

DAWLADDA DEEGAANKA SOOMAALIDA ITOOBIYA
DHOOL GAZETA
Somali Regional State of Ethiopia
የኢትዮጵያ ሶማሌ ክልላዊ መንግሥት

Qimaha ያንዱ ዋጋ Unit Price ብር	Dhool Gazeta Waxaa Soo Saara Golaha Xildhibaanada Dawladda Deegaanka Soomaalida Itoobiya	☒392
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Bayaan Tirsi 167/2009 Bayaanka Dib Loo Habeeyay ee Hannaanka Bixinta CafiskaBog 1	አዋጅ ቁጥር 167/2009 የተሻሻለው የይቅርታ አሰጣጥ ሥነ- ሥርዓት አዋጅ.....	Proclamation No. 167/2017 Procedure of Granting and Executing Pardon ProclamationPage 1
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BAYAAN TIRSI 167/2009

**BAYAANKA DIB LOO HABEEYAY
 EE HANNAANKA BIXINTA
 CAFISKA DAWLADA
 DEEGAANKA SOOMAALIDA
 ITOOBIYA**

Madaama qodobka 61(3)(sh) ee dastuurka dib loo habeeyay ee dawlada deegaanka soomaalidu uu dhigaayo in madaxwaynaha dawlada deegaanka soomaalidu uu hab waafaqsan sharciga ku bixiyo cafis islamarkaana ay lagama maarmaan tahay in la bayaamiyo hannaan sharci oo lagu bixiyo cafiska .

Sidaasi awgeed iyadoo laga ambaqadaayo qodobka 49(3)(B) ee Dastuurka dib loo habeeyay ee deegaanka, waxaa la bayaaminayaa sidan ;

Qaybta koowaad

Guud Ahaan

1. **Ciwaan Gaban**

Bayaankani waxaa loogu yeedha karaa’’ *Bayaanka Dib loo habeeyay ee Hannaanka Bixinta Cafiska*, Bayaan Tirsi :- 167/2009.’’

አዋጅ ቁጥር 167/2009

የተሻሻለው የኢትዮጵያ ሶማሌ ክልላዊ መንግሥት የይቅርታ አሰጣጥ ሥነ-ሥርዓት አዋጅ

በተሻሻለው የኢትዮጵያ ሶማሌ ክልላዊ መንግሥት ሕገ-መንግሥት አንቀጽ 61(3 ሽ) የክልሉ ፕሬዝዳንት በሕግ መሠረት ይቅርታ እንደሚያደርግ የተደነገገ በመሆኑና ይቅርታ የሚሰጠበት ሥነ-ሥርዓት በህግ መደንገግ አስፈላጊ ሆኖ በመገኘቱ፤

በተሻሻለው የኢትዮጵያ ሶማሌ ክልላዊ መንግሥት ሕገ መንግሥት አንቀጽ 49(3 ሀ) መሠረት የሚከተለው ታውጇል፡፡

ክፍል አንድ

ጠቅላላ

1. **አጭር ርዕስ**

ይህ አዋጅ «የተሻሻለው የይቅርታ አሰጣጥ ሥነ ሥርዓት ለመደንገግ የወጣ አዋጅ ቁጥር 167/2009» ተብሎ ሊጠቀስ ይችላል፡፡

PROCLAMATION No.167/2017

THE REVISED PROCLAMATION TO PROVIDE FOR THE PROCEDURE OF GRANTING PARDON ETIOPIAN SOMALI REGIONAL STATE

WHEREAS, it has been provided for in Article 61(3, I) of the Revised Constitution of Ethiopian Somali Regional State, that the President grants pardon in accordance with law and it has become necessary to proclaim a law governing the procedure for granting Pardon;

NOW, THEREFORE, in accordance with Article 49(3)(A) of the Revised Constitution of Ethiopian Somali Regional State, it is hereby proclaimed as follows:

PART ONE

GENERAL

1. Short Title

This Proclamation may be cited as the "The Revised Proclamation To Provide For Procedure of Granting Pardon Proclamation No. 167/2017"

2 **Qeexid**

Hadaan haboonaanta weedhu siinin macno kale, bayaankan dhexdisa;

1. "Cafis" Waxaa loola jeedaa Go'aankalagu dhaafayo qayb ahaan ama gabi ahaanbaxukun ciqaabeed ama nooca iyo hanaanka fulinta xukun lagu badalayo ama lagu fududeynayo.
2. "Codsi Cafis" Waxaa loola jeedaa codsiga lagu dalbanayo in xukun qayb ahaan ama dhamaantiiba laga dhaafo ama nooca iyo hanaanka fulinta xukun lagu badalo mid fudud.
3. "Dastuur" Waxaa loola jeedaa Dastuurka Dib loo habeeyay ee Dawlada Deegaanka Soomaalida Itoobiya.
4. "Guddi" Waxaa loola jeedaa guddiga hab waafaqsan qodobka 6^{aad} ee bayaankan lagu asaasayo.
5. "Madaxwayne" Waxaa loola jeedaa Madaxwaynaha Dawlad Deegaanka Soomaalida Itoobiya.
6. "Maxkamad" Waxaa loola jeedaa maxkamadaha Deegaanka ee hab waafaqsan sharciga lagu aasaaso hase ahaatee ula jeedada bayaankan waxaa micnaha ka reeban marka ay maxkamadaha deegaanku awood garsoor fadaraal oo loo wakiishay iyo sidoo kale marka ay xukumaan xukun dil ah.
7. "Xabsi" Waxaa loola jeedaa Xabsiyada uu maamulo ee uu u xil saaran yahay Koomishinka Asluubta ee DDSI.

2. **ትርጓሜ**

የቃሉ አግባብ ሌላ ትርጉም የሚያሰጥ ካልሆነ በስተቀር በዚህ አዋጅ ውስጥ፡

1. «**ይቅርታ**» ማለት የቅጣት ፍርድ በሙሉ ወይም በከፊል ቀሪ እንዲሆን ወይም የቅጣት ፍርድ በሙሉ ወይም በከፊል ቀሪ እንዲሆን ወይም የቅጣት ፍርዱ አፈጻጸምና ዓይነት ቀለል ተደርጎ እንዲፈፀም ማድረግ ነው፡፡
2. «**የይቅርታ ጥያቄ**» ማለት አንድ ፍርድ በሙሉ ወይም በከፊል ቀሪ እንዲሆን ወይም የቅጣቱ አፈጻጸምና ዓይነት በቀላሉ ሁኔታ እንዲፈፀም የሚቀርብ ጥያቄ ነው፡፡
3. «**ህግ-መንግሥት**» ማለት የተሻሻለው የኢትዮጵያ ሱማሌ ክልል ህግ-መንግሥት ነው፡፡
4. «**ቦርድ**» ማለት በዚህ አዋጅ አንቀፅ 6 መሠረት የሚሰየም ቦርድ ነው፡፡
5. «**ፕሬዝዳንት**» ማለት የኢትዮጵያ ሱማሌ ክልል ፕሬዝዳንት ነው፡፡
6. «**ፍርድ ቤት**» ማለት በሕግ የተቋቋመ የክልል ፍ/ቤት ሲሆን የፌዴራል ጉዳዮችን የሚያስተናግድ የክልል ፍርድ ቤትን እና የሞት ቅጣት ውጣኔ የሰጠ የክልል ፍ/ቤትን አይጨምርም፡፡
7. «**ማረሚያ ቤት**» ማለት በክልሉ ማረሚያ ቤቶች አስተዳደር ኮሚሽን ሥር የሚተዳደር ማረሚያ ቤት ነው፡፡

2. **Definition**

In this Proclamation unless the context otherwise requires:

1. **"pardon"** means a decision to remit a sentence in whole or in part or to reduce it to a lesser nature or gravity;
2. **"Petition for pardon"** means an application submitted that a sentence be remitted in whole or in part, or that a penalty reduced to a lesser nature or gravity;
3. **"Constitution"** means the Revised Constitution of Ethiopian Somali Regional State,
4. **"Board"** means the Board to be established pursuant to Article 6 of this proclamation.
5. **"President"** means the President of the Ethiopian Somali Regional State;
6. **"Court"** means State court established by law , however, in cases of State courts dealing with federal matters and State courts, which passed death sentence is exception to the definition under this Sub-article.
7. **"prison"** means a place of confinement administered either by the regional prisons administration ;

8. "Xafiis" ama "Madax Xafiis" Waxaa loola jeedaa Xafiiska Xeer-illaalinta Guud iyo Caddaalada ama Madaxa Xafiiska X/illaalinta Guud iyo Caddaalada sida ay u kala horeeyaan.

