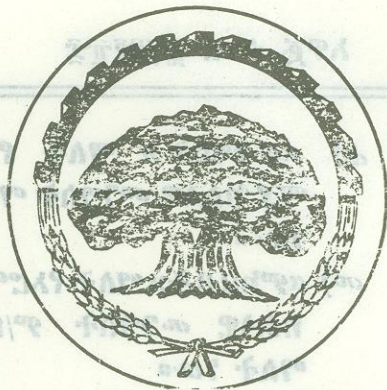


Waggaa 4ffaLak. 4
 ፩ኛ ዓመት ቁጥር ፬
 4th YearNo. 4



Finfinnee, Amajjii 14/1988
 ፌዴራል ጥር ፲፩ ቀን ፲፱፻፹፭
 Finfine, January 23rd 1996

MAGALATA OROMIYAA

መንግስት ኦሮሚያ

MEGELETA OROMIA

Gatiin Tokkoo1.40 የገንዘብ ዋጋ » Unit Price »	Too'annaa Caffee Mootummaa Naannoo Oromiyaatiin Kan Bahe በኦሮሚያ ክልላዊ መንግሥት ም/ቤት ተጠባባቂነት የወጣ	Lakk. S. Poosta101769 የፖ. ሣ. ቁጥር » P.O. Box »
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QABEENTAA

Labsii Lakk. 6/1988

Labsii Manneen Murtii Mootummaa
 Naannoo Oromiyaa Dhaabuuf bahe
Fuula 1

፩ኛ ወጪ

አዋጅ ቁጥር ፯/፲፱፻፹፭

የኦሮሚያ ክልላዊ መንግሥት

ፍርድ ቤትን ለማቋቋም

የወጣ አዋጅ

.....ገጽ ፩

CONTENT

Proclamation No. 6/1995

A Proclamation to provide for the
 Establishment of Courts of the Oromia
 Regional State

..... Page 1

KUTAA TOKKO

TUMAMA WALIIGALAA

1. Mata Duree Gabaabaa

Labsiin Kun "Manneetii Murtii
 Mootummaa Naannoo Oromiyaa db-
 aabuuf labsii bahe lakk. 6/1988"
 jedhamee yaamamuu nidanda'a.

2. Hiikkaa

Akkaataan jechichaa hiikkaa addaa
 kan kennisiisuuf yoo ta'e malee lab-
 sii kana keessatti:

a) "Mana Murtii" jechuun Mo-
 otummaa Naannoo Oromiyaa-
 tiin kan dhaabate Mana Murtii
 Aanaa, 01'aanaa fi kan Wali-
 igalaa jechuudha.

b) "Abbaa Seeraa" jechuun akka
 labsii kanaatti hayyuu seeraa
 kan muudame jechuudha. Jec-
 hi kuni eeggataa Abbaa See-
 raas ni dabale.

ክፍል አንድ

ጠቅላላ ድንጋጌዎች

፩. አጭር ርዕስ

ይህ አዋጅ «የኦሮሚያ ክልላዊ መን-
 ግስት ፍርድ ቤቶች ማቋቋሚያ አዋጅ
 ቁጥር ፯/፲፱፻፹፭ » ተብሎ ሊጠቀስ
 ይችላል ፤

፪. ትርጓሜ

የቃሉ አገባብ ሌላ ትርጉም የሚያስ-
 ጠው ካልሆነ በስተቀር በዚህ አዋጅ
 ውስጥ ፤

ሀ) «ፍርድቤት» ማለት በኦሮሚያ
 ክልላዊ መንግስት የተቋቋመ
 የወረዳ የከፍተኛና የጠቅላይ
 ፍርድ ቤት ነው ።

ለ) «ዳኛ» ማለት በዚህ አዋጅ
 መሰረት የተሾመ ዳኛ ነው ።
 ይህ ቃል ተጠባባቂ ዳኛንም
 ይጨምራል ።

PART ONE

GENERAL PROVISIONS

1. Short Title

This Proclamation may be cited as
 the "Oromia Regional Courts Est-
 blishment Proclamation No. 6/1995

2. Definitions

In this Proclamation, unless the
 context requires otherwise:

a) "Court" means district, high
 and supreme courts establish-
 ed under the auspices of the
 Oromia Regional State.

b) "Judge" means a judge app-
 ointed in accordance with the
 provisions of this Proclamation
 and includes an acting judge

c) “Mootummaa” jechuun Mootummaa Naannoo Oromiyaa jechuu dha.

d) “Caffee” jechuun Caffee Mootummaa Naannoo Oromiyaa jechuu dha.

3. Sadarkaa Manneetii Murtii

1. Akkaataa labsii kanaatti Manneen Murtii Mootummaa Naannoo Oromiyaa sadarkaa asii gaditti mul'atu qabaatu:

- Mana Murtii Waliigalaa,
- Mana Murtii Ol'aanaa,
- Mana Murtii Aanaa.

4. Kaayoo Manneetii Murtii

Manneen Murtii kaayoo armaan gadii ni qabaatu:

- Mirga, Walabummaa fi dantaa dhuunfaa Heera Mootummaa Federaalichaa fi Naannichaatiin mirkaneessaman kabachiisuu
- Sirna siyaasaa, diinagdee fi hawaasummaa naannichaa kanneen Heera Federaalichaa fi Heera Naannichaatiin mirkaneessaman kabachiisuu,
- Seeraa fi Naamusni eegamee nagaa fi tasgabiin akka sabatu gochuu.

5. Abbaa Seeraa ta'ee hojjechuuf ulaagaawwan barbaachisan

1. Abbaan Seeraa hayyuu seeraa ta'ee hojjechuuf ulaagaawwan guutamuu qaban kan armaan gadi jiran tahan:

- Barumsa Seeraa yookiin muuxannoo seeraa kan qabu,
- Amalaa fi naamuusa gaarii kan qabu,
- Yakkaan himatamee Mana Murtiitiin kan hin adabamin,
- Umuriin isaa waggaa 21 gadi kan hin taane,
- Abbaa seerummaadhaan hojjechuuf fedhii kan qabu,
- Lammii Itoophiyaa kan ta'e,
- Dhukkuba sammuu kan hin qabne,
- Afaan hojii Naannichaa kan beeku.

6. Akkaataa Muudama Abbootii Seeraa Naannichaa

1. Pirezidaantii fi 1/Pirezidaantiin Mana Murtii Waliigalaa Pirezidaantii Mootummaa Naannichaatiin dhihaatanii Caffee Oromiyaatiin muudamu.

ሐ) «መንግስት» ማለት የኦሮሚያ ክልላዊ መንግስት ማለት ነው።

መ) «ምክር ቤት» ማለት የኦሮሚያ ክልላዊ መንግስት ምክር ቤት ማለት ነው።

፩. ስለፍርድ ቤቶች እርከን

የኦሮሚያ ክልላዊ መንግስት ፍርድ ቤቶች እርከን ከዚህ የሚከተለው ይሆናል፤

ሀ) የጠቅላይ ፍ/ቤት፤

ለ) የከፍተኛ ፍ/ቤትና

ሐ) የወረዳ ፍ/ቤት።

፪. ስለፍርድ ቤቶች አሳማኞች

ፍርድ ቤቶች የሚከተሉት ዓላማዎች ይኖራቸዋል፤

ሀ) በፌዴራሉና በክልሉ ሕገ መንግስት የተረጋገጡትን የግለሰብ መብቶች፣ ነጻነቶችና ጥቅሞች የማስከበር፤

ለ) በፌዴራሉና በክልሉ ሕገ መንግስት የተረጋገጡትን የፖለቲካ፣ የኢኮኖሚና የማህበራዊ ሥርዓቶች የማስከበር፤

ሐ) ሕግና ሥርዓት ተጠብቆ ፍትሕና ሰላም እንዲሰፍን የማድረግ።

፫. ዳኛ ሆኖ ለመሥራት ስለሚያበቁ መመዘኛዎች

ዳኛ ሆኖ ለመሥራት የሚያስፈልጉት መመዘኛዎች ከዚህ የሚከተሉት ናቸው፤

ሀ) በሕግ ትምህርት የሰለጠነ ወይም በልምድ የሕግ እውቀት ያካበተ፤

ለ) ከፍተኛ ጠባይና መልካም ስም ያለው።

ሐ) በወንጀል ተከሶ ፍርድ ቤት ያልተቀጣ፤

መ) እድሜው ከፃያ አንድ አመት ያላነሰ፤

ሠ) በዳኝነት ሥራ ለመስማራት ፈቃደኛ የሆነ፤

ረ) አትየጽያዊ የሆነ፤

ሰ) የአእምሮ በሽታ የሌለበትና

ሸ) የክልሉን የሥራ ቋንቋ የሚያውቅ ሰው።

፬. ስለዳኞች አሟላጭ

ሐ. የጠቅላይ ፍ/ቤት ፕሬዚዳንትና ምክትል ፕሬዚዳንት በክልሉ መንግስት ፕሬዚዳንት አቅራቢ ነቅ በክልሉ ምክር ቤት ይሾማሉ፤

c) “State” means the Oromia Regional State.

d) “Council” means the Council of the Oromia Regional State.

