www.abyssinialaw.com

Waggaa 13ffaa ..... Lak. 9/1997
13ኛ ዓመት.......ቁጥር ፱/፲፱፻፺፯
13th year .... No. 9/2005

Finfinnee, Qaamee 1 bara 1997
ፊንፊኔ ጳጉሜ ፩ቀን ፲፱፻፺፯
Finfine, September 1, 2005

MAGALATA OROMIYAA
መገለጫ ኦሮሚያ
MEGELETA OROMIA

Gatiin Tokko ....
ያንዱ ዋጋ ....
Unit Price ....

To'annoo Caffee Mootummaa Naannoo Oromiyaatiin Kan Bahe
በኦሮሚያ ብሔራዊ ክልላዊ መንግሥት በጨፌ ኦሮሚያ ጠባቂነት የወጣ

Lak. S. Poostaa 21383-1000
የፖ.ሣ.ቁጥር ....
P.O.Box ....

QABEENTAA

Labsii Lak. 95/1997
Labsii Mirgaafi Dirqama Bakka Bu'oonni Ummataa Qabaniifi Akkaataa Deebi'anii Itti Waamaman Murteessuuf Labsii Bahe Lak. 63/1994 Fooyyessuuf Labsii Bahe .... fuula 1

Labsii Lak. 95/1997

Labsii Mirgaafi Dirqama Bakka Bu'oonni Ummataa Qabaniifi Akkaataa Deebi'anii Itti Waamaman Murteessuuf Labsii Bahe Lak. 63/1994 Fooyyessuuf Labsii Bahe

Akkaataa Heera Mootummaa Naannoo Oromiyaatti mirgi addaa kan kenname miseensota Caffeetiif qofa waan ta'eef;

Labsii Mirgaafi Dirqama Bakka Bu'oota Ummataa Murteessuuf Bahe Lak. 63/1994 Heera Mootummaa Naannichaa wajjin wal simsiisuudhaan fooyyessuun barbaachisaa ta'ee waan argameef,

Akkaataa Heera Mootummaa Naannichaa keewwata 49(3) (a)tti kan kanatti aanu labsameera.

ማውጫ

አዋጅ ቁጥር ፺፭/፲፱፻፺፯
የሕዝብ ተወካዮች መብትና ግዴታ፣ እንዲሁም ተመልሰው የሚጠሩበትን ሁኔታ ለመወሰን የወጣውን አዋጅ ቁጥር ፷፫/፲፱፻፺፬ን ለማሻሻል የወጣ አዋጅ .... ገጽ ፩

አዋጅ ቁጥር ፺፭/፲፱፻፺፯

የሕዝብ ተወካዮች መብትና ግዴታ፣ እንዲሁም ተመልሰው የሚጠሩበትን ሁኔታ ለመወሰን የወጣውን አዋጅ ቁጥር ፷፫/፲፱፻፺፬ን ለማሻሻል የወጣ አዋጅ

በኦሮሚያ ሕገ መንግስት መሠረት ልዩ መብት የተሰጠው ለጨፌ አባላት ብቻ በመሆኑ፣

የሕዝብ ተወካዮች መብትና ግዴታ ለመወሰን የወጣውን አዋጅ ቁጥር ፷፫/፲፱፻፺፬ ከክልሉ ሕገ-መንግስት በማጣጣም ማሻሻል አስፈላጊ ሆኖ በመገኘቱ፣

በክልሉ ሕገ መንግስት አንቀጽ ፵፱ ንዑስ አንቀጽ ፫ (ሀ) መሠረት የሚከተለው ታውጇል።

CONTENT

Proclamation No. 95/2005
A Proclamation to Amend the Rights, Duties, and Conditions for Recall of Peoples' Representatives No. 63/2002 .... Page 1

Proclamation No. 95/2005

A Proclamation to Amend the Rights, Duties, and Conditions for Recall of Peoples' Representatives No. 63/2002

WHEREAS, according to the Constitution of Oromia National Regional State immunity is granted only to 'Caffee' members;

WHEREAS, it is necessary to amend the proclamation issued to Define the Rights, Duties, and Conditions for Recall of Peoples' Representatives No. 63/2002 in harmony with the Constitution;

NOW, THEREFORE, in accordance with article 49 (3) (a) of the Regional National State Constitution, it is here by proclaimed as follows:

www.abyssinialaw.com

1. **Mata Duree Gabaabaa**

Labsiin kun "Labsii Mirgaafi Dirqama Bakka Bu'oonni Uummataa Qabaniifi Akkaataa Deebi'anii Itti Waamaman Murteessuuf Bahe Lak. 63/1994 Fooyyessuuf Labsii Bahe Lak.95/1997" jedhamee waamamu ni danda'a.