9. "Xukun" Waxaa loola jeedaa ciqaabta rasmiga, dheeriga ama xayiraada iyo xakameynta ee ay si kama dambays ah maxkmadu u go'aamiso/u xukunto.

10. Sinjiga labka lagu sheegay sidoo kale dhedigana waa loola jeedaa.

3 Ujeedada Cafiska

Ujeedada cafisku waa xaqiijinta nabdoonaanta iyo danaha umada' xurmaynta wadajirka iyo danta guud.

4 Xadka Dhaqan galnimada Bayaanka

Bayaankan wuxuu dhaqan gal ku yahay xukunada ciqaabta ay si kama dambays ah u xukumaan maxkmaduhu ee khuseeya arrimaha Deegaanka.

Qaybta Labbaad

Hay'adaha Fulinta Cafiska

5. Xilka iyo Awoodaha Madaxwaynaha

Madaxwaynuhu :-

1. Wuxuu hab waafaqsan qodobka 61(3)(sh) ee Dastuurka iyo bayaankan ku bixiyaa Cafis.

2. Wuxuu buriyaa cafiska marka ay guddigu u soo gudbiyaan ra'yi go'aameedka la xidhiidha shaqsiyaadka buuxin waaya ama ku xadgudba shuruudaha cafiska ee lagu sii daayay.

8. «ቢሮ ወይም ቢሮ ኃላፊ» ማለት የጠቅላይ ዐቃቤ ህግና ፍትህ ቢሮ ወይም የጠቅላይ ዐቃቤ ህግና ፍትህ ቢሮ የበላይ ኃላፊ ነው፤

9. «ፍርድ» ማለት በወንጀል ጉዳይ በፍርድ ቤት የመጨረሻ ውሣኔ የተወሰነ ዋና ቅጣት፣ ተጨማሪ ቅጣት ወይም የጥንቃቄና ጥበቃ ውሣኔ ነው፤

10. ማንኛውም በወንድ ሦታ የተገለፀው የሴትንም ይጨምራል፤

3. የይቅርታ ዓላማ

የይቅርታ ዓላማ የሕዝብን ደንኘትና ጥቅም ማስከበር ነው፡፡

4. የአዋጁ ተፈጻሚነት ወሰን

ይህ አዋጅ የክልል ጉዳዮችን የሚያስተናግድ የክልል ፍርድ ቤቶች በሰጣቸው የመጨረሻ የወንጀል ቅጣቶች ነው፡፡

ክፍል ሁለት

ይቅርታን ስለሚሰጡና የሚያስፈፁ አካላት

5. የፕሬዝዳንቱ ሥልጣንና ተግባር

ፕሬዝዳንቱ፡-

1. በህግ-መንግሥቱ አንቀፅ 61(3 ሸ) እና በዚህ አዋጅ መሠረት ይቅርታ ይሰጣል፤

2. በቅድመ ሁኔታ ይቅርታ ተደርጎላቸው ቅድመ ሁኔታውን ያላሟሉትን ወይም የጣሱትን በተመለከተ ከቦርድ የሚቀርብሉትን የውሣኔ ሃሳብ መሠረት በማድረግ ይቅርታውን ለመሠረዝ ይችላል፡፡

11. "Bureau" or Bureau Head" shall mean the Head of Bureau of Justice and General Prosecution , respectively

12. "Sentence" means a final court decision of principal punishment, secondary punishment or a prevention or protection measure passed on a criminal case.

13. any expression in the masculine gender includes the feminine

3. Objective of Pardon

The main purpose of granting pardon is to ensure the welfare and interest of the public.

4. Scope of Application

This Proclamation shall be applicable to final criminal penalties rendered by state courts entertaining state matters.

**PART TWO
ORGANS EXECUTING
PARDON**

5. Powers of the President

The President

1. shall grant pardon in accordance with Article 61(3)(sh) of the Constitution and this Proclamation.

2. revoke pardons based on Board recommendations regarding persons who failed to meet or violated conditions of pardons.

6. **Aasaasida Guddiga**

- 1. Waxaa bayaankan lagu asaasay guddi baadha codsiyada cafiska islamarkaana talla bixin u dhaweysa madaxwaynaha oo wixii hada ka dambeeya loogu yeedhaayo guddiga cafiska.
- 2. Guddiga wuxuu hoos tagayaa madaxwaynaha.

7. **Xubnaha Guddiga Cafiska**

Guddigu wuxuu ka koobnaan xubnahan hoos ku cad

- 1. Madaxa Xafiiska X/illaalinta Guud iyo Caddaalada ---- Guddoomiye
- 2. Madaxa Xafiiska Nabadgelyada iyo maamulka cadaaladda----- Gudoomiye ku xigeen
- 3. Taliyaha Guud ee Ciidanka Gaarka ee DDSI ----- Xubin
- 4. Madaxa Xafiiska Caafimaadka-----Xubin
- 5. Madaxa Xafiiska Arrimaha Haweenka iyo Caruurta----- Xubin
- 6. Koomishineerka Koomishinka Booliska----- Xubin
- 7. Koomishineerka Koomishinka Asluubta----- Xoghayn
- 8. Labbo xubnood oo Dastuurka daacad u ah akhlaaq wanaagsana leh oo uu madaxwaynuhu magacaabo kadib marka uu madaxa Xafiisku soo xulo oo bulshada ka socda---- Xubin

8 **Wajibbaadka Saaran Xubnaha Guddiga Cafiska**

Xubin kasta oo guddiga ka tirsan waxaa waajib ku ah;

- 1. In uu ku dadaalo hirgalinta ujeedooyinka guddiga ee loo idmaday .

6. **የቦርድ መቋቋም**

- 1. የይቅርታ ጉዳዮችን የሚመረምርና ለፕሬዝዳንቱ የውሳኔ ሃሳብ የሚያቀርብ የይቅርታ ቦርድ/ኪ.ሀ.በኋላ «ቦርድ» እየተባለ የሚጠራ በዚህ አዋጅ ተቋቁሟል።
- 2. የቦርዱ ተጠሪነት ለፕሬዝዳንቱ ይሆናል።

7. **የቦርዱ አባላት**

ቦርዱ የሚከተሉት አባላት ይኖሩታል፤

- 1. የፍትሕና ጠቅላይ ዐቃቤ ህግ ቢሮ ኃላፊ----- ሰብሳቢ.
- 2. የፀጥታና አስተዳደር ቢሮ ኃላፊ ----- ም/ሰብሳቢ.
- 3. የክልሉ ልዩ ፖሊስ ኃይል ዋና አዛዥ ----- አባል
- 4. የክልሉ ጤና ቢሮ ኃላፊ ----- አባል
- 5. የሴቶችና ህፃናት ቢሮ ኃላፊ----- አባል
- 6. የክልሉ ፖሊስ ኮሚሽን ኮሚሽነር----- አባል
- 7. የክልሉ ማረሚያ ቤቶች አስተዳደር ኮሚሽን ኮሚሽነር ----- አባል
- 8. ለህግ-መንግሥቱ ታገዝ የሆኑ መልካም ፀባይና ሥነ-ምግባር ያለው ነዋሪውን በማውካል በቢሮው ኃላፊ አቅራቢናት በፕሬዝዳንቱ የሚሰየሙ ሁለት አባላት።

8. **የቦርዱ አባላት ግዴታ**

ማንኛውም የቦርዱ አባል፤

- 1. ለቦርዱ የተሰጡት ኃላፊነቶች ለማሳካት ተገቢውን ጥረት የማረጋገጥ፤

6. **Board of Pardon**

- 1. A Board of Pardon (hereinafter the "Board") which examines petition of pardon and submits recommendations to the President is hereby established.
- 2. The Board shall be accountable to the President.

