhu ee kulanwaynuhuna u codeeyo waxaa magacaabistooda guddinimo sexeexa gudoomiyaha.
5. Guddoomiyuhu marka uu soo jeedinayo musharixiinta wuxuu tix galin siinaya shuruudahan soo socda:

B. Xaga anshaxa in uu yahay xubin ku dayasho mudan;

T. In uu leeyahay waxqabad iyo khibrad sare;

J. In uu leeyahay ka go'nansho kuna adagyahay arimaha anshaxa. Qiimaha iyo tayada shaqo fulinta garsoorka iyo sidoo kale kor u qaadista maxkamadaha;

X. In uu leeyahay khibrad maamul iyo mid hoggaamineed.

9. **የጉባኤ አባላት የአባልነት መስፈርትና አመራረጥ**

1. **በዚህ አዋጅ አንቀጽ 8 ንዑስ አንቀጽ (ሐ) ሥር የተገለፁት የጉባኤ አባላት በክልሉ ምክር ቤት አፈ ጉባኤ የሚወከሉ ይሆናሉ።**
2. **አፈ ጉባኤው በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር በተገለፀው መሠረት የክልል ጉባኤ አባልን ሲወክል የሚከተሉትን መስፈርቶች መሠረት ማድረግ አለበት።**

ሀ) የክልል ምክር ቤት አባል የሆነ፤

ለ) ከሁለቱ አንዱ ሴቶች መሆን አለባቸዉ።

3. **የጉባዔው አባል የሚሆኑ ዳኞች ከጠቅላይ ፍርድ ቤት አራት ዳኞች ከከፍተኛ ፍርድ ቤት ዳኞች ሁለት እና አንደ ከወረዳ ፍርድ ቤቶች ዳኞች ፕሬዝዳንቱ በእጩነት ካቀረቧቸው ዳኞች በፍ/ቤቶች ዳኞች ጠቅላላ ስብሰባ ድምፅ ይመረጣሉ።**
4. **በፍ/ቤቶች ዳኞች ጠቅላላ ስብሰባ በድምፅ የተመረጡ የጉባዔው አባላት በፕሬዚዳንቱ የሚሾም ይሆናሉ።**
5. **በፕሬዘረዳንቱ የጉባኤ አባላትን ዕጩ ሲያቀርብ ወይም ሲወክል የሚከተሉትን መስፈርቶች መሠረት ማድረግ አለበት።**

ሀ) በሥነ-ምግባሩ ከፍተኛ ተምሣሌትነት ያለው፣

ለ) ከፍተኛ ችሎታና የሥራ ልምድ ያለው፣

ሐ) ሥነ-ምግባር፤ የዳኝነት አገልግሎት አሰጣጥ ጥራትና መርሆ፤ እንዲሁም ስለ ፍርድ ቤቶች መሻሻል ጠንካራ አቋምና ቁርጠኝነት ያለው።

መ) በአስተዳደርና አመራር በቂ ልምድ ያለው።

9. **Selection Criteria and Procedure for Membership to the Commission**

1. Members of the Commission stipulated under Article 8 (c) of this Proclamation shall be assigned by the Speaker of the State Council.
2. The Speaker of State Council should take into account the following criteria upon assigning these members.
   a) His membership to the State Council;
   b) That this members are composed of One women and One man.
3. Judges who become members of the Commission shall be elected by majority vote of the Plenum of judges from among four judges of the Supreme Court and two judges of High Court presented by the President as nominees.
4. Appointee of the president who becomes a member of the Commission shall be assigned by the President.
5. The President, upon presenting nominees or assigning members to the Commission should take into account the following criteria:
   a) He is an exemplary in his discipline;
   b) He has high performance and experience;
   c) He has strong stand and commitment towards discipline, value and quality of judicial functions as well as the improvement of courts;
   d) He has sufficient management and leadership experience.

6. Iyada oo aan waxba loo dhimaynin arimaha lagu sheegay qodobka 9aad farqada 3aad ee bayaanka, gudoomiyuhu waxa uu badeli karaa xubin ka mid ah guddiga kaas oo sababo kala duwan awgood aanan sii wadi Karin xubin-nimadiisa, ilaa inta doorasho kale laga qabanayo kulan-weynaha xiga.

10: **Muddada Shaqo Ee Guddiga Garsoorka**

Iyada oo aanan waxba loo dhimaynin asbaabaha kale ee saameynta ku leh muddada shaqo ee xubnaha guddiga, Ayaa muddada shaqo ee guddigu waxa uu noqonayaa Shan sannadood.

11: **Siyaabaha Xubinimada Guddiga Lagu Waayo**

Marka laga reebo xubnaha lagu sheegay qodobka 8aad xarfihiisa B, T, iyo J xubin ka mid ah guddiga garsoorka ayaa waxa uu xubinimadiisa ku waayayaa as baabahan soosocda

1. Faldanbiyeed uu galay awgeed marka uu ku dhaco xukun maxkamdeed
2. Marka xanuun dartiis aanu u wadi Karin xilkii iyo waajibaadkii xubinimo
3. Marka loo magacaabo boos shaqo oo katirsan hay'adda fulinta ee heer federaal ama heer deegaan
4. Marka uu noqdo mid ku haboonaan waaya masuuliyada sare ee hay'adda.

12: **Awoodaha Iyo Waajibaadka Guddiga**

1. Iyada oo aan waxba loo dhimaynin awoodaha iyo waajibaadyada ay shuruucdakale siiyeen, guddigu wuxuu yeelanayaa awoodaha iyo waajibaadyada soo socda;

6. በአዋጁ አንቀጽ 9 ንዑስ አንቀጽ 3 ሥር የተደነገገው ቢኖርም አንድ አባል በተለያዩ ምክንያቶች ቢጎድል በሚቀጥለው ጉባኤ ምርጫ እስከሚካሄድ ድረስ ፕሬዚዳንቱ ሌላ አባል መተካት ይችላል።

10. ስለጉባዔው አባላት የሥራ ዘመን

በሌሎች ሕጎች የተመለከቱት እንደተጠበቀ ሆኖ የጉባኤው አባላት የሥራ ዘመን አምስት ዓመት ይሆናል።

11. የጉባዔው አባሎች ሥራቸውን ስለሚለቁበት ሁኔታ

በዚህ አዋጅ አንቀጽ 8 ሀ፣ ለ እና ሐ ከተመለከቱት በስተቀር ማንኛዋም የጉባኤ አባል፤

1. የወንጀል ድርጊት ፈጽሞ በወንጀል ተከሶ ሲፈረድበት፣
2. በጤና ችግር ምክንያት ስራውን በአግባቡ ማከናወን ሲሳነው፤
3. በሹመት፤ ወይም በዝውውር በፌደራል ወይም በክልል መንግስት ሥራ አስፈጻሚ ቦታ ሲመደብ፤
4. በሌላ ማናቸውም ምክንያት በጉባኤው ላለዉ ከፍተኛ ኃላፊነት አባል ሆኖ ለመቀጠል የማይችል ሲሆን እና በጉባኤዉ ሲወሰን፤ ከጉባዔው አባልነት ይሰናበታል ።

12. የጉባኤው ሥልጣንና ተግባር

1. በሌላ ሕግ የተደነገገው እንደተጠበቀ ሆኖ ጉባኤዉ የሚከተሉት ሥልጣንና ተግባር ይኖረዋል።

6. Notwithstanding the provision under Article 9 Sub-article (3) of this Article, the President may substitute a Member of the Commission who could not continue with his membership on account of different reasons until election is held on the following plenum.

10. **Term of Office of Members of The Commission**

Without prejudice to other provisions the term of office of members of the Commission shall be five years.

11. **removal from membership of the Commission**

With the exception of members of the Commission appointed under Article 8 (a), (b), and (c) a member of the Commission shall cease to be a member thereof when:

1. He/she is sentenced to imprisonment for commission of a criminal offence,
2. He/she becomes incapable to properly discharging her duties due to illness;
3. He/she is appointed to an executive position in Federal or State Government,
4. He/she is otherwise declared unfit for the high responsibilities of the office;

12. **Powers and Duties of The Commission**

1. Without prejudice to Powers and functions entrusted to it by other laws, the Commission has the following powers and functions:

b). Wuxuu garsoornimo usoo xulaa musharaxiinta xirfadlayaasha ee shuruudaha buuxiyay wuxuu ugudbiyaa golaha baarlamaanka.

t). Wuxuu magacaaba, xil ka qaadisna kusameeyaa, xubnaha magacaabista ee guddigu magacaabo, islamarkaana uu guddoomiyuhu soo jeediyo;

j). Wuxuu si ku meel gaadha shaqada uga sii joojiyaa garsooreyaasha ka go'aan gaadhistooda la horgaynaayo Golaha;

x). Wuxuu jaan-gooyaa mushaaraadka, gunooyinka iyo fasaxa garsooreyaasha iyo xubnaha magacaabista ah;

Kh). Wuxuu jaan-gooyaa gunooyinka xubnaha guddiga garsoorka, guddiga dhagaysiga dacwadaha anshaxa ee heerdeeagaan iyo heer gobol;

d). Wuxuu ka go'aan gaadhaa kala bedelka iyo dalacsiinta garsooreyaasha;

r). Wuxuu ansixiyaa qaabdhismedka xafiiska maxkamadaha deegaanka;

s). Wuxuu dib-u-eegaa, islamarkaana ka go'aan gaadhaa awoodiisa racfaan ahaaneed ee go'aanada guddiga dhagaysiga dacwadaha anshaxa ee heer deegaan ay ka gaadhaan. Arimaha la xidhiidha go'aanada anshaxa ee guddigu racfaan ahaan ku gaadhana waxa uu noqonayaa kamadanbays,

Sh). Iyada oo laga duulayo talo bixinta guddoomiyaha; ayaa wuxuu ka go'aan gaadhaa arimaha anshaxa ee la xidhiidha isla xubnihiisa, xubnaha guddiga dhagaysiga dacwadaha anshaxa ee heer deegaan, madaxa xafiiska xoghayaha guddiga, madaxa xafiiska dib-uhabeynta iyo hawlaha isbedelaka maxkamadda guud, madaxa xafiiska maamulka qareenada dawlada iyo madaxa xafiiska baadhista iyo anshaxa

ሀ) ፕሬዚዳንቱ መልምሎ የሚያቀርበውን የሕግ ባለሙያ ለዳኝነት ያጫልኛ፤ ለጨፌ አቅርቦ እንዲሾሙ ያደርጋል።

ለ) ፕሬዚዳንቱ መልምሎ የሚያቀርበውን የክልል ጉባኤ ተሿሚ ይሾማል። ከሹመትም ያነሳል።

ሐ) አግባብ ባለው ሕግ መሠረት በጊዛዊነት ዳኞችን ወይም ተሿሚን ከሥራ በማገድ ለምክር ቤቱ ያቀርባል።

መ) የዳኞችና ተሿሚዎች ደመወዝ፣ ጥቅማጥቅምና ፍቃድን ይወስናል።

ሠ) የጉባኤ ፤ የጠቅላይ ጉባኤ ቡድንና የዞን ጉባኤ አባላት ዓበል ይወስናል።

ረ) የዳኞችን የዝውውርና የደረጃ ዕድገት ይወስናል።

ሰ) የክልሉን ፍርድ ቤቶች መዋቅር ያፀድቃል።

ሸ) የጠቅላይ ጉባኤ ቡድን በሥነምግባር ጥሰት ላይ በመጀመሪያ ደረጃ ሥልጣኑ አይቶ በሚሰጠው ውሳኔ ላይ የሚቀርበውን ይግባኝ አይቶ ይወስናል። በዚህ መልክ ታይቶ የሚሰጥ ውሳኔም ይግባኝና ሌላ አቤቱታ የሌላው የመጨረሻ ይሆናል፡

ቀ) የጉባኤውና የጠቅላይ ጉባኤ ቡድን አባላት ፣ የጉባኤ ጽ/ቤት እና የሥነ ምግባርና ኢንስፔክሽን ጽ/ቤት ኃላፊዎች የፈፀሙትን የሥነ-ምግባር ጥሰት አስመልክቶ ፕሬዚዳንቱ የሚያቀርበውን የውሳኔ ሃሳብ ተንተርሶ ይወስናል።

a) It shall nominate legal professionals selected and presented by the President for judgeship, and present them to State Commission for appointment;

b) It shall appoint Appointees of the Commission nominated by the president, and shall dismiss them;

c) It shall fire judges and appointees in accordance with relevant laws;

d) It shall determine the salary, benefits and leave of judges and appointees;

e) It shall determine the allowance of members of the Commission, Supreme Adjudicatory team and Zonal Commission;

f) It shall decide on transfer and promotion of judges;

g) It shall approve the structure of the Courts of the Region;

h) It shall review and decide, in its appellate jurisdiction, on decisions of Supreme Adjudicatory Team concerning disciplinary matters decided in its first instance jurisdictions; the holding of the Commission rendered accordingly shall be final and no appeal and petition shall be made against it.

i) It shall decide on disciplinary issues related to its own members, members of the Supreme adjudicatory Team, Head of Secretariat of the Commission, and Head of Disciplinary and Inspection Office based on recommendation of the President;

c). Wuxuu magacaabaa, xil ka qaadisna ku sameeyaa xubnaha magacaabista ee sida guddoomiyayaasha maxkamadaha sare iyo maxkamadaha degmooyinka;

g). Wuxuu ansixiyaa nidaam siyaasadeedyada, istiraatiijiyadaha, qorshayaasha iyo qaab shaqeedka maxkamadaha DDS;

f). Wuxuu ansixiyaa qorshe sanadeedka iyo miisaaniyadaha maxkamadaha deeganka;

q). Wuxuu qiimeeyaa warbixinada iyo waxqabadyada waaxaha kala duwan ee maxkamadda guud iyo qaybaha kala duwan ee guddiga;

k). Wuxuu ansixiyaa codsiga miisaaniyada kabista ee laga dalbado golaha wakiilada dawladda dhexe ee dacwadaha la xidhiidha arrimaha fedaraalka, islamarkaana ay maxkamadda guud ee DDS ku qaado awooddeeda racfaan.

l). Wuxuu soo saara awaamiraha kala duwan ee lagama-maarmaaka uu ah shaqada garsoorka, islamarkaana lagu dhaqan galinayo bayaankan.

m). Wuxuu ansixiyaa qaab-dhismeedka maxkamadaha deegaanka ee daraasadka ku salaysan, islamarkaana uu soo jeediyo guddoomiyuhu.

n). Isaga oo ka duulaya qodobka 67aad faqradiisa 4 ee dastuurka DDS arrimaha la horkeeno ee ku xusan qodobka (11), wuxuu shaqada ka joojin karaa garsoore uu arrintiisa go'aan kagaadhayo goluhu.

