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 Finfine,.....September 28, 2021

MAGALATA OROMIYAA

L μ E p % Z Më ;

MEGELETA OROMIA

<p>Gatiin Tokkoo Qarshii 27.72 የአኒቂ " ብ ብር 27.72 Unit Price Birr 27.72</p>	<p>To'annoo Caffee Mootummaa Naannoo Oromiyaatiin Kan Bahe በኦሮሚያ ብሔራዊ ክልላዊ መንግስት በጨፌ ኦሮሚያ ጠባቂነት የወጣ</p>	<p>Lak. S. Poostaa 21383-1000 የፖ.ሳ.ቁጥር21383-1000 P.O.Box 21383-1000</p>
<p>QABIYYEE Dambii Lak. 10/2014 Dambii Labsii Manneen Murtii Aadaa Naannoo Oromiyaa Lakkoofsa 240/2013 Raawwachiisuuf Bahe, Dambii Lakkoofsa 10/2014.Fuula 1</p>	<p>ማውጫ ደንብ ቁጥር 10/2014 የኦሮሚያ ክልል የባህል ፍርድ ቤቶች አዋጅ ቁጥር 240/2013ን ለማስፈጸም የወጣ ደንብ፣ ደንብ ቁጥር 10/2014ገጽ 1</p>	<p>CONTENT Regulation No. 10/2021 A Regulation to Implement the Oromia Region Customary Courts, Proclamation No. 240/2021, Regulation No. 10/2021Page 1</p>
<p>Dambii Labsii Manneen Murtii Aadaa Naannoo Oromiyaa Lakkoofsa 240/2013 Raawwachiisuuf Bahe, Dambii Lakkoofsa 10/2014</p> <p>Jaarmayaalee aadaa akkaataa seera aadaatiin waldhabbii hiikanii fi araara buusaniif akka Mana Murtii Aadaatti adeemsa beekamtiin ittiin kennamu, dirqamoota isaan qabonii fi akkaataa beekamtiin kennameef ittiin haqamu danda'u ifatti tumuun barbaachisaa ta'uu hubachuudhaan;</p> <p>Manneen Murtii Aadaa hundeeffaman sirna ittiin gurmaa'anii fi hojimaata hordofanii hojjetan diriisuun ittigaafatamummaa isaanirraa eeggamu bahachuu akka danda'anii fi kaayyoo isaanii galmaan gahuu akka danda'an faayidaa olaanaa kan qabu waan ta'ee;</p>	<p>የኦሮሚያ ክልል የባህል ፍርድ ቤቶች አዋጅ ቁጥር 240/2013ን ለማስፈጸም የወጣ ደንብ፣ ደንብ ቁጥር 10/2014</p> <p>በባህል ሕግ መሠረት አለመግባባቶችን ለማፈቱና ዕርቅን ለማያወርዱ የባህል ተቋማት እንደ ባህል ፍርድ ቤት ዕውቅና የሚሰጥበትን ሂደት፣ የሚኖራቸውን ግዴታ እና የተሰጣቸው አውቅና ሊሰረዝ የሚችልበትን ሁኔታ በግልጽ መደንገግ አስፈላጊ መሆኑን በመረዳት፤</p> <p>የባህል ፍርድ ቤቶች የሚደራጁበትን ስርዓትና ሊከተሉላቸው የሚገባቸውን አሰራሮች መዘርጋት የሚጠበቅባቸውን ሀላፊነት መወጣት እና ግባቸውን ማሳካት እንዲችሉ ለማድረግ ከፍተኛ ጠቀሜታ ያለው በመሆኑ፤</p>	<p>A Regulation to Implement the Oromia Region Customary Courts, Proclamation No. 240/2021, Regulation No. 10/2021</p> <p>Realizing the need for providing for a procedure for giving recognition, as customary court, to customary institutions that resolve disputes and reconcile in accordance with customary law, their responsibilities, and the manner of revocation of the recognition given to them;</p> <p>Recognizing the fact that designing a system for the organization and working procedure for the established Customary Courts is of primordial importance for enabling them discharge their responsibilities and the attainment of their goal;</p>

