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

Bayaan Tirsi 152/2008 Bayaanka Wax Ka Badalka Bayaanka Aasaaska Maxkamadaha ee DDSI……………………..Bog 1	አዋጅ ቁጥር 152/2008 በኢትዮጵያ ሶማሌ ክልል የፍርድ ቤቶች መቋቋሚያ አዋጅ ማሻሻያ አዋጅ ……………………….ገጽ 1	Proclamation No. 152/2016 Somali Regional State of Ethio Courts Establishment Proclamati Amendement ……………….Page

BAYAAN TIRSI 152/2008.

BAYAANKA WAX KA BADALKA BAYAANKA AASAASKA MAXKAMADAHA DDSI

Maadaama ay lagama maarmaan noqotay in waxka bedel lagu sameeyo bayaanka Aasaasida Maxkamadaha Deegaanka soomaalida Itoobiya

Sidaas darteed ayaa iyadoo la raacayo qodobka 49[aad] farqadiisa 3[aad] xarafkiisa "b' ee Dastuurka dib loo habeeyay ee Dawlada Deegaanka Soomaalida Itoobiya la bayaamiyay sidan

Qodobka 1[aad] :- **Cinwaan Gaaban**

Bayaankan waxaa loogu yeedhi karaa "**Bayaanka wax ka badalka Bayaanka Aasaaska Maxkamadaha DDSI ee Bayaan Tirsi 152/2008.**

Qodobka 2[aad] :-**Qodobada wax kabadalka lagu Sameeyay**

Bayaankan waxaa sidan soo socota wax kabadal loogu sameeyay Qodobada kala ah qodobka 8[aad], 9[aad], 22[aad] iyo 29aad ee bayaanka Aasaasida Maxkamadaha Deegaanka ee bayan tirsi 9/1991.

አዋጅ ቁጥር 152/2008

በኢትዮጵያ ሶማሌ ክልል የፍርድ ቤቶች መቋቋሚያ አዋጅ ለማሻሻል የወጣ አዋጅ

የኢትዮጵያ ሶማሌ ክልል ፍርድ ቤቶች ለማቋቋም የወጣ አዋጅ ቁጥር 9/1991 እንደገና ማሻሻል አስፈላጊ ሆኖ በመገኘቱ፡-

ስለዚህ በተሻሻለው የኢትዮጵያ ሶማሌ ክልል ህግ-መንግሥት አንቀጽ 49(3,ሀ) መሠረት የሚከተለውን አውጇል፡፡

1. **አጭር ርዕስ**

ይህ አዋጅ ‹‹በኢትዮጵያ ሶማሌ ክልል የፍርድ ቤቶች ማቋቋሚያ አዋጅ እንደገና ለማሻሻል የወጣ አዋጅ ቁጥር 152/2008 ተብሎ ሊጠቀስ ይችላል፡፡

2. **ማሻሻያ**

የክልሉ ፍርድ ቤቶች ማቋቋሚያ አዋጅ ቁጥር 9/1991 አንቀጽ 8, 9, 12 እና 29 በዚህ አዋጅ እንደሚከተለው እንደገና ተሻሽሏል፡፡

PROCLAMATION NO. 152/2016

A PROCLAMATION TO PROVID FOR THE AMENDEMENT Of TH SOMALI REGIONAL STATE OF ETHIOPIA

WHEREAS, it is found necessary amend the Ethiopian Som Regional State Courts establishme Proclamation No. 9/1991.

NOW, THEREFORE, in accordar with Article 49(3,b) of the Revis Constitution of the Ethiopian Som Regional State it is here proclaimed as follows.

1. *Short Title*

This proclamation may be cited the "**Somali Regional State Ethiopia Courts establishme (Amendment) Proclamation N 152/2016.**

2 :-Amendments

The regional Courts establishme Proclamation No. 9/1991 is herel amended by the following articl of article. 8, 9, 22 and 29 hereof .

ያንዱ ዋጋ Price	18.45

Qodobka 3aad :- Awooda garsoorka Maxkamada Degmada

1. Maxkamada Degmdu waxay Awood garsoor heerka 1aad ah u leedahay dacwadaha ku taxaluqa hantida guurtada iyo ta ma guuraanka ah ee uu qiimahooda lacageed qiyaas ahaan ku eeg yahay Afar boqol oo kun oo birr (400,000birr) iyo wixii ka hooseeya iyo sidoo kale arrimaha aan qiimahooda lagu cayimi Karin lacag ahaan
2. Racfaanda laga soo qaato Maxkamada Arrimaha bulshada
3. Dacwadaha la xidhiidha Arrimaha shaqaalaha iyo loo shaqeeyaha gaarka ah.
4. Racfaanka laga soo qaato Maxkamaddaha Shaqaalaha dawlada (CPA)
5. Arrimaha ku taxaluqa Magac beddelka.