W. wuxuu xasaanadda garsoornimo ka qaadaa garsooreyaasha looga shakiyay in ay galeen fal dambiyeed.

ተ) የጉባኤ ተጿሚ ፣ የከፍተኛና ወረዳ ፍርድ ቤት ፕሬዚዳንቶችን ይሾማል፣ ከሹመትም ያነሳል።

ቸ) ፕሬዚዳንቱ አስጠንቶ የሚያቀርበውን ፖሊሲ፣ እስትራቴጂ፣ ፕሮግራም እና ፣ አሠራር ሥርዓት አይቶ ያፀድቃል።

ነ) የክልሉ ፍርድ ቤቶችን ዓመታዊ እቅድና በጀት ያፀድቃል፤

ኘ) የጠቅላይ ፍርድ ቤትና የጉባኤ አካላት ሥራ ሪፖርትና እንቅስቃሴን ይገመግማል።

ኧ) የክልሉ ፍርድ ቤቶች የፌዴራል ፍርድ ቤትን ተክተው በውክልና ለሚያዩት የፌዴራል ጉዳዮች የሚያስፈልገውን የፌዴራል መንግስቱ የበጀት ድጎማ ጥያቄን አይቶ ያፀድቃል።

ከ) ለዳኝነት ጉዳዮችና ይህንን አዋጅ ማስፈፀሚያ የሚያስፈልጉ ልዩ ልዩ መመሪያዎችን ያወጣል።

ኸ). የክልል ፍርድ ቤቶችን አደረጃጀት በማጥናት ለጉባዔው እንዲፀድቅ የውሳኔ ሃሳብ ያቀርባል እና ሲፀድቅ አፈፃፀሙን ይከታተላል;

ወ). በሶማሌ ክልላዊ መንግስት ሕገ-መንግሥት አንቀጽ 67 ንዑስ አንቀጽ 4 መሠረት በአንቀጽ 11 በተመለከቱት ሁኔታዎች ለይ ጉባኤው ዳኛ ከሥራ እንዲሠናበት የሚያስተላልፈው ውሳኔ ለክልሉ ምክር ቤት እሰከ ሚጸደቅ ደርሰ ከሥራ ያግዳል።

ዐ). በወንጀል የተጠረጠሩ የክልል ዳኞችን ያለመከሰስ መብት ያነሳል፤

j) It shall appoint appointees of the Commission, and presidents of High Courts and of District Courts; and also dismisses them;

k) It shall approve policies, strategies, programs, and working systems the study of which was caused and presented to it by the President;

l) It shall approve the annual plan and budget of the region's courts;

m) it shall evaluate the reports and activities of different bodies of the Commission;

n) It shall approve the request of compensatory budget to be granted by the federal government for regional courts for federal matters they adjudicate by delegations.

o) It shall issue different directives necessary for judicial fuctions and for the enforcement of this proclamation.

p) Cause the study of the structure of State Courts and present same with recommendation for approval to the Commission and follow up its implementation upon approval;

q) Pursuant to Article 67, Sub-Article 4 of the Constitution of the Somali Regional State, on the circumstances provided for in Article 11. of this proclamation shall suspend a judge who the decision of the Commission is submitted to the State Council for approval.

r) Shall remove immunity of judges suspect of criminal offences.

2. Go'aanada la xidhiidha shaqo ka joojinta ku meel gaadhka ah ee garsooreyaasha ee uu guddigu gaadho si waafaqsan qodobkan faqradiisa 1aad ee xarafka (j) waa in loo gudbiyo islamarkaana uu ansixiyo golaha Xildhibaanadu.

13: **Awoodda Iyo Waajibaadka Shir-Gudoonka Guddiga**

Shir-guddoonku wuxuu yeelanayaa Awoodahan iyo Waajibaadyadan soo socda;

1. Wuxuu hoggaamiyaa islamarkaana kormeeraa xafiiska xoghaynta guddiga;
2. Wuxuu iskugu yeedhaa, islamarkaana gudoomiyaa kulamada guddiga;
3. Wuxuu diyaariyaa islamarkaana golaha xildhibaanada uu gudbiyaa taariikh nololeedka xubnaha loo soo xulay Garsoornimo si wafaaqsan bayaanka.
4. Iyada oo qaybta 3aad ee qodobkani sidiisa ahaanayo, ayuu xubnaha kale ee magacaabista ee uu soo xushay u bandhigayaa guddiga.
5. Wuxuu sababaa in dabagalku soo baadho cabashooyinka loo soo gudbiyo iyo eedaymaha dhanka ka ah garsooreyaasha iyo xubnaha magacaabista, haddii uu lagama maarmaan u arko wuxuu u gudbiyaa guddiga.
6. Wuxuu amraa daraasaadka la xidhiidha qaab-dhismeedka maxkamadaha wuxuuna iyada oo talo bixintiisu la socoto u soo gudbiyaa guddiga dhaqangalkiisana wuu dabagalaa:

2. **በዚህ አንቀጽ ንዑስ አንቀጽ** 1 (*ሐ*) *መሠረት ጉባኤው ዳኛ ከሥራ እንዲሠናበት የሚያስተላልፈው ውሳኔ ለክልል ምክር ቤት ቀርቦ መጽደቅ አለበት።*

13: - **የጉባዔው ሰብሳቢ ሥልጣንና ተግባር**

የጉባዔው ሰብሳቢ የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል፡-

1. **የጉባዔውን ጽሕፈት ቤት ሥራዎች በበላይነት ይመራል፣ ይቆጣጠራል።**
2. **የጉባዔውን ስብሰባዎች ይጠራል፤ በሰብሳቢነት ይመራል፤**
3. **በዚህ አዋጅ** *መሠረት* **በጉባዔው የተመለመሉ እጩ ዳኞችን, በክልል ምክር ቤት ለማሾም ዝርዝራቸውን ለምክር ቤቱ ያቀርባል፤**
4. **በዚህ አንቀጽ ንዑስ አንቀጽ** 3 **የተደነገገው እንደተጠበቀ ሆኖ የጉባኤ ተሿሚን ለጉባኤው አቅርቦ ያሾማል።**
5. **የዳኞችና ሌሎች ተሿሚዎች አባላት ሥነ-ምግባር አስመልክቶ የሚቀርቡ ጉዳዮችን አጣርቶ አሰፈላጊ ሆኖ ሲገኝ ለጉባኤው የውሳኔ ሃሳብ ያቀርባል።**
6. **የፍርድ ቤቶችን** *መዋቅር አስመማልክቶ ጥናት እንዲካሄ የደርጋል፡ ለጉባኤው እንዲፀድቅ የውሳኔ ሃሳብ ያቀርባል ሲፀድቅ አፈፃፀሙን ይከታተላል።*

2. Decision of the Commission to dismiss judges in accordance with Sub-article (1) (c) of this Article should be presented to and approved by the State Council.

13. **Powers and Functions of the Chairman of the Commission**

the chairman of the Commission shall have the following powers and functions:

1. Direct and supervise the Secretariat of the Commission;
2. Convene the meetings of the Commission and preside over it;
3. Present the personal Curriculum CV selected candidate judges to State Council for appointment pursuant ; to this Proclamation;
4. Notwithstanding with the provisions under sub-Article 3 hereof, Present appointees of the Commission to the Regional Commission and cause their appointment;
5. Cause the investigation of disciplinary complaints made against members of Judges and other appointees and deemed necessary present it with recommendation to the Regional Commission;
6. Cause the study of the structure of Courts and present same with recommendation for approval to the Commission and follow up its implementation upon approval;

7. Wuxuu isaga oon isugu yeedhin ugu diraa si kumeel gaadha garsoore ama xubnaha kale ee magacaabista ah, hawl u dhiganta ama ka heer saraysa hawshiisa marka ay timaado xaalad deg-deg ah, haseyeeshe waxa uu go'aankisa soo hordhigaya oo uu ka ansixinayaa guddiga.

8. Wuxuu soo jeediyaa daraasaadka iyo soo diyaarinta awaamiirta kala duwan ee kabaysa fulinta waajibaadyadab shaqo ee la xidhiidha hay'adda garsoorka.

14: **Guddiyada Joogtada ah ee Guddiga Garsoorka**

Si uu guddiga garsoorka ugu guto waajibaadyadiisa si sahlan oo wax ku ool ah, ayaa waxa bayaankan dhexdiisa lagu aasaasay guddi hoosaadyadan soo socda;

1. Guddiga joogtada ah ee xulashada, meelaynta, iyo kala bedelka garsoorka, xubnaha magacaabista iyo shaqaalaha taakulaynta ee maxkamadaha.
2. Guddiga joogtada ah ee Miisaaniyadda, iyo Hawlaha isbedelka maxkamadaha;
3. Guddiga joogtada ah ee arrimaha anshaxa;
4. Xubnaha guddiyada joogtada ahi waxay noqonayaan kuwo laga xulo xubnaha guddiga garsoorka iyo xubno ka baxsan guddiga garsoorkaba.
5. Xubnaha guddiyada joogtada ahi waxay adeegsan karaan khabiiro kolba sida loogu baahdo.
6. Xubnaha guddiyada joogtada ahi mas'uuliyadooda xubin-nimo uguma wareejin karaan ama uguma wakiilan karaan qof kale.

7. **ለጉባኤው ማቅርብ ሲያስፍልግ አንደን ዳኛ ወይም ሌሎች ተሿሚዎችን በጊዜያዊነት በመመደብ አስፈላጊ ሆኖ ከተገኘ ተመጣጣኝ ወይም ከፍ ያለ ቦታ ይመድባል፡ ውሳኔንም ለጉባኤውእንዲፀድቅ ያቀርባል።**

8. **ከዳኝነት አካላት ጋር በተያያዙ ስራዎች አፈጻጸምን ለማሻሻል የሚያስችል የተለያዩ መመሪያዎችን የማጥናትና ዝጋጀት ሃሳብ ያቀርባል።**

14. **<u>የጉባዔው ኮሚቴዎች</u>**

የዳኝነት አስተዳደር ጉባዔው ኃላፊነቱን በአግባቡ ለመወጣት እንዲያስችለው የጉባዔውን አባላት የያዙ ንፁስሚ ኮሚቴዎችን በዚህ አዋጅ ተቋቁሟል።

1. **የዕጩ ዳኞች ምልመላ፣ የዳኞች፣ የጉባኤ ተሿሚዎች እና ድጋፈ ሰጪ ሠራተኞች እድገት እና ዝውውር ጉዳዮች ቋሚ ኮሚቴ፤**
2. **የበጀት እና የፍርድ ቤቶች የለወጥ ሥራዎች ጉዳዮች ቋሚ ኮሚቴ፤**
3. **የዳኞች ሥነ-ምግባርና የዲሲፕሊን ጉዳዮች ቋሚ ኮሚቴ።**
4. **ቋሚ ኮሚቴዎች ከጉባዔው አባላት እና ከጉባዔው አባላት ውጪ ሊያዋቅር ይችላል።**
5. **የጉባዔው ኮሚቴዎች አባላት አስፈላጊ ሆኖ ከተገኘ ባለሞያዎች ሊጠቀም ይችላል።**
6. **የኮሚቴው አባላት የተመደቡበትን ኃላፊነት በማናቸውም መልክ ለሌላ የጉባዔው አባል ወይም ለሌላ ወገን በውክልና ሊሰጡ አይችሉም።**

7. without the approval of the Commission, temporarily assign a judge or other appointees, to an equivalent or higher than in case found necessary, and shall present decision to the Commission for approval.
8. Suggests the study and preparation of various directives to supplement the performance of duties related to the judiciary.

14. **<u>Committees of the Commission</u>**

In order to effectively carry out its responsibilities, the Commission shall organize ad hoc and standing committees whose membership may be drawn from members of the Commission or non-members of the Commission.

1. Candidates' selection, judge promotion and transfer, committee,
2. Matters on budget & transfer of Courts committee;
3. Judicial Code of Conduct and Discipline committee;
4. Standing committees shall be established from members of the Commission and non members of the Commission.
5. Each committee shall have expert assigned to it as required.
6. Committee members shall not delegate their responsibilities to other Council members or any other person.

7. Guddiyada joogtada ahi waxay shaqadooda u gudan si waafaqsan habraacyo uu goluhu soo saaro.

15: **Dhawrsanaanta Xogta**

Dhamaan arimaha aanan la shaacin ee guddigu waxay ahaanayaan kuwo dhawrsan, Xubin kaste oo ka mid ah guddiga ama xubin kaste oo ka qayb gala shirka guddiga siyaabo kal duwan awgeed waxaa waajib ka saaran yahay in uu ilaaliyo sirta iyo dhawrsanaanta doodaha iyo xogta guddiga.

16.: **Xafiiska Gudddiga**

1. Xafiiska guddigu wuxuu yeelanayaa madax-xafiiseed iyo shaqaalaha lagama-maarmaanka u ah geeddi-socodka shaqo iyo gudashada waajibaadka, isaga oo hoos tagayaa guddoomiyaha maxkamadda guud.
2. Xafiisku wuxuu yeelanayaa awoodaha iyo waajibaadyadan soo socda;

b). Wuxuu diyaariyaa ajendaha shirka guddiga;

t). Wuxuu qoraa hadal-qoraaleedka geeddi socodka shirka guddiga, islamarkaana wuu isku dubariddaa;

j). Wuxuu dhaqan galiyaa go'aanada guddiga;

x). Wuxuu taageero farsamo siiyaa waaxyaha kala duwan iyo heerarka kala duwan ee gudddiga;

kh). Wuxuu guddiga iyo waaxyaha kale ee guddigaba u fududeeyaa iskuguna dubaridaa hawlahooda shaqo, islamarkaana wuxuu habeeyaa faylasha iyo dhokumantiyada;

7. **ቋሚ ኮሚቴዎቹ ጉባዔው በሚያወጣው የአሰራር መመሪያዎች መሰረት ሥራቸውን ያከናውናሉ።**

15. **የሥራ ሚስጥር ስለመጠበቅ**

ጉባዔው በይፋ እንዲገለጹ ያላደረጋቸው የጉባኤው ውይይቶች፣ የቀረቡ ሀሳቦችና የተደረጉ ክርክሮች ይዘት ማንኛውም የጉባዔ አባል ወይም በጉባዔው ስብሰባዎች የሚሳተፍ ሰው ሚስጢራዊነትን የመጠበቅ ግዴታ አለበት።

16. **ስለጉባዔው ጽ/ቤት**

1. **የጉባዔው ጽ/ቤት አንድ የጽ/ቤት ኃላፊ፣ በጀት እና ኃላፊነቱ በብቃት ለማሰፈፃም አስፈላጊ የሆኑ ሠራተኞችና የሥራ ሂዳቶች ይኖሩታል፤ ተጠሪነቱ ለክልሉ ጠ/ፍ/ቤት ፕሬዚዳንት፤ ይሆናል፤**
2. **የጉባዔው ጽሕፈት ቤት ከዚህ በታች የተዘረዘሩት ተግባራት እና ኃላፊነቶች ይኖሩታል፡-**

ሀ) የጉባኤዉን አጀንዳ ያዘጋጃል።

ለ) የጉባዔውን እና የኮሚቴዎችን የስብሰባ ቃለ ጉባዔዎችን ሌሎች ሰነዶችን በአግባቡ አደራጅቶ መያዝ፤

(ሐ) በጉባዔው የተወሰኑ ውሳኔዎች በስብሳቢው ፊርማ ለሚመለከተዉ አካል እንዲደርስ ማድረግ፤ ውሳኔዎቹ መፈጸማቸውን መከታተል፤

መ) በየደረጃው ለሚገኙ የጉባኤ አካላት ቴክኒካል ድጋፍ ይሰጣል።

ሠ) የጉባኤውን እና ጉባኤ አካላት ሥራ ሁኔታ ያመቻቻል፤ ሰነድና መዛግብታቸውን ያደራጃል።

7. Committee members shall not delegate their responsibilities to other Commission members or any other person.

15. **Data Privacy**

All undisclosed matters of the Commission shall be kept confidential, every member of the Commission or any member who attends the Commission meetings for various reasons has a duty to maintain the confidentiality and confidentiality of the committee's discussions and information.

