



**DAWLADDA DEEGAANKA SOOMAALIDA**  
**DHOOOL GAZETA**  
**Somali Regional State**  
**የሶማሌ ክልላዊ መንግሥት**

Qimaha የንዳ. ቀጋ Unit Price	Dhool Gazeta Waxaa Soo Saara Golaha Xildhibaanada Dawladda Deegaanka Soomaalida	✉ 392
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**Bayaan Tirsi 216/2014**  
**BAYAANKA AASAASIDA**  
**GUDDIGA MAAMULKA**  
**GARSOORKA DAWLADDA**  
**DEEGAANKA SOOMAALIDA**

Maadaama uubayaanka aasaaska guddiga maamulka garsoorka ee tirsigiisu yahay 59/1999 uu si cad uga hor imanayo Qodobka 70<sup>aad</sup> firqadiisa laad ee dastuurka dib-loo habeeyay ee dawladda deegaanka soomaalida, kaas oo islamarkaana aan sicut u sheegayn in la dhiso gole garsoor oo ay garsooreyaashu aqlabiyada leeyihiin. Maadaama oo bayaanka dib loo habeeyay ee tirsigiisu yahay 59/1999 uu yahay mid gabi ahaanba ka hor imanaya madax-banaanida garsoorka, gaar ahaana kala madax banaanshaha sadexda hay'adood ee kala ah; sharci dajinta, fulinta iyo garsoorka ee kuxusan qodobada 50<sup>aad</sup> iyo 78<sup>aad</sup> ee dastuurka JDFI iyo qodobka 46aad iyo 65aad ee dastuurka deegaanka.

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

**አዋጅ ቁጥር 216/2014**  
**የሶማሌ ክልላዊ መንግሥት የዳኞች አስተዳደር**  
**ጉባዔ ለማቋቋም የወጣ አዋጅ**

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

የሶማሌ ክልል የዳኞች አስተዳደር ጉባዔ እንደገና ለማቋቋም የወጣ አዋጅ ቁጥር 59/1999 ከዳኞች ነፃነትን መርሆምቶ በኢ.ፌ.ዲ.ሪ ሕገ መንግሥት አንቀጽ 50 እና 78 እና በሶማሌ ክልል ሕገ መንግሥት አንቀጽ 46 እና 65 ሥር የተደነገገው ሕግ አውጪ፣ አሰጪና የዳኞችን አካል ነፃነት ጋር የሚቃረን ሆኖ በመገኘቱ።

የሶማሌ ክልል የዳኞች አስተዳደር ጉባዔው ከፍተኛው የዳኞች አስተዳደር አካል ሲሆን። በዚህ መሠረት የሶማሌ ክልል የዳኞች አስተዳደር ጉባዔ አደረጃጀትን ማጠናከርና ማዘመን ለዳኞችን አካሉ ነፃነት፣አማሰሪያም አቅም ማጎልጠን፣መልካም አስተዳደር ማሰፈን እና የፍርድ ቤቶችን አጠቃላይ አሠራር መሻሻል

**PROCLAMATION NO. 216/2022**  
**SOMALI REGIONAL STATE**  
**JUDICIAL ADMINISTRATION**  
**COMMISSION ESTABLISHMENT**  
**PROCLAMATION**

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

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

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

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

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

**QEYBTA KOOBAAD**

**QODOBO GUUD**

**1: Ciwaan Gaaban**

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

**2: Qeexid**

Haddii aanay tuduca ay ku jiraan micno kale siininin; -

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

በተለይም ተጠያቂነትን ለማረጋገጥ ወላኝ ማና ያለው በመሆኑ።

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

**ክፍል አንድ**

**ጠቅላላ ድንጋጌ**

**1. አጭር ርዕስ**

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

**2. ትርጓሜ**

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

1. “ጥፋት” ማለት በየእርዳታው የሚገኘው የክልሉ ፍርድ ቤቶች የጥፋት አገልግሎት እንዲሰጥ በጉባኤ የተመረጠና በክልሉ ምክር ቤት የተሾመ የሕግ ባለሙያና ጥፋት ማለት ነው።
2. “ጉባኤ” ማለት የሶማሌ ክልላዊ መንግሥት የጥፋት አስተዳደር ጉባኤ ማለት ነው።
3. “ረዳት ጥፋት” ማለት በጥፋት ሥራ ጥፋትን በማገዝ እንዲሠራ የተመደበ የሕግ ባለሙያ ማለት ነው።
4. “የክልል ሕገ-መንግሥት” ማለት የተሻሻለው የሶማሌ ክልላዊ መንግሥት ሕገ-መንግሥት ማለት ነው።
5. “ከትትልና ቁጥጥር” ማለት በሶማሌ ክልል የጥፋት አስተዳደር ጉባኤ የተሾሙ አባላት የጥፋት አካላትን አሰራር የመቆጣጠር እና የጥፋት አካላትን የሚመለከቱ ጉዳዮችን የማጣራት ስራ ነው።

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

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

**CHAPTER ONE**

**GENERAL PROVISIONS**

**1. Short Title**

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

**2. Definition**

Unless the context requires otherwise, in this Proclamation:

1. “Judge” means a legal professional who, in accordance with the relevant law, has been nominated by the Commission and appointed by the state council to serve as a judge in Somali Regional State Courts.
2. “Commission” means the Somali Regional State Judicial Administration Commission;
3. “Assistant judge” means a legal professional assigned to assist a judge concerning judicial functions.
4. “Regional Constitution” means the Revised Constitution of Somali Regional State;
5. "Monitoring and Oversight" means members appointed by the Judicial Administration Commission of the Somali Regional State whose job is to oversee the functioning of the judiciary, and to investigate cases related to the conduct of the judiciary.

- 6. “**Shaqaale**” waxa loola jeeda shaqaalaha ka shaqeeya maxkamadaha ee loo shaqaalaysiyay nidaamka shaqalaynta ee shaqaalaha DDS.
- 7. “**Maxkamad**” waxa loola jeeda Maxkamadaha lagu aasaasay si waafaqsan dastuurka dib loo habeeyay ee DDS, iyo bayaanka tirsigiisu yahay 206/2021 ee aasaaska maxkamadaha dawladd degaanka soomaalida. Kuwaasoo kala ah; Maxkamadda guud, Maxkamadda Sare iyo Maxkamadda Degmada.
- 8. “**Deegaan**” waxa loola jeedaa Deegaanka Soomaalida.
- 9. “**Guddoomiye**” waxa loola jeeda guddoomiyaha Maxkamadda guud ee DDS.
- 10. “**Xubnaha Magacaabista**” waxa loola jeedaa qofka/sarkaal uu magacaabay guddigu si uu hawlo shaqo ama geeddi-socodka shaqada uga shaqeeyo, kuwaas oo ay ka mid yihiin; madax-xafiiseedyada, agaasinada, rejisteraalada, kaaliyayaasha garsoorka iyo kaaliyayaasha rejisteraalada, lataliyayaasha, madax-waaxeedyada, madax kooxeedyada Khabiirada sharci, xirfadleyaasha kale iyo qareenada dawlaga ah ee ka hawl-gala dhammaan saddexda heer maxkamamadeed.
- 11. “**Qof**” waxa loola jeeda qofka dabiiciga iyo midka aqoonsi sharci oo qofnimo leh.

3: **Fasiiraada Jinsiga**

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

**QEYBTA LABAAD**

**AAS-AASKA IYO QAAB – DHISMEEDKA GUDDIGA MAAMULKA GARSOORKA**

4. **Aas-Aasidd**

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

- 6. “**ሠራተኛ**” ማለት በሶማሌ ክልል ሲቪል ሰርቪስ ህግ መሰረት የተቀጠረ የፍርድ ቤት ሠራተኛ ነው።
- 7. “**ፍርድ ቤት**” ማለት በተሻሻለው የክልሉ ሕገ-መንግሥትና በአዋጅ ቁጥር 206/2013 መሠረት የተቋቋመ የሶማሌ ክልል መንግስት ጠቅላይ ፍርድ ቤት፣ ከፍተኛ ፍርድ ቤት እና የወረዳ ፍርድ ቤት ማለት ነው።
- 8. “**ክልል**” ማለት የሶማሌ ክልል ማለት ነው።
- 9. “**ፕሬዝዳንት**” ማለት የሶማሌ ክልል ጠቅላይ ፍርድ ቤት ፕሬዝዳንት ነው።
- 10. “**የጉባኤ ተሻሻሚ**” ማለት በክልሉ ፍርድ ቤቶች አመራር አካል ወሰን ሥራን ወይም የሥራ ክፍልን ወይም የሥራ ሂደት ይሠራ ወይም ይመራ ዘንድ በፕሬዝዳንት አቅራቢነት በጉባኤ የተሾመ ሲሆን የጠቅላይ ፍርድ ቤት ዳይሬክተር፣ የጽ/ቤት ኃላፊ፣ የጥራት አስተባባሪ፣ የጥራት ወይም የጉዳዮች መሪ ሆኖ ረዳት ዳኛ፣ ዕጩ ዳኛ፣ የሽርግ ፍርድ ቤት ቃዲ፣ የከፍተኛ እና የወረዳ ፍርድ ቤት ፕሬዝዳንትን ይጨምራል።
- 11. “**ሰው**” ማለት የተፈጥሮ ሰው ወይም በሕግ የሰውነት ሙብት የተሰጠው አካል ነው።

3. **የፆታ አገላለጽ**

በዚህ አዋጅ ውስጥ በወንድ ፆታ የተገለፀው የሴትንም ፆታ ያጠቃልላል።

**ክፍል ሁለት**

**ሰለጣኞች አስተዳደር ጉባኤ መቋቋምና አደረጃጀት**

4. **ሰለጣኞች**

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

- 6. “**Employee**” means an employee of the court hired in accordance with the Somali Regional State Civil Service Law.
- 7. “**Court**” means Supreme Court, High Court and District Court established in accordance with the Revised Constitution of Somali Regional State and Proclamation No. 206/2021.
- 8. “**Region**” means the Somali Region;
- 9. “**President**” means the President of the Somali Supreme Court.
- 10. “**Appointee of the Commission**” means an official who is nominated by the President and appointed by the Commission to work on or lead a job or a section or a work process in the courts of the region and includes: director, office head, division coordinator, Case/division manager; assistant judge, candidate judge of Supreme, High court and District Court.
- 11. “**Person**” means a natural or juridical person.