3. Hierarchy of Courts

The hierarchy of courts in the Oromia Regional State shall be:

- The Supreme Court;
- High Courts;
- District Courts.

4. Objectives of Courts of Law

Courts shall have the following objectives:

- to safe guard the rights, freedoms and interests of individuals guaranteed by the Federal and the Regional Constitutions;
- to safeguard the political, economic and social order established by the Federal and the Regional Constitutions;
- is not criminally convicted by law and order for the observance of peace and justice.

5. Criteria for Becoming a Judge

A Person who:

- has legal training or has acquired broad legal skill through experience;
- has a high reputation for his diligence and integrity;
- is not criminally convicted by a court of law;
- is not less than twenty one years of age;
- accepts his appointment as a judge;
- is an Ethiopian by nationality;
- does not suffer from mental illness; and
- knows the working language of the Region;

may qualify for the position of judgeship.

6. Appointment of Judges

1. The chief and Vice-chief justices of the Regional Supreme Court shall be appointed by the Council of the Region upon submission of nominees by the President of the Regional State.

2. Other judges of the Supreme Court, high courts and district courts shall be selected by the Regional Commission for Judicial Administration and appointed by the Council of the Region.

2. Abbootiin Seeraa Mana Murtii Waliigalaa, Ol'aanaa fi Aanaa Gumii Bulchiinsa Abbootii Seeraa Naannichaatiin filatamanii, Caffee Oromiyaatiin muudamu.

3. Gumiin bulchiinsa Abbootii Seeraa Naannoo, muudama Abbootii Seeraa Mana Murtii Waliigalaa fi Ol'aanaa Naannichaa ilaalchisee, Caffee Oromiyaatti dhiheessuun dura Gumiin Bulchiinsa Abbootii Seeraa Federaalichaa yaada irratti qabu gaafachuu fi, yaada isaanii kana Caffee Oromiyaattiif dhiheessuutu irraa eegama. Gumiin Bulchiinsa Abbootii Seeraa Federaalichaa yaada isaa Ji'a sadii (3) keessatti dhiheessuu baannaan Caffeen muudamicha ni raggaasa.

7. Kakuu

Abbootiin Seeraa hojii isaanii utuu hin jalqabin dura kakuu raawwatu.

8. Walabummaa Abbootii Seeraa

1. Abbootiin Seeraa hojii seerummaasaanii walabummaadhaan raawwatu. Seeraan malee waan birootiin hin geggeeffaman.

2. Akkaataa labsii kana keewwata 10niin tumameen yoo tahe malee Abbootiin Seeraa hojii isaanii irraa hin ka'an.

9. Mirga Addaa

Abbaan Seeraa Kamuu yakka yammuu raawwataa jiru yoo qabame malee eeyyama Gumii Bulchiinsa Abbootii Seeraa tiin ala hin qabamu, yakkaniis hin hidhamu.

10. Akkaataa Abbootiin Seeraa Hojiirraa itti ka'an

1. Abbaan Seeraa kamiyyuu umuriin sooramaa seeraan murti'aa'e utuu hin ga'in dura fedhiisaatiin ala hojii abbaa seerummaa irraa kan kat'u:

a) Gumiin Bulchiinsa Abbootii Seeraa Oromiyaa akka seera naamusa Abbootii Seeraatti balleessaa raawwataniiru yookiin dandeettii fi cimma hojii hin qaban jedhee yammuu murteessu yookiin,

፪. የጠቅላይ ፍ/ቤት ፡ የከፍተኛና የወረዳ ፍ/ቤቶች ዳኞች በክልሉ የዳኞች አስተዳደር ጉባኤ ተመርጠው በክልሉ ም/ቤት ይሾማሉ፡፡

፫. የክልሉ የዳኞች አስተዳደር ጉባኤ የጠቅላይና የከፍተኛ ፍ/ቤቶችን ዳኞች ሹመት ለክልሉ ም/ቤት ከማቅረቡ በፊት ለፌዴራሉ የዳኞች አስተዳደር ጉባኤ አቅርቦ አስተያየቱን የመጠየቅና ይህንኑ ከራሱ አስተያየት ጋር በማያያዝ ለክልሉ ም/ቤት ማቅረብ ይኖርበታል፡፡ የፌዴራሉ የዳኞች አስተዳደር ጉባኤ አስተያየቱን በሰባት ወር ካልሰጠ የክልሉ ም/ቤት ሹመትን ለማጽደቅ ይችላል፡፡

፬. ስለቃለ መሐለ ፡

ዳኞች ሥራቸውን ከመጀመራቸው በፊት ቃለ መሐለ ይፈጽማሉ፡፡

፭. ስለዳኞች ነጻነት ፡

፩. ዳኞች የዳኝነት ሥራቸውን በነጻነት ያከናውናሉ፡፡ ከሕግ በስተቀር በሌላ አይመሩም፡፡

፪. በአንቀጽ ፲ በተደነገገው ካልሆነ በስተቀር ዳኞች ከሥራቸው ላይ እንዲነሱ አይደረጉም፡፡

፮. ልዩ መብት

ማንኛውም ዳኛ ወንጀል ሲፈጽም እጅ ከፍንጅ ካልተያዘ በስተቀር የዳኞች አስተዳደር ጉባኤ ላይ ፈቅድ አይያዝም፡፡ አይታሰርም፡፡

፯. ዳኞች ከሥራቸው ስለሚነሱበት ሁኔታ

፩. ማንኛውም ዳኛ በሕግ የተወሰነው የጡረታ እድሜው ከመድረሱ በፊት ከፈቃዱ ውጭ ከዳኝነት ሥራው የሚነሳው ፡

ሀ) የክልሉ የዳኞች አስተዳደር ጉባኤ በዳኞች ሥነ ምግባር ደንብ መሰረት ጥፋት ፈጽሟል ወይም ጉልህ የሆነ የሥራ ችሎታና ቅልጥፍና እንሰታልብሉ ሲወሰን ወይም

2. Other judges of the Supreme Court, high courts and district courts shall be selected by the Regional Commission for judicial Administration and appointed by the Council of the Region.

3. The Regional Commission for Judicial Administration shall before submission of the names of nominees for appointment, obtain the views of the Federal Judicial Administration Commission on the nominees and forward those views along with its own recommendation to the Council of the Region. If the Federal Judicial Administration Commission does not present its views within three months, the Council of the Region may approve the appointment.

7. Oath

Judges shall take an oath before assuming office.

8. Independence of Judges

1. Judges shall exercise their functions in full independence. They shall be guided by no other authority than that of the law.

2. A judge may not be removed from his official responsibility other than the circumstances specified under Article 10 of this Proclamation.

9. Immunity

No judge may be arrested or prosecuted without the permission of the Regional Commission for judicial administration unless he is caught in flagrante deicto for an offence.

10. Conditions for the Removal of Judges

1. A judge may be removed from his official duties against his own will before he reaches the legally mandated retirement age;

a) where the Commission for Judicial Administration of the Region decides to remove him for violations of the code of conduct or on grounds of gross incompetence or inefficiency;

b) Sababa dhibetiin hojii isaa haala gaariin raawwachuun hin danda'u jedhee yammuu murteessuu fi,

c) Murtiin gumichaa sagalee Caffee walakkaa 01 ta'een yammuu ragga'u dha.