2. **Foyya'iinsa**

Labsiin Lak. 63/94 akkaataa kanatti aanee jiruun fooyya'eera:

1) Tumaaleen keewwata 9 jala jiranu haqamanii kan kanatti aananii jiranuun bakka bu'aniiru.

"1) Miseensi Caffee Oromiyaa yakka cimaa yoo raawwatu harkaa harkatti yoo qabame malee eeyyama Caffeetiin ala hin qabamu; yakkaanis hin himatamu.

2) Qaamni miseensa Caffee tokko otoo yakka cimaa raawwatu harkaa harkatti qabe kamiyyuu yeroo qabe kaasee sa'aatii 48 keessatti Caffeef, ennaa Caffeen walgahiirra hin jirre Afyaa'iif beeksisuu qaba.

3) Miseensi Caffee tokko, akkaataa keewwata kana keewwata xiqqaa (1) jalatti ibsameen ala yakka raawwateera jedhamee akka qabamu yookiin akka himatamu kan barbaadamu yoo ta'e qaamni seeraa dhimmi ilaalu gaaffiisaa Caffeef, ennaa Caffeen walgahiirra hin jirre Afyaa'iif dhiyeessuu qaba.

4) Miseensi Caffee kamiyyuu walgahii Caffeerratti yaada dhiyeessuuf yookiin sagalee kennuuf hin himatamu; tarkaanfiin bulchiinsaas irratti hin fudhatamu.

5) Mirgi adda keewwata kan jalatti ibsame miseensa Caffee tokko dhimma hariiroo hawaasatiin himatamu kan dhoorku miti."

2) Tumaaleen keewwata 15 jala jiranu haqamanii kan kanatti aananii jiranuun bakka bu'aniiru.

"1) Bu'uura Labsii kana keewwata 9(1) tiin miseensi Caffee tokko yakka cimaa otoo raawwatuu harkaa harkatti yoo qabame:

(a) Qaamni qabe gabaasni dhiyeessu yakka inni otoo raawwatu qabame, yeroofi iddoo wajjin, akkasumas adeemsicha seera qabsiisuuf tarkaanfii fudhatame addaan baasee kan agarsiisu ta'u qaba;

፩. **አጭር ርዕስ**

ይህ አዋጅ "የሕዝብ ተወካዮች መብትና ግዴታ፣ እንዲሁም ተመልሰው የሚጠሩበትን ሁኔታ ለመወሰን የወጣውን አዋጅ ቁጥር ፷፫/፲፱፻፺፬ን ለማሻሻል የወጣ አዋጅ ቁጥር ፺፭/፲፱፻፺፯" ተብሎ ሊጠራ ይችላል።

፪. **ማሻሻያ**

አዋጅ ቁጥር ፷፫/፺፬ እንደሚከተለው ተሸሽሏል።

፩. በአንቀጽ ፱ ስር ያሉት ድንጋጌዎች ተሰርዘው በሚከተሉት ተተክትዋል።

"፩) የጨፌ ኦሮሚያ አባል ከባድ ወንጀል ሲፈፅም እጅ ከፍንጅ ካልተያዘ በስተቀር ከጨፌ ፈቃድ ውጪ አይያዝም፤ በወንጀልም አይከሰስም።

፪) አንድ የጨፌ አባል ከባድ ወንጀል ሲፈፅም እጅ ከፍንጅ የያዘ አካል ከያዘበት ጊዜ አንስቶ በ፵፰ ሰዓት ውስጥ ለጨፌ፣ ጨፌ ስብሰባ ላይ በሌለበት ጊዜ ከሆነ ለአፈ-ጉባኤ ማሳወቅ አለበት።

፫) አንድ የጨፌ አባል በዚህ አንቀጽ ንዑስ አንቀጽ ፩ ሥር ከተገለፀው ሁኔታ ውጪ ወንጀል ፈፅሟል ተብሎ እንዲያዝ ወይም እንዲከሰስ የሚፈለግ ከሆነ ጉዳዩ የሚመለከተው የህግ አካል ጥያቄውን ለጨፌ፣ ጨፌ ስብሰባ ላይ በሌለበት ጊዜ ከሆነ ለአፈ-ጉባኤ ማቅረብ አለበት።