3. **Gender Reference**

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

**PART TWO**

**ESTABLISHMENT AND**

**STRUCTURE OF JUDICIAL**

**ADMINISTRATION COMMISSION**

4. **Establishment**

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

**5: Ujeeddada**

Bayaanku waxa uu yeelanayaa ujeeddooyinkan soo socda;

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

**6: Xadka Fulineed ee Bayaanka**

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

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

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

**5. ዓላማ**

ይህ አዋጅ የሚከተሉት ዓላማዎች ይኖሩታል፤

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

**6. የተፈጻሚነት ወሰን**

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

**7. ስለ ጉባዔው አደረጃጀት**

1. የክልል ጉባዔ የሚከተለውን አደረጃጀት ይኖረዋል።
  - ሀ) ጠቅላላ ጉባዔ;
  - ለ) የጉባዔ ጽ/ቤት;
  - ሐ) የሥነ-ምግባርና ኢንሰፔክሽን ቡድን
2. በዞን ከፍተኛ ፍርድ ቤት ደረጃ የሚከተለውን አደረጃጀት ይኖረዋል።-
  - ሀ) የዞን ጉባዔ
  - ለ) የዞን የሥነ-ምግባርና ኢንሰፔክሽን ቡድን

**5. Objective**

This Proclamation shall have the following objectives;

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

**6. Scope of Application**

This Proclamation shall be applicable on all State Courts, Judges appointees of the Commission at all level of courts and non-judicial personal working in three layers of State Courts.

**7. Organization of the Commission**

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

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

**8: Xubnaha Guddiga Heer Deegan**

- 1. Guddiga maamulka garsoorka ee heer Deegaan waa 11 xubnood (kow iyo toban) oo ka kooban xubnaha hoos ku cad;
  - b. Guddoomiyaha Maxkamadda Guud ee Deegaanka----- Shir-guddoon
  - t. Guddoomiye ku – xigeenka Maxkamadda Guud ----- Kuxigeen
  - j. Laba xubnood oo ka tirsan Golaha Xildhibaanada Deegaanka oo aan ka tirsanayn hay’adda fullinta ---- Xubin
  - x. Saddex Garsoore oo ka tirsan maxkamadda guud----- Xubno
  - kh. Laba Garsoore oo ka tirsan maxkamadaha heer gobol --- Xubin
  - d. Hal Garsoore oo ka tirsan maxkamadaha heer degmo----- ----Xubin
  - r. Hal qareen oo ka tirsan qareenada madaxa banaan oo ay iska soo doortan xubnaha ururka qareenada madaxa banaan ----- Xubin.
- 2. Marka uu shir-guddoonku maqan yahay guddoomiye ku xigeenka maxkamada guud ayaa sii wadaya hawsha shir-gudoonka.
- 3. Madaxa xafiiska arimaha guddiga iyo maamulka garsoorka ayaa isaga oo aan wax cod ah lahayn ayuu noqonaya xoghaynta guddiga.
- 4. Xubinna kama wada mid noqon karo guddiga heer deegaan iyo guddiga heer gobol.

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

**8. የክልል ጉባኤው አባላት**

- 1. የክልል ዳኞች አስተዳደር ጉባኤ (11) አሥራ አንድ አባላት ያለው ሆኖ የሚከተለው ያጠቃልላል።
  - ሀ) የክልሉ ጠቅላይ ፍርድ ቤት ፕሬዚዳንት ----- ሰብሳቢ
  - ለ) የክልሉ ጠቅላይ ፍርድ ቤት ምክትል ፕሬዚዳንት-----ምክትል ሰብሳቢ
  - ሐ) በአስፈጻሚው አካል ውስጥ የማይሠሩ ሁለት የክልል ምክር ቤት አባላት;
  - መ) ሦስት የጠቅላይ ፍርድ ቤት ዳኞች ---- ----- አባል
  - ሠ) ሁለት የከፍተኛ ፍርድ ቤት ዳኞች ---- -- አባል
  - ረ) አንድ የወረዳ ፍርድ ቤት ዳኛ ----- ----- አባል
  - ሰ) ከክልሉ ጠበቆች ማህበር ተመርጦ የተወከለ አንድ ጠበቃ፤ ----- አባል
- 2. የጉባኤው ሰብሳቢ ኃላፊነቱን ለመወጣት በማይችልበት ጊዜ ምክትል ሰብሳቢው በሰብሳቢነት ሥራው ሊከናወን ይችላል።
- 3. የዳኞች አስተዳደር ጉባኤ ጽ/ቤት ኃላፊ ድምጽ አልባ የጉባኤው ፀሐፍ በመሆን ይሰራል።
- 4. ማንም ሰው የክልል ጉባኤ እና የዞን ጉባኤ በአንድ ጊዜ ሁለቱንም አባል መሆን አይችልም;

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

**8. Members Of Regional Commission**

- 1. The members Commission shall constitute 11(Elven) members which compose the following members:
  - a) The President of the Supreme Court, \_\_\_\_\_ Chairman
  - b) The Vice President of the Supreme Court, \_\_\_\_\_Vice Chairman
  - c) Two members of The State Council who are not serving in the Executive organ; \_\_\_\_\_ members
  - d) Three Supreme Court judges. \_\_\_\_\_ members
  - e) Two Zonal High Court Judges \_\_\_\_\_ members
  - f) One Woreda Court Judge\_\_\_\_\_ member
  - g) one from practicing lawyers elected by the Bar Association.
- 2. where the chairperson unable to carry out his responsibilities, deputy chairperson shall act as chairperson of the commission.
- 3. The head secretariate of the commission’s office and the administration of the judiciary shall be the secretary of the commission without a vote.
- 4. No one can be a member of regional commission and zonal commission simultaneously;



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

1. Xubnaha guddiga ee lagu xusay qodobka 8<sup>aad</sup> xarafka (j) waxaa soo xulaya Af-Hayeenka Golaha Xildhibaanada Deegaanka.
2. Af-hayeenku marka uu soo xulayo xubnaha sare ku cad waxa uu ahmiyad weyn siinayaa shuruudahan soo socda;
  - b). In uu yahay xubin baarlamaan ah oo katirsan golaha;
  - t). Waa in xubnahasi ka koobnaadaan xubin Ragga iyo xubin dumara;
3. Garsooreyaasha xubnaha ka noqonaya guddiga waxaa lagu dooranayaa kulan waynaha garsoorka. Waxayna ku soo baxayaan cod aqlabiyad ah, iyaga oo laga dhex dooranaayo afar garsoore oo heer deegaan ah iyo laba garsoore oo heer gobol ah, iyo laba garsoore oo heer degmo ah kuwaas oo uu soo jeediyo guddoomiyaha maxkamadda guud.
4. Xubnaha uu soo jeediyo guddoomiyuhu ee kulanwaynuhuna u codeeyo waxaa magacaabistooda guddinimo sexeexa guddoomiyaha.
5. Guddoomiyuhu marka uu soo jeedinayo musharixiinta wuxuu tix galin siinaya shuruudahan soo socda:
  - b). Xaga anshaxa in uu yahay xubin ku dayasho mudan;
  - t). In uu leeyahay waxqabad iyo khibrad sare;
  - j). In uu leeyahay ka go'nansho kuna adagyahay arimaha anshaxa. Qiimaha iyo tayada shaqo fulinta garsoorka iyo sidoo kale kor u qaadista maxkamadaha;
  - x). In uu leeyahay khibrad maamul iyo mid hoggaamineed.