Qodobka 4aad :- Awooda Garsoorka Maxkamada Sare

Maxkamada sare ee gobalku waxay awood garsoor heerka koowaad ah u leedahay dacwadaha ku taxaluqa hantida guurtada iyo ta ma guuraanka ah ee uu qiimaha lacagtoodu ka bilaamo 400,001 (Afar boqol oo kun iyo hal birr) ee arrimaha heer deegaan.

Qodobka 5aad :- Qodobka 22aad ee bayaanka waxaa lagu sameeyay wax ka badalkan

Maxkamada guud waxay yeelan Saddex Guddoomiye ku xigeen oo hoos tagaya gudoomiyaha maxkamada guud kala ahna

1) Guddoomiye ku xigeenka Arrimaha Ciqaabta
2) Guddomiye ku Xigeenka Arrimaha Madaniga
3) Guddomiye ku xigeenka Arrimaha Maamulka

3. የወረዳ ፍርድ ቤት የዳኝነት ሥልጣን

1. የወረዳ ፍርድ ቤት ግምታቸው እስከ ብር አራት መቶ ሺ.ህ (400,000) በሚደርስ ወይም ግምታቸው በገንዘብ ሊተመን በማይቻሉ በሚከተሉት ጉዳዮች ላይ የመጀመሪያ ደረጃ የፍትሃብሔር የዳኝነት ሥልጣን ይኖረዋል፣
2. በማህበራዊ ፍርድ ቤት በተሰጠው ውሳኔ ላይ የቀረብ ይግባኝ፣
3. በአሠሪና ሠራተኞች ጉዳይ የሚመለከቱ ጉዳዮች፣
4. በመንግሥት ሠራተኞች አስተዳደር ፍርድ ቤት ውሳኔ በተሰጠባቸው ጉዳዮች አስመልክቶ በሚቀርቡ ይግባኝ፣
5. ስለስም ቅያሬ የሚመለከቱ ጉዳዮች፣

4. የከፍተኛ ፍርድ ቤት የዳኝነት ሥልጣን

የዞኑ ከፍተኛ ፍርድ ቤት ግምታቸው ከአራት መቶ ሺ.ህ አንድ ብር (400,001) ብር በላይ በሆኑ የሚንቀሳቀሱና የማይንቀሳቀሱ ንብረቶች በሚመለከቱ ክልላዊ ጉዳዮች ላይ የመጀመሪያ ደረጃ የዳኝነት ስልጣን ይኖረዋል።

5. የአዋጁ አንቀጽ 22 እንደሚከተለው ተሻሽሏል፡-

የክልሉ ጠቅላይ ፍርድ ቤት ተጠሪነታቸው ለጠቅላይ ፍርድ ቤት ፕሬዝዳንት የሆነ ሦስት ምክትል ፕሬዝዳንቶች ይኖረዋል። ይኸውም፡-

1. የወንጀል ጉዳዮች ምክትል ፕሬዝዳንት
2. የፍትሐብሔር ጉዳዮች ምክትል ፕሬዝዳንት
3. የአስተዳደር ጉዳዮች ምክትል ፕሬዝዳንት

3 :- Civil Jurisdiction of th court

1. The woreda court shal instance jurisdiction movable and immov cases involving an amo excess of Birr four thousand (400,000) a over civil cases the valu cannot be expressed in
2. appellate cases over d the social courts
3. Cases regarding empl employer relationship
4. Appeals against the Adm Tribunal of region Servants.
5. Cases regarding change

4 :- Jurisdiction of the Fe Court

The zonal high Court exclusive first instance over civil cases of region the involving an amount Birr four hundred thousan birr (400,001):

5 Aritcle 22 of the procla amended as follows :

The Regional Supreme have the following th Presidents accountable President of Supreme Cou

1) Vice-President for crim matters
2) Vice-President for civil
3) Vice-President Administrative matter

Qodobka 6[aad] :- Waxaa bayaanka lagu soo daray qodobkan cusub oo noqonaya qodobka 23[aad] iyadoo qodobadii xigay ee bayaanka hal tirsi dib loo sii rarayo.