፬) ማንኛውም የጨፌ አባል በጨፌ ስብሰባ ላይ በሚያቀርበው ሃሳብ ወይም ድምፅ ምክንያት አይከሰስም፤ አስተዳደራዊ እርምጃም አይወሰድበትም።

፭) በዚህ አንቀጽ ሥር የተመለከቱት ልዩ መብቶች አንድን የጨፌ አባል በፍትሐብሄር ጉዳይ መጠየቅን አይከለክልም።

፪. በአንቀጽ ፲፭ ሥር የተደነገጉ ድንጋጌዎች ተሽረው በሚከተለው ተተክተዋል።

"፩) በዚህ አዋጅ አንቀጽ ፱ ንዑስ አንቀጽ ፩ መሠረት አንድ የጨፌ አባል ከባድ ወንጀል ሲፈፅም እጅ ከፍንጅ ከተያዘ፡

(ሀ) የያዘው አካል የሚያቀርበው ሪፖርት ሲፈጽም የተያዘበትን የወንጀል አይነት፣ የፈፀመበትን ጊዜና ቦታ፣ እንዲሁም ሂደቱን ህጋዊ መልክ ለማስያዝ የተወሰደ እርምጃን ለይቶ የሚያሳይ መሆን አለበት።

1. **Short Title**

This proclamation may be cited as "Proclamation No. 95/2005 to Amend the Rights, Duties, and Conditions for Recall of Peoples' Representatives No. 63/2002".

2. **Amendment**

Proclamation No. 63/2002 is amended as follows:

1. The Provisions under article 9 are repealed and replaced by the following.

"1) 'Caffee' member shall not be arrested or prosecuted without the permission of the 'Caffee' except when caught flagrante delicto for committing a serious offence;

2) Any organ who arrested a member of the 'Caffee' flagrant delicto for committing a serious offence shall report same to the 'Caffee' within 48 hours when is in session; and when the 'Caffee' is not in session to the Speaker.

3) If any justice organ who wants to arrest or persecute a 'Caffee' member for committing an offence in a situation other than specified in sub article 1 of this article, shall submit a request for permission to the 'Caffee' where the 'Caffee' is in session; and when not in session to the Speaker.

4) Any member of the 'Caffee' shall neither be charged nor administrative action taken upon him for opinion expressed or vote given on the session.

5) The immunity stipulated under this article shall not relieve a member from liability of civil action."

2. The provisions under Article 15 are repealed and replaced by the following.

1) Where the removal of immunity is requested to arrest and prosecute a member of the 'Caffee' pursuant to article 9 (3) of this proclamation, the request shall be:

(a) Submitted in writing and expressly put the member accused, the crime committed, the place and time of the commission evidence to verify it;

www.abyssinialaw.com

(b) Waajjirri Afyaa'ii gabaasichi isa qaqqabes qabatamummaafi seera qabeessummaa dhimmichaa ni hordofa; akkaataa barbaachisummaa isaatti bu'aa argame waliinis walgahii Caffee itti aanuutti gabaasa ni dhiyeessa;

2) Bu'uura labsii kana keewwata 9(3) tiin miseensi Caffee tokko akka qabamu yookiin akka himatamu kan barbaadamu yoo ta'e, mirga addaa qabu irraa kaasuudhaaf gaaffichi:

(a) Miseensa shakkame, yakka ittiin shakkame, iddoofi yeroo yakkichi itti raawwatame kana mirkaneessuuf ragaa jiru bifaafi qabatamummaa isaatiin addaan baasee akkaataa agarsiisuun barreeffamaan dhiyeessuu qaba;

(b) Caffeen walgahiirra waan hin jirreef Afyaa'iif kan dhiyaate yoo ta'e walgahii itti aanutti yaada murtee Caffeef akka dhiyeessu Koree Dhaabbataa Dhimma Bulchiinsaafi Seeraatti ni qajeelfama;

(c) Ennaa Caffeen walgahiirra jiru kan dhiyaateefi ifa ta'uusaatiin battalumatti murtii kennuuf kan hin rakkisne yoo ta'e malee dhimmichi qulqullaa'ee walgahii itti aanutti yaanni murtee akka dhiyaatuuf gara Koree Dhaabbataa Dhimma Bulchiinsaafi Seeraatti ni qajeelfama;

(d) Shakkamaan miseensa Caffee ta'uunsaa kan barame erga abbaan alangaa galmee qorateen booda yoo ta'eefi ragaan gahaan jiraachuun yoo beekame karaa Biiroo Haqaatiin dhiyaachuu qaba;

3) Gaaffii mirgi addaa miseensa Caffee akka irraa ka'u dhiyaatu qulqulleessuuf, Caffeen yookiin koreen dhimmi ilaalu, akkuma barbaachisummaa isaatti, qaama gaafficha dhiyeesse yookiin dhimmicha qorate yaamee gaafachuu ni danda'a.