7. **Members of the Board**

The Board shall have the following members:

- 1. Head of Justice and General Proscution Bureau Chairperson;
- 2. head of Security and Justices Administration Bureau Deputy Chairperson;
- 3. Commissioner General of the State special police force Member;
- 4. Head of Health Bureau Member;
- 5. Head of bureau of Women’s and Children affairs ----- Member
- 6. Commissioner of police Commission Member
- 7. Commissioner of Regional Prison Administration..... secretary.
- 8. Two persons who are loyal to the Constitution and having high moral standing assigned by the President, upon recommendation by the head of the Bureau, from organizations having broad representation of the society..... Members.

8, **Duties of Members of the Board**

Every member of the Board shall have the obligation to:

- 1. exert the necessary effort for the attainment of the objectives of the Board;

- 2. In uu ka qayb qaato shirarka uu guddigu yeelanayo
- 3. In uu si haboon ugu kuur galo arrimaha uu guddigu soo hordhigayo
- 4. Isagoo ka wargalinaya shir guddoonka guudiga in uu ka baxo shirka marka arrinta uu guddigu ka wada tashanayo ay keenayso ama isku dhacayaan danihiisa gaarka ah.
- 5. In uunan sheegin arrimaha sirta ah.

9. **Awoodaha iyo waajibaadka Guddiga Cafiska**

Iyadoon wax loo dhimin qodobada kale ee bayaankan, Guddiga Cafisku wuxuu yeelan awoodaha iyo waajibaadka hoos ku cad;

- 1. Wuxuu baadhaa codsiyada cafiska ee hab waafaqsan bayaankan loogu soo gudbiyo islamarkaana madaxwaynaha u gudbiyaa talladiisa ku saabsan in shuruud ama shuruud la'aan lagu ogolaado cafiska.
- 2. Wuxuu soo saaraa shuruudaha lagu bixinayo cafiska ee ku haboon xaaladaha waaqiciga ah ee Deegaanka.
- 3. Wuxuu dalbaa marka loo baahdo in xeer illaaliyaha eedda waday ama mas'uul kasta ama shaqsi in uu hor yimaado oo uu fikirkiisa dhiibto ama qoraal lagu soo dhaweyo ra'yi go'aameed.
- 4. Wuxuu baadhaa islamarkaana madaxwaynaha hor dhigaa ra'yi go'aameedka dadka lagu sii daynayo cafiska shuruudeysan ee buuxin waaya ama lagu eeddeeyo in ay ku xadgudbeen shuruuda.

- 2. በቦርዱ ስብሰባዎች የመገኘት፤
- 3. በቦርዱ የሚቀርቡት ጉዳዮችን በአግባቡ የመመርመር፤
- 4. ከጥቅሙ ጋር የሚጋጩ ጉዳይ ሲያጋጥሙ ለቦርዱ ስብሰባ በማሳወቅ ጉዳዩ በሚታይባቸው የቦርዱ ስብሰባዎች ያለመሳተፍ፤
- 5. በሚስጥር መጠበቅ ያለባቸው ጉዳዮች ያለመግለፅ፤ ግዴታ አለባቸው፡፡

9. **የቦርዱ ሥልጣንና ተግባር**

ቦርዱ የሚከተሉት ሥልጣን እና ተግባር ይኖሩታል፡፡

- 1. በሕግ አግባብ የሚቀርቡለትን የይቅርታ ጥያቄዎች በመመርመር ቅጣቱ በቅድመ ሁኔታ ወይም ያለቅድመ ሁኔታ በሙሉ ወይም በከፊል እንዲሻር ወይም የቅጣቱ አፈጻጸምና ዓይነት በቀላል ሁኔታ እንዲፈፀም ወይም ይቅርታ የማያሰጥ ሆኖ ያገኘው እንደሆነ ቅጣቱ እንዲፀና ለፕሬዝዳንቱ የውሳኔ ሃሳብ ያቀርባል፤
- 2. እንደአስፈላጊነቱ ክስን የተከታተለውን ዐቃቤ ሕግ እና ሌላ ማንኛውም ባለሥልጣን ወይም ግለሰብ እንዲቀርብ ወይም በጽሑፍ ሃሳብ እንዲያቀርብ ያደርጋል፤
- 3. በፕሬዝዳንቱ በቅድመ ሁኔታ ላይ የተመሠረተ ይቅርታ የሚሰጣቸው ሰዎች ቅድመ ሁኔታዎን አላሟሉም ወይም ጥሰዋል የሚል ክስ ሲቀርብባቸው ጉዳዩን መርምሮ ለፕሬዝዳንቱ የውሳኔ ሃሳብ ያቀርባል፤
- 4. የይቅርታ ጥያቄዎች አፋጣኝ መልስ የሚያገኙበትን መንገድ በማስጠናት ተግባራዊ ያደርጋል፤

- 2. attend meetings of the Board;
- 3. examine issues presented by the Board;
- 4. inform the Chairperson of the Board and exclude himself from meetings of the Board where the issue under discussion raises conflict of interest;
- 5. not disclose confidential issue.

9. **Powers and Duties of the Board**

Without prejudice to other provisions of this Proclamation, the Board shall have the powers and duties to:

- 1. examine a petition for pardon lodged pursuant to this Proclamation and submit recommendation to the President that pardon be granted on condition or without condition;
- 2. formulate criteria necessary for granting pardon by taking into account the objective in reality;
- 3. when necessary, request the public prosecutor organ involved in the prosecution, any official or individual to present his opinion by appearing in person or in writing.
- 4. to examine cases and submit recommendations of revocation to the President when persons granted conditional pardon by the President have allegedly failed to meet such condition or have violated it.

10 Xilka iyo Awoodaha

Gudoomiyaha Guddiga

Gudoomiyaha Guddigu wuxuu leeyahay Awoodaha iyo waajibaadka hoos ku xusan:-

1. Wuxuu hoggaamiyaa shirarka guddiga
2. Wuxuu ciddaha ay khuseyso gaadhsiiyaa go'aanka madaxwaynaha ee ku saabsan dadka la cafiyay ama loo diiday cafiska
3. Waxqabadka guddiga ayuu 6dii biloodba warbixin ka siiyaa madaxwaynaha
4. Wuxuu marka loo baahdo warbaahinta ka sii daayaa go'aanada ku saabsan cafiska.
5. Wuxuu qabtaa hawlaha kale uu madaxwaynuhu u xil saaro.

11. Xilka iyo Awoodaha Ku xigeenka gudoomiyaha Guddiga

1. Wuxuu matalaa Shir-guddoonka marka uu maqan yahay ama una shaqada gudan karin.
2. Wuxuu qabtaa hawlaha kale ee uu u xil saaro Shir-guddoonku.

12. Nidaamka Shirka Guddiga

1. Guddigu wuxuu shiri karaa markasta oo uu shir guddoonku isugu yeedho
2. Shirka Guddigu wuxuu qabsoomaa markay ay joogaan kala badh in ka badan xubnaha guddigu.
3. Go'aanada goluhu waxay ku hirgalayaan cod hal dheeri ah, hase ahaate marka uu codku isku mid noqodo waxaa la raacayaa dhinaca uu shir guddoonku tageero.