16. **Secretariat of the Commission**

1. The Secretariat of the Commission shall have a head of Secretariat, budget and necessary staff and shall be accountable to the President of Supreme Coiurt.
2. The Secretariat shall have the following powers and duties:

a) prepares agenda of the plenum of the Commission;

b) Take the minutes of the proceedings of the meetings of the Commission and organizes same;

c) Causes the enforcement of the decisions of the Commission;

d) Provides necessary technical support for different bodies of the Commission at different levels;

e) Facilitate working conditions for the Commission and bodies of the Commission and organize files and documents of the same;

d) Wuxuu kaalin laxaadle kuyeesha daraasaadyada la xidhiidha nidaamka iyo qaab-shaqeedka lagama maarmaanka u ah habsami usocodka maamulka garsoorka iyo maareynta mushaaraadka iyo gunooyinka garsoorka ee xubnaha magacaabista iyo waliba mida hay'ad ahaaneedba;

r). Wuxuu gacan ka gaystaa tusmaynta hanaan cad oo lagu maareeyo cabashooyinka iyo tabashooyinka;

s). Wuxuu qaabilaa cabashooyinka la xidhiidha garsoorka iyo xubnaha magacaabista, islamarkaana wuxuu u gudbiyaa guddoomiyaha, iyada oo go'aanka laga gaadhana uu dhaqan galinaayo;

sh). Wuxuu soo ururiyaa macluumaadyada la xidhiidha waxqabadka waaxyaha iyo heerarka kala duwan ee guddiga, islamarkaana isaga oo isku dubaridaya ayaa wuxuu u gudbiyaa cidda iyo goobta ay khusayso;

17**: <u>Awoodda Iyo Waajibaadka Madaxa Xafiiska Guddiga</u>**

Madaxa xafiiska guddigu, isaga oo hoos taga guddoomiyaha maxkamadda guud ayaa wuxuu leeyahay awoodda iyo waajibaadyadan soo socda:

1. Wuxuu isku dubaridaa islamarkaana daba galaa hawlaha xafiiska;
2. Wuxuu diyaariyaa ajendaha kaal-fadhiga guddiga isaga oo kala tashanaya shir-gudoonka guddiga, islamarkaana wuxuu xubnaha guddiga ogaysiiyaa waqtiga shirka;
3. Wuxuu qaadaa ama diwaan-galiyaa hadal qoraaleedka (wareegtada) guddiga xiliga shirka lagu jiro;

ረ) ስለ ዳኞች አስተዳደር ጉባዔና ተሿሚዎች ዘመናዊ የአስተዳደርና የአሠራር ሥርዓት የዳኞች እና የተሿሚዎችን ደመወዝና ልዩ ልዩ ጥቅማ ጥቅም አጥንቶ የውሳኔ ሃሳብ ያቀርባል። ሲወሰንም ሥራ ላይ ያውላል።

ሰ). ግልፀኝነት ያለው የቅሬታና አቤቱታ መስተንግዶ ሥርዓት ይዘረጋል።

ሸ) የዳኞችና ተሿሚዎች ቅሬታንና አቤቱታን ያስተናግዳል፤ ለፕሬዚዳንቱ የውሳኔ ሃሳብ ያቀርባል። ሲወሰንም ያስፈፅማል።

ቀ) የጉባኤው አካላት አፈጻጸም አስመልክቶ መረጃ ያሰባስባል፤ ያጠናቅራል፤ ለሚመለከታቸውም አካላትና ቦታ በተገቢው ጊዜ ያሰራጫል።

17 <u>**የጉባዔው ጽ/ቤት ኃላፊ ሥልጣን እና ተግባር**</u>

የጉባኤ ጽ/ቤት ኃላፊ ተጠሪነት ለክልሉ ጠቅላይ ቤት ፍርድ ቤት ፕሬዚዳንት ሆኖ ቀጥሎ የተገለፁት ሥልጣንና ተግባር ይኖሩታል።

1. **የጉባኤ ጽ/ቤት ይመራል፤ ያስተባብራል፤ ይቆጣጠራል።**
2. **ከጉባኤ ሰብሳቢ ጋር በመመካከር የጉባኤን አጀንዳ ያዘጋጃል፤ ለአባላት የስብሰባ ጥሪ ያስተላልፋል።**
3. **የጉባኤውን ቃለ ጉባኤ ይይዛል፤ በዘመናዊ መልክ ያደራጃል።**

f) Carries out study on procedures and work systems for efficient administration of judiciary, in relation to the salary and benefits of judges and other appointees and present same with recommendation;

g) Designs a transparent system for administrative grievances and complaints;

h) Receives grievances and complaints of judges and appointees; forwards recommendation to the President and enforces it upon decision thereon;

i) Gathers information concerning the performance of bodies of the Commission; organizes and disseminates it to concerned organs.

17. **<u>Powers and Duties of The Head of The Secretariat</u>**

The Head of the Secretariat of the Commission shall have the following powers and duties:

1. Directs and supervises activities of the Secretariat;
2. Prepares agendum for the meeting of the Commission in consultation with the Chairman and send a notice of the meeting to the members of the Commission;
3. Takes minutes of the meeting of the Commission and organizes it systematically;

4. Wuxuu soo diyaariyaa, islamarkaana soo jeediyaa qorshaha xafiiska, marka loo ansixiyana wuu dhaqan galiyaaa;
5. Wuxuu warbixinta waxqabadka u gudbiyaa guddoomiyaha;
6. Wuxuu fuliyaa hawlaha kale ee guddigu ama guddoomiyuhu u xil saaro.

18: **Awoodda Iyo Waajibaadka Kooxda Baadhista Dacwadaha Anshaxa Ee Heer Deegaan**

Kooxda baadhista dacwadaha anshaxa ee heer deegaan waxay yeelanayaan awoodaha iyo waajibaadyadan soo socda:

1. Waxay baadhaan arimaha la xidhiidha danbiyada anshaxa culus ee ay galaan garsoorka iyo xubnaha magacaabista ee heer deegaan, garsoorka maxkamadaha sare ee heer gobol iyo sidoo kale falalka anshaxa ee ay galaan guddoomiyeyaasha maxkamadaha sare, xubnaha guddiga garsoorka ee heer gobol iyo xubnaha kooxda anshaxa iyo baadhista ee heer gobol, kadibna warbixinta natiijada baadhida waxay u gudbinayaan gudiga maamulka garsoorka ee heer deegaan;
2. Waxay dib-u-eegaan awoodooda racfaan ee go'aanada guddiga heer gobol, kadibna warbixinta dib-u-eegista waxay u gudbinayaan gudiga maamulka garsoorka ee heer deegaan.
3. Waxa ay dib-u eegaan go'aanada uu bixiyo madaxa anshaxa iyo baadhista ee arrimaha la xidhiidha danbiyada anshaxa fudud, kadibna warbixinta dib-u-eegista waxay u gudbinayaan gudiga maamulka garsoorka ee heer deegaan.

4. **የጽ/ቤቱን ዕቅድ አዘጋጅቶ ያቀርባል፤ ሲፀድቅም ሥራ ላይ ያውላል።**
5. **የሥራ አፈፃፀም ሪፖርት አዘጋጅቶ ለፕሬዚዳንቱ ያቀርባል።**
6. **በክልል ጉባኤ ወይም በፕሬዚዳንቱ የሚሰጡት ሌሎች ሥራዎች ይፈጽማል።**

18. **<u>የጠቅላይ ጉባኤ የሥነ-ምግባር ኢንስፔክሽን ቡድን ሥልጣንና ተግባር</u>**

የጠቅላይ ጉባኤ የሥነ-ምግባር ኢንስፔክሽን ቡድን የሚከተሉት ሥልጣንና ተግባር ይኖሩታል።

1. **በጠቅላይ ፍርድ ቤት ዳኞችና ተሿሚ፣ የከፍተኛ ፍርድ ቤት ዳኞች፣ የከፍተኛ ፍርድ ቤት ፕሬዚዳንት፤ በዞን ጉባኤ አባላትና የሥነ-ምግባርና ኢንስፔክሽን ቡድን አባላት ላይ የሚቀርቡ ከባድ የሥነ-ምግባር ጥሰት ክስ ጋር የተያያዙ ጉዳዮቸን በመመርመር ውጤቱንም ለክልል የዳኞች አስተዳደር ጉባኤ ያሳውቃል።**
2. **የዞን ጉባኤ የወሰነውን የሥነ-ምግባር ውሳኔን በይግባኝ አይቶ የምርማራ ውጤት ሪፖረትም ለክልል ዳኞች አስተዳደር ጉባኤ ያቀርባል።**
3. **የሥነ-ምግባርና ኢንስፔክሽን ጽ/ቤት ኃላፊ በቀላል የሥነ-ምግባር ጥሰቶች ላይ የሚሰጠውን ውሳኔ በይግባኝ አይቶ የምርማራ ውጤት ሪፖረትም ለክልል ዳኞች አስተዳደር ጉባኤ ያቀርባል።**

4. Prepares and presents plan of the secretariat and enforces same upon approval;
5. Presents performance reports to the President;
6. Discharges other functions as may be assigned to him by the Commission or the President.

18. **<u>Powers and Functions of the Supreme Adjudicatory Team</u>**

The supreme Adjudicatory Team shall have the following powers and functions:

1. Adjudicates and decides on grave disciplinary violations committed by a Supreme Court judge and other appointee at Regional level, High Court judge as well as ethical violations of High Court president and members of Zonal Commission and Zonal Ethics and Inspection Team; then shall submit its final report on the outcome of its investigation to Judicial Administration Commission at Regional Level.
2. reviews and decides, in its appellate jurisdiction, on decisions of the Zonal Commissions; the decision given accordingly is final and shall have no petition against it;
3. Reviews and decides on decisions given by Head of Discipline and Inspection Secretariat on simple disciplinary violations; the decision given accordingly is final and shall have no petition against it;

4. Waxay dib-u eegaan iyaga oo adeegsanaya awoodooda racfaan ee go'aanada ay gaadhaan guddiyada anshaxa heer deegaan, iyo shaqaalaha taakulaynta ee lagu maamulo xeerka shaqaalaha dawladda, kadibna warbixinta dib-u-eegista waxay u gudbinayaan gudiga maamulka garsoorka ee heer deegaan.
5. Waxay fuliyaan hawlaha kale ee anshaxa la xidhiidha islamarkaana uu guddoomiyuhu u xilsaaro.
6. Talaabada u dambaysa arrimaha guddigan waxaa iska leh guddiga garsoorka.

19: **Guddiga Heer Gobol**

1. Xubnaha guddiga heer gobol waxay ka koobnaanayaan xubnahan soo socda;
   b). Guddoomiyaha Maxkamadda Sare ee gobolka ---------- shir-guddoonka
   t). Laba xubnood oo katirsan garsooreyaasha heer gobol ----------Xubin
   j). Hal xubin oo ka tirsan garsooreyaasha heer degmo ---------- Xubin
   x). Hal xubin oo ka tirsan xildhibaanadda laga soo doortay gobolka guddiga laga aasaasayo oo uu soo magacaabayo afayeenka goluhu oo aan ka tirsanayn golaha fulinta ----------Xubin
2. Khabiirka arrimaha guddiga ayaa noqonaaya xog-hayaha guddiga heer gobol isaga oon wax cod ah kulahayn.
3. Marka uu shir-guddoonka Guddigu maqanyahay, xubnaha guddiga ee garsooreyaasha heer gobol ee uu magacaabo shir guddoonku ayaa wadaaya hawsha shir-guddoonka.