Sirna filannoo fi bulchiinsa jaarsolii fi hojjettoota biroo Manneen Murtii Aadaa ifoominaa fi itti gaafatamummaa mirkaneessuuf dandeessisu ifatti diriirsuun kaayyoo Manneen Murtii Aadaa galmaan gahuu keessatti shoorri inni qabu olaanaa ta'uu hubachuudhaan;

Gurmaa'inaa fi hojimaata galiin Manneen Murtii Aadaa ittiin walitti qabamuu fi adabbiiwwan isaanii ittiin raawwachiifamu diriirsuun bu'a qabeessummaa Manneen Murtii Aadaa mirkaneessuu keessatti gahee olaanaa kan qabu ta'uu waan itti amanameef;

Bu'uura Labsii Manneen Murtii Aadaa Naannoo Oromiyaa Hundees-suu fi Beekamtii Kennuuf Bahe, Lakkoofsa 240/2013 Keewwata 43(1) tiin kan itti aanu tumameera.

Kutaa Tokko
Tumaalee Waliigalaa

1. Mata Duree Gabaabaa

Dambiin kun “Dambii Manneen Murtii Aadaa Naannoo Oromiyaa, Lakkoofsa 10/2014” jedhamee waamamuu ni danda'a.

2. Hiika

Akkaataan galumsa jechichaa hii-ka biroo kan kennisiisu yoo ta'e malee, Dambii kana keessatti:

- 1) “Barreessaa” jechuun ogeessa Jaarsolii Mana Murtii Aadaa gargaaree akka hojjetuuf ramadamu jechuudha.
- 2) “Beekamtii Kennuu” jechuun jaarmayaan aadaa ulaagaa guutu mirgaa fi dirqama Dambii kanaa fi Labsii keessatti ibsaman akka qabaatuu fi sadarkaa Mana Murtii Aadaa jalqabaa yookiin oldarfataa akka argatu adeemsa itti taasifamu dha.

የባህል ፍርድ ቤቶች ሽማግሌዎችና ሌሎች ሰራተኞች የሚመረጡበትና የሚተዳደሩበት ስርዓት ግልጽነት ባለውና ተጠያቂነትን ለማረጋገጥ በሚያስችል መልኩ መዘርጋቱ የባህል ፍርድ ቤቶች ዓላማ ከግብ እንዲደርስ ከፍተኛ ድርሻ እንዳለው በመረዳት፤

የባህል ፍርድ ቤቶች ገቢ የሚሰበሰቡበትን እንዲሁም የሚወስኑት ቅጣት የሚፈጸምበትን አደረጃጀትና አሰራር መዘርጋት የባህል ፍርድ ቤቶችን ውጤታማነት ለማረጋገጥ የጎላ ሚና እንዳለው የታመነበት በመሆኑ፤

የኦሮሚያ ክልል የባህል ፍርድ ቤቶችን ለማቋቋምና እውቅና ለመስጠት በወጣ አዋጅ ቁጥር 240/2013 አንቀጽ 43(1) መሠረት የሚከተለው ተደንግጓል፡፡

ክፍል አንድ
ጠቅላላ ድንጋጌዎች

1. አጭር ርዕስ

ይህ ደንብ “የኦሮሚያ ክልል የባህል ፍርድ ቤቶች ደንብ ቁጥር 10/2014” ተብሎ ሊጠቀስ ይችላል፡፡

2. ትርጓሜ

የቃሉ አገባብ ሌላ ትርጉም የሚያሰጠው ካልሆነ በቀር በዚህ ደንብ ውስጥ፡-

- 1) “ጸሓፊ” ማለት የባህል ፍርድ ቤቶችን ሽማግሌዎች እንዲያግዝ የሚመደብ ባለሙያ ማለት ነው፡፡
- 2) “ዕውቅና መስጠት” ማለት በዚህ ደንብና በአዋጅ ውስጥ የተደነገጉትን መስፈርቶች የሚያሟላ የባህል ተቋም መብትና ግዴታ እንዲኖረውና የመጀመሪያ ደረጃ ወይም የይግባኝ ሰሚ የባህል ፍርድ ቤት ደረጃ እንዲያገኝ የሚደረግበት ሂደት ነው፡፡