10. የቦርዱ ሰብሳቢ ሥልጣንና ተግባር

የቦርዱ ሰብሳቢ የሚከተሉት ሥልጣንና ተግባር ይኖሩታል፡

1. የቦርዱን ስብሰባ በሊቀመዘናት ይመራል፤
2. በቦርዱ ዕ/ቤት በኩል ይቅርታ የተደረገላቸው ሰዎች በተመለከተ ለሚመለከታቸው አካላት የመግለፅ፤
3. ስለቦርዱ የሥራ አካሄድ በየ6 ወሩ ለፕሬዝዳንቱ ሪፖርት ያቀርባል፤
4. አስፈላጊ ሆኖ ሲገኝ ይቅርታን አስመልክቶ የሚሰጡ ውሳኔዎች በመገናኛ ብዙሃን እንዲገለፅ የማድረግ እና
5. በፕሬዝዳንቱ የሚሰጡትን ሌሎች ተዛማጅ ተግባራት የማከናወን፤

11. የቦርዱ ምክትል ሰብሳቢ ሥልጣንና ተግባር

1. የቦርዱ ምክትል ሰብሳቢ ሰብሳቢው በማይኖርበት ጊዜ እሰን ተክቶ ይሰራል፤
2. የቦርዱ ምክትል ሰብሳቢ በሰብሳቢው የሚሰጡትን ሌሎች ተግባራት ያከናውናል፤

12. የቦርዱ የስብሰባ ሥነ-ሥርዓት

1. ቦርዱ በሰብሳቢው ጥሪ በማንኛውም ጊዜ ይሰበሰባል፤
2. ከቦርዱ አባላት መካከል ከግማሽ በላይ በስብሰባው ላይ ከተገኙ ምልዕተ ጉባኤ ይሆናል፤
3. የቦርዱ ውሳኔ በአብላጫ ድምጽ ያልፋል፤ ሆኖም ድምጽ አኩል ለእኩል የተከፈለ እንደሆነ ሰብሳቢው ወሳኝ ድምጽ ይኖረዋል፤

10. Powers and Duties of the Chairperson of the Board

The Chairperson of the Board shall have the powers and duties to:

1. preside over the meetings of the Board ;
2. notify to the concerned bodies, through the Office of the Board, about the persons granted pardon;
3. submit to the President a report on the performance of the Board every six months;
4. whenever necessary, cause the declaration of decisions of pardon through the mass media; and,
5. discharge other related duties entrusted to him by the President.

11. Powers and Duties of the Deputy Chairperson of the Board

1. The Deputy Chairperson shall act on behalf of the Chairperson in the absence of the latter.
2. He/she shall discharge such other duties entrusted to him by the Chairperson.

12. Meetings of the Board

1. The Board shall meet at any time upon the call of the Chairperson.
2. There shall be a quorum when more than half of the Board members are present at a meeting.
3. The Board shall pass its decision by a majority vote; in case of a tie, the Chairperson shall have a casting vote.

4. Iyadoo aan wax loo dhimin arrimaha ku xusan qodobkan, Guddigu wuxuu soo saaran karaa xeernidaameed u gaar ah habka shirarkiisa.

13 **Waaxda Guddiga Cafiska**

1. Waaxda Guddiga Cafiska (oo hada kadib loogu yeedhayo “Waaxda Cafiska” ayaa laga dhex asaasay Xafiiska X/illaalinta Guud iyo Caddaalada dhexdiisa.

2. Waaxdu waxayyeelanayaa xilka iyo awoodaha hoos ku xusan:-

b). waxay qabataa codsiyada cafiska ee hab waafaqsan bayaankan loogu soo gudbiyo sidoo kalana uruuriyaa xogaha iyo dhokumeentiyada muhiimka u ah islamarkaana u gudbiyaa Guddiga si go'aan looga gaadho.

t). waxay si haboon u xafidaa islamarkaana u illaaliyaa diwaanada guddiga

j). waxay si haboon u xafidaa ra'yi go'aameedka guddiga iyo go'aanada ansixinta ama diidmada cafiska ee madaxwaynaha sidoo kalana wuxuu diyaariyaa tirkoobtooda .

x) waxay maamulka jeelka uu ku sugan yahay codsadaha cafisku ku wargelisaa ra'yi go'aameedka guddiga iyo go'aanka madaxwaynaha ee ku saabsan cafiska sidoo kalana dabagalaa fulinteeda.

kh).waxay diyaarisaa shahaadada cafiska ee la siinayo shaqsiyaadka loo ogolaaday cafiska kana buuxiyaa xogtooda.

4. የዚህ አንቀጽ ድንጋጌዎች እንደተጠበቀ ሆኖ ቦርዱ የራሱ የስብሰባ ሥነ ሥርዓት ደንብ ሊያወጣ ይችላል፤

13. **የቦርዱ ጽሕፈት ቤት**

1. የይቅርታ ቦርድ ጽሕፈት ቤት /ከዚህ በኋላ ጽሕፈት ቤት እየተባለ የሚጠራ/ በፍትህ እና ጠቅላይ ዐቃቤ ህግ ቢሮ ውስጥ ይደራጃል፤

2. ጽሕፈት ቤቱ የሚከተሉት ተግባርና ኃላፊነት ይኖሩታል፤

ሀ) በዚህ አዋጅ መሠረት የሚቀርቡ የይቅርታ ማመለከቻዎችን ይቀበላል፤ አስፈላጊ የሆኑ መረጃዎችን ያሰባስባል፤ ለቦርዱ ውሳኔ ያቀርባል፤

ለ) የቦርዱን መዛግብትና ሰነዶች በአግባቡ ይይዛል፤ ይጠብቃል፤

ሐ) በቦርዱ የውሳኔ ሃሳብ የተሰጠባቸው ሁሉንም ጉዳዮችና በፕሬዝዳንቱ የጸደቁትን ወይም ሳይፀደቁ የቀሩትን የውሳኔ ሃሳቦች በአግባቡ ይይዛል፤ ይጠብቃል፤ ስታሱቲክስ ያዘጋጃል፤

መ) የይቅርታ ጥያቄዎችን በሚመለከት በቦርዱም ሆነ በፕሬዝዳንቱ የሚሰጡ ውሳኔዎች ይቅርታ ጠያቂውን ለሚገኝበት ማረሚያ ቤት ያሳውቃል፤ አፈፃፀሙንም ይከታተላል፤

ሠ) ይቅርታ ይቅርታ የተደርገለት ሰው የሚሰጠ ምስክር ወረቀት ያዘጋጃል ይሰጣል፤

4. Without prejudice to the provisions of this Article, the Board may adopt its own rules of procedure.

13. **Office of the Board**

1. The Office of the Board of Pardon (hereinafter the "Office") shall be organized within the Bureau of Justice and General Prosecution.

2. The Office shall have the duties and responsibilities to:

A. accept petitions for pardon lodged in accordance with this Proclamation, compile the necessary information thereon, and submit same for the decision of the Board;

B. keep and preserve properly the records and documents of the Board;

C. keep and preserve properly all the recommendation of the Board as well as decisions approved by the President and prepare statistics of same;

D. communicate the dccision of the President and Board on petition of pardon to the prison administration where the petitioner is confined, and follow up the implementation of same;

E. to prepare and present a model certificate of pardon to the Board for approval; fill in the certificate the necessary information pertaining to persons granted pardon and submit them to the chairperson;

- d) waxay ciddaha ay khusayso ka wargalisaa go'aanada guddiga ee ku saabsan buirinta cafiska iyo sii wadida ciqaabta ee uu ku gaadho hab waafaqsan farqada 3^{aad} ee qodobka 23^{aad}.
- r) waxay diwaan galisaa islamarkaana si haboon u xafidaa diwaanka xogta cafiska sidoo kalana si waafaqsan shuruucda ay khusayso ayuu diwaanka ugu furaa dadweynaha.
- s) waxay qabataa shaqooyinka kale ee la xidhiidha arrimaha cafiska.