4. የጠቅላይ ፍርድ ቤት የሲቪል ሰርቫንት የዲሲፕሊን ኮሚቴ የመጨረሻ ውሳኔ በይግባኝ ሰሚው ጉምግሞ ይወሰናል። በዚህ መሠረት የተሰጠው ውሳኔ የመጨረሻ ይሆናል እና ምንም ይግባኝ እና አቤቱታ የለውም.።
5 ከዲሲፕሊን ጉዳዮች ጋር በተያያዙ በፕሬዚዳንቱ የሚሰጡትን ሌሎች ሥራዎች ይፈፅማል።
6. ስለኮሚቴዎች ሥራዎቸ በተያያዘ ጉዳዮች የመጨረሻ ውሳኔ የሚሰጠው በክልል የዳኞች አስተዳደር ጉባዔ ይሆናል።

19. **የዞን ጉባኤ አባላት**

1. የዞን ጉባኤ ቀጥሎ የተገለጹ አባላት ይኖሩታል።
   ሀ) ከፍተኛ ፍርድ ቤት ፕሬዚዳንት--- ሰብሳቢ
   ለ) ሁለት የከፍተኛ ፍርድ ቤት ዳኞች ዳኛ---- አባል
   ሐ) አንደ የወረዳ ፍርድ ቤት ዳኛ -- አባል
   መ) የአሰፈፃሚው ምክረ ቤት አባል ያልሆነ አንድ በአፈ ጉባኤ የሚወከል ከዞኑ የተወከለ የክልል ምክር ቤት አባል ---- አባል
2. የጉባኤ ጉዳዮች ባለሙያ ያለ ድምጽ የጉባኤው ፀሐፊ በመሆን ይሠራል።
3. የጉባኤው ሰብሳቢ በሌለ ጊዜ የጉባኤ አባል የሆነ የከፍተኛ ፍርድ ቤት ዳኛ የጉባኤ ሰብሳቢ ሆኖ ይሠራል።

4. Reviews and decides, in its appellate jurisdiction, final decision of the Disciplinary Committee of the Civil Servants of the Supreme Court; A decision given accordingly shall be final and have no appeal and petition against it.
5. Discharges other functions as may be assigned to it by the President in relation to disciplinary matters;
6. Final decision and measure to be given over the functions of this Committees shall be decided by the Judicial Administration Commission at Regional level;

19. **Zonal Commission**

1. The Zonal Commission shall have the following members:
   a) President of the Zonal High Court- ---------- Chairman
   b) Two High Court Judges ---------- Member
   c) One District Court Judges ----------Members
   d) one member of state Council to be assigned by the Speaker from among those representing the Zone who are not serving in the Executive organ;
2. An Expert of the Commission shall serve as the secretary of the Zonal Commission without having a vote.
3. In case of the absence of the Chairman of the Zonal Commission, the High Court Judge who is the member of the Commission shall act as Chairman of the Commission;

20: **Shuruudaha Iyo Habka Xulashada Xubnaha**

1. Xubnaha guddiga ee lagu xusay qodobka 19aad farqada 1aad waa inay yihiin xubno anshax wanaag lagu yaqaano, waxqabad sare iyo waayo-aragnimo ku filan leh. Waa in ay yihiin kuwo shaqadooda ay ku dheehan tahay asluub iyo hab-dhaqan haboon, islamarkana leh qiyam iyo ka go'naansho adag oo la xidhiidha sareynta sharciga iyo isbadelka maxkamadaha.
2. Habka xulashada xubnuhu waxay noqonayaan sidan:

b). Xubnaha ku xusan qodobka 19aad farqada 1aad xarfaha (t) iyo (j) waxaa uu codayn garsooreeyasha iyada oo laga dhex dooran lix garsoore oo heer deegaan aha iyo afar garsoore oo heer gobol ah iyo laba garsoore oo heer degmo ah, oo uu soo jeediyo guddoomiyuhu marka ay shirka waxqabadka xiliilaha ah ee iyaga uu gaarka ee ay ku kulmaan maxkamadahasi.

t). Iyadoo arrimaha lagu sheegay qodobkan farqada 2aad xarafka (b) uu sideeda ahaanayo, ayaa haddii uu jiro xubin kamida xubnaha guddiga oo sababo kala duwan awgood uga baaqdo guddinimada inta laga gaadhayo shirka xiga wuxuu guddoomiyaha maxkamadda sare ee gobolku uu ku sii badeli karaaxubin ku meel gaadha.

20. **ስለ አባላት አመራረጥ እና መሰረርት**

1. **በአንቀጽ** 19 **ንዑስ አንቀጽ** 1 **የተገለፀት የዞን ጉባኤ አባላት ተምሳሌታዊ ሥነ-ምግባር ፣ ከፍተኛ የሥራ አፈፃፀም እና በቂ የሥራ ልምድ ያላቸው ፤ የዳኝነት ሥነ ምግባርና መርሆን ለማጠናከርና ፍርድ ቤቶችን ለማሻሻል ጠንካራና ቆራጥ አቋም ያላቸው መሆን አለባቸው።**
2. **የአባላቱ አመራረጥም እንደሚከተለው ይሆናል ።**

ሀ) በአንቀጽ 19 **ንዑስ አንቀጽ** 1 **ከፊደል ተራ "ለ" እስከ "ሐ" የተጠቀሱት የጠቅላይ ፍርድ ቤት ዳኞች መካከል ሰደስት ሰው፤ ከከፍተኛ ፍርድ ቤት ዳኞች መካከል አራት ሰው፣ ከወረዳ ፍርድ ቤት ዳኞች ሁለት ሰው መስፈርቱን የሚያሟሉትን መርጦ ለፍርድ ቤቶች ዓመታዊ ጉባኤ አቅርቦ በአብላጫ ድምፅ በማሰወሰን ይመረጣሉ።**

(ለ) በዚህ አንቀጽ ንዑስ አንቀጽ 2 **(ሀ) ሥር የተደነገገው እንደተጠበቀ ሆኖ በልዩ ልዩ ምክንያት የንደለ አባል ካለ የከፍተኛ ፍርድ ቤት ፕሬዚዳንት እስከሚቀጥለው ምርጫ ድረስ መስፈርቱን የሚያሟላ ሰው መወከል ይችላል።**

20. **Criteria and Manner of Election of Members**

1. Members of the Zonal Commission stipulated under Article 19 (1) shall be of exemplary in terms of their discipline, have high performance and sufficient experience. They are required to possess strong commitment and stand to strengthen judicial discipline and values, and to transform Courts.
2. The manner of their election is as follows:

a) Members listed under Article 19 (1) (b) and (c) are elected by the Zonal Plenum of Judges by majority vote from among two High Court Judges and four District Court Judges nominated and presented by the President of the High Court.

b) Notwithstanding the provision of Sub-article (2) (a) of this Article, the President of the High Court may substitute, with one who can meet the criteria, a Member of the Commission who could not continue with his membership on account of different reasons until election is held on the following plenum.

j). Xubnaha guddiga ee ku xusan qodobka 19aad farqada 1aad xarfaha (t) iyo (j) waxa magacaabistooda saxeexaya guddoomiyaha maxkamadda sare ee heer gobol.

x). Xubinka ku xusan qodobka 19aad farqada 1aad xarfka (x) iyada oo looga baahanyahay in uu yahay xubin aqoon durugsan u leh sharciga, waayo-aragnimanau leh geeddi-socodka shaqada hay'adda garsoorka, islamarkaana niyad-sami iyo firfircooni u leh taageerada hawlaha maxkamadaha, ayaa waxaa magacaabaya afayeenka barlamaanka.

21: **Awoodda Iyo Waajibaadka Guddiga Heer Gobol**

Guddiga heer gobol wuxuu yeelanaya awoodaha iyo waajibaadka shaqo ee soo socda;

1. Wuxuu soo baadhaa arrimaha la xidhiidha anshaxa ee garsooreyaasha iyo xubnaha kale ee magacaabista, ee heer gobol iyo heer degmo, sidoo kale waxa uu natiijada baadhistiisa oo ay la socoto talo bixintiisu u soo gudbiyaa guddiga heer deegaan;
2. Wuxuu dhagaystaa cabashooyinka iyo eedaymaha sahlan ee dhanka ka ah garsoorayaasha heer gobol iyo heer degmo, iyo xubnaha kale ee magacabista ah, islamarkaana wuxuu warbixin siinayaa guddiga heer Deegaan;
3. Haddii cabashada ama eedaynta loo soo gudbiyay tahay mid culus, guddigu wuxu ka tanaa- sulayaa eegisteeda islamarkaana wuxuu cabashada isu dhaafinayaa guddiga heer deegaan. Faah-faahintana waxaa xeerin awaamiir;

ሐ) በአንቀጽ 19 ንዑስ አንቀጽ 1 (መ) እና (ሠ) ሥር የተጠቀሱት የዞን ጉባኤ አባላት ሹመት በከፍተኛው ፍርድ ቤት ፕሬዚዳንት የሚፈረም ይሆናል፡

መ) በአንቀጽ 19 ንዑስ አንቀጽ 1 (መ) ሥር የተጠቀሰው አባል በሕግ ወይም የፍርድ ቤት ሥራ ላይ በቂ ግንዛቤ ያለው እና ፍርድ ቤትን ለማገዝ ፍላጎትና ተነሳሽነት ያለው ሆኖ በጨፌ አፈ ጉባኤ የሚወከል ይሆናል።

21. **<u>የዞን ጉባኤ ሥልጣንና ተግባር</u>**

የዞን ጉባኤ የሚከተሉትን ሥልጣንና ተግባር ይኖሩታል።

1. **የወረዳ ፍርድ ቤት ዳኞች፣ ተሿሚዎች እና የከፍተኛ ፍርድ ቤት ጉባኤ ተሿሚዎች፣ የወረዳ ፍርድ ቤት ፕሬዚዳንት፣ የወረዳ ሥነ-ምግባርና አፈሠር ከባድ የሥነ-ምግባር ጥሰት ጉዳይን አይቶ ይወሰናል።**
2. **የከፍተኛ ፍርድ ቤት እና የወረዳ ፍርድ ቤት ማህበረሰብ ሥነ-ምግባር በበላይነት ይቆጣጠራል፤ ያረጋግጣል።**
3. **ቀላል የሥነ-ምግባር ጥሰትን አስመልክቶ የዞን ሥነ-ምግባርና ኢንስፔክሽን ኃላፊ እና የወረዳ ፍርድ ቤት ፕሬዚዳንት የሰጡትን ውሳኔ በይግባኝ አይቶ ይወሰናል፣ የሚሰጠውም ውሳኔ የመጨረሻ ይሆናል።**

c). Members of the Zonal Commission provided under Article 19 (1) (b) and (c) shall be assigned by the President of the High Court.

d). Member of the Zonal Commission listed under Article 19 (1) (d) shall be familiar with the law or the judicial task, and is willing and has motivation to support the activities of the Courts, and be assigned by the Speaker of the state Council.

21, **<u>Powers and Functions of the Zonal Commission</u>**

The Zonal Commission shall have the following powers and functions:

1. Decides on grave disciplinary violations committed by judge and appointees working at the District Court level, appointees working at the High Court level, Present its investigation finding to the Regional Commission.
2. Receives grievances and complaints against Zonal high Court judges and appointee, Woreda Court judge, forwards recommendation to the President and enforces it upon decision thereon;
3. Where the case submitted to it is found as grave disciplinary violations the committee shall denounce to charge and before it and Adjudicating and decides on it by causing to forward the matter to the competent regional commission. Details shall be determined by a directive.

4. Wuxuu ka talo bixiyaa isaga oo xeerka waafajinaya garsoorka hormuud ka noqday iyo kuwa hoos u dhac ku yimid iyo sidoo kale:- kala-badalka, dalacsiinta iyo hoos u dhigida garsooreyaasha heer degmo iyo heer gobol.

5. Wuxuu diyaariya qorshe-sanadeedka iyo codsiga miisaaniyadda, maxkamadaha heer gobol iyo degmosidoo kale wuxuu warbixinta waxqabadka maxkamadaha heer-gobol iyo heer-degmo una soo gudbiyaa guddiga heer deegaan.

6. Wuxuu fuliyaa hawlaha kale ee guddiga heer-deegaan u xil saaro.

22: **Awoodda Iyo Waajibaadka Shir-Guddoonka Guddiga Heer-Gobol**

1. Shir-guddoonka Guddiga heer gobol waxa uu yeelanayaa awoodaha iyo waajibaadka shaqo ee soo socda;

b). Wuxuu hogaamiyaa, kormeeraana xoghaynta guddiga:

t). Wuxuu diyaariyaa ajendaha kal-fadhiga

j). Wuxuu isugu yeedha, islamarkaana guddoomiyaa kulanada guddiga

x). Wuxuu diyaariya qorshe-hawleedka guddiga, islamarkana wuxuu warbixinta waxqabadka u gudbiyaa guddiga heer Deegaan.

Kh**)**. Wuxuu baadhaa ama sababaa in la soo baadho islamarkaana usoo gudbiyaa guddiga cabashooyinka iyo eedaymaha loo soo gudbiyo ee dhanka ka ah garsoorayaasha iyo xubnaha kale ee magacaabista ah;

d**)**. Wuxuu soo xulaa una soo bandhigaa guddiga si ay uga talo bixiyaan garsoorayaasha dhexe ee fadhiyada maxkamadaha heer gobol; go'aanada guddigana waxa uu u gudbiyaa guddiga heer deegaan;

r). Wuxuu fuliyaa hawlaha kale uu guddigu u xilsaaro.

4. **የዞን ዳኞች እና ጉባኤ የተሿሚዎችን እድገት አስመልክቶ ባለው ደንብ መሠረት አይቶ መነሻ ሃሳብ ለጉባኤ ያቀርባል።**

5. **የከፍተኛ ፍርድ ቤት እና የወረዳ ፍርድ ቤቶች እቅድና በጀት ጥያቄ እንዲሁም ሪፖርት መርምሮ ለጠቅላይ ፍርድ ቤት ያቀርባል፡**

6. **በጉባኤ ወይም በፕሬዚዳንቱ የሚሰጡትን ሌሎች ሥራዎችን ይፈጽማል።**

22. **<u>የዞን ጉባኤ ሰብሳቢ ሥልጣንና ተግባር</u>**

1. **የዞን ጉባኤ ሰብሳቢ የሚከተሉ ሥልጣንና ተግባር ይኖሩታል።**

ሀ) የዞን ጉባኤ ሥራን ያደራጃል፣

ለ) የጉባኤዉን አጀንዳ ያዘጋጃል፣

ሐ) የጉባኤውን ስብሰባ ይጠራል፤ ይመራል፣

መ) የጉባኤውን ሥራ ያቅዳል፣ አፈፃፀሙንም ያዛገጃል የአፈፃፀም ሪፖርትም ለክልል ጉባኤ ያቀርባል፣

ሠ) በዳኞችና በሌሎች ተሿሚዎች ላይ የቀረቡትን የዲሲፕሊን ቅሬታዎች መርምሮ ለሥነ ምግባርና ኢንስፔክሽን ኮሚቴ የውሳኔ ሃሳብ ያቀርባል።

ረ) የዞኑ ከፍተኛ ፍርድ ቤቶች ችሎት ሰብሳቢ ዳኞችን መርጦ ለዞኑ ጉባኤ ያቀርባል። የዞኑ ጉባኤ ውሳኔንም ለክልሉ ጉባኤ ያቀርባል።

ሰ) በዞን ጉባኤ የሚሰጡትን ሌሎች ተግባራት ይሠራል።

4. Considers the promotion, demotion and transfer of Judges and Appointees of the zonal Courts and woredas in accordance with the relevant regulation and forward it with recommendations to the Commission;

5. Prepare annual budget as well as reports of Courts of the Zone and woredas forwards same to the Regional Commission;

6. Discharges other functions as may be assigned to it by the Commision.

22. **<u>Powers and Functions of the Chairman of the Zonal Commission</u>**

1. The Chairman of the Zonal Commission shall have the following powers and functions:

a) Coordinates the activities of the Zonal Commission;

b) Prepares agendum of the meeting of the Zonal Commission;

c) Summons the meetings of the Zonal Commission and presides over it;

d) Plans activities of the Zonal Commission and presents its Report to the Regional Commission;

e) Investigate the disciplinary complaints made against members of Judges and other appointee and present it with recommendation to the Ethics and Inspection committee;

f) Selects and presents to the commission the presiding judges for zonal high courts; submits its decisions to the regional commission;

g) Discharges other functions as may be assigned to him by the Zonal Commission.