**9. የጉባኤ አባላት የአባልነት መስፈርትና አመራረጥ**

1. በዚህ አዋጅ አንቀጽ 8 ንዑስ አንቀጽ (ሐ) ሥር የተገለፁት የጉባኤ አባላት በክልሉ ምክር ቤት አፈ ጉባኤ የሚወክሉ ይሆናሉ።
2. አፈ ጉባኤው በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር በተገለፀው መሠረት የክልል ጉባኤ አባልን ሲወክል የሚከተሉትን መስፈርቶች መሠረት ማድረግ አለበት።
  - ሀ) የክልል ምክር ቤት አባል የሆነ፤
  - ለ) ከሁለቱ አባላት አንዱ ሴቶች መሆን አለበት።
3. የጉባኤው አባል የሚሆኑ ዳኞች ከጠቅላይ ፍርድ ቤት አራት ዳኞች ከከፍተኛ ፍርድ ቤት ዳኞች ሁለት እና አንደኛው ፍርድ ቤቶች ዳኞች ፕሬዝዳንቱ በአጩነት ካቀረጧቸው ዳኞች በፍ/ቤቶች ዳኞች ጠቅላላ ስብሰባ ደምፅ ይመረጣሉ።
4. በፍ/ቤቶች ዳኞች ጠቅላላ ስብሰባ በደምፅ የተመረጡ የጉባኤው አባላት በፕሬዝዳንቱ የሚሾም ይሆናሉ።
5. በፕሬዝዳንቱ የጉባኤ አባላትን ዕጩ ሲያቀርብ ወይም ሲወክል የሚከተሉትን መስፈርቶች መሠረት ማድረግ አለበት።
  - ሀ) በሥነ-ምግባሩ ከፍተኛ ተምሳሌትነት ያለው፤
  - ለ) ከፍተኛ ችሎታና የሥራ ልምድ ያለው፤
  - ሐ) ሥነ-ምግባር፤ የዳኝነት አገልግሎት አሰጣጥ ጥራትና መርህ፤ እንዲሁም ስለ ፍርድ ቤቶች መሻሻል ጠንካራ አቋምና ቁርጠኝነት ያለው።
  - መ) በአስተዳደርና አመራር በቂ ልምድ ያለው።

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

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

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

10: **Muddada Shaqo Ee Guddiga Garsoorka**

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

11: **Siyaabaha Xubinimada Guddiga Lagu Waayo**

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

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

12: **Awoodaha Iyo Waajibaadka Guddiga**

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

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

10. **ሰለገባዬው አባላት የሥራ ዘመን**

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

11. **የጉባኤው አባሎች ሥራቸውን ስለሚለቁበት ሁኔታ**

በዚህ አዋጅ አንቀጽ 8 ሆ፣ ለ እና ሐ ከተመለከቱት በስተቀር ማንኛውም የጉባኤ አባል፤

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

12. **የጉባኤው ሥልጣንና ተግባር**

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

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

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

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

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

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

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

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

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

- b). Wuxuu garsoornimo usoo xulaa musharaxiinta xirfadlayaasha ee shuruudaha buuxiyay wuxuu ugudbiyaa golaha baarlamaanka.
- t). Wuxuu magacaaba, xil ka qaadisna kusameeyaa, xubnaha magacaabista ee guddigu magacaabo, islamarkaana uu guddoomiyuhu soo jeediyoo;
- j). Wuxuu si ku meel gaadha shaqada uga sii joojiyaa garsooreyaasha ka go'aan gaadhistooda la horgaynaayo Golaha;
- x). Wuxuu jaan-gooyaa mushaaraadka, gunooyinka iyo fasaxa garsooreyaasha iyo xubnaha magacaabista ah;
- Kh). Wuxuu jaan-gooyaa gunooyinka xubnaha guddiga garsoorka, guddiga dhagaysiga dacwadaha anshaxa ee heer deegaan iyo heer gobol;
- d). Wuxuu ka go'aan gaadhaa kala bedelka iyo dalacsiinta garsooreyaasha;
- r). Wuxuu ansixiyaa qaabdhismadka xafiiska maxkamadaha deegaanka;
- s). Wuxuu dib-u-eegaa, islamarkaana ka go'aan gaadhaa awoodiisa racfaan ahaaneed ee go'aanada guddiga dhagaysiga dacwadaha anshaxa ee heer deegaan ay ka gaadhaan. Arimaha la xidhiidha go'aanada anshaxa ee guddigu racfaan ahaan ku gaadhana waxa uu noqonayaa kamadanbays,
- Sh). Iyada oo laga duulayo talo bixinta guddoomiyaha; ayaa wuxuu ka go'aan gaadhaa arimaha anshaxa ee la xidhiidha isla xubnihiisa, xubnaha guddiga dhagaysiga dacwadaha anshaxa ee heer deegaan, madaxa xafiiska xoghayaha guddiga, madaxa xafiiska dib-uhabeeynta iyo hawlaha isbedelaka maxkamadda guud, madaxa xafiiska maamulka qareenada dawlada iyo madaxa xafiiska baadhista iyo anshaxa

- ሀ) ፕሬዚዳንቱ መልምሎ የሚያቀርበውን የሕግ ባለሙያ ለዳኝነት ያጫል፤ ለክልል ምክር ቤት አቅርቦ እንዲሾሙ ያደርጋል።
- ለ) ፕሬዚዳንቱ መልምሎ የሚያቀርበውን የክልል ጉባኤ ተጻሚ ይሾማል። ከሹመትም ያነሳል።
- ሐ) አግባብ ባለው ሕግ መሠረት በጊዛዊነት ዳኞችን ወይም ተጻሚን ከሥራ በማገድ ለምክር ቤቱ ያቀርባል።
- መ) የዳኞችና ተጻሚዎች ደመወዝ፣ ጥቅማ ጥቅምና ፍቃድን ይወስናል።
- ሠ) የዳኞች አስተዳደር ጉባኤ አባላት ፤ የጠቅላይ ጉባኤ ቡድንና የዞን ጉባኤ አባላት ጥቅማ ጥቅም ይወስናል።
- ረ) የዳኞችን የዘውውርና የደረጃ ዕድገት ይወስናል።
- ሰ) የክልሉን ፍርድ ቤቶች መዋቅር ያፀድቃል።
- ሸ) የጠቅላይ ጉባኤ ቡድን በሥነምግባር ጥሰት ላይ በመጀመሪያ ደረጃ ሥልጣኑ አይቶ በሚሰጠው ውሳኔ ላይ የሚቀርበውን ይግባኝ አይቶ ይወስናል። በዚህ መልክ ታይቶ የሚሰጥ ውሳኔም ይግባኝና ሌላ አቤቱታ የሌለው የመጨረሻ ይሆናል።
- ቀ) የጉባኤውና የጠቅላይ ጉባኤ ቡድን አባላት ፤ የጉባኤ ጽ/ቤት እና የሥነ ምግባርና ኢንሰፐክሽን ጽ/ቤት ኃላፊዎች የረፀሙትን የሥነ-ምግባር ጥሰት አስመልክቶ ፕሬዚዳንቱ የሚያቀርበውን የውሳኔ ሃሳብ ተንተርሶ ይወስናል።

- a) It shall nominate legal professionals selected and presented by the President for judgeship, and present them to State Council for approval;
- b) It shall appoint Appointees of the Commission nominated by the president, and shall dismiss them;
- c) It shall fire judges and appointees in accordance with relevant laws;
- d) It shall determine the salary, benefits and leave of judges and other appointees;
- e) It shall determine the allowance of members of the Commission, Supreme and Zonal Adjudicatory team;
- f) It shall decide on transfer and promotion of judges;
- g) It shall approve the structure of the Courts of the Region;
- h) It shall review and decide, in its appellate jurisdiction, on decisions of Supreme Adjudicatory Team concerning disciplinary matters decided in its first instance jurisdictions; the holding of the Commission rendered accordingly shall be final and no appeal and petition shall be made against it.
- i) It shall decide on disciplinary issues related to its own members, members of the Supreme adjudicatory Team, Head of Secretariat of the Commission, and Head of Disciplinary and Inspection Office based on recommendation of the President;



- c). Wuxuu magacaabaa, xil ka qaadisna ku sameeyaa xubnaha magacaabista ee sida guddoomiyayaasha maxkamadaha sare iyo maxkamadaha degmooyinka;
- g). Wuxuu ansixiyaa nidaam siyaasadeedyada, istiraatiijiyadaha, qorshayaasha iyo qaab shaqeedka maxkamadaha DDS;
- f). Wuxuu ansixiyaa qorshe sanadeedka iyo miisaaniyadaha maxkamadaha deegaanka;
- q). Wuxuu qiimeeyaa warbixinada iyo waxqabadyada waaxyaha kala duwan ee maxkamadda guud iyo qaybaha kala duwan ee guddiga;
- k). Wuxuu ansixiyaa codsiga miisaaniyada kabista ee laga dalbado golaha wakiilada dawladda dhexe ee dacwadaha la xidhiidha arrimaha fedaraalka, islamarkaana ay maxkamadda guud ee DDS ku qaado awooddeeda racfaan.
- l). Wuxuu soo saara awaamiraha kala duwan ee lagama-maarmaaka uu ah shaqada garsoorka, islamarkaana lagu dhaqan galinayo bayaankan.
- m). Wuxuu ansixiyaa qaab-dhismeedka maxkamadaha deegaanka ee daraasadka ku salaysan, islamarkaana uu soo jeediyo guddoomiyuhu.
- n). Isaga oo ka duulaya qodobka 67<sup>aad</sup> faqradiisa 4 ee dastuurka DDS arrimaha la horkeeno ee ku xusan qodobka (11), wuxuu shaqada ka joojin karaa garsoore uu arrintiisa go'aan kagaadhayo goluhu.
- W. wuxuu xasaanadda garsoornimo ka qaadaa garsooreyaasha looga shakiyay in ay galeen fal dambiyeed.