2. Yeroon soorama Abbaa Seeraa hin dheeratu.

3. Abbaan Seeraa hojii isaa fedha isaatiin gadi dhiisuu yammuu barbaadu akeekkachiisa barreeffamaa ji'a 2'n dura Gumii Bulchiinsa Abbootii Seeraa oromiy-aatiif dhiheessuu qaba.

11. Haala Prezidaantiin yookiin I/Prezidaantiin Mana Murtii Waliigalaa Hojii irraa itti ka'u

Prezidaantiin yookiin I/Prezidaantiin Mana Murtii Waliigalaa hojii abbaa seerummaa isaa irraa kan ka'u balleessaa raawwachuun isaa yammuu Caffeedhaan murtaa'uu dha.

12. Akkaataa Dhoorki itti kennamu

1. Hanga murtiin Caffee kennamutti hojii irra turuun abbaa seerichaa naamuusa abbaa seerummaatiin kan walfaalllessu yoo ta'e akka haala armaan gadiitti mul'atutti dhoorki kennamuu nidanda'a:

a) Prezidaantii yookiin I/Prezidaantii Mana Murtii waliigalaa yoo ta'e Prezidaantii Caffee Oromiyaatiin,

b) Abbootii Seeraa Mana Murtii waliigalaa yookiin 01' aanaa yookiin kan Aanaa yoo ta'e Prezidaantii Mana Murtii waiigalaatiini taha.

2. Dhoorkiin kenne ji'a tokko keessatti Gumii Bulchiinsa Abbootii Seeraatiif dhihaatee murtaawuu qaba.

13. Waa'ee Dhaddacharraa ka'uu

1. Abbaan Seeraa kamiyyuu dhaaddacharraa kan ka'u:

ለ) ዳኛው በሕመም ምክንያት ሥራውን በተገቢው ሁኔታ ማከናወን አይችልም ብሎ ጉባኤው ሲወሰን እና

ሐ) የጉባኤው ውሳኔ በክልሉ ምክር ቤት ከግማሽ በላይ ሲጸድቅ ነው።

፪. የማንኛውም ዳኛ የጡረታ ራውጫ እድሜ አይራዘምም።

፫. ማንኛውም ዳኛ ሥራውን በፈቃዱ ለሥልቀቅ ሲፈልግ የሁለት ወር የጽሁፍ ማስጠንቀቂያ ለክልሉ የዳኞች አስተዳደር ጉባኤ ማቅረብ ይኖርበታል።

፬. የጠቅላይ ፍ/ቤት ፕሬዚዳንት ወይም ም/ፕሬዚዳንት ከሥራ ስለሚነሳበት ሁኔታ

፭. የጠቅላይ ፍ/ቤት ፕሬዚዳንት ወይም ም/ፕሬዚዳንት ከዳኝነት ሥራው የሚነሳው ጥፋት መፈጸሙ በክልሉ ምክር ቤት ሲወሰን ነው።

፮. እግድ ስለሚሰጥበት ሁኔታ፡

፩. በምክር ቤቱ ውሳኔ እስከ ሚስጥበት ጊዜ ድረስ የዳኛው በሥራ ላይ ማቆየት የዳኝነት ሥነ ምግባሩን የሚቃረን ከሆነ በሚከተለው አኳኋን እግድ ሊሰጥ ይችላል፡

ሀ) የጠቅላይ ፍ/ቤት ፕሬዚዳንት ወይም ም/ፕሬዚዳንት ከሆነ በክልሉ መንግሥት ፕሬዚዳንት፤

ለ) የጠቅላይ ወይም የከፍተኛ ወይም የወረዳ ፍ/ቤት ዳኛ ከሆነ በክልሉ ጠቅላይ ፍ/ቤት ፕሬዚዳንት።

፪. የዳኞች አስተዳደር ጉባኤ እግዱ ከተሰጠበት ጊዜ አንሥቶ በአንድ ወር ውስጥ ውሳኔ መስጠት ይኖርበታል።

፫. ከችሎት ስለመነሳት፡

፩. ማንኛውም ዳኛ ከችሎት የሚነሳው፡—

b) where the Commission decides that he can no longer carry out his responsibilities on account of illness;

c) where the decision of the Commission is approved by a majority vote in the council of the Region.

2. The retirement age of a judge may not be extended beyond the legally mandated retirement age.

3. A judge who voluntarily relinquishes his official responsibility shall submit a two-months advance written notice to the Regional Commission for Judicial Administration.

11. Removal of the Chief Justice or the Vice-Chief Justice of the Supreme Court

The Chief Justice or the Vice-Chief Justice of the State Supreme Court may only be removed by the decision of the Council of the Region on account of breach of duties.

12. Suspension of Judges

1. Where it is found that a judge's staying on the bench would result in adverse effects on judicial ethics, he may be suspended from his official position in accordance with the following procedures pending final decision by the Council.

a) If the judge is the Chief or the Vice-Chief Justice of the Supreme Court, by the President of the Regional State.

b) If the judge is a judge of the Supreme Court, a high court, or a district court, by the chief justice of the State Supreme Court.

2. The Regional Commission for Judicial Administration shall decide on the matter within one month of the suspension.

13. Withdrawal of Judges

1. A judge may not sit in a proceeding of case:

a) Falmitoota yookiin Abu kaatoo waliin akka seerri siviilii ajajutti firooma dhiigaa yookiin gaa'ila (fuudhaa fi heerumaa) kan qabu yoo ta'e yookiin falmitoota keessaa haadha manaa yookiin haadha manaa inni hiike yookiin guddiftuuf dhimma bakka bu'aa seeraa ta'e irratti falmiin kan ka'e yoo ta'e.

b) Dhimma falmiin irratti ka'e ammaan dura karaa abbaa seerummaatiin yookaan araaraan kan ilaale yoo ta'e

c) Gartuu wal-falmitootaa keessaa tokkoo waliin falmii yoo qabaate qofa.

2. Abbaan Seeraa kamiyyuu waan keewwata xiqqaa In ibsame akka beekkeen dhaddacharraa ka'uu qaba.

3. Abbaan seerichaa akka keewwata kana keewwata xiqqaa 2'tti dhaddacha irraa ka'uu baannan Abbaan seerichaa akka ka'uuf iyyatni kan dhihaatu falmiin utuu hin jalqabin iyyataan akka beekkeen battalumatti ta'uu qaba.

4. Abbaan Seeraa iyyati irratti dhihaate bakka hin jirretti, Abbootiin seerraa kanneen hafan iyyaticha qoratanii murtiin kennan murtii dhumaa 01'iyyannoo hin qabne ta'a.

5. Iyyatichij sababa gahaa malee kan dhihaate yoo ta'e gartuu falmituu iyyaticha dhiheesse irratti Abbootiin seeraa iyyaticha qoratan, hanga qarshii 300'tti adaba muruu nidan-da'u.

14. Waa'ee Dhaddacha Mana Murtii

1. Manneen Murtii Aanaa, 01' aanaa fi Waliigalaa:

a) Dhaddacha siviilii, fi

b) Dhaddacha yakkaa ni qaabaatu.