23: **Kooxda Anshaxa Iyo Kormeerka ee Heer Gobol**

1. Kooxda Anshaxa iyo kormeerka heer gobol waxay yeelanayaan; madaxa-xafiiska, xirfadleyaal anshax iyo xirfadleyaal kormeer, iyo waliba kuwa kale ee loogu baahdo si loo fuliyo hawlaha xafiiska.

2. Kooxda Anshaxa iyo kormeerka ee heer gobol oo la xisaabtankoodu toos u hoostagayo guddoomiyaha maxkamadda sare ee gobolka, ayawaxay yeelanayaan awoodaha iyo waajibaadka shaqo ee soo socda:

b. Waxay horumariyaan anshaxa iyo qiyamka shaqada garsoornimadaiyo bulshada maxkamadaha heer gobol; sidoo kalenawuxuu ka shaqaynayaakobcinta hab-dhaqan shaqeedka suuban ee maxkamadaha iyo u addeegista bulshada.

t. Waxay dabagalaan nidaamka iyo hab-dhaqanka shaqo ee xun, islamarkaana iinta ku yeelan Kara anshaxa; Soo dhawaynta talooyinka iyo dib-u-habayn fikradaha xalka ah; marka laga go'aan gaadhaana wuxuu ku dabagalaa fulintooda.

j.Waxay diyaariyaan nidaam siyaasadeedyada iyo tabaha loogu talogalay la dagaalanka musuq-maasuqa iyo ka hortaga xadgudubyada anshaxa, marka la xaqiijiyana wuu fuliyaa.

x. Waxay u hawl-galaan kor uqaadista wacyiga iyo garraadka bulshada iyo ku baraarujinta arrimaha anshax iyo dhaqanka-shaqo ee xun;iyada oo ay soo ururinaayan xogo iyo macluumadyo kusaabsan arrinkan; islamarkana daabacaa; oo faafinaya.

23. **የዞን ሥነ-ምግባርና እንስፔክሽን ቡድን**

1. **የዞን ሥነ-ምግባርና እንስፔክሽን ቡድን ኃላፊ፤ የስነ ምግባር ባለሙያዎች፤ የእንስፔክሽን ባለሙያወዎች እና ሌሎች ሥራዉን ከግብ ለማድረስ የሚያስፈልጉት ሠራተኞች ይኖሩታል።**

2. **የዞን ሥነ-ምግባርና እንስፔክሽን ቡድን ተጠሪነቱ ለከፍተኛ ፍርድ ቤት ፕሬዚዳንት ሆኖ የሚከተሉት ሥልጣንና ተግባር ይኖሩታል።**

ሀ) የዞኑን የዳኝነት ሥራ መርህን እና የፍርድ ቤት ማህበረሰብ ሥነ-ምግባር ለማጎልበት እንዲሁም የሥራ ባህልና የአገልጋይነት አመለካከት ለማዳበር ይሠራል።

(ለ) በዞኑ ፍርድ ቤቶች ለሥነ-ምግባር ግድፈት መንስኤ ሊሆኑ የሚችሉ ሥርዓቶችንና ብልሹ አሠራሮችን ያጠናል፣ የመፍትሄ ወይም ማሻሻያ ሃሳብ ያቀርባል፤ ሲወሰንም ተግባራዊነቱን ይከታተላል።

ሐ) የፀረ-ኪራይ ሰብሳቢነትና ሥነ-ምግባር ግድፈት ፖሊሲና እስትራቴጂ አፈፃፀም ይከታተላል፡

መ) ሥነ-ምግባርና ፀረ-ኪራይ ሰብሳቢነት ላይ የግንዛቤ ማዳበሪያ ሥራ ይሠራል፤ ከዚህ ጋር በተያያዘ መረጃ ያሰባስባል፣ ያትማል፤ ያሰራጫል።

23. **Zonal Ethics and Inspection Team**

1. The Zonal Ethics and Inspection Team shall have a head, professionals of ethics, of inspection and other staffs necessary to carry out its functions;

2. Zonal Ethics and Inspection Team is accountable to the President of the High Court and shall have the following powers and functions:

a) Undertakes to develop the ethics and judicial values of Court community of the Zone as well as good work culture and attitude of court community;

b) Carries out study on working systems and malpractices that serve as a cause for and open door for ethical violations and forward recommendations; follows up its implementation when determined;

c) Develop policies and strategies meant to prevent ethical violations and corruption

d) Undertakes to raise awareness and educate on disciplinary issues and malpractices; collects, publishes and disseminates relevant information and data;

kh. Waxay dabagalaan faylasha go'aanada helay (file auditing); islamarkana waxay u dejiyaan nidaam saxa; waxay sameeyaan sidii tallaabooyin dib-u-sixitaana loo samayn laha; iyada oo laga duulayo natiijada kasoo baxday kormeerka iyo dabagalka faylasha,

d. Waxay qaabilaan cabashooyinka iyo eedaymaha anshaxa/musuqmaasuqa.

r. Waxay baadhitaan ku sameeya xad-gudbyada anshaxa dambiyada culus ee garsoorsooreyaasha maxkamadaha sare ee heer gobol, Natiijada kasoo baxdana waxay ugudbiyaan guddiga guud ee anshaxa.

s. Waxay baadhitaan ku sameeya xad-gudbyada anshaxa dambiyeedka culus ee xubnaha magacaabista maxkamadaha sare, maxkamadaha degmooyinkaiyo garsooreyaasha maxkamadaha degmooyinka; waxayna ugudbiyaa guddiga cabashoyinka anshaxa ee heer-gobol.

sh. Waxay baadhaan islamarkana ka go'aan gaadhaan xad-gudbka anshax-dambiyeedka fudud ee garsoorsooreyaasha, iyo xubnaha magacaabista waxayna natiijada ugudbiyaan guddiga heer deegaan, wuxuu taageero farsamo oo dhanka arrimaha anshaxa u fidiyaa maxkamadaha heer-degmo; Waxayna kor uqaadaan xirfadooda.

C. Waxay agaasimaan warbixinada iyo caddaymaha ku saabsan arrimaha anshaxa ee maxkamadaha.

ሠ) ውሳኔ ባገኙ ጉዳዮች ላይ የመዛግብት ድህረ-ምርመራ ያካሄዳል፣ የድህረ-ምርመራ ውጤቱን ተንተርሶ አስፈላጊው ማስተካከያ እርምጃ እንዲወሰድ ይሠራል።

ረ) ሥነ-ምግባር ክራይ ሰብሳቢነትን አስመልክቶ የሚቀርብ አቤቱታ ወይም ቅሬታን ያስተናግዳል።

ሰ) የከፍተኛ ፍርድ ቤትና የወረዳ ፍርድ ቤት ጉባኤ ተሿሚዎችና ወረዳ ፍርድ ቤት ዳኞች ከፍተኛ የሥነ-ምግባር ጥሰት ይመረምራል፤ ለዞን ጉባኤ ክስ ያቀርባል።

ሸ) የከፍተኛ ፍርድ ቤት ዳኞችና ጉባኤ ተሿሚዎች ቀላል የሥነ-ምግባር ጥሰት መርምሮ ከውሳኔ ሃሳብ ጋር ለቡድኑ ኃላፊ ያቀርባል።

ቀ) የከፍተኛ ፍርድ ቤት ዳኞችና ተሿሚዎች ቀላል የሥነ-ምግባር ጥሰት ቡድኑ በሚያቀርብለት የውሳኔ ሃሳብ ላይ ተንተርሶ በማየት ይወስናል። በሥነ-ምግባር ጉዳይ ላይ ለወረዳ ፍርድ ቤቶች የቴክኒክ ድጋፍ ይሰጣል፣

በ) የዞኑን ፍርድ ቤቶች ሥነ-ምግባር ሁኔታን አስመልክቶ ሪፖርትና ማስረጃ ያጠናቅራል፤ ይተነትናል።

e) Carries out post judgment audit of cases and takes remedial measures based on the result;

f) Receives disciplinary/ corruption complaints or grievances;

g) Investigates grave disciplinary violations committed by appointees working at High Court and District Court levels, and District Court judges; files charges before the Zonal Commission;

h) Investigates simple ethical violations committed by judge and appointees working at High Court level and presents the same with its recommendation to the Head of Zonal Ethics and Inspection Team;

i) Decides on simple disciplinary violations committed by judge and appointee working at the Supreme Court level based on the recommendation so forwarded; Provides technical support to District Courts in relation to disciplinary matters and builds their capacity;

j) Organizes reports and data of disciplinary matters of the Courts of the Zone;

Q. Waxay fuliyaan hawlaha kale ee kooxda guddigu ama Guddoomiyuhu ay u xilsaaran.

24: **Sarkaalka/Officerka Anshaxa Iyo Kormeerka Ee Heer Deegmo**

1. Sarkaalka anshaxa iyo kormeerka ee heer degmo, isaga oo la xisaabtankiisa iyo masuuliyadiisa shaqo uu hoos tagayo guddiga garsoorka ee heer gobol, aaya wuxuu yeelanayaaawaajibaadka shaqo ee soo socda:

b). Wuxuu horumariyaan shaxa iyo qiyamka shaqada garsoornimada iyoaragtida bulshada ee ku aadan maxkamadaha heer degmo; sido kale wuxuu ka shaqayaa kobcinta hab-dhaqan shaqeedka suuban ee maxkamadaha iyo u addeegista bulshada.

t). Wuxuu soo saara warbixino ku saabsan galdolooloyinka iyo sababaha aasaaska u ah nidaamka hab-dhaqanka shaqo-xumida, anshaxa iyo musuq-maasuqa ee maxkamadaha heer-degmo, islamarkaana wuxuu ugudbiyaa kooxda anshaxa iyo kormeerka heer-gobol.

j). Wuxuu qaabila cabashooyinka iyo eedaymaha anshaxa/musuq-maasuqa, isaga oo kala saaray kuwa in la baadho ubaahan iyo kuwa kale, islamarkana kooxda anshaxa iyo kormeerka ee heer gobol ugudbinaya.

x). Wuxuu agaasima warbixinada iyo caddaymaha ku saabsan arrimaha anshaxa ee maxkamadaha.

Kh). Wuxuu fuliyaa hawlaha kale ee guddiga heer gobol ay u xilsaaran.

2. Iyada oo arrimaha lagu sheegay qodobka koowaad ay sideeda tahay sarkaalka anshaxa iyo kormeerka ee heer-degmo si naba uma baadhi karo, dhagaysan karo cabashadiisa, talo-bixin karo gal dacwadeed maxkamadda ka furan islamarkaana uu garsoore gacanta ku hayo.

(ተ) በዞን ጉባኤ ወይም በፕሬዚዳንቱ የሚሰጡትን ሌሎች ሥራዎች ይሠራል።

24. **የወረዳ ሥነ-ምግባርና እንስፔክሽን ኦፊሰር**

1. የወረዳ ሥነ-ምግባርና እንስፔክሽን ኦፊሰር ተጠሪነቱ ለወረዳ ፍርድ ቤት ፕሬዚዳንት ሆኖ የወረዳ ሥነ-ምግባርና እንስፔክሽን ኦፊሰር የሚከተሉት ተግባራት ይኖሩታል።

ሀ). የወረዳውን የዳኝነት አገልግሎት ሥነ-ምግባርና መርህን ለማጎልበት እንዲሁም የፍርድ ቤቱን ማህበረሰብ የሥራ ባህልና አገልጋይነት አመለካከትን ለማዳበር ይሠራል።

ለ) በወረዳዉ ውስጥ ለሥነ-ምግባር ጥሰትና ኪራይ ሰብሳቢነት መንስኤ ሊሆኑ የሚችሉ ሥርዓቶችና አሠራሮችን ለይቶ ለዞን ሥነ-ምግባርና እንስፔክሽን ቡድን ይዘግባል።

ሐ) ሥነ-ምግባርና/ኪራይ ሰብሳቢነትን አስመልክቶ የሚቀርቡ አቤቱታና ቅሬታዎችን ያስተናግዳል፤ ምርመራ የሚያስፈልጉትን ለይቶ ለዞን ሥነ-ምግባርና እንስፔክሽን ቡድን ያስተላልፋል፡

መ) የፍርድ ቤቱን ሥነ-ምግባር ጉዳዮች አስመልክቶ ሪፖርትና መረጃ ያጠናቅራል።

ሠ) በዞን ሥነ-ምግባርና እንስፔክሽን ቡድን ወይም በወረዳ ፍርድ ቤቱ ፕሬዚዳንት የሚሰጡትን ሌሎች ተግባራት ይፈጸማል።

2. በዚህ አንቀፅ 1 ስር የተመለከተው እንደተጠበቀ ሆኖ በወረዳ ደረጃ ያለው የዲሲፕሊን እና የእንስፔክሽን ኦፊሰር የርሱን ቅሬታዎች መርምሮ፣ ማስተናገዳ፣ ለፍርድ ቤት የውሳኔ ሃሳብ ማቅረብ እና መመራት አይችልም።

k) Discharges other functions as may be assigned to it by the Zonal Commission or the High Court President.

24. **Ethics and Inspection Officer of District Court**

1. Ethics and Inspection Officer of District Court is accountable to the District Court President and shall have the following functions:

a) Undertakes to develop the ethics and judicial values of the Court community of the District Court as well as good work culture and attitude of the court community;

b) Identifies and Reports to the Zonal Ethics and Inspection Team systems and malpractices that serve as the cause and open door for ethical violations and corruption practices;

c) Receives petitions and grievances of discipline/corruption; identifies and forwards those which need investigation to the Zonal Ethics and Inspection Team;

d) Organizes report and data of the District Court disciplinary matters;

e) Discharges other functions as may be assigned to him by the Zonal Ethics and Inspection Committee.

2. Without prejudice to the provisions under Article 1 of this Article, the discipline and inspection officer at the district level shall not be able to investigate, listen to his complaints, make recommendations in a court of law and be presided over by a judge.

QAYBTA SADDEXAAD

XUQUUQDA GARSOORKA

25**: Xasaanada Garsoorka**

1. Garsooruhu uma qoolana madani ahaan arrimaha ka dhasha talaaboyinka uu u qaaday shaqadiisa garsoornimo awgeed.
2. Hadii xubinka garsoorka ah ee aan lagu qaban asagoo gacanta kula jira (flagrant offense) fal dambi ah ama aanay gudiga maamulka garsoorku ka qaadin xasaanadiisa, lama xidhi karo dacwadna laguma soo oogi karo.
3. Gudiga garsoorka ayaa awaamiir ku haboon habka xasaanad ka qaadista garsoorka, soo saara.

