

FEDERAL DEMOCRATICE REPUBLIC OF ETHIOPIA

“Federal Courts Draft Proclamation”

December 2019

Addis Ababa

PROCLAMATION NO/2019

FEDERAL COURTS/DRAFT/ PROCLAMATIONOF 2019

WHEREAS, in the Federal Democratic Republic of Ethiopia Constitution, judicial power is vested in both the Federal and the Regional courts;

WHEREAS, the Constitution stipulates that everyone has a right to bring justiciable matter to obtain a decision or judgment from, a court of law; irreplaceable.

WHEREAS, it is necessary to establish a system in which Federal Courts play an inimitable role in enforcing the rules of law and, protection of human and democratic rights;

WHEREAS, it is necessary to ensure that Federal Courts do provide effective, efficient, accountable and predictable service in accordance with judicial independence mentioned in the provision of the Constitution;

Whereas establishing a legislative framework under which courts would have full autonomy to manage their own budget, recruit and assign their non-judicial personnel, and administer themselves is essential for a strong judiciary;

WHEREAS, the frequent amendment of the Federal Courts Proclamation No. 25/1996 and necessary of having an amended Proclamation;

NOW THEREFORE, in accordance the Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

CHAPTER ONE

General

1. Short Title

This Proclamation may be cited as the “Federal Courts Proclamation No. —/2019”

2. Definitions

In this proclamation:

- 1) “Constitution” means the Constitution of the Federal Democratic Republic of Ethiopia;

- 2) "Laws of the Federal Government" includes all laws in force that are consistent with the Constitution and relating to matters that fall within the competence of the federal government as specified in the Constitution;
- 3) "Federal Courts" means the Federal Supreme Court, the Federal High Court and the Federal First Instance Court;
- 4) "Basic or fundamental error of law" shall include final judgment, ruling, order or decree which may be filed in Federal Supreme Court Cassation division pursuant to Article 10 of this Proclamation and/or contains either one or similar of the following basic errors and grossly distresses justice:
 - (a) in violation of the constitution
 - (b) by misinterpreting a legal provision or by applying an irrelevant law to the case;
 - (c) by not framing the appropriate issue or by framing an issue irrelevant to the litigation;
 - (d) by denying to an award judgment to a justiciable matter;
 - (e) by giving an order in execution proceedings unwarranted by the main decision; (f) in the absence of jurisdiction over the subject matter in dispute;
 - (g) an administrative act or decision rendered in contradiction with the law;
 - (h) in contravention to binding decision of the Federal Supreme Court Cassation Division.
- 5) "Final decision" shall include judgment, ruling, order or decree that finally disposes the case and/or decision, ruling, order or judgement that has completed the possible appeal mechanisms and rendered by courts, organ vested with judicial power, by institutions or an alternative dispute resolution mechanism.
- 6) "Officials of the Federal Government" means members of the House of Peoples' Representatives and of the House of the Federation, officials of the Federal Government above ministerial rank, ministers, judges of the Federal Supreme Court and other officials of the Federal Government of equivalent rank;
- 7) "Employees of the Federal Government" includes all employees, other than those referred to under sub" Article (1) hereof, engaged in the activities of the Federal Government
- 8) "Person" means a natural or juridical person.

CHAPTER TWO

Common Jurisdiction of Federal Courts

3. Principle

- 1) Federal Courts shall have jurisdiction over the following:
 - a) Cases arising under the Constitution, Federal Laws and International Treaties accepted and ratified by Ethiopia;
 - b) Parties specified in Federal Law,
 - c) Places specified in the Constitution or by Federal Law.
- 2) Federal courts shall interpret and observe the provisions of the constitution pursuant to article 9(2) and 13(1) of the constitution.

4. Criminal Jurisdiction

Federal Courts shall have jurisdiction over the following criminal cases:

- 1) crimes against the national state;
- 2) crimes against foreign state;
- 3) crimes in violation of international laws;
- 4) crimes regarding the security and freedom of communication services operating in more than one region or at international level;
- 5) crimes against the safety of aviation;
- 6) Without prejudice to international diplomatic laws and customs as well other international agreements to which Ethiopia is a party, crimes of which foreign ambassadors, consuls, representatives of international organizations, foreign states are held liable or foreign nationals who enjoy privileges and immunities and who reside in Ethiopia are victims or defendants;
- 7) crimes regarding illicit trafficking of dangerous drugs;
- 8) crimes falling under the jurisdiction of courts of different regions or under the jurisdiction of both the federal and regional courts as well as concurrent offences;
- 9) crimes connected with conflicts between various nations; nationalities, ethnic, religious or political groups;
- 10) crimes against customs duty and tax revenues of the federal government;
- 11) crimes against the fiscal and economic interests of the federal government;