14 Xilka iyo Awoodaha Madaxa waaxda Xafiiska Guddiga

Madaxa waaxda Cafisku wuxuu leeyahay xilka iyo awoodaha hoos ku xusan:-

- 1. Wuxuu hoggaamiyaa islamarkaana isku dubaridaa awoodaha iyo waajibaadka xafiiska
- 2. Wuxuu xubnaha guddiga u gudbiyaa yeedhitaanada shirarka sidoo kalana hubiyaa in dhokumeentiyada loo baahan yahay la gaadhsiiyay xubnaha guddiga
- 3. Wuxuu qabtaa shaqooyinka kale uu shirguddoonku u diro.

**Qaybta Saddexaad
Hanaanka Bixinta iyo Hiragalinta
Cafiska**

15 Nidaamka Soo dhawaynta Codsiga Cafiska

Qof kasta oo dambi lagu eeddeeyo islamarkaana ay maxkamadi xukunto, hadaan sharci u diidin in cafis la siiyo, shaqsiga laftirkiisa, xaaska, qaraabadiisa, wakiilkiisa ama qareenkiisa sharciga ayaa u codsan kara cafiska.

ረ) ስለይቅርታ ውሳኔ ዋጋ ማጣትና የቅጣት ፍርድ አፈፃፀም መቀጠል፤ በዚህ አዋጅ አንቀጽ 23 ንዑስ አንቀጽ 3 በቦርዱ የሚሰጠውን ትዕዛዝ ለሚመለከታቸው ወገኖች ያስተላልፋል፤

ሸ) ይቅርታዎችን በመዝገብ ያሰፍራል፤ መዝገቡንም ይጠብቃል፤ አግባብነት ባለው ህግ መሠረት መዝገቡን ለሕዝብ ክፍት ያደርጋል፤

ሰ) ከይቅርታ ጉዳዮች ጋር ተዛማጅነት ያላቸውን ሌሎች ሥራዎችን ያከናውናል፡፡

14. የቦርዱ ጽሕፈት ቤት ኃላፊ ሥልጣንና ተግባር

የቦርዱ ጽሕፈት ቤት ኃላፊ የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል፡

- 1. የጽ/ቤቱን ሥልጣንና ተግባር በሥራ ላይ ያውላል፤
- 2. ለቦርዱ አባላት የሰብሰባ ጥሪ ያስተላልፋል፤ ለአባላቱ አስፈላጊ የሆኑ ሰነዶች መድረሳቸውን ያረጋግጣል፤
- 3. ከቦርዱ ሰብሰቢ የሚሰጡትን ሌሎች ተግባራት ያከናውናል፡፡

**ክፍል ሦስት
የይቅርታ አሰጣጥና አፈጻጸም**

15. ስለይቅርታ ጥያቄ አቀራረብ

በወንጀል ጉዳይ በፍርድ ቤት ተከሶ የመጨረሻ ፍርድ የተፈረደበት ማንኛውም ሰው የተወሰነው ፍርድ በሕግ ይቅርታ የሚያስከለክል ካልሆነ በቀር የይቅርታ ጥያቄውን ራሱ ወይም በባለቤቱ፣ በቅርብ ዘመዶቹ፣ በወኪሉ ወይም በጠበቃው አማካይነት ማቅረብ ይችላል፤

F. communicate to the concerned parties the with Article 23(3) of this Proclamation, on the null ity of pardon and the reactivation of execution of the sentence;

G. keep records of pardons and make the records open to the public in accordance with the appropriate law;

H. carry out other activities related to pardon.

14, Duties and Responsibilities of the Head of the Office

The Head of the Office of the Board shall :

- 1. execute the duties and responsibilities of the Office;
- 2. pass calls of meetings to the members of the Board; ensure that the necessary documents for the meeting are delivered to the members;
- 3. carry out other duties assigned to him by the Chairperson of the Board.

**PART THREE
GRANTING AND EXECUTING
PARDON**

15. Lodging Petition for Pardon

Any person who is convicted and sentenced by a court may, unless the granting of pardon is prohibited by law, apply for pardon in person or through his spouse, close relatives, representative or lawyer.

16 Arrimaha Codsiga Cafisku Xambaarsanaanayo

Codsiga cafisku waa inu xambaarsanado macluumaaka ku xusan oo ku taxaluqa codsadhaha

1. Magaca oo sadexan da'da, magaca hooyada oo sadexan iyo ciwaanka oo dhamaystiran.
2. Haddii uu ahaa shaqaale dawladeed xilka uu hayay
3. Ciwaanka goobta uu ku noolaan jiray 5 tii sano ee u danbaysay intii aanu danbiga galin
4. Inay jirto wax dayn ah oo dawladu ku leedahay
5. Haddi cafis hore la siiyay ama loo diiday taariikheeda
6. Haddii codsi cafiska uu cid kale u dalbyo cafiska asaaska sharci ee awood u siinayo inu u dalbado codsiga
7. Faldambiga lagu soo eedeeyay dambiga uu masuulka ka noqday, ciqaabta lagu xukumay, maxkamada xukuntay, heerka uu xukunkiisu marayo iyo lambarka gal dacwadeedka.
8. Marka laga reebo xad gudubyada fudud, haddii ay jiraan dambiyada kale oo hadda ka hor lagu soo eedeeyay laguna xukumay, nooca dambiga, ciqaabta lagu xukumay iyo fulinteeda ;
9. Haddii uu ku sugan yahay xabsi goob dhaqan toosin ama goob xadidan magaca Xabsiga.
10. Sababaha uu ku mutaystay cafiska
11. Faah-faahinta cadaymo tageeraya codsigiisa cafiska haddii ay jiraan oo lifaaq ah.

16. የይቅርታ ጥያቄ ይዘት

የይቅርታ ጥያቄ የሚመለከቱትን መረጃዎች አሟልቶ መያዝ ይኖርበታል፡

1. የይቅርታ ጠያቂው ሙሉ ስም ከነአያት፣ ዕድሜ፣ የእናቱ ሙሉ ስምና አድራሻ፣
2. የመንግሥት ሠራተኛ ከነበረ የያዘው የሥራ ሀላፊነት፣
3. ለቅጣት ፍርድ ምክንያት የሆነውን ወንጀል ከፈፀመበት ቀን ጀምሮ ወደኋላ ለሚቆጠሩ አምስት አመታት ይኖርበት የነበረውን አድራሻ፣
4. የመንግሥት ዕዳ ያላበት ከሆኑ፣
5. ቀደም ሲል ይቅርታ ተደርጎ እንደሆነ ወይም የይቅርታ ጥያቄ ቀርቦ ውድቅ ሆኖ እንደሆነ ውሳኔው የተሰጠበትን ቀንና ዓመተ ምህረት፣
6. የይቅርታ ጥያቄው በሌላ ሰው አማካይነት የሚቀርብ ከሆነ ይህንኑ ለመፈፀም መብት የሚሰጠውን ሕጋዊ ምክንያት፣
7. የተከሰሰበት ወንጀል፣ ጥፋተኛ የሆነበት የወንጀል ሕግና የተወሰነበት ቅጣት፣ የፈረደውን ፍርድ ቤት፣ የቅጣት ፍርድ አፈጻጸም የሚገኝበት ደረጃና የክሱ መዝገብ ቁጥር፣
8. የደንብ መተላለፍን ሳይጨምር ቀድሞ ተከሶ የተፈረደበት ወንጀል ካለ የወንጀሉ ዓይነት፣ የተወሰነው ቅጣት፣ የቅጣት ፍርድ አፈጻጸም የሚገኝበት ደረጃና የቅጣት ፍርድን ያስተላለፈው ፍርድ ቤት ሥም፣
9. የቅጣት ፍርድን በመፈፀም ላይ የሚገኝበት የማረሚያ ቤት ወይም ተቋም ስም፣
10. ይቅርታ ሊደረግለት ይገባል የሚባልበትን ምክንያት፣
11. ከይቅርታው ጥያቄ ጋር በአባሪነት የተያያዙ ደጋፊ ሰነዶች ካሉ ዝርዝራቸውን፣