- ተ) የጉባኤ ተጻሕፍት ፣ የዞን ከፍተኛ ፍርድ ቤትና የወረዳ ፍርድ ቤት ፣ ፕሬዚዳንቶችን ይሾማል፣ ከሹመትም ያነሳል።
- ቸ) ፕሬዚዳንቱ አስጠንቶ የሚያቀርበውን የክልል ፍርድ ቤቶችን ፖሊሲዎች፣ እስተራቴጂዎች፣ እቅድች እና የአሠራር ሥርዓት አይቶ ያፀድቃል።
- ካ) የክልሉ ፍርድ ቤቶችን ዓመታዊ እቅድና በጀት ያፀድቃል፤
- ኘ) የጠቅላይ ፍርድ ቤትና የጉባኤ አካላት የሥራ አፈፃፀም ሪፖርትና እንቅስቃሴን ይገመግማል።
- ኸ) የክልል ፍርድ ቤቶች የፌዴራል ፍርድ ቤትን በውክልና ለሚያዩት የፌዴራል ጉዳዮች የሚያስፈልገውን የፌዴራል መንግስቱ የበጀት ደንብ ጥያቄን አይቶ ያፀድቃል።
- ከ) ለዳኝነት ጉዳዮችና ይህንን አዋጅ ማስፈፀሚያ የሚያስፈልጉ ልዩ ልዩ መመሪያዎችን ያወጣል።
- ኸ) የክልል ፍርድ ቤቶችን አደረጃጀት በግጥናት ለጉባኤው እንዲፀድቅ የውሳኔ ሃሳብ ያቀርባል እና ሲፀድቅ አፈፃፀሙን ይከታተላል;
- ወ). በሶማሌ ክልላዊ መንግስት ሕገ-መንግሥት አንቀጽ 67 ንዑስ አንቀጽ 4 መሠረት በዚህ አዋጅ አንቀጽ 11 በተመለከተት ሁኔታዎች መሠረት በሚቀርብ አንደን ዳኛ ከሥራ እንዲሠናበት የሚያስተላልፈው ውሳኔ ለክልሉ ምክር ቤት እስከ ፀድቅ ድርስ ከሥራ ያግዳል።
- ዐ). በወንጀል የተጠረጠሩ የክልል ዳኞችን ያለመከሰስ መብት ያነሳል፤

- j) It shall appoint appointees of the Commission, and presidents of zonal High Courts and of Woreda Courts; and also dismisses them;
- k) It shall approve policies, strategies, programs, and working systems the study of which was caused and presented to it by the President;
- l) It shall approve the annual plan and budget of the Regional courts;
- m) it shall evaluate the reports and activities of different bodies of the Supreme Court and organs of the Commission;
- n) It shall approve the request of compensatory budget to be granted by the federal government for regional courts for federal matters they adjudicate by delegations.
- o) It shall issue different directives necessary for judicial fuctions and for the enforcement of this proclamation.
- p) Cause the study of the structure of State Courts and present same with recommendation for approval to the Commission and follow up its implementation upon approval;
- q) Pursuant to Article 67, Sub-Article 4 of the Constitution of the Somali Regional State, on the circumstances provided for in Article 11. of this proclamation shall suspend a judge who the decision of the Commission is submitted to the State Council for approval.
- r) Shall remove immunity of judges suspect of criminal offences.

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

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

Shir-gudoonku wuxuu yeelanayaa Awoodahan iyo Waajibaadyadan soo socda;

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

2. በዚህ አንቀጽ ንዑስ አንቀጽ 1 (ሐ) መሠረት ጉባኤው በጊዛዊነት ከሥራ ያተገደው ዳኛ ከሥራ እንዲሠናበት ያስተላልፈው ውሳኔ ለክልል ምክር ቤት ቀርቦ ያፀድቃል።

13: - **የጉባኤው ሰብሳቢ ሥልጣንና ተግባር**

የጉባኤው ሰብሳቢ የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል፡-

1. የጉባኤውን ጽሕፈት ቤት ሥራዎች በበላይነት ይመራል፤ ይቆጣጠራል።
2. የጉባኤውን ስብሰባዎች ይጠራል፤ በሰብሳቢነት ይመራል፤
3. በዚህ አዋጅ መሠረት በጉባኤው የተመለመሉ እጩ ዳኞችን, በክልል ምክር ቤት ለማሾም ዝርዝራቸውን ለምክር ቤቱ ያቀርባል፤
4. በዚህ አንቀጽ ንዑስ አንቀጽ 3 የተደነገገው እንደተጠበቀ ሆኖ የጉባኤ ተጀሚን ለጉባኤው አቅርቦ ያሾማል።
5. የዳኞችና ሌሎች ተጀሚዎች አባላት ሥነ-ምግባር አሰመልክቶ የሚቀርቡ ጉዳዮችን አጣርቶ አሰፈላጊ ሆኖ ሲገኝ ለጉባኤው የውሳኔ ሃሳብ ያቀርባል።
6. የፍርድ ቤቶችን መዋቅር አሰማልክቶ ዋናነት እንዲካሄድ የደርጋል፤ ለጉባኤው እንዲፀድቅ የውሳኔ ሃሳብ ያቀርባል፤ ሲፀድቅ አፈፃፀሙን ይከታተላል።

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

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

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

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

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

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

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

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

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

7. ለጉባኤው ማቅረብ ሲያስፍልግ አንደኛ ዳኛ ወይም ሌሎች ተጂሚዎችን በጊዜያዊነት በመመደብ አስፈላጊ ሆኖ ከተገኘ ተመጣጣኝ ወይም ከፍ ያለ ቦታ ይመድባል። ውሳኔንም ለጉባኤው እንዲፀድቅ ያቀርባል።

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

14. የጉባኤው ኮሚቴዎች

የዳኝነት አስተዳደር ጉባኤው ኃላፊነቱን በአጣብ ለመወጣት እንዲያስችለው የጉባኤውን አባላት የያዙ ንፁሰሚ ኮሚቴዎችን በዚህ አዋጅ ተቋቁሟል።

1. የዕጩ ዳኞች ምልመላ፣ የዳኞች፣ የጉባኤ ተጂሚዎች እና ድጋፊ ሰጪ ሠራተኞች ምድባ ጉዳዮች ቋሚ ኮሚቴ፤
2. የበጀት እና የፍርድ ቤቶች የለወጥ ሥራዎች ጉዳዮች ቋሚ ኮሚቴ፤
3. የዳኞች ሥነ-ምግባርና የዲስፕሊን ጉዳዮች ቋሚ ኮሚቴ።
4. ቋሚ ኮሚቴዎች ከጉባኤው አባላት እና ከጉባኤው አባላት ውጪ ሊያዋቅር ይችላል።
5. የጉባኤው ኮሚቴዎች አባላት አስፈላጊ ሆኖ ከተገኘ ባለሞያዎች ሊጠቀም ይችላል።
6. የኮሚቴው አባላት የተመደቡበትን ኃላፊነት በማናቸውም መልክ ለሌላ የጉባኤው አባል ወይም ለሌላ ወገን በውክልና ሊሰጡ አይችሉም።

7. without the approval of the Commission, temporarily assign a judge or other appointees, to an equivalent or higher than in case found necessary, and shall present decision to the Commission for approval.

8. Suggests the study and preparation of various directives to supplement the performance of duties related to the judiciary.

14. **Committees of the Commission**

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

1. committee for selection and assignment of candidate for judgeship and other appointees as well as supporting staffs;
2. Matters on budget & Judicial fuctions of Courts committee;
3. Judicial Code of Conduct and Discipline committee;
4. Standing committees shall be established from members of the Commission and non members of the Commission.
5. Each committee shall have expert assigned to it as required.
6. Committee members shall not delegate their responsibilities to other Council members or any other person.

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

15: **Dhawrsanaanta Xogta**

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

16.: **Xafiiska Guddiga**

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

2. Xafiisku wuxuu yeelanayaa awoodaha iyo waajibaadyadan soo socda;

b). Wuxuu diyaariyaa ajendaha shirka guddiga;

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

j). Wuxuu dhaqan galiyaa go'aanada guddiga;

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

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

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

15. **የሥራ ሚስጥር ስለመጠበቅ**

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

16. **ስለጉባዔው ጽ/ቤት**

1. የጉባዔው ጽ/ቤት አንድ የጽ/ቤት ኃላፊ፣ በጀት እና ኃላፊነቱ በብቃት ለማስፈጸም አስፈላጊ የሆኑ ሠራተኞችና የሥራ ሂደቶች ይኖሩታል፤ ተጠሪነቱ ለክልሉ ጠ/ፍ/ቤት ፕሬዚዳንት፤ ይሆናል፤

2. የጉባዔው ጽሕፈት ቤት ከዚህ በታች የተዘረዘሩት ተግባራት እና ኃላፊነቶች ይኖሩታል፦

ሀ) የጉባዔውን አጀንዳ ያዘጋጃል።

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

ሐ) የጉባዔው ውሳኔዎች መፈጸማቸውን መከታተል፤

መ) በየደረጃው ለሚገኙ የጉባዔ አካላት ቴክኒካዊ ድጋፍ ይሰጣል።

ሠ) የጉባዔውን እና የጉባዔ አካላት ሥራ ሁኔታ ያመቻቻል፤ ሰነድና መዛግብታቸውን ያደራጃል።

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

15. **Data Privacy**

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

16. **Secretariat of the Commission**

1. The Secretariat of the Commission shall have a head of Secretariat, budget and necessary staff and shall be accountable to the President of Supreme Court.