ሀ) ከተከራካሪዎቹ ወይም ከጠበቃው ጋር በፍትሐ ብሔር ሕግ እንደተደነገገው የሥጋ ወይም የጋብቻ ዝምድና ያለው ወይም ከተከራካሪዎቹ አንደኛው ሚስቱ ወይም የፈታት ሚስቱ ወይም ሞግዚቱ ወይም ሕጋዊ ወኪል ወይም ጠበቃ በሆነበት ነገር ላይ ክርክር የተነሳ እንደሆነ ፤

ለ) ክርክር የተነሳበትን ነገር አስቀድሞ በዳኝነት ወይም በዕርቅ መንገድ ያየው እንደሆነ ፤

ሐ) ከተከራካሪዎቹ ወገኖች ውስጥ ከአንደኛው ጋር መግት ያለው እንደሆነ ብቻ ነው ።

፪. ማንኛውም ዳኛ በዚህ አንቀጽ በንዑስ አንቀጽ ፩/፩ የተገለጸውን ሁኔታ እንዳወቀ ከችሎቱ መነሳት ይኖርበታል ።

፫. ዳኛው በዚህ አንቀጽ በንዑስ አንቀጽ ፪/፪ መሠረት ከችሎት ካልተነሳ ማመልከቻ የሚቀርበው ክርክሩ ከመጀመሩ በፊት ወይም ማመልከቻ ለማቅረብ ምክንያት መኖሩን አመልካቹ እንዳወቀ ወዲያውኑ መሆን ይኖርበታል ።

፬. ማመልከቻ የቀረበበት ዳኛ በሌለበት ሌሎች ዳኞች ማመልከቻውን መርምረው የሚሰጡት ውሳኔ ይግባኝ የሌለው የመጨረሻው ውሳኔ ይሆናል ።

፭. ያለበቂ ምክንያት ማመልከቻ የቀረበ እንደሆነ ማመልከቻውን ባቀረበው ተከራካሪ ወገን ላይ አቤቱታውን የመረመሩት ዳኞች እስከ ፲፪ ብር መቀጫ ሊጥሉበት ይችላሉ ።

፲፬. ስለፍ/ቤት ችሎቶች

፩. የወረዳ ፣ የከፍተኛና የጠቅላይ ፍርድ ቤቶች ፡—

ሀ/ የፍትሐ ብሔርና

ለ/ የወንጀል ችሎቶች ይኖራቸዋል ።

a) where one of the parties or his pleader is related to him by consanguinity or affinity according to the Civil Code, or is his spouse or his divorced spouse or is a person for whom he acted as a guardian, pleader or representative;

b) where the matter has earlier been brought to his attention in his capacity as a judge or as an arbitrator;

c) where he has a law-suit against any one of the parties.

2. As soon as he is aware of the circumstances under sub-article (1) of this article, the concerned judge shall withdraw from the bench.

3. Where the judge does not withdraw in accordance with sub-Article (2) of this Article, the party in the proceeding may file an application to that effect before the case is opened for trial or as soon as he is aware of the circumstances for making the application.

4. The remaining judges shall consider the application and render a final decision which is unappealable.

5. Where the application is not substantiated with good cause, the judges may order the applicant to pay a fine not exceeding Birr 300 (three hundred).

14. Divisions of Courts

1. District and high courts as well as the Supreme Court shall have:

- a) civil divisions; and
- b) criminal divisions.

2. Keewwata kana keeww-
ata xinnaa tokko keessatti kan
tuqame akkuma jirutti tahee,
humni namaa fi baay'inni
dhinmoofa Manneen Murtii
tiif dhihaatan ilaalamanii Ma-
nni Murtii kamuu dhaddacha-
wwan hojicha raawwachuuf bar-
baachisan akka qabaatu taasi-
suu ni danda'u.

3. Dhaddacha Mana Murtii Wali-
igalaa fi Ol'aanaa Naannich-
aatti Abbootiin seeraa 3 ta'anii
murteessu. Manni Murtii Ol'
aanaa garuu yakka waggaa 10nii
gadi adabsiisuufii falmii harii-
roo hawaasaa (Sivii). Abbaa
Seeraa tokkoon laaluu ni
danda'a.

4. Dhaddachi Mana Murtii Aanaa
Abbaa Seeraa tokkoon gaggee-
ffama. Haa ta'u malee ummata
keessaa kan filataman namooti
sagalee hin qabaannee ceephoti
2 waliin hojjetu.

5. Prezidaantiin yookiin I/Prezi-
daantiin Mana Murtichaa sad-
arkaa itti ramadame dhaddacha
kamittuu walitti qabaa ta'ee
hojjechuu danda'a.

15. Haala Ijibbaati itti ilaalamu.

Murtiin dhumaa Mana Murtii Wali-
igalaatiin yookiin Mana Murtii
biroo kamiyyuun kenname ijibbaa-
taan kan dhagahamu walitti qabiin-
sa Prezidaantichaatiin tahee, Abbo-
itii Seeraa Mana Murtii Waliigalaa
4 dabalatee dhaddacha moggaafam-
uun ta'a.

16. Afaan Hojii Mana Murtii

1. Afaan hojii Mana Murtii Afa-
an Oromoo ti.
2. Falmitoota afaan hin beekneef
Manni Murtichaa turjumaana
dhaabaaf.

17. Bakka Hojii Dhaddachaa

1. Bakki hojii dhaddachaa, Mana
Murtii Waliigalaa, bakka ma-
gaalaa muummittii naannicha-
tti ta'a.
2. Bakki hojii dhaddachaa, Mana
Murtii Ol'aanaa magaalaa go-
dinichaatti ta'a.
3. Bakki hojii dhaddachaa, Mana
Murtii Aanaa magaalaa Aani-
chaatti taha. Haa tahuu malee
bakka barbaachisaa tahetti Ma-
nni Murtii aanaa kan biraa jir-
aachuu ni danda'a.

፩. በዚህ አንቀጽ በንዑስ አንቀጽ
/፩/ የተጻፈው እንደተጠበቀ
ሆኖ ፤ የሰው ኃይልና ለፍ/ቤቱ
የሚቀርቡት ጉዳዮች ብዛት እየ
ታየ ሥራውን ለማከናወን የሚ
ያስፈልገው የሀላ ችሎቶች ሊኖ-
ሩት ይችላሉ ።

፪. በጠቅላይ እና በከፍተኛ ፍ/ቤ-
ት ችሎቶች ዳኞች ሦስት
ሦስት ሆነው ያስችላሉ ፤ ሆኖም
ከአሥር ዓመት እሥራት በላይ
ከሚያስተግ የወንጀል ክስ በስ-
ተኛ ከፍተኛ ፍ/ቤት ሌሎች
የወንጀል ጉዳዮችንና የፍትሕ
ብሔር ጉዳዮችን በአንድ ዳኛ
ለማየት ይችላል ።

፫. የወረዳ ፍ/ቤት ችሎት በአንድ
ዳኛ ይካሄዳል ። ሆኖም ከሕ-
ዝብ የሚመረጡ ድምጽ የሌላ
ቸው ሁለት ተችዎች አብረው
ይሠራሉ ።

፬. የፍ/ ቤቱ ፕሬዚዳንት ወይም
ም/ ፕሬዚዳንት በተመደበበት
እርከን ባለው በማናቸውም
ችሎት ሰብሳቢ ሆኖ ለመሥ-
ራት ይችላል ።

፲፩. ሰበር ስለሚታይበት ሁኔታ

በጠቅላይ ፍርድ ቤት ወይም በሌላ
ፍ/ቤት የተሰጠ የመጨረሻ ውሳኔ
በሰበር የሚሰማው የጠቅላይ ፍ/
ቤት ፕሬዚዳንት ሰብሳቢ በሆነ
በትና አራት የጠቅላይ ፍ/ ቤት
ዳኞች በሚገኙበት ችሎት ይሆ-
ናል ።

፲፪. ስለፍ/ቤት የሥራ ቋንቋ

፩. የፍ/ቤት የሥራ ቋንቋ አሮምኛ
ነው ።

፪. ቋንቋውን ለማይችል ተከራካሪ
ፍ/ቤቱ አስተርጓሚ ይመድብ
ለታል ።

፲፫. ስለማስቻያ ሥፍራ

፩. የጠቅላይ ፍ/ቤት የማስቻያ
ሥፍራ የክልሉ ዋና ከተማ
ይሆናል ።

፪. የከፍተኛ ፍ/ቤት የማስቻያ
ሥፍራ በዞኑ ከተማ ይሆናል ።

፫. የወረዳ ፍ/ቤት የማስቻያ ሥፍራ
በወረዳው ከተማ ይሆናል ።
ሆኖም እንዳስፈላጊነቱ የወረዳ
ፍ/ቤት በሌላ ሥፍራ ሊኖር
ይችላል ።

2. Subject to the provisions of
sub-Article (1) of this Arti-
cle, with due regard to the
available manpower and the
case load, courts shall have
as many divisions as may be
necessary for the discharge
of their functions.