16. Particulars of Petition for Pardon

The petition for pardon shall contain the following information :

1. the petitioner's full name including grand father's name, mother's full name, age, sex,
2. position of responsibility, if he was a government employee,
3. residential address of the petitioner in the five years immediately preceding the date of commission of the crime;
4. whether or not he is in debt to the government;
5. The date of previous granting or denial of pardon, if any;
6. if the applicant is applying in another's favour, his legal ground for lodging such application.
7. The act with which he is convicted, the penalty imposed upon him, the court which sentenced him, the stage of the execution of the sentence and number of the case docket;
8. apart from petty offences, previous convictions, if any, type of the crime, the penalty imposed, the stage of the execution of the sentence ;
9. the name of the prison or the institution in which the petitioner serves his sentence;
10. the reasons for being eligible for pardon;
11. the list of supporting documents, if any, attached to the petition for pardon ;

- 12. Haddii ay jiraan cadaymo ka baxsan kuwan ku lifaaqan codsiga cafska goobta laga heli karo cadaymahaas
- 13. Magacyada iyo cinwaanka sadex qof ama uruur ama hay'ado xoojinya codsiga cafska oo codsadaha cafska aan la lahayn xidhiidh xidid iyo xigaalba iyo sababtay u tageersan yihiin cafska.

17 Xiliga Soo dhaweynta Codsiga Cafiska

Qof kasta oo hab waafaqsan qodobka 12^{aad} ee bayaanka ku dalbanaya cafska wuxuu codsan karaa xukunka:

- 1. Xilli kasta oo ka dambyeeya marka xukunka kama dambaysta ah la gaadhay
- 2. Haddii u codsi cavis horay u soo dhawystay oo la diiday lix bilood kadib marka la diiday
- 3. Haddii codsiga cafska loo arko inuu yahay mid u baahan xal degdega islamarkaana ay ¾ xubnaha gudigu isku racaan waxaa cafska la dalban xilli kasta iyadoon la sugin dhamaadka 6ad bilood ee ku cad farqada 2aad ee qodobkan .

18 Waaajibaadka Maragvada iyo Xirfadlawaasha

Qof kasta oo caddeyn ama talo xirfadeed guddiga ka siinaya arrimaha cafska, waa in uu caddeynta ama taladiisa ku saleeyaa xaqiiqda runta ah iyo aqoontiisa xirfadeed oo kaliya.

19 Waxyaabaha lagu Xisaabtamayo marka Cafiska la bixinayo

Xaaladahan soo socda ayaa in lagu xisaabtamo marka nidaamka cavis bixinta lagu guda jiro:-

- 1. Halisnimada ama khatarta codsadaha Cafiska

12. ከይቅርታ ጥያቄው ማመልከቻ ጋር ያልተያያዙ ደጋፊ ሰነዶች ካሉ የሚገኙበትን ቦታ፣ እና

13. ከቅጣት ፍርድ በፊት ስለነበረው ሥነ-ምግባር ሊመሰክሩለት የሚችሉና ከይቅርታ ጠያቂው ጋር ምንም ዓይነት የጋብቻ፣ የሥጋ ወይም የጥቅም ግንኙነት የሌላቸውን የሦስት ሰዎች ሙሉ ስምና አድራሻ፤

17. የይቅርታ ጥያቄ የማቅረቢያ ጊዜ

በዚህ አዋጅ አንቀጽ 12 መሠረት የይቅርታ ጥያቄ የሚያቀርብ ሰው የይቅርታ ጥያቄውን፡

- 1. ፍርድ ከተሰጠ በኋላ በማናቸውም ጊዜ፤
- 2. የይቅርታ ጥያቄ አቅርቦ ጥያቄው ውድቅ ከተደረገ ከስድስት ወር በኋላ፤
- 3. በዚህ አንቀጽ ንዑስ አንቀጽ 2 የተደነገገው ቢኖርም፣ በአፋጣኝ ታይቶ ምላሽ ማግኘት ያለበት የይቅርታ ጥያቄ ከሆነና ከቦርዱ አባላት በሶስት አራተኛ ድምጽ ከተደገፈ ስድስት ወር ሳይጠብቅ በማናቸውም ጊዜ ማቅረብ ይችላል፡፡

18. የምስክርኝና የባለሙያዎች ግዴታ

የይቅርታ ጥያቄን አስመልክቶ ለቦርዱ የምስክርነትና የባለሙያ አስተያየት የሚሰጥ ማንኛውም ሰው እውነትና ሙያዊ እውቀትን ብቻ መሠረት አድርጎ ምስክርነቱን ወይም አስተያየቱን መስጠት አለበት፡፡

19. ለይቅርታ አሰጣጥ ከግምት ውስጥ መግባት ስላለባቸው ሁኔታዎች

ለይቅርታ አሰጣጥ የሚከተሉት ሁኔታዎች ከግምት ውስጥ መግባት አለባቸው፡-

- 1. የይቅርታ ጠያቂው የአደገኝነት ሁኔታ፤

12. The place where supporting documents are found , if any, not attached to the petition for pardon; and .

13. The full names and addresses of three persons who are not related to the petitioner by consanguinity, affinity or any interest and who can give testimony on the ethical conduct of the petitioner prior to the sentence;

17. Time for Lodging Petition for Pardon

Any person lodging petition for pardon pursuant to Article 12 of this Proclamation may do so:

- 1. at any time after the decision of sentence;
- 2. six months after the date of denial of a previous petition; or
- 3. Notwithstanding Sub-Article 2 of this Article, any time prior to the expiry of the six months under Sub-Article (2) above ifthe question is considered urgent and three-fourths of the members of the Board approves it;

18. Obligations of Witnesses and Experts

Any person who gives testimony or expert opinion to the Board on the petltton tor pardon shall provide his testimony or opinion only on the basis of truth of all expertise knowledge.

19. Considerations for Granting Pardon

The following conditions shall be taken into consideration for granting pardon:

- 1. the petitioner's dangerous disposition;