- 12) crimes against currencies, government bonds or security documents, official seals, stamps or instruments;
- 13) without prejudice to Article 12 Sub- Article (2) and Article 15 Sub-Article (2), crimes of which foreigners are victims or defendants that entailing more than 5 years' rigorous imprisonment.
- 14) crimes committed by officials and employees of the federal government in connection with their official responsibilities or duties;
- 15) without prejudice to Article 12 Sub-Article (2) and Article 15 Sub-Article (2) of this Proclamation, crimes committed against the property of the federal government and which entail more than 5 years' rigorous imprisonment and
- 16) Crimes committed in Addis Ababa and Dire Dawa
- 17) Cases specified by other laws.

5. Civil Jurisdiction

- 1) Federal Courts shall have jurisdiction over the following civil cases:
 - a) Regarding private international law;
 - b) Application regarding the enforcement of foreign judgment or decision;
 - c) involving matters of nationality;
 - d) Issues in relation to bankruptcy
 - e) Without Prejudice to international diplomatic laws and customs as well as other international agreements to which Ethiopia is a party, cases of which foreign ambassadors, consuls, representatives of international organizations, foreign states are held liable or foreign nationals who enjoys privileges and immunities and who resides in Ethiopia are parties;
 - f) Cases to which a federal government organ is a party;
 - g) cases involving the property of the federal government;
 - h) Cases arising between persons permanently residing in different regions, regions and Addis Ababa, regions and Diredawa, Addis Ababa or DireDawa;
 - i) cases of involving the liability of officials or employees of the federal government in connection with their official responsibilities or duties;
 - j) without prejudice to Article 12 Sub-Article (2) and Article 15 Sub-Article (2) of this Proclamation, cases in which foreigner is a plaintiff or a defendant;

- k) cases involving business organizations and associations registered with, or established by, federal government organs;
 - l) cases involving negotiable instruments;
 - m) cases arising out of patent, literary and artistic-ownership rights;
 - n) cases involving insurance policy;
 - o) application for habeas corpus and
 - p) cases arising in Addis Ababa and Dire Dawa Cities
 - q)cases specified by other laws
- 2) A regional matter shall continue to be heard by regional court even where a party mentioned under Sub-Article(1)(g) of this Article intervenes under any condition in the proceeding or after judgment.

6. Substantive Laws to be Applied by Federal Courts

- 1) Federal Courts shall settle cases or disputes, submitted to them within their jurisdiction on the basis of:
- (a) the constitution, federal laws and international treaties to which Ethiopia is a party;
 - (b) regional; Addis Ababa or Dire Dawa city laws where the case relates to same.

7. Procedural Laws to be Applied by Federal Courts

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

CHAPTER THREE

Jurisdiction of the Federal Supreme Court

8. First Instance Jurisdiction of the Federal Supreme Court

1. The Federal Supreme Court shall have first instance jurisdiction over application lodged in accordance with the law for change of venue from one Federal High Court Division to another Federal High Court Division or from Regional Supreme Court to Federal High Court regarding federal matters referred to Regional Courts by delegation.
2. Cases specified by other laws.

9. Appellate Jurisdiction of the Federal Supreme Court

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

- 1) Decisions of the Federal High Court rendered in its first instance jurisdiction;
- 2) Decisions of the Federal High Court rendered in its appellate jurisdiction in variation of the decisions of the Federal First Instance Court;
- 3) Decisions rendered by Regional Supreme Court on federal matters in its first instance jurisdiction in exercising its delegation;
- 4) Decisions rendered by Regional Supreme Court on federal matters on its appellate jurisdiction in variation of the decision of the Regional High Court, exercising its delegation;
- 5) Cases specified by other laws.