23" Awoodaha iyo Waajibaadyada Guddoomiye ku Xigeenada

1) Awoodaha iyo Waajibaadyada Guddoomiye ku xigeenka Arrimaha Ciqaabta

b). Wuxuu maamulaa, iskuna duba ridaa g/socodka fadhiyada arrimaha Ciqaabta

t). Wuxuu hogaamin karaa fadhi kasta oo ku saabsan arrimaha Ciqaabta oo ay maxkamada guud leedahay

j).Wuxuu diyaarshaa tirakoobta arrimaha kiisaska ciqaabta

x). Wuxuu u kuur galaa hawlaha lagu dar-dar galinayo habsami u socodka kiisaska Ciqaabta

kh).Wuxuu diyaarshaa warbixin xiliyeedka ku saabsan kiisaska Ciqaabta una gudbiyaa Guddoomiyaha Maxkamada

d). Wuxuu qabtaa hawlaha kale ee uu guddoomiyuhu u xil saaro.

2). Awoodaha iyo Waajibaadyada Guddoomiye ku Xigeenka Arrimaha Madaniga

b). Wuxuu maamulaa, iskuna duba ridaa g/socodka fadhiyada arrmaha Ciqaabta

t). Wuxuu hogaamin karaa fadhi kasta oo ku saabsan arrimaha Madaniga oo ay maxkamada guud leedahay

6. በአዋጁ ውስጥ የሚከተለው አዲስ አንቀጽ 23 ተጨምሯል፡፡ ቀደም ሲል የነበረው የአዋጁ አንቀጽ 23 አንቀጽ 24 ሆኗል፡፡

23" **የምክትል ፕሬዝዳንቶች ሥልጣንና ተግባራት**

1. ***የወንጀል ጉዳዮች ምክትል ፕሬዝዳንት ሥልጣንና ተግባር፡-***

ሀ) የፍርድ ቤቶች የወንጀል ጉዳዮች ችሎቶች አካሄድ ያስተዳድራል፣ ያስተባብራል፡፡

ለ) በጠቅላይ ፍርድ ቤት ውስጥ የተደራጁ ማንኛውም የወንጀል ችሎቶች ሰብሳቢ ሆኖ ሊመራ ይችላል፡፡

ሐ) የወንጀል ጉዳዮች ስታስቲክሳዊ ሪፖርት ያዘጋጃል፣

መ) ስለወንጀል ጉዳዮች ሥራ ቀልጣፋ አካሄድ ይከታተላል፣

ሠ) ስለወንጀል ጉዳዮች የሥራ እንቅስቃሴ አስመልክቶ በየጊዜው ለጠቅላይ ፍርድ ቤት ፕሬዝዳንት ሪፖርት ያቀርባል፣

ረ) በፕሬዝዳንቱ የሚመራለት ሌሎች ተግባሮች ያከናውናል፣

2. ***የፍትሐብሔር ጉዳዮች ምክትል ፕሬዝዳንት ሥልጣንና ተግባር፡-***

ሀ) የፍርድ ቤቶች የፍትሐብሔር ጉዳዮች ችሎቶች የሥራ አካሄድ ያስተዳድራል፣ ያስተባብራል፣

ለ) በፍርድ ቤቱ በተደራጀው የፍትሐብሔር ችሎቶችን ሰብሳቢ ሆኖ ሊሠራ ይችላል፣

Article 6. The following
23 is adde
proclamation
existing articles
one step back:-

**23" Powers and duti
Presidents:-**

1) Powers and dutie
President for crimin

A. administer and
benches of Crimina

B. may preside over a
Division benches
court division.

C. Prepare the statis
criminal cases .

D. Shall follow up and
proper execution
cases.

E. submit to the Pres
Supreme Court per
on the criminal act
Court;

F. Perform such othe
may be entrusted
President of the Sup

2) **Powers and duties
President for civil ma**

A. administer and
benches of Civil D

B. May preside ove
Division benches
Court division.

j). Wuxuu u kuur galaa islamarkaana qabtaa hawlaha lagu dar-dar galinayo habsami u socodka kiisaska Madaniga

x). Wuxuu diyaarshaa tirakoobta arrimaha kiisaska Madaniga

kh).Wuxuu diyaarshaa warbixin xiliyeedka ku saabsan kiisaska madaniga una gudbiyaa Guddoomiyaha Maxkamada

d). Wuxuu qabtaa hawlaha kale ee uu guddoomiyuhu u xil saaro

3). **Awoodaha iyo Waajibaadyada Guddoomiye ku Xigeenka Arrimaha Maamulka**

b). Wuxuu maamulaa, iskuna duba ridaa hawlaha maamul ee guud ahaan maxkamada.