4) Mirgi addaa miseensa Caffee tokko kan ka'u gaaffiin dhiyaate sagalee caalmaa miseensoota walgahii Caffichaarratti argamaniitiin yoo deeggarameedha.

(ለ) ሪፖርቱ የደረሰው የአፈ-ጉባኤ ጽ/ቤትም የአካሄዱን ህጋዊነትና የጉዳዩን ተጨባጭነቱን ይከታተላል፤ እንደ አስፈላጊነቱም ከተገኘው ውጤት ጋር ለቀጣዩ የጨፌ ስብሰባ ሪፖርት ያቀርባል።

፪) በዚህ አዋጅ አንቀጽ ፱ ንዑስ አንቀጽ ፫ መሠረት አንድ የጨፌ አባል እንዲያዝ ወይም እንዲከሰስ የሚፈለግ ከሆነ ያለውን ልዩ መብት ለማንሳት ጥያቄው፡

(ሀ) ተጠርጣሪው አባል የተጠረጠረበትን ወንጀል፣ የፈፀመበትን ጊዜና ቦታ፣ ይህን ለማረጋገጥ የቀረቡትን ማስረጃዎች በአይነትና ተጨባጭነቱን ለማሳየት በሚያስችል መልኩ በጽሁፍ ማቅረብ ይኖርበታል።

(ለ) ጨፌ በስብሰባ ላይ ባለመሆኑ ለአፈ-ጉባኤው የቀረበ ከሆነ ለሚቀጥለው የጨፌ ስብሰባ የውሳኔ ሀሳብ እንዲያቀርብ ለአስተዳደርና የሕግ ጉዳይ ቋሚ ኮሚቴ ይመራዋል።

(ሐ) ጨፌው ስብሰባ ላይ በሚገኝበት ጊዜ የቀረበና ግልፅ በመሆኑ ወዲያው ለመወሰን የማያስቸግር ካልሆነ በስተቀር ጨፌው ጉዳዩ ተጣርቶ ለሚቀጥለው ስብሰባ የውሳኔ ሀሳብ እንዲያቀርብ ለአስተዳደርና የሕግ ጉዳይ ቋሚ ኮሚቴ ይመራዋል።

(መ) ተጠርጣሪው የጨፌ አባል መሆኑ የተረጋገጠው አቃቤ ህግ መዝገቡን ከመረመረ በኋላ ከሆነና በቂ ማስረጃ መኖሩ ከታወቀ ጥያቄው በፍትህ ቢሮ በኩል መቅረብ ይኖርበታል።

፫) ጨፌ ወይም ጉዳዩ የሚመለከተው ኮሚቴ የልዩ መበት የማንሳት ጥያቄን ለማጣራት እንዳስፈላጊነቱ ጥያቄ ያቀረበውን ወይም ጉዳዩን ያጣራውን አካል ጠርቶ ሊጠይቅ ይችላል።

፬) የጨፌ አባል ልዩ መብት የሚነሳው የቀረበው ጥያቄ ጉዳዩን በተመለከተው የጨፌ ስብሰባ ላይበተገኙት አባላት ድምፅ ብልጫ ሲደገፍ ነው።

(b) The Office of the Speaker who received the report shall follow up the reality and legality of the case, and also submit a report as to his findings to the next session of the 'Caffee' as the case might be.

2) Where the removal of immunity is requested to arrest and prosecute a member of the 'Caffee' pursuant to article 9 (3) of this proclamation, the request shall be:

(a) Submitted in writing and expressly put the member accused, the crime committed, the place and time of the commission evidence to verify it;

(b) Where the request is submitted to the Speaker while the 'Caffee' is not in session, it shall be directed to the Administrative and Legal Affairs Standing Committee so as to submit the proposal to the next session of the 'Caffee'.