Recognizing the role of formulating a system that ensures the transparency and accountability in the selection and administration of elders and other employees of the Customary Courts in the attainment of the objectives of the Customary Courts;

Understanding that the role of designing a system for the structure and working procedure for the collection of income and enforcement of penalties of Customary Courts is of high importance;

NOW, THEREFORE, in accordance with Article 43(1) of the Proclamation for the Establishment and Recognition of Oromia Region Customary Courts, Proclamation No. 240/2021, it is hereby proclaimed as follows:

Part One
General Provisions

1. Short Title

This Regulation may be cited as “The Oromia Region Customary Courts Regulation No. 10/2021”.

2. Definitions

Unless the context requires otherwise, in this regulation:

- 1) “Secretary” means an expert assigned to assist elders of a customary court.
- 2) “Giving Recognition” means a process by which a customary institution qualifying the criteria acquires the rights and responsibilities specified in this regulation and the proclamation, and assumes the first instance or the appellate level Customary Court status.

- 3) “Caasaa Aadaa Murtii Raawwachiisu” jechuun akkaataa seera aadaa Bakka Manni Murtii Aadichaa itti hojjetuutiin qaamolee murtii kennuuf aangeffaman irraa ajaja fudhatee kan raawwachiisu kan akka Foollee, Makkalaa, Jaallaba yookiin Jal-kaawaa jechuu dha.
- 4) “Gaaddisa” jechuun iddoo Manneen Murtii Aadaa hojii isaanii itti gaggeessan jechuu dha.
- 5) “Gumaata” jechuun kenna Mana Murtii Aadaatiif bifa maallaqaatiin yookiin akaakuun qaamolee adda addaa irraa walitti qabamu jechuu dha.
- 6) “Heera” jechuun Heera Mootummaa Naannoo Oromiyaa Fooyya’ee Bahe Labsii Lakkoofsa 46/1994 jechuudha.
- 7) “Hojjetoota Biroo yookiin Hojjetoota Biroo Mana Murtii Aadaa” jechuun hojjetoota Mana Murtii Aadaa ogummaa gara garaatiin yeroo murtaa’ee akka tajaajilan dorgomsiiifamanii Mana Murtii Aanaatiin ramadamaniif jechuu dha.
- 8) “Jaarmayaa Aadaa” jechuun qaama seera aadaa fi duudhaa uummataa bu’uura godhatee hojii waldhabbii hiikuu fi araara buusuu hojjetu hawaasa naannichaa biratti akka jaarmayaatti kan beekamuu fi sirnaa fi hojimaata mataa isaa kan qabu jechuudha.
- 9) “Jaarsa” jechuun aangoo fi hojii Dambii kanaa fi Labsiidhaan kennameef akka bahatuuf Mana Murtii Aadaa irratti nama jiraatotaan filatamu ta’ee akkaataa seera aadaa naannootiin abbaa murtii, hayyuu, abbaa qe’ee, abbaa dhaddachaa yookiin kan biroo jedhamee waamamuu kan danda’u jechuu dha.