2. The Secretariat shall have the following powers and duties:

a) prepares agenda of the plenum of the Commission;

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

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

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

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

- d) Wuxuu kaalin laxaadle kuyeesho daraasaadyada la xidhiidha nidaamka iyo qaab-shaqeedka lagama maarmaanka u ah habsami usocodka maamulka garsoorka iyo maareynta mushaaraadka iyo gunooyinka garsoorka ee xubnaha magacaabista iyo waliba mida hay'ad ahaaneedba;
- r). Wuxuu gacan ka gaystaa tusmaynta hanaan cad oo lagu maareeyo cabashooyinka iyo tabashooyinka;
- s). Wuxuu qaabilaa cabashooyinka la xidhiidha garsoorka iyo xubnaha magacaabista, islamarkaana wuxuu u gudbiyaa guddoomiyaha, iyada oo go'aanka laga gaadhana uu dhaqan galinaayo;
- sh). Wuxuu soo ururiyaa macluumaadyada la xidhiidha waxqabadka waaxyaha iyo heerarka kala duwan ee guddiga, islamarkaana isaga oo isku dubaridaya ayaa wuxuu u gudbiyaa cidda iyo goobta ay khusayso;

17: **Awoodda Iyo Waajibaadka Madaxa Xafiiska Guddiga**

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

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

- ረ) ስለ ዳኞች አስተዳደር ጉባዔና ተገቢዎች ዘመናዊ የአስተዳደርና የአሠራር ሥርዓት የዳኞች እና የተገቢዎችን ደመወዝና ልዩ ልዩ ዋቅማ ዋቅም አጥንቶ የውሳኔ ሃሳብ ያቀርባል። ሲወሰንም ሥራ ላይ ያውላል።
- ሰ). ግልፅነት ያለው የቅሬታና አቤቱታ መስተንግዶ ሥርዓት ይዘረጋል።
- ሸ) የዳኞችና ተገቢዎች ቅሬታንና አቤቱታን ያስተናግዳል፤ ለፕሬዚዳንቱ የውሳኔ ሃሳብ ያቀርባል። ሲወሰንም ያሰራጫል።
- ቀ) የጉባኤው አካላት አፈጻጸም አሰመልክቶ መረጃ ያሰባስባል፤ ያጠናቅራል፤ ለሚመለከታቸውም አካላትና ቦታ ቡተገቢው ጊዜ ያሰራጫል።

17 **የጉባኤው ጽ/ቤት ኃላፊ ሥልጣን እና ተግባር**

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

- 1. የጉባኤ ጽ/ቤት ይመራል፤ ያስተባብራል፤ ይቆጣጠራል።
- 2. ከጉባኤ ሰብሳቢ ጋር በመመካከር የጉባኤን አጀንዳ ያዘጋጃል፤ ለአባላት የሰብሰባ ዋሪ ያስተላልፋል።
- 3. የጉባኤውን ቃለ ጉባኤ ይደዛል፤ በዘመናዊ መልክ ያደራጃል።

- f) Carries out study on procedures and work systems for efficient administration of judiciary, in relation to the salary and benefits of judges and other appointees and present same with recommendation;
- g) Designs a transparent system for administrative grievances and complaints;
- h) Receives grievances and complaints of judges and appointees; forwards recommendation to the President and enforces it upon decision thereon;
- i) Gathers information concerning the performance of bodies of the Commission; organizes and disseminates it to concerned organs.

17. **Powers and Duties of The Head of The Secretariat**

The Head of the Secretariat of the Commission being accountable to the President of Supreme Court shall have the following powers and duties:

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



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

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

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

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

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

**18. የጠቅላይ ጉባኤ የሥነ-ምግባር ኢንሰፔክሽን ቡድን ሥልጣንና ተግባር**

የጠቅላይ ጉባኤ የሥነ-ምግባርና ኢንሰፔክሽን ቡድን የሚከተሉት ሥልጣንና ተግባር ይኖሩታል።

- 1. በጠቅላይ ፍርድ ቤት ዳኞችና ተጻሕፊዎች የከፍተኛ ፍርድ ቤት ዳኞች፣ የከፍተኛ ፍርድ ቤት ፕሬዚዳንት፣ በዞን ጉባኤ አባላትና የሥነ-ምግባርና ኢንሰፔክሽን ቡድን አባላት ላይ የሚቀርቡ ከባድ የሥነ-ምግባር ጥሰት ክስ ጋር የተያያዙ ጉዳዮችን በመመርመር ውጤቱንም ለክልል የዳኞች አስተዳደር ጉባኤ ያሳውቅል።
- 2. የዞን ጉባኤ የወሰነውን የሥነ-ምግባር ውሳኔን በይግባኝ አይቶ የምርጫ ውጤት ሪፖርትም ለክልል ዳኞች አስተዳደር ጉባኤ ያቀርባል።
- 3. የሥነ-ምግባርና ኢንሰፔክሽን ጽ/ቤት ኃላፊ በቀላል የሥነ-ምግባር ጥሰቶች ላይ የሚሰጠውን ውሳኔ በይግባኝ አይቶ የምርጫ ውጤት ሪፖርትም ለክልል ዳኞች አስተዳደር ጉባኤ ያቀርባል።

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

**18. Powers and Functions of the Supreme Adjudicatory Team**

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

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



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

19: **Guddiga Heer Gobol**

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

- 4. የጠቅላይ ፍርድ ቤት የሲቪል ስርዓትን የዲሲፕሊን ኮሚቴ የመጨረሻ ውሳኔ በይግባኝ ሰሚው ገምግሞ ይወስናል። በዚህ መሠረት የተሰጠው ውሳኔ የመጨረሻ ይሆናል እና ምንም ይግባኝ እና አቤቱታ ማቅረብ አይችልም።
- 5 ከዲሲፕሊን ጉዳዮች ጋር በተያያዙ በፕሬዚዳንቱ የሚሰጡትን ሌሎች ሥራዎች ይፈጽማል።
- 6. ስለኮሚቴዎች ሥራዎች በተያያዘ ጉዳዮች የመጨረሻ ውሳኔ የሚሰጠው በክልል የዳኞች አስተዳደር ጉባዔ ይሆናል።

19. የዞን ጉባኤ አባላት

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

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

19. **Zonal Commission**

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

20: **Shuruudaha Iyo Habka Xulashada Xubnaha**

1. Xubnaha guddiga ee lagu xusay qodobka 19<sup>aad</sup> farqada 1<sup>aad</sup> waa inay yihiin xubno anshax wanaag lagu yaqaano, waxqabad sare iyo waayo-aragnimo ku filan leh. Waa in ay yihiin kuwo shaqadooda ay ku dheehan tahay asluub iyo hab-dhaqan haboon, islamarkana leh qiyam iyo ka go'naansho adag oo la xidhiidha sareynta sharciga iyo isbadelka maxkamadaha.
2. Habka xulashada xubnuhu waxay noqonayaan sidan:
  - b). Xubnaha ku xusan qodobka 19<sup>aad</sup> farqada 1<sup>aad</sup> xarfaha (t) iyo (j) waxaa uu codayn garsooreeyasha iyada oo laga dhex dooran lix garsoore oo heer deegaan aha iyo afar garsoore oo heer gobol ah iyo laba garsoore oo heer degmo ah, oo uu soo jeediyo guddoomiyuhu marka ay shirka waxqabadka xiliilaha ah ee iyaga uu gaarka ee ay ku kulmaan maxkamadahasi.
  - t). Iyadoo arrimaha lagu sheegay qodobkan farqada 2<sup>aad</sup> xarfka (b) uu sideeda ahaanayo, ayaa haddii uu jiro xubin kamida xubnaha guddiga oo sababo kala duwan awgood uga baaqdo guddinimada inta laga gaadhayo shirka xiga wuxuu guddoomiyaha maxkamadda sare ee gobolku uu ku sii badeli karaaxubin ku meel gaadha.

20. **ስለ አባላት አመራረዋ እና መስፈርት**

1. በአንቀጽ 19 ንዑስ አንቀጽ 1 የተገለፁት የሆነ ጉባኤ አባላት ተምሳሌታዊ ሥነ-ምግባር ፣ ከፍተኛ የሥራ አፈፃፀም እና በቂ የሥራ ልምድ ያላቸው ፤ የዳኝነት ሥነ-ምግባርና መርሆን ለማጠናከርና ፍርድ ቤቶችን ለማሻሻል ጠንካራና ቆራጭ አቋም ያላቸው መሆን አለባቸው።
2. የአባላቱ አመራረዋም እንደሚከተለው ይሆናል ።
  - ሀ) በአንቀጽ 19 ንዑስ አንቀጽ 1 ከፊደል ተራ “ለ” እስከ “ሐ” የተጠቀሱት የጠቅላይ ፍርድ ቤት ዳኞች መካከል ሰደሰት ሰው፤ ከከፍተኛ ፍርድ ቤት ዳኞች መካከል አራት ሰው፣ ከወረዳ ፍርድ ቤት ዳኞች ሁለት ሰው መስፈርቱን የሚያሟሉትን መርጦ ለፍርድ ቤቶች ዓመታዊ ጉባኤ አቅርቦ በአብላጫ ደምፅ በማሰወሰን ይመረጣሉ።
  - ለ) በዚህ አንቀጽ ንዑስ አንቀጽ 2 (ሀ) ሥር የተደነገገው እንደተጠበቀ ሆኖ በልዩ ልዩ ምክንያት የገደለ አባል ካለ የከፍተኛ ፍርድ ቤት ፕሬዚዳንት እስከሚቀጥለው ምርጫ ድረስ መስፈርቱን የሚያሟላ ሰው መወከል ይችላል።

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

1. Members of the Zonal Commission stipulated under Article 19 (1) shall be of exemplary in terms of their discipline, have high performance and sufficient experience. They are required to possess strong commitment and stand to strengthen judicial discipline and values, and to transform Courts.
2. The manner of their election is as follows:
  - a) Members listed under Article 19 (1) (b) and (c) are elected by the Zonal Plenum of Judges by majority vote from among two High Court Judges and four District Court Judges nominated and presented by the President of the High Court.
  - b) Notwithstanding the provision of Sub-article (2) (a) of this Article, the President of the High Court may substitute, with one who can meet the criteria, a Member of the Commission who could not continue with his membership on account of different reasons until election is held on the following plenum.