<p>2. Culayska dambiga iyo Muddooyinkii uu codsadaha cafisku ku sugnaa xabsiga iyo jeelka.</p> <p>3. Xogaha laga soo ururiyay xafiiskii uu codsadaha cafisku horey uga shaqayn jiray, bulshadii uu la noolaa, qoyskiisa, dhakhtarkiisa ama ciddaha kale ee ku haboon.</p> <p>4. Rajada uu codsaduhu ka muujinayo in mustaqablikiisa uu nabad kula noolaado Bulshada.</p> <p>5. Sida uu codsaduhu u aaminay ugana qoomameeyay dambiga, dadaalka uu ka gaystay in uu la heshiiyo dhibanaha iyo qoyskiisa islamarkaana uu magdhow ka bixiyo dhibka uu geestay ama awooda uu u leeyahay iyo sida uu u ogol yahay in uu bixiyo magdhowga lagu xukumay.</p> <p>6. Anshaxa iyo Akhlaaqda wanaagsan uu muujiyay codsaduhu mudadii uu jeelka ku jiray.</p> <p>7. Aragtida uu dhibanaha ama qoyskiisu ka qabaan codsiga cafiska hadii ay suura gal tahay in la heli karo.</p> <p>8. Xaalada qoys iyo Caafimaad ee codsadaha iyo sidoo kale xaalada da'diisa.</p>	<p>2. የወንጀሉ ክብደት እና የይቅርታ ጠያቂው በማረፊያ ቤትና በማረሚያ ቤት የቆየበት ጊዜ፤</p> <p>3. ይቅርታ ጠያቂ አስቀድሞ ይሰራበት ከነበረበት መስሪያ ቤት፣ ይኖርበት ከነበረበት አካባቢ ማህበረሰብ፣ ከቤተሰቡ፣ ከሀኪሙ ወይም ከሌሎች አግባብነት ካላቸው አካላት የተሰበሰቡ መረጃዎች፤</p> <p>4. የይቅርታ ጠያቂው ለወደፊቱ በሰላም ለመኖር የሚያሳየው ባህሪ፤</p> <p>5. የይቅርታ ጠያቂው ጥፋተኝነቱን አምኖ በመቀበል የተሳሳተ መሆኑን፣ ከተጎጂ ወይም ከተጎጂ ወገን ቤተሰብ ጋር ለመታረቅ እና ያደረሰው በደል ለመካስ ያደረገው ጥረት ወይም የተወሰነበትን ካላ ለመክፈል ያለው አቅምና ፍላጎት፤</p> <p>6. ይቅርታ ጠያቂው በማረሚያ ቤት ቆይታው ወቅት ያሳየው መልካም ፀባይና ሥነ-ምግባር፤</p> <p>7. ተጎጂው ወይም የተጎጂውን ቤተሰቦች ለማግኘት ከተቻለ የቀረበውን የይቅርታ ጥያቄ ያላቸውን አስተያየት፤</p> <p>8. የይቅርታ ጠያቂው የቤተሰብና የጤንነት አቅምና የዕድሜ ሁኔታ፤</p>	<p>2. The gravity of the offence and the duration of the time the petitioner has been in custody and prison.</p> <p>3. information gathered from the office the petitioner was previously working, local community of his previous residence, his family, his doctors or other relevant organs;</p> <p>4. the petitioner's disposition to live in peace in the future;</p> <p>5. the petitioner's confession and repentance, his effort to reconcile with the victim or his family and compensate them, or his ability and willingness to settle the compensation decided against him;</p> <p>6. the petitioner's good conduct and ethics demonstrated during his stay in prison;</p> <p>7. opinion of the victim or his family on the petition for pardon, if it is possible to contact them;</p> <p>8. the family and health status of the petitioner and his age condition.</p>
<p>20 <u>Nidaamka loo bixinayo Go'aanka Cafiska</u></p> <p>1. Guddigu wuxuu baadhitaan ku sameyn codsiyada cafiska ee loo soo gudbiyo,</p> <p>2. Guddigu waxay u gudbinayaan Madaxweynaha magaca iyo faah faahinta qofka ay u arkaan in uu u qalmo cafiska;</p>	<p>20. <u>የይቅርታ ውሳኔ ስለሚሰጥበት ሥነ-ሥርዓት</u></p> <p>1. ቦርዱ የሚቀርብለት የይቅርታ መረጃ ይመረምራል፤</p> <p>2. ቦርዱ ይቅርታ ይገባዋል የሚለውን ሥም ከነመግለጫው ጋር ለፕሬዝዳንቱ ያቀርባል፤</p>	<p>20. Procedure of Decision of Pardon</p> <p>1. The Board shall examine pardon petitions submitted to it.</p> <p>2. The Board shall submit to the President the name of the person considered eligible for pardon and the explanation thereof.</p>

3. Hadii aan go'aanka cafiska si cad loogu qeexin, ciqaabihii la fuliyay ka hor go'aanka cafisku waxay ahaanayaan ansax.

21 **Burinta Cafiska**

1. Cafiska lagu bixiyay caddeymo khayaamo ama been abuur ah wuxuu noqonayaa waxba kama jiraan.
2. Cafiska shuruuda ku xidhan uu burayaa marka la caddeyo in lagu xadgudbay shuruudii lagu cayimay go'aanka cafiska
3. Marka uu guddigu xaqiijiyoo buritaanka cafiska ee ku xusan farqada 1^{aad} iyo 2^{aad} ee qodobkan, wuxuu rayi go'aameedkiisa u gudbin Madaxweynaha si loo hirgaliyo xukunkii ciqaabeed ee cafiska ka hor la xukumay.
4. Amarka Madaxweynuhu ka soo saaro arrinta lagu xusay farqada 3^{aad} ee qodobkan waa in la gaadhsiiyo cidda u qaabilsan xukun fulintaiyo qofka cafiska lagala noqonayaba.
5. Marka qofka cafiska la siiyay uu jeelka ku jiray markiisa hore, waa in soo qabashadiisa laga codsado maxkamada degmada si jeelkii uu marka hore ku jiray loogu soo cesho
6. Iyadoo laga duulayo amarka soo qabasho ee maxkamada ayaa jeelka lagu soo celin qofka lagala noqday cafiska.
7. Qofka cafiska lagala noqonayo wuxuu muddo 15 cisho gudohood ah laga bilaabo maalinka uu soo gaadhay go'aanka Madaxwaynaha ee ku cad farqada 3^{aad} ee qodobkan ugu soo dhaweysan karaa codsigiisa guddiga si dib u eegis loogu sameeyo go'aanka.

3. ፕሬዝዳንቱ የቀረበውን ሥምና መግለጫ መሠረት በማድረግ የመጨረሻውን የይቅርታ ውሳኔ ይሰጣል፤

21. **የይቅርታ ዋጋ ማጣት**

1. በሀሰተኛ ወይም በተጭበረበረ ማስረጃ ላይ ተመስርቶ የተሰጠ ይቅርታ ዋጋ አይኖረውም፤
2. በቅድመ ሁኔታ ላይ ተመሥርቶ የተሰጠ ይቅርታ ቅድመ ሁኔታውን ከጣሰ ዋጋ ያጣል፤
3. በዚህ አንቀጽ ንዑስ አንቀጽ 1 እና 2 መሰረት የይቅርታው ውሳኔ ዋጋ የማይኖረው መሆኑን ቦርዱ ሲያረጋግጥ የቅጣት ፍርድ አፈጻጸም ከይቅርታው በፊት በነበረው ይዘቱ እንዲቀጥል ትዕዛዝ እንዲሰጥ ለፕሬዝዳንቱ የውሳኔ ሀሳብ ያቀርባል፤
4. በዚህ አንቀጽ ንዑስ አንቀጽ 3 መሰረት የሚተላለፈው የፕሬዝዳንቱ ትዕዛዝ የቅጣት ፍርድን ለሚያስፈጽሙ አካላትና ይቅርታውን ተደርጎለት ለነበረው ሰው እንዲደርስ ይደረጋል፤
5. ይቅርታው ተደርጎለት የነበረው ሰው ይቅርታ ተደርጎለት ከመለቀቁ በፊት በእስር ከነበረው ወደ ማረሚያ ቤት እንዲመለስ ለማድረግ የመያዣ ትዕዛዝ እንዲሰጥ ጥያቄው ለመጀመሪያ ደረጃ ፍርድ ቤት ይቀርባል፤
6. ፍርድ ቤቱ በሚሰጠው የመያዣ ትዕዛዝ መሠረት ይቅርታ ተደርጎለት የነበረው ሰው ወደ ማረሚያ ቤት እንዲመለስ ይደረጋል፤
7. በዚህ አንቀጽ ንዑስ አንቀጽ 3 የተመለከተው የፕሬዝዳንቱ ትዕዛዝ የደረሰው ይቅርታ ተደርጎለት የነበረው ሰው የተሰጠውን ትዕዛዝ እንደገና እንዲታይለት ውሳኔው ከደረሰው ቀን ጀምሮ በ15 የሥራ ቀናት ውስጥ አቤቱታውን ለቦርዱ ማቅረብ ይችላል፤

3. The President sr. JII give his tinal decision based on the name and explanation It' submitted to him

21, **Nullity of Pardon**

1. A pardon granted on the basis of false or fraudulent evidence shall be null and void.
2. A pardon shall become null and void if the condition specified for granting the pardon has been violated .
3. Where the Board ascertains the nullity of a pardon pursuant to sub-article (1) or (2) of this Article, it shall submit recommendation to the President in order to reactivate the execution of the sentence with its content existed before the pardon.
4. The order of the President passed pursuant to sub-article (3) of this Article shall be served to the bodies responsible for the execution of the sentence and to the person who was granted the pardon.
5. Were the person who was granted pardon had been in prison before the pardon, an application requesting arrest order shall be made to first instance court in order to return the person to prison.
6. In accordance with the arrest order given by the court, the person who was granted pardon shall return to prison .
7. The person who was granted the pardon may, within 15 working days from receipt of the order of the President referred to in sub-article (3) of this Article, submit his application to the Board for the reconsideration of the order.