- 3) “ውሳኔ የሚያስፈጽም የባህል አደረጃጀት” ማለት በአካባቢው የባህል ሕግ መሠረት ከውሳኔ ሰጪ አካላት የሚሰጠውን ትዕዛዝ በመቀበል የሚያስፈጽም እንደ ፎሌ፣ መከላ፣ ጀለባ፣ ወይም ጀልካዋ ያሉ ማለት ነው።
- 4) “ጋዲሳ” ማለት የባህል ፍርድ ቤቶች ስራቸውን የሚያከናውኑበት ቦታ ነው።
- 5) “ጉማታ” ማለት ለባህል ፍርድ ቤቶች ከተለያዩ አካላት የሚሰበሰብ የገንዘብ ወይም የዓይነት ስጦታ ማለት ነው።
- 6) “ሕገ መንግስት” ማለት የተሸሻለው የኦሮሚያ ክልላዊ መንግስት ሕገ መንግስት አዋጅ ቁጥር 46/1994 ማለት ነው።
- 7) “ሌሎች ሠራተኞች ወይም ሌሎች የባህል ፍርድ ቤት ሠራተኞች” ማለት ለተወሰነ ጊዜ በተለያዩ ሙያ እንዲያገለግሉ ወረዳ ፍርድ ቤት አወዳድሮ የሚመደባቸው የባህል ፍርድ ቤት ሠራተኞች ማለት ነው።
- 8) “የባህል ተቋም” ማለት የባህል ሕግንና የህዝቡን እሴቶች መሠረት አድርጎ አለመግባባትን የሚፈታና ዕርቅን የሚያወርድ በአካባቢው ህብረተሰብ ዘንድ እንደ ተቋም የሚታወቅ እና የራሱ ስርዓትና አሰራር ያለው ማለት ነው።
- 9) “ሽማግሌ” ማለት በዚህ ደንብ እና አዋጅ የተሰጡትን ስልጣንና ተግባራትን እንዲያከናውን ተመርጦ በባህል ፍርድ ቤቶች የሚመደብ ሆኖ እንደ አካባቢው የባህል ሕግ አባ መርቲ፣ ሀዩ፣ አባ ቄኤ፣ አባ ደዳቻ ወይም በሌላ ስያሜ ሊጠራ የሚችል ግለሰብ ነው።

- 3) “Customary Structure responsible for execution of judgment” means organs such as Foollee, ‘Makkalaa’, ‘Jaallaba’ or ‘al-kaawaa’ that are responsible for the execution of orders of organs authorized to give judgments, in accordance with the customary law where the customary court operates.
- 4) “Gaaddisa” means a place where customary courts discharge their official duty.
- 5) “Gumaata” means a donation, in cash or in kind, given by different bodies to the customary courts.
- 6) “Constitution” means the Revised Constitution of the Oromia Regional State, Proclamation No. 46/2001.
- 7) “Other workers or other workers of the Customary Court” mean workers of different profession recruited and assigned to the Customary Court by the First Instance Court to serve for a specified time.
- 8) “Customary Institution” means an institution that works on the settlement of disputes and reconciliation on the basis of customary law and societal values, recognized by the society as an institution and has its own working system and procedure.
- 9) “Elder” means a person selected and assigned on customary courts to discharge the powers and functions given by this Regulation and the proclamation who may also be called, according to local customary laws, Abba Murti, Hayyu, Abba Qe’e, Abba Dhaddacha or other appropriate terms.