3. Every division of the Supre-
me Court or high Courts shall
be constituted by three jud-
ges, provided, however, that
with the exception of offen-
ces punishable with impriso-
nment of more than ten yea-
rs, all other criminal and ci-
vil cases may be heard by a
high court constituted by one
judge.

4. A district court shall be con-
stituted by any one of the ju-
dges thereof. Two assessors
having no votes shall be elec-
ted by the people and work
with him.

5. A president or vice president
of any court may preside in
any one of the divisions of a
court in which he is assign-
ed.

15. Cassation

A final decision of the State Sup-
reme Court or any other cou-
rt may be heard in cassation
by a division presided by the
Chief justice and constituted
by four other judges of the
State Supreme Court.

16. Working Language

1. Oromo language shall be the
working language of all State
Courts.

2. The court shall assign an in-
terpreter to a litigant who
does not understand the lan-
guage by means of which the
proceeding is being conduc-
ted.

17. Place of Sitting

1. The Supreme Court shall
hold its hearings at the capi-
tal city of the Regional State.

2. High Courts shall hold their
hearings at the cities of their
respective zones.

3. District courts shall hold
their hearings in their respec-
tive district towns. Where
appropriate, another district
Court may be established in a
place other than the district
town.

4. Manni Murtii Naannichaa sardarkaa kamiyyuu irra jiru murtee ariifachiisuuf jecha iddoo barbaachisaa tahetti dhaddacha Naannawaa dhaabhuu ni danda'a.

18. Dhaddacha Ifa taheen Murteessuu Seeraan haala biroottiin yoo ibsame malee Manneen Murtii dhaddacha ifa taheen murteessu:

19. Abukaatoo Ittisaa Dhaabuu

1. Namni kamuu abukaatoo dhaabbachuuf minga ni qaba.
2. Namni abukaatoo ittisaa dhaabsifachuu hin dandeenye yakka hidhaa cimaa waggaa 5'nii gadi hin taane adabsiisuun himatame, manni murtii dhimmicha abukaatoo ittisaa ni dhaabaaf.

KUTAA LAMA

20. Gumii Bulchiinsa Abbootii Seeraa

Gumiin bulchiinsa Abbootii Seeraa miseensota armaan gadiitti ibsaman qabaata:

- a) Piresidaantii M.M.W. Walitti qabaa
- b) Miseensoota Caffee Naannichaa sadii Miseensa
- c) Namoota sadih kanneen kutaa hawaasa adda adda irraa filaman "
- d) M.M.W. irraa abbaa seeraa tokko "
- e) Abbootii Seeraa sadih sadii M/M/01'aanaa fi Aanaa irraa "
- f) I/Gaafatamaa Biiroo dhimma Seeraa "
- g) Waldaya Abukaatoo irraa nama tokko "

21. Aangoo fi Hojii Gumii Bulchiinsa Abbootii seeraa

1. gumiin Bulchiinsa Abbootii Seeraa aangoo fi hojii armaan gadii ni qabaata.

- a) Akkaataa ulaagaawwan keewwata 5 irratti ilaalamaniin Abbootii seeraa filuu,
- b) Jijjiirraa, guddinaa fi mindaa Abbootii Seeraa murteessuu,

፩. በየትኛውም እርዳታ ላይ ያለ ማንኛውም ፍ/ቤት ቀልጣፋ ፍትሕ ለመስጠት አስፈላጊ ሆኖ ባገኘው በማንኛውም ሥፍራ ዳኛ በመላክ ለማስቻል ይችላል ።

፲፰. በግልጽ ችሎት ስለማስቻል ፡

በሕግ በሌላ አኳኋን ካልተደነገገ በስተቀር ፤ ፍ/ቤቶች በግልጽ ችሎት ያስችላሉ ።

፲፱. ተከላካይ ጠበቃ ስለማቆም ፡

፩. ማንኛውም ተከራካሪ ጠበቃ የማቆም መብት አለው ።

፪. ከአምስት ዓመት በላይ በሆነ ጽኑ እሥራት በሚያስቀጣ ወንጀል የተከሰሰ ሰው ጠበቃ ለማቆም የማይችል ከሆነ ፍ/ቤቱ ተከላካይ ጠበቃ ይመድብለታል ።

ክፍል ሁለት

፳. ስለዳኞች አስተዳደር ጉባኤ

የክልሉ የዳኞች አስተዳደር ጉባኤ የሚከተሉት አባላት ይኖሩታል ፤

- ሀ) የጠቅላይ ፍ/ቤት ፕሬዝዳንት ሰብሳቢ
- ለ) ሦስት የክልሉ ም/ቤት አባሎች አባሎች
- ሐ) ሦስት ከኅብረተሰቡ ልዩ ልዩ ክፍሎች የሚመረጡ አባሎች
- መ) ከጠቅላይ ፍ/ቤት አንድ ዳኛ አባል
- ሠ) ከከፍተኛና ከወረዳ ፍ/ቤቶች ሦስት ሦስት ዳኞች አባሎች
- ረ) የፍትሕ ጉዳይ ቢሮ ኃላፊ አባል እና
- ሰ) ከጠበቆች ማኅበር አንድ ሰው አባል ።

፳፩. ስለዳኞች አስተዳደር ጉባኤ ሥልጣንና ተግባር ፡

፩. የዳኞች አስተዳደር ጉባኤ ከዚህ የሚከተሉት ሥልጣንና ተግባሮች ይኖሩታል ፤

- ሀ) በአንቀጽ ፭ ሥር የተመለከቱትን መመዘኛዎች የሚያሟሉትን ለዳኝነት መልምሎ ለሹመት የማቅረብ ፤
- ለ) የዳኞችን ዝውውር ዕድገትና ደመወዝ የመወሰን ፤

4. Any court, at all levels the judicial hierarchy, must hold its hearings at any other place where such is deemed necessary for the prompt administration of justice.

18. Proceedings to be in public Unless otherwise provided for the law, courts shall hear cases in public.

19. Right to a Counsel

1. Every party to a proceeding has the right to a counsel.
2. The court shall assign a defence counsel to an indigent who is accused of a crime punishable with a rigorous imprisonment exceeding five years.

PART TWO

THE REGIONAL COMMISSION FOR JUDICIAL ADMINISTRATION

20. Members of the Commission Judicial Administration

The Commission shall have the following members:

- a) The Chief Justice of the State Supreme Court-Chairman
- b) Three members of the Regional Council — member(s)
- c) Three people to be elected from among the different strata of the society — Member(s)
- d) A judge of the State Supreme Court — Member(s)
- e) Three judges each from high and district courts member(s)
- f) The Head of the Justice Bureau — Member
- g) A representative of the Regional Bar Association

21. Powers and Duties of the Commission for Judicial Administration

1. The Commission for Judicial Administration shall have the following powers and duties:
 - a) to select and nominate judges for appointment in accordance with the criteria specified under Article 5 of this proclamation;
 - b) to decide on the transfer, promotion and salary of judges;

c) Abbootii Seeraa irratti tarkaanfii namuusaa fudhachuu fi akka barbaachisaa ta'etti hojii abbaa seerummaa irraa dhoorkuu,

2. Gumichi rejistiraarotaa fi abukaatota ittisaa filee ni muuda, guddina, jijjiirraa, min-daa fi bara tajaajila isaanii ni murteessa, tarkaanfii namuusaa fudhachuu fi hojii irraa ari'uu ni danda'a.

3. Seera namuusaa Abbootii Seeraa, rejistraarotaa fi abukaatota ittisaa ni baasa.

4. Raawwii labsii kanaaf akka barbaachisummaa isaaniitti Manneetii Murtii Zooniitiif gumiiwwan xiqqaa ni dhaaba, aangoo fi hojii isaanii ni murteessa.

5. Hojii Abbootii Seeraa saffisiisuuf qorannoolleen adda addaa akka godhaman ni taasisa.

22. Akkaataa Hojii Gumii Bulchiinsa Abbootii Seeraa

1. Pirezidaantiin Mana Murtii waliigalaa walitti qabaa gumichaa ta'a.

2. Gumichi barreessaa mataa isaa ni ramadata.

3. Gumichi yeroo walgahii isaa ni murteessa, Miseensotiin gumichaa harka 3 keessaa harki lama (2/3) walgahiin akka yaamamu yoo gaafatan wal gahiin godhamuu ni danda'a.