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

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

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

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

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

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

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

**21. የዞን ጉባኤ ሥልጣንና ተግባር**

የዞን ጉባኤ የሚከተሉትን ሥልጣንና ተግባር ይኖሩታል።

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

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

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

**21, Powers and Functions of the Zonal Commission**

The Zonal Commission shall have the following powers and functions:

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

- 4. Wuxuu ka talo bixiyaa isaga oo xeerka waafajinaya garsoorka hormuud ka noqday iyo kuwa hoos u dhac ku yimid iyo sidoo kale:- kala-badalka, dalacsiinta iyo hoos u dhigida garsooreyaasha heer degmo iyo heer gobol.
- 5. Wuxuu diyaariya qorshe-sanadeedka iyo codsiga miisaaniyadda, maxkamadaha heer gobol iyo degmo sidoo kale wuxuu warbixinta waxqabadka maxkamadaha heer-gobol iyo heer-degmo una soo gudbiyaa guddiga heer deegaan.
- 6. Wuxuu fuliyaa hawlaha kale ee guddiga heer-deegaan u xil saaro.

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

- 1. Shir-guddoonka Guddiga heer gobol waxa uu yeelanayaa awoodaha iyo waajibaadka shaqo ee soo socda;
- b). Wuxuu hogaamiyaa, kormeeraana xoghaynta guddiga;
- t). Wuxuu diyaariyaa ajendaha kal-fadhiga
- j). Wuxuu isugu yeedha, islamarkaana guddoomiyaa kulanada guddiga
- x). Wuxuu diyaariya qorshe-hawleedka guddiga, islamarkana wuxuu warbixinta waxqabadka u gudbiyaa guddiga heer Deegaan.
- Kh). Wuxuu baadhaa ama sababaa in la soo baadho islamarkaana usoo gudbiyaa guddiga cabashooyinka iyo eedaymaha loo soo gudbiyo ee dhanka ka ah garsoorayaasha iyo xubnaha kale ee magacaabista ah;
- d). Wuxuu soo xulaa una soo bandhigaa guddiga si ay uga talo bixiyaan garsoorayaasha dhexe ee fadhiyada maxkamadaha heer gobol; go'aanada guddigana waxa uu u gudbiyaa guddiga heer deegaan;
- r). Wuxuu fuliyaa hawlaha kale uu guddigu u xilsaaro.

- 4. የዞን ዳኞች እና ጉባኤ የተጀመሩትን እድገት፣ ዝውውር አስመልክቶ ባለው ደንብ መሠረት አይቶ መነሻ ሃሳብ ለጉባኤ ያቀርባል።
- 5. የከፍተኛ ፍርድ ቤት እና የወረዳ ፍርድ ቤቶች እቅድና በጀት ጥያቄ እንዲሁም ሪፖርት መርምሮ ለክልል ጉባኤ ያቀርባል።
- 6. በጉባኤ ወይም በፕሬዚዳንቱ የሚሰጡትን ሌሎች ሥራዎችን ይፈጽማል።

**22. የዞን ጉባኤ ሰብሳቢ ሥልጣንና ተግባር**

- 1. የዞን ጉባኤ ሰብሳቢ የሚከተሉ ሥልጣንና ተግባር ይኖሩታል።
  - ሀ) የዞን ጉባኤ ጽ/ቤት ሥራን ያደራጃል፤
  - ለ) የጉባኤውን አጀንዳ ያዘጋጃል፤
  - ሐ) የጉባኤውን ስብሰባ ይጠራል፤ ይመራል፤
  - መ) የጉባኤውን ሥራ ያቅዳል፤ አፈፃፀሙንም ያዛዘጃል የአፈፃፀም ሪፖርትም ለክልል ጉባኤ ያቀርባል፤
  - ሠ) በዳኞችና በሌሎች ተጀመሩት ላይ የቀረቡትን የዲሲፕሊን ቅሬታዎች መርምሮ ለሥነ ምግባርና ኢንሰፔክሽን ኮሚቴ የውሳኔ ሃሳብ ያቀርባል።
  - ረ) የዞን ከፍተኛ ፍርድ ቤቶች ችሎት ሰብሳቢ ዳኞችን መርጦ ለዞን ጉባኤ ያቀርባል። የዞን ጉባኤ ውሳኔንም ለክልሉ ጉባኤ ያቀርባል።
  - ሰ) በዞን ጉባኤ የሚሰጡትን ሌሎች ተግባራት ይሠራል።

- 4. Considers the promotion, demotion and transfer of Judges and Appointees of the zonal Courts and woredas in accordance with the relevant regulation and forward it with recommendations to the Commission;
  - 5. Prepare annual budget as well as reports of Courts of the Zone and woredas forwards same to the Regional Commission;
  - 6. Discharges other functions as may be assigned to it by the Commission.
- 22. Powers and Functions of the Chairman of the Zonal Commission**
- 1. The Chairman of the Zonal Commission shall have the following powers and functions:
    - a) Coordinates the activities of the Secretariat of Zonal Commission;
    - b) Prepares agendum of the meeting of the Zonal Commission;
    - c) Summons the meetings of the Zonal Commission and presides over it;
    - d) Plans activities of the Zonal Commission and presents its Report to the Regional Commission;
    - e) Investigate the disciplinary complaints made against members of Judges and other appointee and present it with recommendation to the Ethics and Inspection committee;
    - f) Selects and presents to the commission the presiding judges for zonal high courts; submits its decisions to the regional commission;
    - g) Discharges other functions as may be assigned to him by the Zonal Commission.

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

- 1. Kooxda Anshaxa iyo kormeerka heer gobol waxay yeelanayaan; madaxa-xafiiska, xirfadleyaal anshax iyo xirfadleyaal kormeer, iyo waliba kuwa kale ee loogu baahdo si loo fuliyo hawlaha xafiiska.
- 2. Kooxda Anshaxa iyo kormeerka ee heer gobol oo la xisaabtankoodu toos u hoostagayo guddoomiyaha maxkamadda sare ee gobolka, ayawaxay yeelanayaan awoodaha iyo waajibaadka shaqo ee soo socda:
  - b). Waxay horumariyaan anshaxa iyo qiyamka shaqada garsoornimadaiyo bulshada maxkamadaha heer gobol; sidoo kalenawuxuu ka shaqaynayaakobcinta hab-dhaqan shaqeedka suuban ee maxkamadaha iyo u addeegista bulshada.
  - t). Waxay dabagalaan nidaamka iyo hab-dhaqanka shaqo ee xun, islamarkaana iinta ku yeelan Kara anshaxa; Soo dhawaynta talooyinka iyo dib-u-habayn fikradaha xalka ah; marka laga go'aan gaadhaana wuxuu ku dabagalaa fulintooda.
  - j). Waxay diyaariyaan nidaam siyaasadeedyada iyo tabaha loogu talagalay la dagaalanka musuq-maasuqa iyo ka hortaga xadgudubyada anshaxa, marka la xaqiijiyana wuu fuliyaa.
  - x). Waxay u hawl-galaan kor uqaadista wacyiga iyo garraadka bulshada iyo ku baraarujinta arrimaha anshax iyo dhaqanka-shaqo ee xun; iyada oo ay soo ururinaayan xogo iyo macluumadyo kusaabsan arrinkan; islamarkana daabacaa; oo faafinaya.