10. Power of Cassation of the Federal Supreme Court

- 1) The Federal Supreme Court shall have the power of cassation over the following cases when they contain basic or fundamental error of law;
 - (a) final decisions of the Federal High Court rendered in its appellate jurisdiction;
 - (b) final decisions of the Federal Supreme Court Appellate Division
 - (c) final decisions of Regional Supreme Court Cassation Division regarding cases mentioned under Article 2 Sub –Articles(4)(a) of this Proclamation;
 - (d) final decisions of Regional Supreme Court Cassation Division regarding cases mentioned under Article 2 Sub –Articles(4)(b) of this Proclamation and when these cases involve high public interest and national importance;
 - (e) final decisions of regional high court or supreme court on federal matters while exercising their constitutionally delegated power of adjudication.
 - (f) final decisions of the highest level of Addis Ababa or Dire Dawa City Court;
 - (g) final decision rendered by organ vested with judicial power;
 - (h) without prejudice to the provisions of appropriate law, final decision rendered by an alternative dispute resolution mechanisms regarding case that may be filed in federal court.
 - (i) cases specified by other laws,
- 2) Notwithstanding the provisions of Sub-Article (1)(d) of this Article and article 2(4)(a) of this proclamation, final decisions rendered regarding rural land use and administration, final decision of small claims started in social court or other issues

which may be specified by Federal Supreme Court by regulation shall not be filed for cassation in the Federal Supreme Court Cassation Division.

- 3) Interpretation of law rendered by the Cassation Division of the Federal Supreme Court with not less than five judges shall be binding from the date the decision is rendered.
- 4) The Federal Supreme Court shall publicize decisions rendered by its Cassation Divisions on binding interpretation of laws by electronics and print Medias as soon as possible.

CHAPTER FOUR

Jurisdiction of the Federal High Court and The Federal First Instance Court

11. First Instance Civil Jurisdiction of the Federal High Court

1) The Federal High Court shall have first instance jurisdiction over the following civil cases involving an amount exceeding Birr 10,000,000 (ten million);

(a) Without prejudice to article 14 of this Proclamation, any federal civil cases arising under Articles 3 and 5 of this Proclamation;

(b) Civil cases arising in Addis Ababa and Dire Dawa.

2) Notwithstanding the provisions of sub-Article (1) (a) of this Article, the Federal High Court shall have first instance jurisdiction over the following civil cases:

(a) Cases specified under Sub-article (1) (a) to – (e) of Article 5 of this Proclamation;

(b) Application for change of venue from one Federal First Instance Court Division to another Federal First Instance Court Division or to itself, in accordance with the law; and

(c) Cases specified by other laws.

3) Notwithstanding the provisions of this proclamation and other relevant laws, the federal high court may render decision, judgement or order in order to protect justiciable human rights specified under chapter three of the constitution.

4) Any person who has vested interest or sufficient reason may institute a suit before the federal high court to protect the rights of his own or others

5) Any proceeding mentioned under sub-3 and 4 of this article shall be undertaken pursuant to summary procedure part of the civil procedure code.

12. First Instance Criminal Jurisdiction of the Federal High Court

The Federal High Court shall have first instance jurisdiction over the following criminal cases:

- 1) federal criminal cases mentioned under Article 3 and Article 4 of this Proclamation and falling under the jurisdiction of the High Court pursuant to appropriate laws;
- 2) Other criminal cases arising in the cities of Addis Ababa or Dire Dawa and falling under the jurisdiction of the High Court pursuant to appropriate laws and
3. Cases specified by other laws.

13. Appellate Jurisdiction of the Federal High Court

The Federal High Court shall have appellate jurisdiction over the following:

- 1) on decision of the Federal First Instance Court; and
- 2) cases specified by other laws.

14. Civil Jurisdiction of the Federal First Instance Court

Without prejudice to the jurisdictions of the Federal High Court under Article 11 of this Proclamation, the Federal First Instance Court shall have jurisdiction over the following civil cases:

- 1) federal civil cases submitted pursuant to Article 3 and Article 5 of this Proclamation;
- 2) Without prejudice to judicial power vested in other organs by law, other civil cases arising in Addis Ababa or Dire Dawa Cities; and
- 3) Civil cases specified by other laws.

15. Criminal Jurisdiction of the Federal First Instance Court.

Without prejudice to the jurisdiction of the Federal High Court under Article 12 of this proclamation, the Federal First Instance Court shall have jurisdiction over the following criminal cases:

- 1). federal Criminal cases mentioned under Article 3 and Article 4 of this Proclamation and not referred to the high court pursuant to appropriate laws;
- 2). Without prejudice to judicial power vested in other organs by law, other criminal cases arising in the cities of Addis Ababa or Dire Dawa not falling under the jurisdiction of the Federal High Court as mentioned under Article 12 Sub- Article (2) and
- 3) Cases specified by other laws.

16. Appellate Jurisdiction of Federal First Instance Court

Federal first instance court shall have an appellate jurisdiction on matters specifically bestowed on it by relevant laws.