4. Miseensota gumichaa harka sadi keessaa harki lama argamna wal-gahiin ni geggeeffama. Murtiin gumichaa sagalee caalmaan murtaa'a. Sagaleen qixxee yammuu ta'u walitti qabaan gumichaa sagalee murteessaa ni qabaata.

23. Aangoo fi Hojii Prezidaantii Mana Murtii Waliigalaa

Prezidaantiin Mana Murtii Waliigalaa:

a) Mana Murtichaa bakka bu'a
b) Abbootii Seeraa Mana Murtii Waliigalaa ni ramada, ni bulcha.

c) Hojjetoota Hoji Mana Murtichaatiif barbaachisaa ta'an ni qaxara, ni bulcha.

ሐ) በዳኞች ላይ የዲሲፕሊን ቅጣት የመወሰን ፤ እንደ አግባቡ ከዳኝነት ሥራ የማንሳት

፪. ጉባኤው ራጂስትራሮችንና ተከላካይ ጠበቆችን መርጦ ይሾማል ፤ ዕድገታቸውን፣ ዝውውራቸውን ፤ ደመወዛቸውንና የአገልግሎት ዘመናቸውን ይወስናል ፤ የዲሲፕሊን እርምጃ ይወስዳል ፤ ከሥራም ያስናብታል ፤

፫. የዳኞችን ፤ የራጂስትራሮችንና የተከላካይ ጠበቆችን የሥራ ምግባር ደንብ ያወጣል ።

፬. ይህንን አዋጅ ለማስፈጸም ሲባል በየዞኑ ፍ/ቤቶች ንዑስ ጉባኤዎችን እንደአስፈላጊነታቸው ያቋቁማል ፤ ሥልጣንና ተግባራቸውን ይወስናል ።

፭. የዳኝነት ሥራን ለማቀላጠፍ ፤ ጥናቶች እንዲካሄዱ ያደርጋል ፤

፳፪. ስለዳኞች አስተዳደር ጉባኤ አሠራር

፩. የጠቅላይ ፍ/ቤት ፕሬዚዳንት የጉባኤው ሰብሳቢ ይሆናል ።

፪. ጉባኤው የራሱን ጸሐፊ ይመድባል ።

፫. ጉባኤው ስብሰባ የሚያደርግበትን ጊዜ ይወስናል ። ከጉባኤው አባሎች መካከል ሁለት ሦስተኛው ሲጠይቅ ጉባኤው ስብሰባ ለማድረግ ይችላል ።

፬. ከጉባኤው አባሎች መካከል ሁለት ሦስተኛው ከተገኙ ስብሰባውን ለማካሄድ ይቻላል ። የጉባኤው ውሳኔ የሚተላለፈው በድምጽ ብልጫ ይሆናል ። ድምጽ እኩል በእኩል ከተከፈለ ስብሰባው ውሳኔ ድምጽ ይኖረዋል ።

፳፫. የጠቅላይ ፍ/ቤት ፕሬዚዳንት ሥልጣንና ተግባር

የጠቅላይ ፍ/ቤት ፕሬዚዳንት፡—

ሀ) ፍ/ቤቱን ይወካል ፤

ለ) የጠቅላይ ፍ/ቤቱን ዳኞች ይደለድላል ፤ ያስተዳድራል

ሐ) ለፍ/ቤቱ ሥራ የሚያስፈልጉትን ሠራተኞች ይቀጥራል ፤ ያስተዳድራል ፤

c) to take disciplinary measures against judges including their removal where appropriate.

2. The Commission shall appoint court registrars and defence counsels and decide on their promotion, transfer and term of office. It also takes disciplinary measures, including dismissal, on them.

3. It may issue regulations on the code of ethics of judges, court registrars and defence counsels.

4. Where appropriate, it may set up subordinate commissions in the zones for the purpose of ensuring the implementation of this proclamation and determine their powers and duties.

5. It may promote research for the efficient running of the judicial machinery.

22. Rules of Procedure of the Commission

1. The Chief Justice of the State Supreme Court shall be the Chairman of the Commission.

2. The Commission shall name its Secretary.

3. The commission shall decide on the timing of its sessions. It may also be convened at the request of two-third of its members.

4. The presence of two-thirds of the members of the Commission shall constitute a quorum, Decisions shall be made by a majority vote and, in case of a tie, the chairman shall have a casting vote.

23. Powers and Duties of the Chief Justice of the State Supreme Court
The Chief justice shall:

a) represent the court;

b) assign and administer the judges of the Supreme Court;

c) employ and administer the personnel required for the court;

d) Karoora hojii fi baajeta Manneetii Murtichaa qopheessee Caffee ni dhiheessa, yammuu hayyamaamees hojii irra ni oolcha.

e) Hojii Manneetii Murtii Naannichaa ilaalchisee gaabaasaa istaatiistikaan deeggarame Caffee ni dhiheessa.

f) Hojii Abbootii Seeraa saifisiisuuf damee Caffee dhimmii laaluufi kutaa biroo kan dhimmichi ilaluu waliin walmari'achuun ni hojjeta.

g) Murtiileen qu'annoo fi xiinxalaaf gargaaran gosa gasaan qindaa'anii akka qophaawan ni taasisa.

h) Wixinee Seeraa akka barbaachisaa tahanitti qopheessee ni dhiheessa.

24. Itti Gaafatamummaa Prezidaantoota Mana Murtii

1. Prezidaantii Mana Murtii Ol'aanaa ykn Aanaa:

a) Mana Murtichaa bakka bu'a.

b) Hojjetoota Mana Murtichaa ni bulcha, ni to'ata.

c) Abbootii Seeraa dhada-chatti ni ramada.

2. Itti waamamni Prezidaantii Manneen Murtii akka armaan gadii ta'a:

a) Prezidaantiin Mana Murtii Waliigalaa Caffee Oromiyaatiif,

b) Prezidaantiin Mana Murtii Ol'aanaa Prezidaantii Mana Murtii Waliigalaatiif,

c) Prezidaantiin Mana Murtii Aanaa Prezidaantii Mana Murtii ol'aanaatiif.

25. Waa'ee Bakka Bu'ummaa

Prezidaantiin Mana Murtii Waliigalaa Oromiyaa yeroo hin jirretti Itti Aanaa Prezidaantichi eeggataa Prezidaantii tahuudhaan, yeroo Prezidaantiin Mana Murtii ol'aanaa yookiin Aanaa hin jirretti muudamaan Abbaa Seeraa dursaa qabu bakka buusee akka hojjetu gochuu ni danda'a.

መ) የክልሉን ፍ/ቤቶች የሥራ ዕቅድና በጀት አዘጋጅቶ ለክልሉ ምክር ቤት ያቀርባል፤ ሲፈቀድም በሥራ ላይ ያውላል፡፡

ሠ) የክልሉን ፍርድ ቤቶች ሥራ በማመለከት በስታትስቲክስ የተደገፈ ረፖርት አዘጋጅቶ ለምክር ቤቱ ያቀርባል፡፡

ረ) የዳኝነት ሥራን ለማቀላጠፍ ጉዳዩ ከሚመለከተው ከክልሉ ምክር ቤት ዘርፍና ከሌላ ክፍል ጋር በመመካከር ይሠራል፤

ሰ) ለጥናትና ለምርምር የሚረዱ የፍርድ ቤቶች ውሳኔዎች ዓይነት በዓይነት እንዲዘጋጁ ያደርጋል፡፡

ሸ) አስፈላጊ ሲሆን ረቂቅ ሕግ አዘጋጅቶ ያቀርባል፡፡

፳፬. የፍርድ ቤቶች ፕሬዚዳንቶች ኃላፊነትና ተጠሪነት

፩. የከፍተኛ ወይም የወረዳ ፍ/ቤት ፕሬዚዳንት፡-

ሀ) ፍ/ቤቱን ይወክላል፡፡

ለ) የፍ/ቤቱን ሠራተኞች ያስተዳድራል፤ ይቆጣጠራል፡፡

ሐ) ዳኞችን በየትሎቶች ይደለድላል፡፡

፪. የፍ/ቤቶች ፕሬዚዳንቶች ተጠሪነት ከዚህ አንድሚከተለው ይሆናል፡፡

ሀ) የጠቅላይ ፍ/ቤት ፕሬዚዳንት ለክልሉ መንግሥት ፕሬዚዳንት፡፡

ለ) የከፍተኛ ፍ/ቤት ፕሬዚዳንት ለጠቅላይ ፍ/ቤቱ ፕሬዚዳንት፡፡

ሐ) የወረዳ ፍ/ቤት ፕሬዚዳንት ለከፍተኛው ፍ/ቤት ፕሬዚዳንት፡፡

፳፭. ስለውክልና

የጠቅላይ ፍ/ቤት ፕሬዚዳንት በሌለበት ጊዜ ም/ፕሬዚዳንቱ ተጠባባቂ ፕሬዚዳንት በመሆን የከፍተኛ ወይም የወረዳ ፍ/ቤት ፕሬዚዳንት በማይኖርበት ጊዜ በሹመት ቅድሚያ ያለው የፍ/ቤቱ ዳኛ ተከቶ እንዲሠራ ሊወክለው ይችላል፡፡