(c) Where the request is submitted while the 'Caffee' is in session unless and otherwise the case being clear and could be decided upon there and then it shall be directed to Administrative and Legal Affairs Standing Committee so as to submit proposal to the next session of the 'Caffee';

(d) Shall be submitted through the Justice Bureau to the 'Caffee' where the member is known after being accused by the prosecutor;

3) To verify the request for the removal of 'Caffee' members' immunity the 'Caffee' or the concerned committee shall call upon and ask the organ lodging the request or the organ that examines the matter as the case might be;

4) The immunity of the 'Caffee' members shall be removed where the lodging request is supported by the majority vote of the members present at the session of the 'Caffee';

www.abyssinialaw.com

5) Gaaffiin bu'uura keewwata kana keewwata xiqqaa 2(b) tiin dhiyaatu, koreen dhimmi ilaalu dhimmicha qulqulleessee yaada murtee dhiyeessuuf yeroo gahaa akka argatuuf jecha, walgahii Caffeetiin dura guyyaa 60n dura Afyaa'ii Caffeetiif dhiyaachuu qaba.

6) Mirgi addaa miseensota Caffeerraa akka ka'u gaaffiin dhiyaatu kamiyyuu guyyaa gaaffichi dhiyaate kaasee yeroo ji'a jaha (6) hin caalle keessatti yaa'ii Caffeef dhiyaatee murtee barbaachisaa akka argatu taasifamuu qaba.

7) Mirgi addaa miseensota Caffeerraa akka ka'u gaaffiin dhiyaatu ji'a jaha keessatti yaa'ii Caffeetti dhiyaatee kan hin murtoofne yoo ta'e sababnisaa qaama gaafateef deebiin karaa Afyaa'iitiin kennama."

3. Yeroo Labsichi Hojiirra Itti Oolu

Labsiin kun Qaammee 1/1997 irraa kaasee hojiirra kan oolu ta'a.

Qaamee 1 bara 1997
Finfinnee

Juneeydii Saaddoo
Pireezidaantii Bulchiinsa Mootummaa Naannoo Oromiyaa

፭) በዚህ አንቀጽ ንዑስ አንቀጽ ፪ (ለ) መሠረት የሚቀርበውን መሠረታዊ ጥያቄ ጉዳዩ የሚመለከተው ኮሚቴ አጣርቶ የውሳኔ ሀሳብ ለማቅረብ በቂ ጊዜ እንዲኖረው ለማስቻል ከጨፌ ስብሰባ 60 ቀን በፊት ለአፈ-ጉባኤው መቅረብ ይኖርበታል።

፮) የጨፌ አባልን ልዩ መብት ለማንሳት የሚቀርበው ማንኛውም ጥያቄ ከቀረበበት ቀን አንስቶ ስድስት ወር ባልበለጠ ጊዜ ውስጥ ለጨፌ ስብሰባ ቀርቦ አስፈላጊውን ውሳኔ እንዲያገኝ መደረግ ይኖርበታል።

፯) የጨፌ አባላትን ልዩ መብት ለማንሳት የቀረበው ጥያቄ በ፮ ወር ጊዜ ውስጥ ለጨፌ ቀርቦ ያልተወሰነ ከሆነ ምክንያቱ ጥያቄውን ላቀረበው አካል በአፈ-ጉባኤው በኩል ይገለፅለታል።

፫. <u>አዋጁ የሚጸናበት ጊዜ</u>

ይህ አዋጅ ከጳጉሜ ፩ ቀን ፲፱፻፺፯ ዓ.ም ጀምሮ የፀና ይሆናል።

ፊንፊኔ
ጳጉሜ ፩ ቀን ፲፱፻፺፯

ጁነይዲ ሳዶ
የኦሮሚያ ብሔራዊ ክልላዊ መንግሥት መስተዳድር ፕሬዝዳንት

5) A request lodged pursuant to article 2 (b) of this proclamation shall be submitted to the Speaker 60 days prior to the session of the 'Caffee';

6) Any request lodged for removal of 'Caffee' members' immunity shall be decided within 6 months from the date of its lodging;

7) If the lodged request for the removal of 'Caffee' members' immunity is not decided within 6 months the reason shall be given to the concerned organ throug the Speaker.

3. Effective Date

This proclamation shall become into effect as of the day of September 1, 2004.

Finfine
September 1, 2005

Juneidi Sado
President of the National Regional Government of Oromia