CHAPTER FIVE

The Presidents, Vice-Presidents, Assigned Divisions Representative Judges and Presiding Judges of Federal Courts

17. Powers and Duties of the President of the Federal Supreme Court

- 1) The President of the Federal Supreme Court shall be responsible for the administration of Federal Courts in accordance with the law.
- 2) Without prejudice to the generality of Sub- Article (1) of this Article, the President of the Federal Supreme Court shall:
 - A) without prejudice to the power and duty entrusted to the Federal Judicial Administration Council, place and assign judges of Federal Courts, Representative Judges of Assigned Divisions and Presiding Judges;
 - B) employ personnel necessary for Federal Courts;
 - C) prepare and submit to the House of People’s representatives the work plan and budget of Federal Courts including those mentioned under Sub-Article(2)(e) of this Article and implement same upon approval;
 - D) follow up preparation, issuance and implementation of regulations and directives to be issued by the Federal Supreme Court as provided under this Proclamation;

- E) decide upon requests for budgetary subsidy to Regional Courts exercising federal jurisdiction by delegation;
- F) causes the preparation and the submission of reports on the activities of regional courts concerning Federal cases, as supported by statistical data;
- G) facilitate conditions for the education and training of judges and other personnel;
- H) in consultation with regional courts, work out ways for improving the records of management and general practices of the courts as relating to the cases;
- I) submit to the House of Peoples Representatives reports on the budget implementation of the Federal Courts;
- J) organize the federal courts decisions execution body; public defense office and offices that will enable Federal Courts execute duties entrusted to them by law;
- K) issue directives on training of federal judges;
- L) cause studies to be conducted for institutional development, modernized efficient operations and effectiveness of the Ethiopian judicial system and ensure their implementation;
- M) preside over any federal supreme court benches;
- N) provide support to Federal Sharia Courts in exercising their judicial work in accordance with the establishment Proclamation as may be necessary; and
- O) perform other duties entrusted by law and this Proclamation.

18. Power and Duties of the Vice-President of the Federal Supreme Court

The Vice-President of the Federal Supreme Court shall have the following powers and duties:

1. Discharge the duties assigned to her by the President;
2. Serve in the President's stead, while he/she is absent.

19. Powers and Duties of the Presidents and Vice-Presidents of the Federal High Court and First Instance Court

- 1) Without prejudice to the president's power to supervise and lead the courts, presidents of the first instance court and high court shall:
 - a) Represent the court;
 - b) Place, assign and administer judges of the court;

- c) administer personnel of the court;
 - d) Perform other duties entrusted by law and this Proclamation.
- 2) prepare and submit to the President of the Supreme Court the work plan and budget of the court and implement same upon approval;
 - 3) The effectiveness and efficiency of work plans prepared pursuant to sub-article two of this article shall be evaluated as per the federal supreme courts accountability system;
 - 4) submit, to the President of the Federal Supreme court, periodical reports on the activities of the Court;
 - 5) The Federal High Court and First Instance Court shall have their respective Vice-Presidents.
 - 6) The Vice-President of each court shall serve in the President's stead in the absence of the President and discharge other duties as may be assigned by the President.
 - 7) Presidents and vice Presidents of Federal High and First Instance Courts may be assigned as a presiding judge in any division of their respective Courts.

20. Powers and Duties of Representative Judge of an Assigned Division

- 1) Divisions of Federal High Court and First Instance Court shall have their own representative judge;
- 2) Representative Judges of each Assigned Divisions shall, in addition to its judicial function, perform the following activities by the direction of their respective Court Presidents:
 - (a) Coordinate works of the Assigned division
 - (b) Provide proper response to complaints related to administrative matters and administer employees;
 - (c) Submit report to their respective court president regarding works conducted in the Assigned Division;
 - (d) Perform other duties as may be entrusted by their respective court president.
- 3) Administer the finance of assigned division based on the delegation from the president of their respective court

21. Presiding Judge of the Federal Courts

A Federal Court division in which three or more judges are sitting shall have a presiding judge.

22. Duties of the Presiding Judge of Federal Courts

- 1) The Presiding Judge of the division of Federal Courts shall undertake the following functions
 - a) Administer the overall tasks of the division by ensuring that the process of the division is conducted in accordance with the law;
 - b) Ensure that each judge of the division has clear awareness about the content of each file decided by the Division;
 - c) Administer support staffs of the division;
 - d) Ensure proportional participation of each judge of the division in preparing judgement and/or decisions rendered by the division.
- 2) The Presiding Judge shall conduct the duties mentioned in Sub-article (10) of this Article without impairing judicial independence of judges of the Division.