- 10) “Koree” jechuun Koree Mana Murtii Aanaatiin Jaarsolii Mana Murtii Aadaa filachiisuuf hundaa’u jechuu dha.
- 11) “Labsii” jechuun Labsii Manneen Murtii Aadaa Naannoo Oromiyaa Hundeessuu fi Beekamtii Kennuuf Bahe, Lakkoofsa 240/2013 jechuu dha.
- 12) “Mana Murtii Aadaa” jechuun mana murtii seera aadaa bu’uur-effatee akka hojjetu hundeeffame yookiin jaarmayaa aadaa beekamtiin kennameef jechuu dha.
- 13) “Mana Murtii” jechuun bu’uura Heera Mootummaa Naannoo Oromiyaa Fooyya’ee Bahe, Labsii Lakk.46/1994’tiin kan hundaa’ee Mana Murtii Waliigalaa, Mana Murtii O’anaa fi Mana Murtii Aanaa jechuudha.
- 14) “Mootummaa” jechuun Mootummaa Naannoo Oromiyaa ti.
- 15) “Naannoo” jechuun Naannoo Oromiyaa jechuu dha.
- 16) “Nama” jechuun nama uumamaa yookiin qaama seeraan namummaa qabu jechuudha.
- 17) “Sababa Quubsa” jechuun sababa kamiyyuu Jaarsolii Mana Murtii Aadaatiin haala qabata ma bakka Manni Murtii Aadi chaa itti hojjetuutti akka sababa amansiisaatti fudhatamu jechuu dha.
- 18) “Seera Aadaa” jechuun seera aadaa Oromoo bakka Manni Murtii Aadaa itti hojjetutti argamu ta’ee Heera Mootummaa, hamilee fi haqa uumamaa kan hin faallessine jechuudha.
- 19) “Walitti Qabaa” jechuun jaarsa Mana Murtii Aadaa ta’ee hojii fi itti gaafatamummaa Dambii kanaa fi Labsiidhaan kennamaniif dabalataan akka raawwatu kan bakka buufame jechuu dha.

- 10) “ኮሚቴ” ማለት የባህል ፍርድ ቤቶች ሽማግሌዎችን ለማስመረጥ በወረዳ ፍርድ ቤቶች የሚቋቋም ኮሚቴ ማለት ነው።
- 11) “አዋጅ” ማለት የኦሮሚያ ክልል የባህል ፍርድ ቤቶችን ለማቋቋምና እውቅና ለመስጠት የወጣ አዋጅ ቁጥር 240/2013 ማለት ነው።
- 12) “የባህል ፍርድ ቤት ማለት የባህል ህጎችን መሰረት በማድረግ እንዲሰራ በዚህ አዋጅ የተቋቋመ ፍርድ ቤት ወይም ዕውቅና የተሰጠው የህዝብ ተቋም ማለት ነው።
- 13) “ፍርድ ቤት” ማለት በተሻሻለ የክልሉ ሕገ-መንግሥት አዋጅ ቁጥር 46/1994 መሠረት የተቋቋመ ጠቅላይ ፍርድ ቤት፣ ከፍተኛ ፍርድ ቤት እና የወረዳ ፍርድ ቤት ማለት ነው።
- 14) “መንግስት” ማለት የኦሮሚያ ክልል መንግስት ማለት ነው።
- 15) “ክልል” ማለት የኦሮሚያ ክልል ማለት ነው።
- 16) “ሰው” ማለት የተፈጥሮ ወይም የሕግ ሰውነት የተሰጠው አካል ማለት ነው።
- 17) “አጥጋቢ ምክንያት” ማለት የባህል ፍርድ ቤቱ የሚሰራበት አካባቢን ተጨባጭ ሁኔታ በመመርኮዝ በባህል ፍርድ ቤት ሽማግሌዎች እንደ አሳማኝ ምክንያት የሚወሰድ የትኛውም ምክንያት ማለት ነው።
- 18) “የባህል ሕግ” ማለት የባህል ፍርድ ቤቱ የሚሰራበት አካባቢ የሚገኝ ሆኖ ሕገ መንግስትን፣ ሞራልንና የተፈጥሮ ህግን የማይቃረን የኦሮሞ የባህል ሕግ ማለት ነው።
- 19) “ሰብሳቢ” ማለት የባህል ፍርድ ቤት ሽማግሌ ሲሆን በዚህ ድንብና በአዋጁ ተጨማሪ ስራዎች እና ኃላፊነቶች የተሰጡት ግለሰብ ነው።