26: **Muddo Shaqeedka Garsoorka**

1. Ayadoo aan wax loo dhimayna sifooyinka ku xusan qodobka 30 ee bayaankan, marka xubinka garsoorka ah la magacaabo waxa uu garsoorku yeelanayaa damanada shaqada ilaa uu gaadho da'ada hawl gabka ah oo dhan 65 jir. Xubinka garsoorka ah hadii uu asagu doorbido waxa uu hawl gab ku noqon karaa 60 jirkiisa.
2. Gudiga garsoorka ayaa waxa uu xubin garsoor ah ee garsoorenimo ku adeega mudo 25 sanno; da'adiisuna aanay ka yarayn 50 jir u ogolaan karaa inuu hawl-gab noqdo hadii xubinkaas ay lasoo darsaan xanuunno badan.
3. Arrimaha xuquuqda hawl-gabka garsoorka la xidhiidha ee aan bayaanka lagu xusin waxa laga dheehan oo dhaqan galku noqon xeerarka shaqaalaha dawlada ee ku haboon.

ምዕራፍ ሶስት

የዳኞች መብት

26. **ያለመከሰስ መብት**

1. **ማንኛውም የክልል ዳኞች በሰጡት ውሳኔ ምክንያት በፍርድ ቤት በፍትሐሄር ክስ ሊቀርብባቸው አይችልም።**
2. **ማንኛውም የየክልል ዳኛ በከባድ ወንጀል ሲፈጽም እጅ ከፈንጅ ካልተያዘ ወይም በዳኞች አስተዳደር ጉባዔ ያለመከሰስ መብቱ ካልተነሳ በስተቀር ልትያዝ ወይም ሊታሰር እና ክስ ሊቀርብበት አይችልም።**
3. **ዳኞች ያለመከሰስ መብት የሚነሳበት ስነሥርዓት ጉባዔው በሚያወጣዉ መመሪያ ይወሰናል።**

26, **የዳኞች የሥራ ዘመን**

1. **በዚህ አዋጅ አንቀጽ** 30 **ዳኞች ከሥራ ስለሚሰናበቱት ሁኔታ የተደነገገው እንደተጠበቀ ሆኖ የማንኛውም የዳኛ የጡረታ መውጫ ዕድሜ** 65 **ዓመት ይሆናል።** 60 **ዓመት ዕድሜ የሞላ ዳኛ ከፈለገ ጡረታ ሊወጣ ይችላል ከልሆነ በስተቀር የሥራ ዋስትና ይኖሮዋል።**
2. **ከአቅም በላይ በሆነ ህመም ምክንያት የዳኝነት ስራዉን ማከናወን ያልቻለ እንደሆነ ቢያንስ ሀያ ዓመት በክልል ፍርድ ቤት በዳኝነት ያገለገለ ዳኛ ጡረታ እንዲወጣ ጉባዔዉ ሊወስን ይችላል።**
3. **በዚህ ህግ ያልተሸፈኑ ከጡረታ ጋር የተያያዙ ጉዳዮች ላይ አግባብነት ያላቸዉ የመንግስት ሠራተኞች የሚመለከቱ የጡረታ ሕጎች ተግባራዊ ይሆናሉ።**

PART THREE

RIGHTS OF JUDGES

25. **JUDICIAL IMMUNITY**

1. judges may not have civil liability for actions taken in their official capacity.
2. A federal judge may not be arrested, detained or prosecuted unless caught in flagrante delicto or her immunity is lifted by the Commission.
3. The detail procedure of lifting of judges 'immunity shall be determined by the regulation issued by the federal supreme court.

26. **Tenure Of Judges**

1. without prejudice to provisions under Article 30 of this Proclamation on termination, once appointed judges, enjoy full security of tenure until they reach the mandatory age of retirement, which is set at 65 (sixty-five) years. A judge may retire at 60 years of age if he wishes to do so.
2. The Commission may allow a federal judge who works in public service for 25 years may retire at the age of 50.
3. Relevant civil servants' pension laws shall be applicable for all pension related issues which are not covered by this proclamation.

27. **Dalacsiinta Garsoorka**

1. Dalacsiinta xubinka garsoorka ah waxa lagu salayn natiijada shaqada uu ka keenay, daacadnimada, ka madax-banaanida musuqa, ergada iyo nin-jeclaysiga, ka go'naanshaha iyo tayada adeega garsoor ee uu bixiyo garsoorku.
2. Masuuliyiinta maxkamadu si ku meelgaadh ah bay garsoore ugu hawl galin karaan heer maxkamadeed oo ka sareeya heerka ay shaqadiisu tahay.
3. Waxa garsoorayaasha loogu kala meelayn karaa fadhiyada kala duwan ee maxkamada ayadoo la eegayo khibrada, kartida iyo ka midho-dhalinta shaqada. Waxa kala dabalka fadhiyada ama ku meelaynta fadhiyada garsoorayaasha kala duwan u awood leh gudoomiyaha maxkamada, ku. Xigeenka, iyo hadba gudoomiyaha heerka maxkamadaas.

28: **Mushaharka**

Waxa mushaharka gudoomiyaha, ku. Xigeenka iyo garsoorayaasha kale jaan-goyn gudiga maamulka garsoorka asagoo gudigu ka duulaya hadba heerka nolosha iyo awooda dhaqaale ee dawlad deegaanka.

29: **Gunooyinka/Adeegyada Garsoorka**

1. Ayadoo aan wax loo dhimayn shuruucaha kale ee xeerinaya xuquuqaha iyo gunooyinka garsoorka, waxa uu xubinka garsoorka ahi xaq u leeyahay adeega heerkiisu yahay V.I.P. ayadoo hadba lagu salaynayo awooda dhaqaale ee maxkamada guud ama deeganka iyo heerka maxkamada uu xubinku ka hawl galo.
2. Ayadoo ay sideeda tahay arrinka lagu xusay farqada /1/ ee qodobkan, gudiga garsoorku waxa uu soo saari awaamiir tafa-tiran oo ku saabsan gunooyinka iyo adeegyada ay xaqa u leeyihiin garsoorku.

27. **የዳኞች የደረጃ እድገት**

1. **ማንኛዉም ዳኛ ተሹሞ ባለበት ፍርድ ቤት የደረጃ ዕድገት የሚያገኘዉ በሥራው ላይ ባሳየው ግልጽ ብቃት፣ ትጋት ፣ አገልግሎት እና መልካም ሥነ-ምግባር ላይ ብቻ ተመስርቶ በሚቀርብ ምክረ ሀሳብ መሰረት በጉባዔው ሲወሰን ነው።**
2. **ጉባዔዉ አስፈላጊ ሲሆንና በቂ ምክንያት ሲኖር ዳኛ በፍቃደኝነት ከአንድ ክልል ፍርድ ቤት ደረጃ ወደ ሌላ የፍርድ ቤት ደረጃ በጊዜያዊነት መድቦ ሊያሰራ ይችላል።**
3. **ዳኛ ከችሎት ወደ ችሎት ወይም ከምድብ ችሎት ወደ ምድብ ችሎት ለማዘዋወር ልዩ ሞያዊ ክህሎትን ፣ ብቃትን ፣ ልምድን እና የዝውውሩን አስፈላጊነት መሰረት በማድረግ ከክልል ጠቅላይ ፍርድ ቤት ፕሬዝዳንት ወይም ምክትል ፕሬዝዳንት ጋር በመመካከር በየደረጃው ባሉ የክልል ፍርድ ቤቶች ፕሬዚዳንቶች አማካኝነት ይሆናል።**

28. **ስለዳኞች ደመወዝ**

የክልል ጠቅላይ ፍርድ ቤት ፕሬዚዳንት፣ ምክትል ፕሬዚዳንትና ሌሎች የክልል ዳኞች ደመወዝ የኑሮ ሁኔታን እና የክልሉን የኢኮኖሚ አቅም መሰረት በማድረግ እንደአግባብነቱ በጉባዔው ሊያሻሽል ይችላል።

29. **የዳኞች ጥቅማ ጥቅሞች**

1. **አግባብነት ያላቸዉ የዳኞችን መብቶች እና ጥቅሞች የሚደነግጉ ሕጎች እንደተጠበቁ ሆነዉ በስራ ላይ ያለ የክልል ፍርድ ቤቶች ዳኛ የየፍርድ ቤቱ የበጅት/ኢኮኖሚ አቅም መሰረት በማድረግ እንደአግባብነቱ የቪ.አይ.ፒ አገልግሎት ያገኛሉ።**
2. **የዚህ አንቀጽ ንዑስ አንቀጽ 1 እንደተጠበቀ ሆኖ የዳኞች ጥቅማጥቅም ዝርዝር ጉዳይ በሚመለከት ጉባኤው ደንብ ሊያወጣ ይችላል።**

27. **Promotion of Judges**

1. any judge shall be promoted within the same level of court based on demonstrated competence, dedication, diligence and service and upon recommendations submitted to and accepted by the Commission.
2. The Commission may temporarily assign a judge from one level to another higher level when necessary and for good cause.
3. Any judge may be transferred from one division to another or from one place to another place by the decision of the respective presidents of the courts taking in to account the professional competence and experience of the judge and the necessity of the situation that makes the transfer necessary.

28. **Salary of Judges**

The salary of the president and vice president of the Supreme Court and all other judges shall be determined by the Judicial Administration Commission on the basis that it is adequate for proper upkeep and sufficient for the standard of living of the judge.

29. **Benefits of Judges**

1. Without prejudice to relevant laws related to judges' rights and benefits, a judge of courts shall have Diplomatic Passport and VIP service. This shall be on the basis of the resource capacity of the Courts and sufficient for the standard of living of the judge.
2. Without prejudice to provisions under Sub-article (1) of this Article, the detail regarding rights and benefits of judges may be determined by a derective issued by the Commission.

30: **Shaqo Ka Qaadista Xubinka Garsoorka**

1. Xubinka garsoorka ah shaqada lagama eryi karo ilaa ay jiraan sababahan soo socda:

b) marka uu gaadho da'ada hawl-gabka ee lagu tibaaxay qodobka 26 ee bayaankan, ama marka ay da'diisu gaadho 50 jir ee ay lasoo darsaan xanuunno badan kadibna uu xubinka garsoorka ahi soo codsado hawl-gabnimada.

t) Marka uu keensado is-casilaad asagoo sii wadaya adeega garsoor mudo bil ka hor ah intaan laga qaadin shaqada.

j) Marka xubinka lagu arko inaanu lahayn tayadii/kartidii aqooneed ee garsoore looga baahnaa kadibna uu gudigu ansixiyo in shaqada laga eryo xubinka.

x). marka ay garsoorka lasoo darsaan xanuunno cul-culus oo aan u awoodsiinayn inuu sii wado adeega garsoor ee uu xubinku bixiyo.

Kh). Marka uu xubinku ku kaco fal anshax darro ah oo lagu cadeeyo, kadibna gudigu ka go'aan gaadho shaqo ka eriga xubinka.

2. Go'aanka gudiga ee shaqo ka eriga ah ee lagu saleeyay qodobkan farqadiisa 1 xarfaha (j) iyo (kh) waxa uu dhaqan-gal ahaanayaa marka uu golaha deegaanku ansixiyo.

30. **የዳኞች የሥራ ስንብት**

1. **ማንኛውም ዳኛ በሚከተሉት ምክንያቶች ካልሆነ በስተቀር ከዳኝነት ሥራዉ አይነሳም።**

ሀ). በዚህ አዋጅ አንቀጽ 26 በተመለከተው የጡረታ መውጫ እድሜ ሲደርስ ወይም ዳኛዉ 50 አመት ሞልቶት ስራዉን በአግባቡ ለማከናወን የማያስችል ህመም ሲያጋጥመዉ በጡረታ መሰናበት ሲፈልግ፤

ለ). ከዳኝነት ሥራ ለመልቀቅ ጥያቄ ሲያቀርብ የአንድ ወር ቅድሚያ የጽሁፍ ማስጠንቀቂያ በመስጠት፤

ሐ). ጉልህ የሆነ የሥራ ችሎታ ማነስ ሲታይ እና ይህም በጉባዔው ተረጋግጦ ከዳኝነት ሥራ እንዲሰናበት ሲወሰን፤

መ). የዳኝነት ስራዉን በአግባቡ ለማከናወን የማያስችል ህመም ሲያጋጥመዉ፤

ሠ). የሥነ-ምግባር ጥፋት ፈጽሞ ሲገኝ እና ይህም በጉባዔው ሲረጋገጥ እና ከዳኝነት ሥራ እንዲሰናበት ሲወሰን፤

2. **በዚህ አንቀጽ ንዑስ አንቀጽ 1 (ሐ) እና (ሠ) በተመለከቱት ሁኔታዎች ዳኛ ከሥራ እንዲሰናበት ጉባዔው የሰጠው ውሳኔ ተፈጻሚ የሚሆነው በክለሉ ምክር ቤት ቀርቦ ሲፀድቅ ነዉ።**

30. T**ermination of Tenure**

1. The tenure of any court judge shall not be terminated except on the following grounds:

a) When he attains a retirement age as indicated under Article 26 of this Proclamation or where he has attained age 50 and wishes to retire;

b) where she tenders her resignation by giving one month advance written notice;

c) where she manifests gross incompetence, and this is ascertained by the Judicial Administration Commission and a decision is made to end her tenure;

d) Serious illness which bars a judge from properly undertake his judicial service

e) where he/she has committed a breach of discipline and ascertained by the Judicial Administration Commission and a decision is made to remove him/her,

2. A decision made by the Commission to remove the judge under sub-article 1 (c) and (e) of this article shall be effective where the State Council approves the decisions of the Commission.

31: **Xuquuqda Xoriyatul Qawlka**

Hadii aanay wax u dhimayn ama aanay ka horimaanayn mabaa'diida dhex-dhexaadnimada garsoorka iyo awaamiirta anshaxa garsoorka, xubinka garsoorka ah waxa u dhawran xuquuqihiisa ku qeexan dastuurka dalka, dastuurka deegaanka iyo shuruucaha kale sida xuquuqda ka qaybqaadashada arrimaha bulshada iyo mab'da diimeed ee uu aaminsanyahay, xuquuqda inuu hadlo iyo inuu wax qoro.