**23. የዞን ሥነ-ምግባርና እንስጥክሽን ቡድን**

- 1. የዞን ሥነ-ምግባርና እንስጥክሽን ቡድን ኃላፊ፤ የስነ ምግባር ባለሙያዎች፤ የእንስጥክሽን ባለሙያዎች እና ሌሎች ሥራውን ከግብ ለማድረስ የሚያስፈልጉት ሠራተኞች ይኖሩታል።
- 2. የዞን ሥነ-ምግባርና እንስጥክሽን ቡድን ተጠሪነቱ ለከፍተኛ ፍርድ ቤት ፕሬዚዳንት ሆኖ የሚከተሉት ሥልጣንና ተግባር ይኖሩታል።
  - ሀ) የዞን የዳኝነት ሥራ መርህን እና የፍርድ ቤት ማህበረሰብ ሥነ-ምግባር ለማጎልበት እንዲሁም የሥራ ባህልና የአገልጋይነት አመለካከት ለማዳበር ይሠራል።
  - ለ) በዞን ፍርድ ቤቶች ለሥነ-ምግባር ግድፈት መንስኤ ሊሆኑ የሚችሉ ሥርዓቶችንና ብልሹ አሠራሮችን ያጠናል፤ የመፍትሄ ወይም ማሻሻያ ሃሳብ ያቀርባል፤ ሲወሰንም ተግባራዊነቱን ይከታተላል።
  - ሐ) የፀረ-ኪራይ ሰብሳቢነትና ሥነ-ምግባር ግድፈት ፖሊሲና እስትራቴጂ አረጋግጦ ይከታተላል።
  - መ) ሥነ-ምግባርና ፀረ-ኪራይ ሰብሳቢነት ላይ የግንዛቤ ማዳበሪያ ሥራ ይሠራል፤ ከዚህ ጋር በተያያዘ መረጃ ያሰባስባል፤ ያትማል፤ ያሰራጫል።

**23. Zonal Ethics and Inspection Team**

- 1. The Zonal Ethics and Inspection Team shall have a head, professionals of ethics, of inspection and other staffs necessary to carry out its functions;
- 2. Zonal Ethics and Inspection Team is accountable to the President of the High Court and shall have the following powers and functions:
  - a) Undertakes to develop the ethics and judicial values of Court community of the Zone as well as good work culture and attitude of court community;
  - b) Carries out study on working systems and malpractices that serve as a cause for and open door for ethical violations and forward recommendations; follows up its implementation when determined;
  - c) Develop policies and strategies meant to prevent ethical violations and corruption
  - d) Undertakes to raise awareness and educate on disciplinary issues and malpractices; collects, publishes and disseminates relevant information and data;

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

d). Waxay qaabilaan cabashooyinka iyo eedaymaha anshaxa/musuqmaasuqa.

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

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

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

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

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

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

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

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

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

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

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

f) Receives disciplinary/ corruption complaints or grievances;

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

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

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

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



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

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

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

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

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

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

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

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

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

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

**24. የወረዳ ሥነ-ምግባርና እንስጥክሽን ኦፊሰር**

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

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

ለ) በወረዳው ውስጥ ለሥነ-ምግባር ጥሰትና ኪራይ ሰብሳቢነት መንስኤ ለሆኑ የሚችሉ ሥርዓቶችና አሠራሮችን ለይቶ ለዞን ሥነ-ምግባርና እንስጥክሽን ቡድን ይዘግባል።

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

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

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

2. በዚህ አንቀጽ 1 ስር የተመለከተው እንደተጠበቀ ሆኖ በወረዳ ደረጃ ያለው የዲ.ፕ.ሲ. እና የእንስጥክሽን ኦፊሰር የርሱን ቅሬታዎች መርምሮ፣ ማስተናገዳቱ ለፍርድ ቤት የውሳኔ ሃሳብ ማቅረብ እና መመራት አይችልም።

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

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

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

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

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

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

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

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

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

**QAYBTA SADDEXAAD**

**XUQUUQDA GARSOORKA**

**25: Xasaanada Garsoorka**

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

**26: Muddo Shageedka Garsoorka**

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

**ምዕራፍ ሰባት**

**የዳኞች መብት**

**25. ያለመከሰስ መብት**

1. ማንኛውም የክልል ዳኞች በሰጡት ውሳኔ ምክንያት በፍርድ ቤት በፍትህ ስር ክስ ሊቀርብላቸው አይችሉም።
2. ማንኛውም የክልል ዳኛ በከባድ ወንጀል ሲፈጽም እጅ ከፈንጅ ካልተያዘ ወይም በዳኞች አስተዳደር ጉባዔ ያለመከሰስ መብቱ ካልተነሳ በስተቀር ልትያዘ ወይም ሊታሰር እና ክስ ሊቀርብበት አይችልም።
3. ዳኞች ያለመከሰስ መብት የሚነሳበት ስነ-ምግባር ጉባዔው በሚያወጣው መመሪያ ይወሰናል።

**26. የዳኞች የሥራ ዘመን**

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

**PART THREE**

**RIGHTS OF JUDGES**

**25. JUDICIAL IMMUNITY**

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

**26. Tenure Of Judges**

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

**27. Dalacsiinta Garsoorka**

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

**28. Mushaharka**

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

**29. Gunooyinka/Adeegyada Garsoorka**

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

**27. የዳኞች የደረጃ እድገት**

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

**28. ስለዳኞች ደመወዝ**

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

**29. የዳኞች ጥቅማ ጥቅሞች**

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

**27. Promotion of Judges**

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

**28. Salary of Judges**

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

**29. Benefits of Judges**

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

30: **Shaqo Ka Qaadista Xubinka Garsoorka**

- 1. Xubinka garsoorka ah shaqada lagama eryi karo ilaa ay jiraan sababahan soo socda:
  - b) marka uu gaadho da'ada hawl-gabka ee lagu tibaaxay qodobka 26 ee bayaankan, ama marka ay da'diisu gaadho 50 jir ee ay lasoo darsaan xanuunno badan kadibna uu xubinka garsoorka ahi soo codsado hawl-gabnimada.
  - t) Marka uu keensado is-casilaad asagoo sii wadaya adeega garsoor mudo bil ka hor ah intaan laga qaadin shaqada.
  - j) Marka xubinka lagu arko inaanu lahayn tayadii/kartidii aqooneed ee garsoore looga baahnaa kadibna uu gudigu ansixiyo in shaqada laga eryo xubinka.
  - x). marka ay garsoorka lasoo darsaan xanuunno cul-culus oo aan u awoodsiinayn inuu sii wado adeega garsoor ee uu xubinku bixiyo.
  - Kh). Marka uu xubinku ku kaco fal anshax darro ah oo lagu cadeeyo, kadibna gudigu ka go'aan gaadho shaqo ka eriga xubinka.
- 2. Go'aanka gudiga ee shaqo ka eriga ah ee lagu saleeyay qodobkan farqadiisa 1 xarfaha (j) iyo (kh) waxa uu dhaqan-gal ahaanayaa marka uu golaha deegaanku ansixiyo.

30. **የዳኛች የሥራ ስንብት**

- 1. ማንኛውም ዳኛ በሚከተሉት ምክንያቶች ካልሆነ በስተቀር ከዳኝነት ሥራው አይነሳም።
  - ሀ). በዚህ አዋጅ አንቀጽ 26 በተመለከተው የጡረታ መውጫ እድሜ ሲደርስ ወይም ዳኛው 50 አመት ሞልቶት ስራውን በአግባቡ ለማክናወን የማይችል ህመም ሲያጋጥመው በጡረታ መሰናበት ሲፈልግ፤
  - ለ). ከዳኝነት ሥራ ለመልቀቅ ጥያቄ ሲያቀርብ የአንድ ወር ቅድሚያ የጽሁፍ ማስጠንቀቂያ በመስጠት፤
  - ሐ). ጉልህ የሆነ የሥራ ችሎታ ማስ ሲታይ እና ይህም በጉባዔው ተረጋግጦ ከዳኝነት ሥራ እንዲሰናበት ሲወሰን፤
  - መ). የዳኝነት ስራውን በአግባቡ ለማክናወን የማይችል ህመም ሲያጋጥመው፤
  - ሠ). የሥነ-ምግባር ጥፋት ፈጽሞ ሲገኝ እና ይህም በጉባዔው ሲረጋገጥ እና ከዳኝነት ሥራ እንዲሰናበት ሲወሰን፤
- 2. በዚህ አንቀጽ ንዑስ አንቀጽ 1 (ሐ) እና (ሠ) በተመለከቱት ሁኔታዎች ዳኛ ከሥራ እንዲሰናበት ጉባዔው የሰጠው ውሳኔ ተፈጻሚ የሚሆነው በክለሉ ምክር ቤት ቀርቦ ሲፀድቅ ነው።

30. **Termination of Tenure**

- 1. The tenure of any court judge shall not be terminated except on the following grounds:
  - a) When he attains a retirement age as indicated under Article 26 of this Proclamation or where he has attained age 50 and wishes to retire;
  - b) where she tenders her resignation by giving one month advance written notice;
  - c) where she manifests gross incompetence, and this is ascertained by the Judicial Administration Commission and a decision is made to end her tenure;
  - d) Serious illness which bars a judge from properly undertake his judicial service
  - e) where he/she has committed a breach of discipline and ascertained by the Judicial Administration Commission and a decision is made to remove him/her,
- 2. A decision made by the Commission to remove the judge under sub-article 1 (c) and (e) of this article shall be effective where the State Council approves the decisions of the Commission.

31: Xuquuqda Xoriyatul Qawlka

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

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

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

31. የመናገር እና የመጻፍ ነገት

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

32. የፖለቲካ ፓርቲ አባል ስላለመሆን እና ፓለቲካዊ ተሳትፎ

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

31. Freedom of Expression

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

32. Prohibition against membership in Political Parties and Political Participation

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

**QAYBTA AFRAAD**

**QODOBO KALA DUWAN**

**33. Nidaamka Kulammada  
Guddiyada**

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

**ክፍል አራት**

**ልዩ ልዩ ድንጋጌዎች**

**33. የጉባኤዎች ስብሰባ ሥነ ሥርዓት**

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

**PART FOUR**

**MISCELLANEOUS PROVISIONS**

**33. Meeting of the Commission**

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



34. Shuruudaha Garsoorenimo

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

35. Shuruudaha Aqooned Iyo Khibradeed

- Iyada oo laga duuulayo arrimaha lagu xusay qodobka 34<sup>aad</sup> farqada 1aad faqradisaa (T) ayaa aqoonta sharci iyo khibrada looga baahanyahay garsooraha waxay noqonaysaa sidan soo socota;
- 1. Garsooraha loo qaadanayo heer-deegaan waa in uu haystaa ugu-yaraan shahaadada sharciga ee digriiga 1<sup>aad</sup> kana haysto jaamacad la aqoonsan yahay iyo khibrad/waayo-aragimo 10 sanno ah oo sharciga la xidhiidha.