d) prepare work programmes the budget of State Council and, upon approval by Council of the Region, implement the same;

e) Submit periodic reports, supported by statistical data, the activities of State Council to the Council of the Region;

f) cooperate with the conception section of the Council of Region and other organs matters pertaining to the efficient administration of Justice;

g) cause the selection and implementation of decisions that are helpful for legal research;

n) initiate draft laws where necessary.

24. Duties and Accountabilities of Presidents

1. A high court or a district court president shall:

a) represent his respective court;

b) administer and supervise the employees of the court; and

c) assign judges to the different divisions in the court.

2. The accountability of court presidents shall be as follows:

a) the Chief Justice shall be accountable to the President of the Regional Council;

b) the accountability of the president of a high court shall be to the chief justice of the state supreme court and

c) the accountability of the president of a district court shall be to the president of the zonal court.

25. Delegation

In the absence of the Chief Justice of the State Supreme Court, the Vice-Chief Justice; in the absence of a high court or a district court president, the most senior judge may be delegated to serve as acting Chief Justice or President, respectively, of the court.

KUTAA SADII**Aangoo Abbaa Seerummaa****26. Aangoo Mana Murtii Waliigalaa Oromiyaa**

1. Manni Murtii Waliigalaa aangoo Abbaa Seerummaa armaan gadii ni qabaata:

a) Ol'iyyannoo Manneen Murtii Ol'aanaa irraa dhihaataniif ilaalee murtii ni kenna, Murtichis isa dhumaa ta'a.

Ol'iyyata Mana Murtii Ol'aanaa Naannoo aangoo sadarkaa duraa Federaa-laatiin murtii kenne irrattit dhihaatu ni ilaala, murtii ni kenna.

c) Akka deemmii falmii seeraatti dhimmi tokko Mana Murtii Ol'aanaa tokko irraa gara Mana Murtii Ol'aanaa biraatti, yookiin gara Mana Murtii Waliigalaatti akka darbu yammuu gaaffiin dhihaatu murtii itti kenna.

d) Naannoo isaatti Mana Murtii kamittuu dhimma murtii dhumaa kenname irratti, dogoggorri bu'uura seeraa yoo jiraate dhad-dacha ijibbaataatiin ilaaluuf aangoo ni qabaata.

2. Manni Murtii Waliigalaa Naannoo, akka aango abbaa seerummaa Federaalaatti murtii kennu irratti ol'iyyannoon dhihaatu Mana Murtii Waliigalaa Federaalaatiin ilaalamuu nidanda'a.

27. Aangoo Mana Murtii Ol'aanaa

Manni Murtii Godinaa aangoo armaan gadii ni qabaata:

a) Akka deemmii falmii seera siviilii, seera deemmii falmii adaba yakkaa yookiin akka seera birootiin tumametti dhimmoota siviilii fi yakkaa sadarkaa duraatti ilaalee ni murteessa.

b) Akka aangoo Mana Murtii sadarkaa dura Federaalaatti dhimmoota isaaf dhihaatan ni ilaala, murtii ni kenna.

c) Dhimmoota Manneetii Murtii Aanaa irra ol'iyyannoon dhihaataniif irratti murtii ni kenna.

d) Murtiirwan qaamota ceerar aangoon seeraan kennameefiin kennaman irratti ol'iyyannoon ni ilaala, murtii ni kenna.

ክፍል ሦስት**ሰለጻኝነት ሥልጣን****፳፮. የጠቅላይ ፍ/ቤት ሥልጣን**

፩. ጠቅላይ ፍ/ቤት ፡—

ሀ) ከከፍተኛ ፍ/ቤቶች የሚቀርቡ ሰለትን የይግባኝ አቤቱታዎች አይቶ ይወስናል ፤

ለ) በፌዴራል የመጀመሪያ ደረጃ የጻኝነት ሥልጣን መሠረት ከፍተኛ ፍ/ቤት በሰጠው ውሳኔ ላይ የሚቀርበውን የይግባኝ አይቶ ይወስናል ፤

ሐ) በሥነ ሥርዓት ሕግ በተወሰነው መሠረት አንድ ጉዳይ ከአንድ ከፍተኛ ፍ/ቤት ወደ ሌላ ከፍተኛ ፍ/ቤት ወይም ወደ ጠቅላይ ፍ/ቤቱ ተዛውሮ እንዲታይ ጥያቄ ሲቀርብለት ውሳኔ ይሰጣል ፤

መ) በክልል ፍ/ቤት በተሰጠው የመጨረሻ ፍርድ ላይ መሠረታዊ የሕግ ስህተት ተፈጽሞ ሲገኝ በሰበር የማየት ሥልጣን ይኖረዋል ።

፪. ጠቅላይ ፍ/ቤት በፌዴራል የጻኝነት ሥልጣኑ በሚሰጠው ውሳኔ ላይ የሚቀርበው የይግባኝ በፌዴራል ጠቅላይ ፍ/ቤት ሊታይ ይችላል ።

፳፯. የከፍተኛ ፍ/ቤት የጻኝነት ሥልጣን

የከፍተኛ ፍ/ቤት የሚከተለው ሥልጣን ይኖረዋል ፤

ሀ) በፍትሕ ብሔር ወይም በወንጀል መቅጫ ሕግ ሥነሥርዓት ወይም በሌላ ሕግ በተወሰነው መሠረት የፍትሕ ብሔርና የወንጀል ጉዳዮችን በመጀመሪያ ደረጃ አይቶ ውሳኔ የመስጠት ፤

ለ) በፌዴራል የመጀመሪያ ደረጃ ፍ/ቤት የሚታዩትን ጉዳዮች አይቶ የመወሰን ፤

ሐ) ከወረዳ ፍ/ቤቶች በይግባኝ በሚቀርቡለት ጉዳዮች ላይ ውሳኔ የመስጠት ፤

መ) በሕግ ሥልጣን በተሰጣቸው የጻኝነት ሰጭ አካላት በተሰጡ ውሳኔዎች ላይ የሚቀርበውን የይግባኝ አይቶ የመወሰን ።

PART THREE**JURISDICTION OF COURTS****26. Jurisdiction of the State Supreme Court**

1. The State Supreme Court shall have:

a) appellate jurisdiction over the judgments or decisions of state high courts;

b) appellate jurisdiction over the judgements or decisions of State high courts in pursuance of Federal first-instance jurisdiction;

c) the power to decide on a petition for a change of venue from one high court to another high court or to the Supreme Court itself in accordance with the provisions of procedural laws;

d) the power to review a final decision of any court in the Region by way of cassation when the decision is deemed to have a fundamental error of law

2. A decision of the State Supreme Court in pursuance of its Federal jurisdiction may be appealable to the Federal Supreme Court.

27. Jurisdiction of State High Courts

A high court shall have the following jurisdiction:

a) first instance jurisdiction in accordance with the provisions of the Civil and Criminal procedure Codes or other relevant laws;

b) first instance jurisdiction in Federal matters;

e) appellate jurisdiction over the decisions of district courts;

d) appellate jurisdiction over the decisions of other lawfully established tribunals.