t). Wuxuu Maamula shaqaalaha kale Maxkamada

j). Wuxuu Maamula iskuna duba ridaa arrimaha Maamul iyo Maaliyadeed ee Maxkamada

x).Wuxuu diyaarshaa warbixin xiliyeedka ku saabsan dhinaca maamulka una gudbiyaa Guddoomiyaha Maxkamada

kh). Wuxuu qabtaa hawlaha kale ee uu guddoomiyuhu u xil saaro

Qodobka 7[aad] :- <u>Fasaxa Garsoorayaaasha</u>

Fasaxa garsoorayaasha waxa loo adeegsan qodobada 27-41 ee xeerka maamulka shaqaalaha ee tirsigiisu yahay 38/95

Qodobka 8[aad] :- <u>Qodobka muadada kala guurka</u>

Dhamaan dacwadaha ka hor socda maxkamadaha ee aan wali go'aan laga gaadhin islamarkaana aan racfaan loo qaadan waxaa lagu dhamaystiri hab waafaqsan bayaankan.

Qodobka 9[aad] :- <u>Muadada Dhaqan galka Bayaanka</u>

Bayaankan wuxuu dhaqan galayaa marka lagu soo saaro Deegaanka ee Dhool Gaazeeta.

CABDI MAXAMUUD CUMAR

MADAXWEYNAHA DDSI

ሐ) የፍትሐብሔር ክርክሮች አካሄድ ቅልጥፍና እንዲኖር ይከታተላል፣

መ) ስለፍትሐብሔር ክሶችን ስራ ስታስቲክሳዊ መረጃ ያደራጃል፣

ሠ) ስለፍትሐብሔር ጉዳዮች የሥራ እንቅስቃሴ በየጊዜው ለጠቅላይ ፍርድ ቤት ፕሬዝዳንት ሪፖርት ያቀርባል፣

ረ) ሌሎች በፕሬዘዳንቱ የሚሰጡት ተግባራት ያከናውናል፣

3. ***የአስተዳደራዊ ጉዳዮች ምክትል ፕሬዝዳንት ሥልጣንና ተግባራት፦***

ሀ) የፍርድ ቤቶች አስተዳደራዊ ሥራዎችን ያስተዳድራል፣ ያስተባብራል

ለ) የፍርድ ቤቱን ሌሎች ሠራተኞችን ያስተዳድራል፣

ሐ) የፍርድ ቤቱን የአስተዳደርና የፋይናንስ ጉዳዮች ያስተዳድራል ያስተባብራል፣

መ) ስለ ዘርፉ የሥራ እንቅስቃሴ በየጊዜው ለፕሬዝዳንቱ ሪፖርት ያቀርባል፣

ሠ) ሌሎች በፕሬዝዳንቱ የሚሰጡት ተግባራት ያከናውናል፣

7. <u>ስለዳኞች እረፍት</u>

ስለዳኞች ዕረፍት በመንግሥት ሠራተኞች አስተዳደር አዋጅ ቁጥር 38/95 ከአንቀጽ 27-41 የተዘረዘሩት ድንጋጌዎች ተፈፃሚ ይሆናል።

8. <u>የመሸጋገሪያ ድንጋጌዎች</u>

ይህ አዋጅ ከመፅናቱ በፊት በፍርድ ቤቶች በመታየት ላይ ያሉና ውሳኔ ያልተሰጠባቸው ጉዳዮች ወይም ይግባኝ ያልተጠየቁባቸው ውሳኔዎች በዚህ አዋጅ መሠረት ውሳኔ ያገኛሉ።

9. <u>አዋጁ የሚፀናበት ጊዜ</u>

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

አብዲ መሀሙድ ዑመር
የኢትዮጵያ ሱማሌ ክልላዊ
መንግሥት ፕሬዝዳንት

C. Shall follow up and facilita
proper execution of civil c

D. Prepare the statistical d
civil cases ,

E. submit to the President
Supreme Court periodic
on the civil matters
Court;

F. Perform such other du
may be entrusted to h
President of the Supreme

3) **Powers and duties of
President for adminis
matters shall be :-**

A. Administer and organiz
all administrative matters
court.

B. Administer personnel
Court.

C. Shall administer and c
the administrative and f
matters of the Court.

D. submit to the President
Supreme Court periodic
on the activitie
administrative matters
Court;

E. Perform such other d
may be entrusted to
President of the Suprem

7:- Annual Leave of Judges

Leaves of Judges shall be gov
accordance with Articles 27-
civil service proclamatio
38/1995.

8: Pending cases

All unresolved Cases pendin
Regional Court shall be
over in accordance w
Proclamation.

9 :- Effective Date.

This Proclamation shall come
force as of the 27th day of F
2016

**ABDI MOHAMUD
PRESIDENT, SOMALI REG
STATE OF ETHIOPI**