34. ለዳኝነት ለመሾም የሚያበቁ አጠቃላይ ሁኔታዎች፤

- 1. የክልል ጉባኤው ለዳኝነት መልምሎ የሚያቀርበውን ማንኛውም ሰው የሚከተሉት ማሟላት ይኖርባቸዋል።
  - ሀ) ለኢ.ፌ.ዲ.ሪ ሕገ መንግሥትና ለክልላዊ ሕገ መንግሥት ታማኝ መሆን፤
  - ለ) በሕግ ትምህርት የሰለጠና
  - ሐ) በታማኝነቱ፣ በመልካም ሥነ ምግባር ሕዝብ ከሚከታተሉት ድርጊቶች የጸዳ መልካም ስም ያለው፤
  - መ) የሰማሌ ክልል ተወላጅ የሆነ፤
  - ሠ) ከደንብ መተላለፍ ውጭ በወንጀል ተከሶ ያልተቀጣ፤
  - ረ) ዳኛ ሆኖ ለመሰራት ሙሉ ፍቃደኛ የሆነ፤
  - ሰ) የተሟላ የጤንነት ብቃት ያለው፤
  - ሸ) ዕድሜው ከ25 ዓመት ያላነሰ፤
- 2. ማንኛውም ሰው የሕግ አውጪ አካል፣ ሥራ አሰፈጻሚ አካል ወይም የፖለቲካ ፓርቲ አባል የሆነ ሰው ዳኛ ሆኖ ሊሾም አይችልም።
- 3. በዚህ አንቀጽ የተመለከቱት ድንጋጌዎች እንደተጠበቁ ሆነው የክልሉ አስተዳደር ጉባኔ የዳኞች አመራረጥና ድልድል መመሪያ ያወጣል።

35. ለዳኝነት ለመሾም የሚያበቁ በእውቀትና የሥራ ልምድ ሁኔታዎች፤

- በዚህ አዋጅ አንቀጽ 34 ንዑስ አንቀጽ 1 (ለ) መሠረት ዳኛ ሆኖ ሊሾም በሕግ የትምህርት ዝግጅትና የሥራ ልምድ ደረጃ የሚከተሉትን ሁኔታዎች የሚያሟላ መሆን አለባቸው፡
- 1. በጠቅላይ ፍርድ ቤት በዳኝነት የሚመሾም ዳኛ ከታወቀ ከፍተኛ የትምህርት ተቋም በመጀመሪያ ዲግሪ እና 10 ዓመት የህግ ልምድ ያለው መሆን አለበት።

34. Requirements for Appointment as A Judge

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

35. Qualifications and experience Requirements

- Pursuant to the provisions under Article 34, sub-article 1 (b) of this proclamation, the legal knowledge and experience required of a judge shall be as follows;
- 1. for appointment as a judge at Supreme court must hold LLB degree from a recognized institution of higher learning and 10 years of legal experience.

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

**36. Siyaabaha Garsoorenimada Lagu Waayo.**

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

**37. Iscasilaad**

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

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

**36. የዳኞች የሥራ ስንብት**

- 1. ማንኛውም ዳኛ በሚከተሉት ምክንያቶች ከዳኝነት ሥራው ይነሳል።
  - ሀ). የጡረታ መውጫ እድሜ 60 ሲደርስ፤
  - ለ). የዳኝነት ስራውን በአግባቡ ለማከናወን የማያስችል ህመም ሲያጋጥመው፤
  - ሐ). የሥነ-ምግባር ጥፋት ፈጽሞ ሲገኝ እና ይህም በጉባኤው ሲረጋገጥ ከዳኝነት ሥራ እንዲሰናበት ሲወሰን፤
- 2. በዚህ አንቀጽ ውስጥ የተመለከቱት የዳኝነት አካላትን የሚመለከቱ ጉዳዮች በጉባኤው ተሻሻሎችም ላይም ተፈጻሚ ይሆናል።

**37. በራስ ፍቃድ ሥራ ስለመልቀቅ**

- 1. ማንኛውም ዳኛ እና ሌሎች ተሻሻሎች ከሥራቸው የመልቀቂያ መብት አላቸው።

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

**36. Grounds for Termination of Judges**

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

**37. Resignation**

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

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

**38: Arrimaha Anshaxa Ee Shaqaalaha Taakulaynta**

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

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

**39: Dhaarta**

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

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

**38. የድጋፍ ሰራተኞች ሥነ-ምግባር ጉዳይ**

1. በሲቪል ሰርቫንቲ የሚፈጸሙ የሥነ-ምግባር ጥሰቶችን በመንግስት ሠራተኞች አዋጅ መሠረት አይቶ የሚወሰን የዲ.ሲ.ሲ.ን ኮሚቴ በሁሉም ፍርድ ቤቶች ይቋቋማል።

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

**39. ቃለ መጠላ**

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

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

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

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

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

**39. Oath**

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

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

- 1. Xubin ka mida xubnaha Guddiga anshaxa heer Deegan ama kooxda guddiga ee heer gobol waxa uu xubinimada ku waayi karaa sababahan soo socda:
- b). Haddii ay dhamaatay muddadii xil haynta
- t). Haddii uu sababo kala duwan awgood uga tagay
- j). Haddii uu helay dalacsiin ama uu u badashay meel kale.
- x). Haddii uu geeriyoodo ama xanuun awgeed u gudan waayo waajibaadkiisii guddinnimo.
- Kh). Haddii ay guddigu ku caddeeyan in uu gudan waayay waajibaadkiisii xubinnimo ee looga baahna;
- d). Haddii lagu helo fal dambiyeed culus.
- r). Haddii uu saddex daloolow laba meelood oo xubnaha guddiga ahi uga saaraan xubinimada arimo la xidhiidha ku xadgudubka habraaca anshaxa geedi socodka guddiga maamulka garsoorka.

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

Waxa halkan lagu buriyay (reebay);

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

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

- 1. የክልልና የዞን የሥነ-ምግባር ኮሚቴ አባልነት በሚከተሉት ምክንያቶች የጉባኤ ወይም የዞን ጉባኤ አባልነት ከአባልነቱ ሊያስነሱት ይችላሉ።
  - ሀ) የአገልግሎት ጊዜው ሲጠናቀቅ፤
  - ለ) በልዩ ልዩ ምክንያት ሥራ ከለቀቀ፤
  - ሐ) በእድገት ወይም በዝውውር ወደ ሌላ ሥፍራ ከሄደ እና በጉባኤው ሥብሰባ ላይ መገኘት ካልቻለ፤
  - መ) በሞት ወይም በህመም ምክንያት የኮሚቴ ግዴታውን ማወጣት ካልቻለ፤
  - ሠ). የአባልነት ግዴታውን በአግባቡ አለመወጣቱን ጉባኤው ካረጋገጠ፤
  - ረ) በከባድ የሥነ-ምግባር ግድፈት ከተቀጣ
  - ሰ) የዳኞች አስተዳደር ጉባኤ የውስጥ አሰራር ሥነ-ምግባር መመሪያ በመተላለፍ ምክንያት በኮሚቴ አባልነት በሁለት ሶስተኛ ድምጽ ከአባልነት እንዲዋጋድ የተደረገ እንደሆነ፤

**41. የተሻሩ እና ተፈጻሚነት የሌላቸው ሕጎች**

የሚከተሉትን በዚህ አዋጅ ተሸሯል።

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

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

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

**41. Repealed and Inapplicable Laws**

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

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

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

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

43: **Muddada Dhaqangalka**

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

waxaa la ansixiyay 13ka yakatiit,2014

**MUSTAFE MUXUMAD CUMAR  
MADAXWAYNAHA DAWLADDA  
DEEGAANKA SOOMAALIDA**

4. በዚህ አዋጅ ውስጥ የተካተቱ ጉዳዮችን አስመልክቶ አዋጁን የሚቃረን ማንኛውም ሕግ፣ መመሪያዎች እና አሠራር ተፈጻሚነት አይኖረውም።

42. **ደንብና መመሪያ የግዴታ ሥልጣን**

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

43. **አዋጁ የሚጸናበት ጊዜ**

ይህ አዋጅ በክልሉ ምክር ቤት ከጸደቀበት ቀን ጀምሮ የጸና ይሆናል።

ጅግጁን የካቲት 13 ቀን 2014 ዓ.ም

ሙሴ ሙሀመድ አመር

የሶማሌ ክልላዊ መንግስት ፕሬዝዳንት

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

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

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

43. **Effective Date**

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

Done at Jijiga, This 20<sup>th</sup> day of February, 2022

**MUSTAFE MUHUMED OMER  
PRESIDENT, SOMALI REGIONAL  
STATE**