8. Marka codsiga lagu soo dhaweeyay sida ku cad farqada 7^{aad} ee qodobkan uu guddigu soo diido, waa in uu qofku u soo celiyo shahaadadii cafiska qaybta xafiiska.

22 Caddeynta Cafiska

1. Bixinta cafiska waxaa lagu caddeyn karaa shahaadada cafiska ee ay qaybta xafiisku bixiso.
2. Iyadoo aan wax loo dhimayn arrimaha ku cad farqada 1^{aad} ee qodobkan, la cafiyaha ay ka lunto shahaadadiisa cafisku wuxuu qaybta xafiiska ka codsan karaa in caddeyn muujinaysa cafiskiisa ay u caddeeyaan ciddaha ay khusayso.

Qaybta Afaraad

Oodobo kala duwan

23 Waajibaadka Gacan Siin

cid kasta wuxuu waajibaad ka saran yahay in uu qacan siiyo dhaqan galinta bayaankan.

24 Wareejinta Xuquuqaha iyo Waajibaadka

Xuquuqihii iyo waajibadiyadii baayankii hore lagu siyay gudiga, wuxuu bayankan ku waareejinaya guddiga lagu aas-aasay hab waafaqsan bayaankan.

25 Shuruucda aan dhaqan galka lahayn

1. Waxaa hab waafaqsan bayaankan loo Buriyay bayaanka Hanaanka bixinta Cafiska ee DDSI, bayaan tirsi:106/2003.
2. Sharci hab dhaqan shaqo ama talaabo kasta oo maamul oo ka hor imanya qodobada byaankan waa waxba kama jiraan

8. በዚህ አንቀጽ ንዑስ አንቀጽ 7 መሰረት የቀረበው አቤቱታ በቦርዱ ውድቅ ከተደረገ ይቅርታ ተደርጋለት የነበረው ሰው ተስጥቶት የነበረው የይቅርታ ምስክር ወረቀት ለጽ/ቤቱ መመለስ አለበት፤

21. ይቅርታን ስለማስረዳት

1. ማንኛውም ይቅርታ የተደረገለት ሰው ይቅርታ የተደረገለት መሆኑን ማስረዳት የሚችለው የይቅርታ የምስክር ወረቀቱን በማቅረብ ይሆናል፤
2. በዚህ አንቀጽ ንዑስ አንቀጽ 1 የተደነገገው ቢኖርም የይቅርታ ምስክር ወረቀቱ የጠፋበት ሰው ይቅርታ የተደረገለት መሆኑን የሚገልጽ ማስረጃ ጽ/ቤቱ ለሚመለከተው ወገን እንዲሰጥለት ሊጠይቅ ይችላል፡፡

ክፍል አራት

ልዩ ልዩ ድንጋጌዎች

22. የመተባበር ግዴታ

ማንኛውም ሰው ይህን አዋጅ ለማስፈጸም የመተባበር ግዴታ አለበት፡፡

23. መብትና ግዴታ ስለማስተላለፍ

ለይቅርታ አሰጣጥ ሥነ-ሥርዓት አስመልክቶ በወጡ አዋጆች የተቋቋመው ቦርድ መብትና ግዴታ በዚህ አዋጅ መሠረት ለተቋቋመው ቦርድ ተላልፏል፡፡

24. ተፈጻሚነት ስለማይኖራቸው ሕጎች

1. የክልሉ የይቅርታ አሰጣጥ ሥነ-ሥርዓት ለመደንገግ የወጣው አዋጅ ቁጥር 106/2003 በዚህ አዋጅ መሠረት ተሸሯል፡፡
2. ከዚህ አዋጅ ጋር የሚቃረን ማንኛውም ህግ ተፈጻሚነት አይኖረውም፡፡

8. Where the application submitted pursuant to sub-article (7) of this Article is rejected by the Board, the person who was granted the pardon shall return the certificate of pardon to the Office.

22. Proof of Pardon

1. A person granted pardon shall prove the grant of pardon by producing the certificate of pardon.
2. Notwithstanding the provisions of sub-article (1) of this Article, the person who lost his certificate of pardon may request the Office to furnish evidence to the concerned party that he is granted pardon.

PART FOUR

MISCELLANEOUS PROVISIONS

23, Duty to Cooperate

Any person shall have the duty to cooperate, when requested to do so, in providing evidence, information or opinion required in the course of granting pardon in accordance with this Proclamation

24. Transfer of Rights and Duties

The rights and duties of the Board established under prior Proclamations are hereby transferred to the Board established hereunder.

25. Repealed Law

1. The proclamation to determine the Procedure of Pardon granting Proclamation NO . 106/2003 of Ethiopian Somali Regional State is hereby repealed.
2. Any law which is inconsistent with this Proclamation shall not be applicable.

26. Awooda Soo Saarida Xeer-nidaameed iyo Awaamiirta

1. Golaha hawl Fulinta Deegaanku waxay soo saari karaan Xeer-nidaameedka lagama maarmaanka u ah hirgalinta bayaanka.
2. Xafiisku wuxuu soo saari karaa awaamiirta lagu sii hirgalinayo qodobada bayaanka iyo xeer-nidaamdeeka ku soo baxa hab waafaqsan farqada 1^{aad} ee qodobkan.

27 Mudada Dhaqan galka Bayaanka

Bayaankan wuxuu dhaqan galayaa laga bilaabo maalinta lagu soo daabaco Dhool Gazeta.

Jig-jiga, 4tii bishii Tir, 2009

**CABDI MAXAMUUD CUMAR
MADAXWEYNAHA DAWLADDA
DEEGAANKA SOOMAALIDA
ITOOBIYA**

25. ደንብና መመሪያ የማውጣት ሥልጣን

1. የክልሉ አስፈጻሚ ምክርቤት ይህን አዋጅ ለማስፈጸም የሚያስፈልጉ ደንቦች ሊያወጣ ይችላል፤
2. ቦርዱ ለዚህ አዋጅና በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሠረት የወጡ ደንቦችን ለማስፈጸም የሚያስፈልጉ መመሪያዎችን ሊያወጣ ይችላል፤

26. አዋጁ የሚፀናበት ጊዜ

ይህ አዋጅ በክልሉ ዶል ጋዜጣ ታትሞ ከወጣበት ቀን ጀምሮ የፀና ይሆናል፡፡

ጅግጅጋ ጥር 4/2009 ዓ.ም

አብዲ መሀመድ ዑመር

የኢትዮጵያ ሱማሌ ክልላዊ መንግሥት

ፕሬዝዳንት

26. Power to Issue Regulation and Directive

1. The Executive boudy of the Regional state may issue regulations necessary for the implementation of this Proclamation.
2. The Bureau may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to sub-article (I) of this Article.

27. Effective Date

This Proclamation shall enter into force on the date of publication in the Dhol Gazetta,

Done at Jigjiga this 12th day of January , 2017.

**ABDI MOHAMUD OMER
PRESIDENT OF THE ETHIOPIAN
SOMALI REGIONAL STATE**