32: **Mamnuucida Ka Mid Ahaanshaha Iyo Ka Qayb-Qaadashada Xisbiyada Siyaasadeed**

1. Xubinka garsoore ka ah maxkamadaha deegaanka heerarkooda kala duwan, waxaka mamnuuc ah inuu ka mid ahaado/taageero/uu ka qayb-qaato shirarka xisbi siyaasadeed, ama ururro u ololeeya arrimaha siyaasada.
2. Ayadoo uu sidiisa yahay arrika ku xusan farqada 1aad ee qodobkan, xubinka garsoorka ahi wuxuu xaq u leeyahay inuu wax doorto.
3. Xubinka garsoorka ah ee raba inuu asagoo xisbi siyaasadeed kamid ah u loolamo doorasho ama hadii uu rabo inuu noqdo musharax iskii u taagan oo doorashada ka qaybgalaya, shaqada garsoorenimo wuxuu ka tagi wakhtiga lagu xeeriyay bayaanka Hanaanka Doorashooyinka, diiwaangalinta asxaabta siyaasadeed iyo anshaxa doorashada ee tirsigiisu yahay 1162/2011.

31. **የመናገር እና የመፃፍ ነፃነት**

የዳኝነትን ነጻነት እና ገለልተኝነት መርሆችን እና በዳኞች የዲስፕሊን ደንብ የሚቃረን እስካልሆነ ድረስ ዳኞች በሕገ መንግሥቱ እና ሌሎች የሕግ ድንጋጌዎች በተረጋገጠው መሠረት የመናገር፣ የመፃፍ፣ ማህበራዊና ሃይማኖታዊ ተሳትፎ የማድረግ፣ መብት አላቸው።

32. **የፖለቲካ ፓርቲ አባል ስላለመሆን እና ፖለቲካዊ ተሳትፎ**

1. **በየትኛውም ደረጃ ባለ የክልል ፍርድ ቤት የተሾመ ዳኛ የማናቸውም የፖለቲካ ድርጅት አባል መሆን፤ ወይም የፖለቲካ እንቅስቃሴ አራማጅ ወይም ደጋፊ ወይም በፖለቲካ ፓርቲ ስብሰባዎች ላይ ተሳታፊ መሆን አትችልም።**
2. **በዚህ አንቀጽ ንዑስ አንቀጽ 1 የተደነገገው እንደተጠበቀ ሆኖ ዳኞች የመምረጥ መብት አላቸው።**
3. **ማንኛውም የክልል ፍርድ ቤት ዳኛ የፖለቲካ ፓርቲን ወክሎ ወይም በግል በምርጫ ለመወዳደር የፈለገ እንደሆነ ምርጫው ከሚካሄድበት ቀን አንድ በሚመለከተው የኢትዮጵያ የምርጫ፣ የፖለቲካ ፓርቲዎች ምዝገባ እና የምርጫ ስነ ምግባር አዋጅ ቁጥር 1162/2011 በተደነገገው የጊዜ ገድብ ውስጥ ቀድሞ የዳኝነት ሥራውን መልቀቅ አለበት።**

31. **Freedom of Expression**

All Judges shall have the right to speak, write, participate in social and religious affairs, participate in training and research undertakings as provided for and guaranteed under the Constitution and other laws provided this may not be inconsistent with the principles of judicial independence and impartiality.

32. **Prohibition against membership in Political Parties and Political Participation**

1. No judge shall be A member of any Political Parties or advance active political causes publicly or be a supporter of same or Participation any Political Parties meetings.
2. without prejudice to the provisions under Sub-Article (1) of this Article, Judges shall have the right to elect.
3. A judge who wishes to run for Political office or as private candidate may do so in accordance with the conditions provided by the provisions of the relevant Ethiopian electoral, political parties registration and election's code of conduct proclamation no 1162/2019.

QAYBTA AFRAAD

QODOBO KALA DUWAN

33. **Nidaamka Kulammada Guddiyada**

1. Guddiga heer Deegaan waxay yeelanayan kulan caadiya labadii biloodba hal mar ah; hasayeeshe haddii ay guddiga lasoo darsaan arrimo go'aamin deg-dega u baahan, waxaa la isugu yeedhi karaa kulan deg-dega. Marka uu isugu yeedho shir-guddoonku ama ay sidaasi dalbadaan xubnaha intooda badan. Guddiga heer gobolna waxa uu yeelanayaa kulano caadi ah saddexdii biloodba hal mar haseyeeshee waxa uu yeelan karaa kulano aan caadi ahayn, haddii ay guddiga lasoo darsaan arrimo go'aamin deg-dega u baahan. Marka uu isugu yeedho shir-gudoonku ama ay sidaasi dalbadaan xubnaha intooda badan.
2. Kulamada guddigu waxa ay qabsoomaa marka ay kasoo qayb galaan kalabadh in ka badan xubnaha guddigu.
3. Go'aanada guddigu waxa ay ku \meel marayaan cod haldheeri ah, hase yeeshee marka ay dhacdo in codku isku mid noqdo waxaa go'aanka leh dhinaca uu shirgudoonku raaco.
4. Garsooraha xubinka ka ah guddiga Kama qayb galayo kulamada guddiga marka uu guddigu eegayo cabasho ama eedayn dhan ka ah isaga.
5. Iyada oo arrimaha lagu sheegay qodobkan ay sidooda ahaanayaan, ayaa hanaanka iyo geeddi-socodka kulamada iyo anshaxa guddigaba waxaa lagu soo saari doonaa awaamiir uu guddigu ansixiyo.

ክፍል አራት

ልዩ ልዩ ድንጋጌዎች

33. **የጉባኤዎች ስብሰባ ሥነ ሥርዓት**

1. **የክልል ጉባኤዉ በየሁለት ወር አንደ ጊዜ መደበኛ ስብሰባ ያካሄዳሉ። ይህ እንደተጠበቀ ሆኖ አስቸኳይ ጉዳይ በሚኖርበት ጊዜ ሁሉ በስብሰቢው ሲጣራ ወይም አብላጫው አባላቱ አስቸኳይ ስብሰባ ሲጠየቅ አስቸኳይ ስብሰባ መጥራት ይችላል። የዞን ጉባኤም በየሦስት ወሩ አንደ ጊዜ መደበኛ ስብሰባ ያካሄዳሉ።ይህ እንደተጠበቀ ሆኖ አስቸኳይ ጉዳይ በሚኖርበት ጊዜ ሁሉ በስብሰቢው ሲጣራ ወይም አብላጫው አባላቱ አስቸኳይ ስብሰባ ሲጠየቅ አስቸኳይ ስብሰባ መጥራት ይችላል።**
2. **ከጉባኤዉ አባላት አብላጫው አባላት ከተገኙ ጉባኤው ምልዓተ ጉባዔ ይሆናል።**
3. **የጉባኤው ውሳኔዎች የሚተላለፉት በአብላጫ ድምጽ ሆኖ ድምጽ እኩል በሚካፈልበት ወቅት የሰብሳቢው ድምጽ ወሳኝነት ይኖረዋል።**
4. **የዲሲፕሊን ክስ የቀረበበት ማንኛውም የጉባዔ አባል ጉዳዩ ታይቶ እስከሚያልቅ ድረስ የቀረበበትን ዲስፕሊን በሚመለከት የሚደረግ የጉባኤው ጠቅላላ ስብሰባም ሆነ በተመደበበት ኮሚቴ ስብሰባ ላይ በአባልነት መቀመጥ አይችልም፤**
5. **በዚህ አንቀጽ የተደነገጉት እንደተጠበቁ ሆነው ጉባዔው የራሱን የስብሰባ ሥነ ሥርዓትና ሥነ-ምግባር መመሪያዎችን ሊያወጣ ይችላል።**

PART FOUR

MISCELLANEOUS PROVISIONS

33. **Meeting of the Commission**

1. The Regional Commission shall hold a regular meeting once in two months; however, it may meet at any time were found necessary upon call of the chairman or upon the request of the majority of the members of the Commission. Whereas the Zonal Commission shall hold a regular meeting once in every three months. however, it may meet at any time were found necessary upon call of the chairman or upon the request of the majority of the members of the Commission.
2. There shall be a quorum where more than half (50+1) of the members of the Commission are present.
3. decisions of the Commission shall be passed by a simple majority vote of the members present at a meeting; in case of a tie, the Chairperson shall have a casting vote.
4. A member of the Commission against whom disciplinary proceedings are instituted shall not sit in meetings of the Commission or in committee meetings in which her case is concerned.
5. Without prejudice to the provisions of this Article, the Commission may draw up a directive on the procedure and rules of work of meetings and ethics of the Commission or Committees

34. **Shuruudaha Garsoorenimo**

1. Qofkaste oo uu guddiga heer deegaan u soo xulayo garsoorenimo waa in uu noqdaa:
   B. Qof daacad u ah dastuurka JDFI iyo kan deegaankaba
   T. Waa in uu leeyahay aqoon sharci.
   J. Waa in uu noqdo qof sumcad iyo haybad sare leh, oo la xidhiidha sharaftiisa iyo dhaqankiisa
   X. Waa in uu yahay muwaadin u dhashay dawlada deegaanka soomaalida
   KH. Waa in aanay hore maxkamadi wax danbi ah ugu xukumin.
   D. Waa in uu ogol yahay shaqada garsoorenimada
   R. Waa in uu xus ahaan u caafimaad qabo
   S. Waa in da'diisu aanay ka yarayn 25 sano.
2. Qofkasta oo katirsan ama xubin ka ah hay'adaha sharci dajinta, fulinta amaba urur siyaasadeed ma noqon karo garsoore.
3. Iyada oo arrimaha lagu sheegay qodobkan ay sideeda ahaanayaan ayaa guddigu waxa uu awaamiir ku soo saari habraaca xulashada iyo meelaynta garsoorka.

35. **Shuruudaha Aqooneed Iyo Khibradeed**

Iyada oo laga duuulayo arrimaha lagu xusay qodobka 34aad farqada 1aad faqradisaa (T) ayaa aqoonta sharci iyo khibradda looga baahanyahay garsooraha waxay noqonaysaa sidan soo socota;

1. Garsooraha loo qaadanayo heer-deegaan waa in uu haystaa ugu-yaraan shahaadada sharciga ee digriiga 1aad kana haysto jaamacad la aqoonsan yahay iyo khibrad/waayo-aragimo 10 sanno ah oo sharciga la xidhiidha.

34. **ለዳኝነት ለመሾም የሚያበቁ አጠቃላይ ሁኔታዎች፤**

1. **የክልል ጉባኤው ለዳኝነት መልምሎ የሚያቀርበውን ማንኛውም ሰው የሚከተሉት ማሟላት ይኖርባቸዋል።**
   ሀ) ለኢፌዲሪ ሕገ መንግሥትና ለክልላዊ ሕገ መንግሥት ታማኝ መሆን፣
   ለ) በሕግ ትምህርት የሰለጠና
   ሐ) በታማኝነቱ፣ በመልካም ሥነ ምግባር ሕዝብ ከሚነቅፋቸው ድርጊቶች የጸዳ መልካም ስም ያለው፤
   መ) የሶማሌ ክልል ተወላጅ የሆነ፤
   ሠ) ዕድሜዉ ከ25 ዓመት ያላነሰ፤
2. **ማንኛውም ሰው የሕግ አውጪ አካል፣ ሥራ አስፈፃሚ አካል ወይም የፖለቲካ ፓርቲ አባል የሆነ ሰው ዳኛ ሆኖ ሊሾም አይችልም።**
3. **በዚህ አንቀጽ የተመለከቱት ድንጋጌዎች እንደተጠበቁ ሆነው የክልሉ አስተዳደር ጉባዔ የዳኞች አመራረጥና ድልድል መመሪያ ያወጣል።**

35. **ለዳኝነት ለመሾም የሚያበቁ በእውቀትና የሥራ ልምደ ሁኔታዎች፤**

በዚህ አዋጅ አንቀጽ 34 ንዑስ አንቀጽ 1 (ተ) መሠረት ዳኛ ሆኖ ሊሾም በሕግ የትምህርት ዝግጅትና የሥራ ልምደ ደረጃ የሚከተሉትን ሁኔታዎች የሚያሟላ መሆን አለባቸው፡

1. **በጠቅላይ ፍርድ ቤት ዳኝነት ለመሾም ከታወቀ ከፍተኛ የትምህርት ተቋም LLB ዲግሪ እና 10 ዓመት የህግ ልምድ ያለው መሆን አለበት።**

34. **Requirements for Appointment as A Judge**

1. A person eligible for appointment as judge shall fulfil the following requirements;
   a) Be loyal to the FDRE constitution as well as State constitution;
   b) Has a legal profession
   c) Have a proven reputation for probity, integrity, honesty, and be free from morally repugnant conduct;
   d) Be a citizen of Somali Regional State,
   e) Be not less than the age of 25,
2. any person who is a member of the legislative organ, Executive organ or political party-may not be appointed as a Judge.
3. Without prejudice to provisions stipulated under this Article, The Regional Commission shall issue a directive on the selection and assignment of Judges.

35. **Qualifications and experience Requirements**

Pursuant to the provisions under Article 34, sub-article 1 (t) of this proclamation, the legal knowledge and experience required of a judge shall be as follows;

1. for appointment as a judge at Supreme court must hold LLB degree from a recognized institution of higher learning and 10 years of legal experience.

2. Garsooraha loo qaadanayo Heer-gobol waa in uu haystaa ugu-yaraan shahaadada sharciga ee digriiga 1aadkana haysta jaamacad la aqoonsan yahay iyo khibrad/waayo-aragimo 5 sanno ah oo sharciga la xidhiidha, ama shaahaadada dibloomaha iyo khibrad waayo-aragimo oo 10 sanno ah.
3. Garsooraha loo qaadanayo Heer-degmo waa in uu haysta ugu-yaraan shahaadada sharci ee dibloomaha iyo waayo-aragnimo labo sanno ah, ama shahaadada sharci ee digriiga 1aad kana haystaa jaamacad la aqoonsan yahayoon lahayn wax khibrad waayo-aragimo ah,
4. Faah-faahinta la xidhiidha shuruudaha xulashada iyo meelaynta garsoorka waxaa lagu soo saari doona awaamir uu guddiga garsoorku ansixiyo.

36**: <u>Siyaabaha Garsoorenimada Lagu Waayo.</u>**

1. Garsoore waxa uu shaqada garsoorenimo ku waayi karaa sababahan soo socda:
   b. marka ay da'diisu gaadho lixdan sano; ama
   t. marka guddigu go'aamiyo in aanu ka soo bixi Karin hawshiisa garsoorenimo xanuun dartii; ama
   j**.** marka iyada oo la raacayo xeerka la go'aamiyo in uu ku xadgudbay xeerka anshaxa garsoorka.
2. Arrimaha lagu sheegay qodobkan ee la xidhiidha garsoorka sidoo kalena waa lagu dabaqayaa xubnaha magacaabista ah ee uu guddigu ansixiyo.