28. Aangoo Mana Murtii Aanaa

Manni Murtii Aanaa aangoo armaan gadii ni qabaata:

- Seerota deemmii falmii sivii-lilii fi yakkaa keessatti dhimmoota tarreeffaman ni ilaala, murtii ni keena
- Dhimmoota Manni Murtii Hawaasummaa gandaa murtii irratti kenne sadarkaa ol'iyyanootiin ilaala, murtii ni ken-na.

KUTAA AFUR

Tumaalee Adda Adda

29. Sirna Ijibbaataa

- Dhimmi tokko kan ijibbaataan ilaalamu akka labsii kanaa keewwata 26(1)(d) tti sed-arkaa Mana Murtii kamittuu murtiin dhumaa kenname dogoggora bu'uura seeraa kan qabu tahee yammuu argamu dha.
- Murtiin dhumaa dhimma tokko irratti kenname dogoggora bu'uura seeraa qaba jedhamee Mana Murtii Waliigalaatiin kan ilaalamu dursee dhad-dacha Abbootii Mana Murtii Waliigalaa 3 kan itti moggaafaman murtichi kan ijjibbaataaf geessisu dogoggora bu'uura seeraa qaba jedhee yammuu murteessuu dha.
- Iyyataan dhimmi isaa ijjibbaataan akka ilaalamuuf barbaadu murtichi dogoggora bu'uura seeraa qaba sababa jedhuuf iyyata isaa irratti tarreeffamaan barreessee dhiheessuu qaba. Itti dabalees waraabbii murtii ol'iyyannoo fi waraabbii murtii Mana Murtii jalaa dhiheessuu qaba.
- Iyyanni gaaffii ijjibbaataa Mana Murtii Waliigalaaf dhihaachuu kan qabu dhimma gaaffiin ijibbaataa itti dhihaatu irratti murtiin erga kennamee guyyaa saggaltama (90) keessati ta'a.
- Labsii kanaan keewwata xiqqaa (1-4) kan tuqame yoo jiraa-te iyyuu Manni Murtii Waliigalaa Fedrealichaa murtii dhumaa dogoggora bu'uura seeraa qabu dhaddacha ijibbaataan ilaaluuf aangoon isaa kan eegame dha.

፳፰. የወረዳ ፍ/ቤት ሥልጣን

የወረዳ ፍ/ቤት ፡—

- በፍትሐ ብሔር ሥነ ሥርዓት ሕግና በወንጀለኛ መቅጫ ሕግ ሥነ ሥርዓት ውስጥ የተመለከቱትን ጉዳዮች ያያል፤ ይወስናል ፤
- በማኅበራዊ /በቀበሌ/ ፍ/ቤት በተሰጠ ውሳኔ ላይ የሚቀርበውን የይግባኝ አቤቱታን አይቶ ይወስናል ።

ክፍል አራት

ልዩ ልዩ ድንጋጌዎች

፳፱. ስለሰበር ሥርዓት ፡

- አንድ ጉዳይ በሰበር የሚታየው በአንቀጽ ፳፯/፩/ መ/ የተገለጹት ሁኔታዎች ተሟልተው ሲገኙ ይሆናል ።
- በአንድ ጉዳይ ላይ የተሰጠ የመጨረሻ ውሳኔ መሠረታዊ የሕግ ስህተት አለበት ተብሎ በጠቅላይ ፍ/ቤቱ ከመታየቱ አስቀድሞ ሦስት የፍ/ቤቱ ዳኞች የሚሰየሙበት ችሎት ጉዳዩ ለሰበር የሚያበቃ መሠረታዊ የሕግ ስህተት አለበት ብሎ ሲወሰን ነው ።
- ጉዳዩ በሰበር እንዲታይለት የሚፈልግ ወገን ውሳኔው መሠረታዊ የሕግ ስህተት አለበት የሚልበትን ምክንያት በመዘርዘር በጽሑፍ ማቅረብ ይኖርበታል ። ይግባኝ የተባለበትን ጉዳይ የሚመለከቱ የውሳኔ ቅጂዎችንም ማቅረብ ይኖርበታል ፤
- የሰበር ጥያቄ ለጠቅላይ ፍ/ቤቱ መቅረብ ያለበት አቤቱታ የቀረበበት ውሳኔ ከተሰጠበት ቀን ጀምሮ በዘጠና ቀናት ውስጥ ይሆናል ።
- በዚህ አንቀጽ ከንዑስ አንቀጽ ፩—፪ የተጠቀሱት ቢኖሩም የፌዴራሉ ጠቅላይ ፍ/ቤት መሠረታዊ የሕግ ስህተት ያለበትን ውሳኔ በሰበር የማየት ሥልጣኑ እንደተጠበቀ ይሆናል ።

28. Jurisdiction of District Courts

A district court shall have:

- first instance jurisdiction in accordance with the provisions of the Civil and Criminal procedure Code;
- appellate jurisdiction over the decisions of kebele social (judicial) tribunals.

PART FOUR

MISCELLANEOUS PROVISIONS

29. Cassation Procedure

- A case shall be reviewed by way of cassation when the conditions provided for under Article 26(1)(d) of this proclamation have been fulfilled.
- A final decision can be reviewed on account of a fundamental error of law when a division of the State Supreme Court consisting of three judges comes up with a ruling indicating the existence of a fundamental error justifying for cassation.
- The petitioner for a hearing in cassation shall state his reasons for alleging that the final decision contains a fundamental error of law. He shall also attach a copy of the decision, against which the petition has been lodged.
- An application for cassation shall be made within ninety days from the date on which the decision is rendered.
- Notwithstanding the provisions of sub-Article (1) to (4) of this Article, the Federal Supreme Court may review any final decision which contains a fundamental error of law by way of cassation.

30. *Waa'ee Yeroo Boqonnaa Abbootii Seeraa*

Yeroon boqonnaa Abbootii Seeraa Adoolessa 1 hanga Fulbaana 1'tti ta'a.

31. *Seerota Jijjiiraman (Shaaraman)*
Labsii kanaan kan mormu seerri yookiin qajeelfamni, yookiin murtiin kamuu raawwii hin qabaatu.

32. *Yeroo Labsichi Hojii Irra Itti Oolu*
Labsiin kun guyyaa Sadaasa 9 bara 1988tii eegalee kan hojii irra oolu ta'a.
Finfinnee Amajjii 14, baru 1988.

KUMAA DAMMAQSAA

Pirezidaantii Mootummaa Naannoo Oromiyaa

ሷ- ስለዳኞች የዕረፍት ጊዜ

የዳኞች የዕረፍት ጊዜ ከሐምሌ ፩ እስከ መስከረም ፩ ድረስ ይሆናል

ሷ፩- የተሻሩ ሕጎች

ከዚህ አዋጅ ጋር የሚቃረን ማናቸውም ሕግ ወይም መመሪያ ወይም ውሳኔ በዚህ አዋጅ ውስጥ በተጠቀሱት ጉዳዮች ላይ ተፈጻሚነት አይኖረውም ።

ሷ፪- አዋጁ የሚጸናበት ጊዜ

ይህ አዋጅ ከገዳር ፱ ቀን ፲፱፻፹፰ ጀምሮ የጸና ይሆናል ።

ፊንፊኔ ጥር ፲፬ ቀን ፲፱፻፹፰ ዓ/ም
ከ-ማ ደመቅሣ

የአሮሚያ ክልላዊ መንግሥት ነጋረዚዳንት

Jaarmaya Maxxansaa Birhaninnaa Salaam

በርሃንና ሰላም ግተጊያ ድርጅት

Berhanena Selam Printing Enterprise

30. *Vacation*

The annual vacation of judges shall be from July 8 to September 11 of the year.

31. *Repealed Laws*

Any law, directive or decision which is inconsistent with the provisions of this Proclamation shall not apply with respect to matters provided for in this Proclamation.

32. *Effective Date*

This Proclamation shall enter into force as of the 19th day of November, 1995.

Finfine January 23, 1996

KUMA DEMEKSA

President of the Oromia Regional State