CHAPTER SIX

Federal Court Structure and the Administration of

Justice

23. Judges, Other Professionals and Support Staff of the Federal Supreme Court

- 1) The Federal Supreme Courts shall have a President, a Vice-President and Judges necessary for adjudication.
- 2) The Federal Supreme Court shall have Federal Courts directors, registrars, assistant judges, legal experts and other support staff administered by regulation issued by the Court.

24. Division of the Federal Supreme Court

- 1) The Federal Supreme Court shall have first instance, appellate and cassation divisions necessary for its function
- 2) Each Federal Supreme Court Appellate Division shall sit with not less than 3(three) judges and the Cassation Divisions shall sit with not less than 5(five) judges.
- 3) Presidents and vice President of Federal supreme court may be assigned as a presiding judge in any division of their respective Courts.

25. Cassation Division Sitting with more than five Judges

- 1) The cassation division presided by five judges may, by its own initiation or by a petition filed by one of the litigant parties, direct the case to be heard by a cassation division comprising of not less than seven judges by giving clear and sufficient reasons where changing the previous legal interpretation is so necessary.
2. The president shall order that the case be heard by a cassation division presided by not less than seven judges, where a request has been made in accordance with Sub-article (1) of this Article. or for any other reason.
3. Interpretation of law rendered by the cassation division pursuant to sub-article (1) of this article shall be binding on all courts from the date of the decision rendered.

26. Application Procedure for Cassation.

- 1) An application for a hearing in cassation shall state in short the reasons for alleging that the decision contains basic or fundamental error of law in line with the definition given under Sub – Article (4) of Article 2 of this Proclamation by stating the requested relief and in accordance with the guideline issued by the Federal Supreme Court.
- 2) The concerned applicant shall, in addition to the application submitted in accordance with Sub-article (1) of this Article, submit a copy of the decision against which a cassation is lodged and of the decisions of lower courts. The cassation division may order the parties to bring the full copy of files from the lower courts.
- 3) An application for a hearing in cassation shall be submitted to the Federal Supreme Court within 90 (ninety) days from the date on which the final decision protested against is rendered

27. Petition and Proceedings in Cassation Division

- 1) Without prejudice to regulation to be issued by the Federal Supreme Court regarding cases proceedings procedure of Cassation Division, the application shall be heard in cassation pursuant to Article 10 of this Proclamation subject to prior ruling as to the existence of fundamental or basic error of law qualifying for cassation as specified under Article 2 Sub-Article (4) of this Proclamation by a Division wherein three judges of the Federal Supreme Courts sit.

- 2) When the Cassation Division to which the application is referred concludes upon examination of the application that there is no basic or fundamental error of law, it shall order the dismissal of the application.
- 3) When the Cassation Division to which the application is referred concludes upon examination of the application that the case has a merit, it shall frame issue and send the same with the Cassation application and summon to the respondent to reply in writing.
- 4) After submission of the written reply and counter reply and exchange of the same between the parties, the Cassation Division shall, unless it is necessary to hear the parties, render decision.

28. Judges, Divisions and other Workers of the Federal High Court and Federal First Instance Court.

- 1) The Federal High Court and First Instance Court shall have judges and divisions required for their functions.
- 2) The Federal High Court and First Instance Court shall have registrars, assistant judges, legal experts and other staff to be administered by their respective Presidents in accordance with Sub-Article (1)(b) of Article 16 and Sub-Article (2) of Article 22 of this Proclamation.
- 3) The Division of the Federal High Court and Federal First Instance Court shall be presided by one judge.
- 4) Notwithstanding the provisions of Sub- article (3) of this article
 - (a) criminal charges punishable with more than fifteen years' rigorous imprisonment shall be heard by a panel of three judges;
 - (b) Certain cases may be heard by a panel of three judges in the Federal High Court and First Instance Court by a directive issued by the Federal Supreme Court.

29. Place of Sitzings of Federal Courts

- 1) The seat of the Federal Supreme Court shall be in Addis Ababa.
- 2) The seats of Federal High Court and the First Instance Court shall be in Addis Ababa, Dire Dawa and in the places at regions as stipulated in the Federal High Court

Establishment Proclamation No. 322/2003 and in such other places as may be determined in accordance with Article 78 Sub-Article (2) of the Constitution.

- 3) The federal supreme court shall organize federal high court and first instance courts as provided in Sub-article (2) of this Article.