37**. <u>Iscasilaad</u>**

1. Garsooreyaasha iyo xubnaha kale ee magacaabista ahiba waxay xaq u leeyihin in ay iska casilaan shaqadooda.

2. **የከፍተኛ ፍርድ ቤት ዳኛ ሆኖ ለሚሾም ሰው ከታወቀ ከፍተኛ የትምህርት ተቋም በመጀመሪያ ዲግሪ እና 5 ዓመት አግባብነት ያለው የህግ ልምድ ወይም ዲፕሎማ እና 10 ዓመት ልምድ ያለው መሆን አለበት።**
3. **የወረዳ ፍርድ ቤት ደረጃ ዳኛ ሆኖ የሚሾም ሰው በህግ ዲፕሎማ እና ቢያንስ የሁለት ዓመት የሥራ ልምድ ወይም ልምድ ከሌለው ከታወቀ ከፍተኛ የትምህርት ተቋም በመጀመሪያ ዲግሪ ያለው መሆን አለበት።**
4. **የዳኞች አመራረጥና ምደባ መመዘኛ ዝርዝር የሚወሰነው በዳኞች አስተዳደር ጉባኤው በሚያወጣው መመሪያ ነው።**

36. **<u>የዳኞች የሥራ ሰንብት</u>**

1. **ማንኛውም ዳኛ በሚከተሉት ምክንያቶች ከዳኝነት ሥራዉ ይነሳል።**
   ሀ). **የጡረታ መውጫ እድሜ** 60 **ሲደርስ፤**
   ለ). **የዳኝነት ስራዉን በአግባቡ ለማከናውን የማያስችል ህመም ሲያጋጥመዉ፤**
   ሐ). **የሥነ-ምግባር ጥፋት ፈጽሞ ሲገኝ እና ይህም በጉባዔው ሲረጋገጥ እና ከዳኝነት ሥራ እንዲሰናበት ሲወሰን፤**
2. **በዚህ አንቀፅ ውስጥ የተመለከቱት የዳኝነት አካላትን የሚመለከቱ ጉዳዮች በጉባዔው የተሻሚዎች ላይም ተፈፃሚ ይሆናሉ።**

37. **<u>በራስ ፍቃዴ ሥራ ስለመልቀቅ</u>**

1. **ማንኛውም ዳኞ እና ሌሎች ተሿሚዎች ከሥራቸው የመልቀቂያ መብት አላቸው።**

5. A zonal court Judge must hold a LLB degree from a recognized institution of higher learning and 5 years relevant legal experience, or a diploma and 10 years of relevant experience.
6. A District-level judge must hold a diploma and at least two years' experience, or a LLB degree of from a recognized institution of higher learning with no experience.
7. The details of the criteria for the selection and placement of the judges shall be determined by a directive to be issued by the Judicial Administration Commission.

36. **<u>Grounds for Termination of Judgeship</u>**

1. The tenure of any court judge shall be terminated on the following grounds:
   a) where he has attained age 60;
   b) Serious illness which bars a judge from properly undertake his judicial service
   c) where she has committed a breach of discipline and ascertained by the Judicial Administration Commission and a decision is made to remove her.
2. The matters referred to in this Article relating to the judiciary shall also apply to the nominated members approved by the Commission

37. **<u>Resignation</u>**

1. Judges and other appointees have the right to resign from their duties.

2. Hasayeeshe, Garsooraha ama xubinka kale magacaabista ah ee doonaaya inu iscasilo waxaa waajib ku ah in uu ogysiis qoraal ah usoo gudbiyo xafiiska guddomiyaha ee maxakamadda guud laba bilood ka hor inta uuna iscasilin.

38: **Arrimaha Anshaxa Ee Shaqaalaha Taakulaynta**

1. Xadgudubyada anshaxa ee shaqaalaha taakulaynta waxaa la marinaya sida uu dhigayo xeerka anshaxa ee shaqaalaha dawladda, iyada oo laga dhisi doona heerarka kala duwan ee maxkamadaha kooxo arrinka loo xilsaaro.

2. Kooxda guddiga heer-deegaan waxay dib-u-eegaysa islamarkana go'aana ka gaadhi arrimaha anshaxa ee shaqaalaha taakuleynta maxkamadda guud; Kooxda guddiga ee heer gobol waxay dib u eegta islamarkana warbixintooda ku saabsan arrimaha anshaxa shaqaalaha taakulaynta ee maxkamadda sare u soo gudbin gudoomiyaha maxkamada iyo maxkamadaha heer degmo marka ay dibu dhagaysato waxa warbixinta shaqaalaha degmadana usoo gudbin gudoomiyaha maxkamada sare.

39: **Dhaarta**

Xubnaha guddiga garsoorku masuuliyadda wayn ee la saaray iyaga oo kaashanaya aqoonta iyo khibradooda, in ay u gudanayaan si madaxbanaani iyo dhexdhexaadnimo ku dheehantahay islamarkaasina waafaqsan bayaankan iyo sharciyada kale ee heer-qaran iyo heer-deegaan inta ayna shaqada bilaabin ka hor waa in ay dhaar ku muujiyaan shirgudoonka guddiga hortiisa

2. **ማንኛውም ዳኛ እና ሌሎች ተሿሚዎች ከዳኝነት ሥራ ለመልቀቅ ጥያቄ ሲያቀርብ ለጠቅላይ ፍርድ ቤት ፕሬዝዳንት የሁለት ወር ቅድሚያ የጽሁፍ ማስጠንቀቂያ በመስጠት፤**

38. **የድጋፍ ሰራተኞች ሥነ-ምግባር ጉዳይ**

1. **በሲቪል ሰርቫንቱ የሚፈጸሙ የሥነ-ምግባር ጥሰቶችን በመንግስት ሠራተኞች አዋጅ መሠረት አይቶ የሚወሰን የዲሲፒሊን ኮሚቴ በሁሉም ፍርድ ቤቶች ይቋቋማል።**

2. **የጠቅላይ ጉባኤ ቡድን ኮሚቴ የጠቅላይ ፍርድ ቤት ድጋፍ ሰጪ ሠራተኞችን የሥነ ምግባር ጉዳዮች ገምግሞ ይወስናል; የዞን የሥነ-ምግባር ኮሚቴ የዞኑ ፍርድ ቤትና የወረዳ ፍርድ ቤት ድጋፍ ሰጪ ሠራተኞችን የሥነ ምግባር ጉዳዮች የስነ ምግባርን ሪፖርቱን ለፍርድ ቤት ፕሬዚዳንት ያቀርባል።**

39. **ቃለ መሐላ**

የክልል የዳኞች አስተዳደር የጉባዔው አባሎች የተጣለባቸውን ከፍተኛ ኃላፊነት ባላቸው ዕውቀትና ልምድ በነጻነት፣ በገለልተኝነት፣ እና በዚህ አዋጅና በአገሪቱ ሕጎች መሰረት በአግባቡ የሚፈጽሙ ለመሆናቸው ሥራ ከመጀመራቸው በፊት በጉባኤው ሰብሳቢ አማካኝነት በቃለ መሐላ ማረጋገጥ አለባቸው።

3. However, the Judge or other appointees who wishes to resign must submit a written notice to the office of the Supreme Court president two months prior to his resignation.

38. **Disciplinary Issues of the civil servant**

1. A Disciplinary Committee shall be established at all level of Courts to investigate and decide on ethical violations committed by administrative staffs in accordance with the civil servant's proclamation.

2. The Supreme Adjudicatory Team shall review and decide on disciplinary matters of Supreme Court Administrative Staff; the Zonal Commission shall review and decide on disciplinary issues of administrative staffs High Court and District Courts in form of appeal; the decision given accordingly is final and shall have no appeal.

39. **Oath**

Members of the commission shall, before assuming office, taking an oath affirming that they shall carry out the high responsibilities conferred on them to the best of their knowledge and experience fairly, independently, impartially and in accordance with the letter and spirit of laws of the country and the Regional State.

40: **Sababaha Lagu Waayo Xubinimada Gudiyada Anshaxa**

1. Xubin ka mida xubnaha Guddiga anshaxa heer Deegan ama kooxda guddiga ee heer gobol waxa uu xubinimada ku waayi karaa sababahan soo socda:

b). Haddii ay dhamaatay muddadii xil haynta

t). Haddii uu sababo kala duwan awgood uga tagay

j). Haddii uu helay dalacsiin ama uu u badashay meel kale.

x). Haddii uu geeriyoodo ama xanuun awgeed u gudan waayo waajibaadkiisii guddinnimo.

Kh). Haddii ay guddigu ku caddeeyan in uu gudan waayay waajibaadkiisii xubinnimo ee looga baahna;

d). Haddii lagu helo fal dambiyeed culus.

r). Haddii uu saddex dalooloow laba meelood oo xubnaha guddiga ahi uga saaraan xubinimada arimo la xidhiidha ku xadgudubka habraaca anshaxa geedi socodka guddiga maamulka garsoorka.

41: **Shuruucda La Nasakhay ee Aan Dhaqangalka Lahayn**

Waxa halkan lagu buriyay (reebay);

1. Bayaanka aasaaska guddiga maamulka garsoorka dawladda degaanka qowmiyada soomaalida ee tirsigiisu yahay 4/1991
2. Bayaanka dib-u-aasaasidda guddiga maamulka garsoorka DDS ee tirsigiisu yahay 37/1994.
3. Bayaanka dib-u-habaynta Aasaaska guddiga maamulka garsoorka DDS ee tirsigiisu yahay 59/1999.

40. **የሥነ-ምግባር ኮሚቴ ከኮሚቴ አባልነት ሰለሚያስነሱ ምክንያቶች**

1. **የክልልና የዞን የሥነ-ምግባር ኮሚቴ አባለት በሚከተሉት ምክንያቶች የጉባኤ ወይም የዞን ጉባኤ አባልን ከአባልነቱ ሊያስነሱት ይችላሉ።**

ሀ) የአገልግሎት ጊዜው ሲጠናቀቅ፤

ለ) በልዩ ልዩ ምክንያት ሥራ ከለቀቀ፤

ሐ) በእድገት ወይም በዝውውር ወደ ሌላ ሥፍራ ከሄደ እና በጉባኤው ሥብሰባ ላይ መገኘት ካልቻለ፤

መ) በሞት ወይም በህመም ምክንያት የኮሚቴ ግዴታውን ማወጣት ካልቻለ፤

ሠ). የአባልነት ግዴታውን በአግባቡ አለመወጣቱን ጉባኤው ካረጋገጠ፣

ረ) በከባድ የሥነ-ምግባር ግድፈት ከተቀጣ

ሰ) የዳኞች አስተዳደር ጉባኤ የውስጥ አሰራር ሥነ-ምግባር መመሪያ በመተላለፍ ምክንያት በኮሚቴ አባለት በሁለት ሶስተኛ ድምጽ ከአባልነት እንዲዋጋድ የተደረገ እንደሆነ፤

41. **የተሻሩ እና ተፈፃሚነት የሌላቸው ሕጎች**

የሚከተሉትን በዚህ አዋጅ ተሽሯል።

1. **የሶማሌ ብሕራዊ ክልላዊ መንግስት የዳኞች አስተዳደር ጉባኤ ለማቋቋም የወጣ አዋጅ ቁጥር** 4/1991;
2. **የሶማሌ ክልላዊ መንግስት የዳኞች አስተዳደር ጉባኤ እንደገና ለማቋቋም የወጣ አዋጅ ቁጥር** 37/1994።
3. **የሶማሌ ክልላዊ መንግስት የዳኞች አስተዳደር ጉባኤ እንደገና ለማቋቋም የወጣ አዋጅ ቁጥር** 59/1999 **በዚህ አዋጅ ተሽሯል።**

40. **Grounds for Termination of Membership of ethics committee**

1. The membership of a member of Regional ethics committee or Zonal ethics committee may be terminated on the following grounds:
   a) Where his term of service is due;
   b) Where he left his job on account of various reasons;
   c) Where he has been transfered or promoted to another place;
   d) due to death or Serious illness which bars a him from properly undertake his membership.
   e) Where the Commission verified that his failure to discharge his duties as a member;
   f) Where he is convicted of grave ethical violations
   g) Where he is disqualified from membership by two-third vote of the committee for violating the internal regulations and procedures of the Judicial Administration Commission;

41. **Repealed and Inapplicable Laws**

1. The proclamation for the establishment of Somali National Regional State Judicial Administration Commission proclamation no. 4/1991;
2. The Somali regional state Judicial Administration Commission Reestablishment Proclamation No. 37/1994;
3. The Somali regional state Judicial Administration Commission Reestablishment Proclamation No. 59/1999. is hereby repealed and replaced by this Proclamation.

4. Sharci, Xeer, wareegto iyo bayaan kasta oo khilaafaya ama ka hor imanaya arrimaha bayaankani xeerinaayo, wax dhaqangala mayeelanaayo.

42: **Awoodda Soo Saarista Xeer Iyo Awaamiir**

Guddiga maamulka garsoorku waxa uu soo saaraya xeerka iyo awaamiirta lagama-maarmaanka u ah dhaqangelinta qodobada bayaankan.

43: **Muddada Dhaqangalka**

Bayaankani wuxuu dhaqan galayaa laga bilaabo maalinta uu ansixiyo Golaha Deegaanku.

waxaa la ansixiyay 13ka yakatiit,2014

MUSTAFE MUXUMAD CUMAR

MADAXWAYNAHA DAWLADDA DEEGAANKA SOOMAALIDA

4. በዚህ አዋጅ ውስጥ የተካተቱ ጉዳዮችን አስመልክቶ አዋጁን የሚቃረኑ ሕጎች፣ መመሪያዎች እና አሠራር ተፈጻሚነት የላቸውም።

42. **ደንብና መመሪያ የማውጣት ሥልጣን**

የዳኞች አስተዳደር ጉባኤ ይህን አዋጅ በሥራ ላይ ለማዋል የሚያስችሉ ደንቦችንና መመሪያዎችን ሊያወጣ ይችላል። ያወጣል።.

43.**አዋጁ የሚጸናበት ጊዜ**

ይህ አዋጅ በክልሉ ምክር ቤት ከጸደቀበት ቀን ጀምሮ የጸና ይሆናል።

ጅግጂጋ የካቲት 13 ቀን 2014 ዓ.ም

ሙስጠፌ ሙሀመድ ኡመር

የሶማሌ ክልላዊ መንግስት ፕሬዝዳንት

4. No other law or customary practice which is inconsistent with this Proclamation shall have effect with respect to matters provided for in this Proclamation.

42. **power to Issue Regulation and Directive**

The Judicial Administration Commission shall issue the necessary regulations and Directives to give effect to this Proclamation.

43. **Effective Date**

This Proclamation shall enter into force up on the date of its approval by the State Council.

Done at Jijiga, This 20th day of February, 2022

MUSTAFE MUHUMED OMER

PRESIDENT, SOMALI REGIONAL STATE