30. Working Language of the Federal Courts

- 1) Amharic shall be the working language of the Federal Courts.
- 2) The Court shall provide a competent interpreter to a person who does not understand Amharic language.
- 3) The Court shall similarly provide a sign language expert for concerned disabled person.
- 4) Federal Courts at all levels shall organize Interpreters office with complete service.

31. Open Hearing

- 1) Courts shall conduct court proceeding in open court.
- 2) Notwithstanding the provisions of Sub-Article (1) of this Article, cases may be heard in camera where it is found necessary to protect:
 - (a) the right to privacy of the parties concerned,
 - (b) National Security and
 - (c) public morality and public decency.

32. Withdrawal from proceedings or Removal of Judges

- 1) A judge of a Federal Court shall may be removed from his bench where:
 - (a) he/she is related to one of the parties or the advocate thereof by consanguinity or by affinity:
 - (b) the dispute relates to a case for whom he/she acts or acted as tutor, legal representative or advocate to one of the disputing parties;

(c) he/she has previously acted as judge or mediator or an arbitrator in connection with the case or the subject matter of the dispute. This may, however, not applicable where a judge has previously acted as a judge of lower courts or appellate court in the process of remand.

(d) he/she has a case pending in court with one of the parties or the advocate thereof;

(e) There are sufficient reasons, other than those specified under Sub-Article (1)(a) to (1)(d) of this Article, to conclude that injustice may be done.

2) The judge concerned shall withdraw as soon as he/she is aware that he/she should not sit, as provided in Sub-Article (1) of this Article, and shall be replaced by another judge.

33. Application for Removal of a Judge

1) Where a party to a case find out that a judge should not sit for one of the reasons specified in Article 31 of this Proclamation, he/she shall submit a written application to the court requesting the removal of the judge.

2) The application shall be made before the trial opens or soon after the party becomes aware of the reason for making such an application.

3) Where a judge is sitting alone he/she shall, after considering the application, either withdraw or refer the matter for decision to another division of the same court. Where there is no other division the application shall be referred to the court in which appeal lies from the decision of the court.

4) Where the judge is sitting with other judges, the matter shall be decided by the other judges who sit in the same division.

5) A decision shall be rendered within 15(fifteen) days from the date such application reached the new division. and the decision shall be final with no appeal.

6) A judge shall forthwith comply with a decision given under this Article.

34. Cost and Penalty of Application for Removal of a Judge

1) Where the application submitted in accordance with Article 32 of this Proclamation is dismissed, the costs shall be borne by the applicant irrespective of the outcome of the case.

- 2) Where a party makes an application without good cause, the court may, in addition to dismissing the application, impose a fine not less than 1000 Birr and not exceeding 5000 Birr. Provided however, where the applicant makes a malicious application with the intention of defaming or damaging his honor or delaying the proceedings, the court may impose a fine not less than 5,000 Birr and not exceeding 10,000 Birr.

CHAPTER SEVEN

BUDGET AND HUMAN RESOUCE MANAGEMENT OF FEDERAL COURTS

35. BUDGETARY ADMINSTRATION AUTONOMY OF FEDERAL COURTS

1. Federal Courts shall have a consolidated judicial budget which shall be a charge on the Federal Government budget.
2. Such consolidated budget system shall be sufficient to allow the Federal Courts properly and effectively perform their functions entrusted them by the Constitution and other laws. The consolidated budget shall include the following:
 - (a) Provisions for adequate salaries for judicial and non-judicial personnel.
 - (b) Provisions necessary for operations and purchase supplies and services;
 - (c) Provisions as needed for capital expenditures for infrastructure facilities and equipment. and;
3. Without prejudice to sub article (1) and (2) of this article, all court fees, fines, donors' fund and other fees collected from judicial service shall be part of the consolidated judicial budget.
4. The appropriation of the budget to the Federal Courts made by the House of Peoples' Representatives shall constitute authorization of the federal courts to spend the amount approved based on their own plan and priorities without limitation by line item or similar categorical restrictions.
5. Federal courts annual budget shall not be less than 1 percent of the national annual budget.

36. BUDGET OF FEDERAL COURTS

- 1) In accordance with Art 79 (6) of the Constitution, the president of the Federal Supreme Court shall prepare budget for Federal Courts and submit the same to the House of People`s Representatives.
- 2) The President shall, together with other judicial officials, shall explain the budget request of the Federal Courts before the House of Peoples` Representatives.
- 3) The Federal Supreme Court shall present report to the House of Peoples` Representatives regarding the administration of budget to Federal Courts.
- 4) The fiscal year of the federal courts shall be the same as the fiscal year of the Federal Government.

37. CALLANDER OF FEDERAL COURTS

- 1) The work hours of the federal courts and federal judges shall be the same with the working hours of other government institutions and civil servants.
- 2) Notwithstanding sub-article (1) of the provision of this article, federal courts shall be closed from July 8 to September 12 every year.
- 3) Notwithstanding sub article (1) and (2) of this article, emergency cases shall be tried in courts by judges who work in over-time voluntarily.

38. HUMAN RESOURCES

- 1) Federal Courts shall have independence to recruit, hire and administer their own non-judicial personnel.
- 2) The recruitment, hire, placement, promotion, transfer, training, salary increments, benefits, disciplinary matters and other related matters of non-judicial personnel shall be governed by a regulation prepared by the Federal Supreme Court and approved by the Council.
- 3) The regulation issued by the Federal Supreme Court shall include the following:
 - a) recruitment, hire, placement, promotion, transfer, training, salary increments, benefits, disciplinary matters shall be free from prejudices based on race or ethnic identity, gender, disability or religious or political affiliation on any other status.
 - b) new personnel shall be employed through a system of open and competitive application, examination and evaluation and only where it is established that they fulfill the specific requirements set for the position based on educational qualifications, professional

certification, experience, proficiency, competence and special skills met in relation to good performance,

- c) Compensation for non-judicial personnel shall be sufficient enough to attract and retain highly competent staff and it shall be periodically reviewed and revised pursuant to a procedure based on the merit system with a view to employing and attracting best qualified non-judicial personnel based on a set of principles;
- 4) The rights and benefits of non-judicial personnel cannot be less than the rights of other government employees provided for by the civil service law.

39. AUDIT

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

CHAPTER EIGHT

The Plenum of the Federal Courts

40. Plenum of the Federal Courts

The Federal Courts shall have a Federal Courts Plenum (hereinafter referred to as” the Plenum.”)

41. Members of the Plenum

- 1) Members of the plenum shall be the Presidents, Vice-Presidents of the Federal Courts, Judges of the Federal Supreme Court, two judges, one woman and one man, from each Federal High Court and Federal First Instance Court, Presidents of Regional Supreme Courts, Presidents of Addis Ababa and Dire Dawa City Courts.
- 2) The Federal Attorney General shall participate in the sessions of the Plenum without, having the right to vote.
- 3) Judges not referred to under Sub-Article (1) of this Article and representatives of appropriate government offices, associations, organizations, higher legal education institutions or scientific institutions or other individuals may be invited by the Federal Supreme Court to participate in the Plenum without, however, having the right to vote.

42. Powers and Duties of the Plenum

The Plenum shall have the following powers and duties:

- 1) deliberate on problems encountered within Ethiopia with respect to independence of the judiciary, accountability and administration of justice and work out remedies thereto;
- 2) without prejudice to the power given to Federal Supreme Court and the Federal Judicial Administration Council to issue regulation and directive in accordance with this Proclamation and other relevant laws, issue directives and pass decisions that help improve the judicial practices of federal courts;
- 3) submit proposals to the House of Peoples Representatives for the enactment of new laws or the amendment of existing ones;
- 4) perform such other functions that help to make the judiciary efficient and strong; and
- 5) issue directives necessary for the proper carrying out of its duties.

43. Working Procedure of the Plenum

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

CHAPTER NINE

Court Annexed Mediation and Case Management

44. Court Annexed Mediation

- 1) Among the cases that are to be heard by the Federal First Instance court and Federal High Court, some cases shall be referred to Court Annexed Mediation in accordance with directive issued by the Supreme Court.

- 2) Where the parties have failed to resolve their dispute through Court Annexed mediation, the court proceedings shall be initiated by filing a letter signed by the mediators to that effect.
- 3) Where the parties have reached an agreement, the mediator shall cause the approval of the settlement agreement by a court by clearly stating the terms of settlement and having it signed by the parties.
- 4) The approved settlement agreement shall be executed like any decision of a court.
- 5) Where the proceeding is interrupted due to absence of the other party, the mediator shall report to the court by specifying the reason for the interruption and the court proceedings shall be initiated.
- 6) Where the parties have reached an agreement, any paid court fee shall be reimbursed after deducting mediation expenses.
- 7) The Federal Supreme Court shall issue regulation for the implementation of this Article,

45. Principles of Mediation

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

46. Mediators

- 1) A person with a bachelor degree in law and with at least five years of experience in the field of law and who has taken training in mediation and has fulfilled the criteria set by the Supreme Court may be appointed as Mediator.
- 2) A professional who has fulfilled the requirements provided for in Sub-article (1) of this Article shall be entered in the roster of mediators prepared by the Federal Supreme Court.
- 3) The court may hire mediators as permanent or temporary employee as may be necessary.

47. Fees

- 1) The Mediators mentioned in Sub-article (1) and (2) of Article 46 shall pay annual and administration fee as determined by the Federal Supreme court directive.
- 2) Mediators who are elected by the parties and provides mediation service shall be entitled to appropriate fee for their service.
- 3) Parties to a court annexed mediation shall pay appropriate fee for the service.

- 4) The federal Supreme Court shall issue detail directive regarding fees.

48. Case-Flow Management

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

49. Technology Based File Management System

- 1) The federal courts may introduce a system for digitalizing or automating the filing and management of civil or criminal cases at any level of courts by using new information technology (IT).
- 2) Parties to a dispute shall have the obligation to conduct their litigation by using the system.
- 3) The detail shall be determined by a directive to be issued by the Federal Supreme court.

Chapter Ten

Miscellaneous Provisions

50. Decisions and Orders of the Federal Courts

- 1) Unless otherwise provided by law, decision and order rendered by any Federal Court shall be binding.
- 2) Decisions or orders of the Federal Courts shall be executed within Ethiopia. Any government body or institution, non-government organization or person residing in any region shall have the obligation to execute or cause to be executed such decisions or orders.
- 3) Any person who fails to discharge his obligation imposed by this Proclamation be shall held accountable in accordance with this Proclamation and any other relevant law the law.
- 4) Where two or more Regional or Federal Courts or Addis Ababa or Dire Dawa cities Courts claim or disclaim jurisdiction over a case, the Federal Supreme Court shall give the appropriate order thereon.

51. Penalty

- 1) Whosoever obstructs the independence of court and judges or put pressure or attempts to put pressure on judges is punishable, unless a more severe penalty is provided for in another law, with simple imprisonment not less than three months and with rigorous imprisonment not exceeding two years.
- 2) Whosoever fails to obey a court order or decision hinders the execution thereof or fails to cooperate or give assistance when so requested is punishable, unless the more severe penalty is provided for in another law, with simple imprisonment not exceeding two years or with fine not exceeding birr 5, 000.

52. External Judicial Advisory Council.

- 1) The federal Supreme Court may establish an external advisory council composed of ex-judges of the federal courts, highly experienced and qualified legal professionals, university Professors who serves in the council for free.
- 2) The advisory council shall administer the court by providing non-binding recommendations and perform such other functions assigned to it by the court.
- 3) The advisory council shall perform its functions by complying with the principle of judicial independence and undertake its function with strict discipline.
- 4) The details shall be provided by directive issued by the Federal Supreme Court.

53. Leave of Appeal

- 1) Any person who wishes to appeal from the decisions of lower courts shall take leave of appeal from the same court
- 2) Sub-article 1 of this article shall be applicable for civil matters identified and determined by the directive of the Federal Supreme Court.

54. Power to Issue Regulation and Directives

- 1) Federal Supreme Court may issue regulation regarding the following:
 - (a) Small number of/claim/ cases which may not be referred to cassation division
 - (b) Federal court fee rules;
 - (c) Payment of penalty in the course litigation, costs and expenses; and

(d) Procedural rules for management of cassation division of the Federal Supreme Court;

2). Federal Supreme Courts may issue directive regarding matters provided for in this Proclamation.

55. Transitory Provisions

- 1) All pending cases shall continue to be heard by the same court in accordance with the repealed/former/ law.
- 2) The provisions of Article 11 to Article 15 of this Proclamation shall come into force after six months as of the effective date of this Proclamation.
- 3) Recruitment, placement, promotion and transfer of non-judicial personnel shall continue to be governed by the repealed law in so far as they are consistent with this Proclamation until a regulation is issued to that effect.

56. Repealed and Inapplicable Laws

- 1) Without prejudice to the provision of Article 40 of this proclamation Federal Courts Proclamation No. 25/1996 as amended by Proclamations Nos. 138/1998, 254/2001, 321/2003 and 454/2001, 321/2003 and 454/2005 are here by repealed.
- 2) Any law inconsistent or dealings related to matters provided under this Proclamation shall not be applicable.

57. Effective Date

This Proclamation shall come into force as of the day of 2019.

Done at Addis Ababa, this day of _____ 2019

H.E. Sahlawork Zewede

PRESIDENT OF THE FEDERAL DEMOCRATIC

REPUBLIC OF ETHIOPIA