- 10) “Committee” means a committee to be organized by district courts to facilitate the selection of elders of customary courts.
- 11) “Proclamation” means a Proclamation for the Establishment and Recognition of Oromia Region Customary Courts, Proclamation No. 240/2021.
- 12) “Customary Court” means a court established to adjudicate disputes based on customary laws or a customary institution given recognition.
- 13) “Court” means Supreme Court, High Court and District Court established in accordance with the Revised Constitution of Oromia Regional State, Proclamation No. 46/1994.
- 14) “Government” means the Oromia State government.
- 15) “Region” means the Oromia region.
- 16) “Person” means a natural or juridical person.
- 17) “Satisfactory Reason” means any reason that elders of customary court consider as sufficient reason taking in to account the circumstances of the specific locality where the Customary Court operates.
- 18) “Customary Law” means a customary law of the Oromo People found in the specific locality where the customary court is situated that is not incompatible with the constitution, public morality and natural justice.
- 19) “Chairperson” means an elder of a customary court entrusted with additional functions and responsibilities provided under this regulation and the proclamation.

20) “Yaa’ii Jiraattotaa” jechuun jaar-solii Mana Murtii Aadaa Jalqabaa filachuuf, gahumsa isaanii madaaluu fi hojiirraa gaggeesuuf walga’ii jiraattota gandaa Koreedhaan waamame ta’ee, hirmaattonni ija korichaatiin lakkoofsi isaanii gahaa ta’an kan irratti argaman jechuu dha.

3. Ibsa Koorniyaa

Dambii kana keessatti jechi koorniyaa dhiiraatiin ibsame dubartiis ni dabalata.

4. Daangaa Raawwatiinsaa

- 1) Dambiin kun dhimmoota Mana Murtii Aadaatiin ilaalaman hunda irratti raawwatiinsa ni qabaata.
- 2) Dambiin kun jaarsolii, barreessitootaa fi hojjetoota Mana Murtii Aadaa irratti raawwatiinsa ni qabaata.
- 3) Dambiin kun dhaabbilee mootummaa fi miti mootummaa akkasumas gurmaa’insa aadaa gara garaa fi qaamota Dambii kana keessatti gahee akka qaban ibsaman irratti raawwatiinsa ni qabaata.

Kutaa Lama

Manneen Murtii Aadaatiif Beekamtii Kennuu fi Hundeessuu

5. Qajeeltoo

- 1) Jaarmayaalee aadaatiif akka Mana Murtii Aadaatti akka hojjetaniif beekamtiin kennamuu ni danda’a.
- 2) Manneen Murtii Aadaa hundeesuun dura jaarmayaan aadaa akka Mana Murtii Aadaatti beekamtii argachuu danda’u jiraachuu fi dhiisuun isaa qulqullaa’uu qaba. Jaarmayaan aadaa beekamtiin kennameef bakka jirutti Manni Murtii Aadaa hin hundaa’u.

20) “የነዋሪዎች ስብሰባ” ማለት የመጀመሪያ ደረጃ የባህል ፍርድ ቤት ሽማግሌዎችን ለመምረጥ፣ ብቃታቸውን ለመመዘንና ከስራ ለማሰናበት በኮሚቴ የሚጠራ የአካባቢው ነዋሪ ስብሰባ ሲሆን በኮሚቴው በቂ ተብሎ ሊወሰድ የሚችል ተሳታፊዎች የተገኙበት ማለት ነው።

3. የፆታ አገላለጽ

በዚህ አዋጅ ውስጥ በወንድ ፆታ የተገለፀው የሴትንም ፆታ ያጠቃልላል።

4. የተፈጻሚነት ወሰን

- 1) ይህ ደንብ በባህል ፍርድ ቤት በሚታዩ ጉዳዮች ሁሉ ላይ ተፈጻሚነት ይኖረዋል።
- 2) ይህ ደንብ በባህል ፍርድ ቤት ሽማግሌዎች፣ ጸሓፊና ሌሎች ሠራተኞች ላይ ተፈጻሚነት ይኖረዋል።
- 3) ይህ ደንብ መንግስታዊና መንግስታዊ ባልሆኑ ተቋማት እንዲሁም በባህል አደረጃጀቶች እና በዚህ ደንብ ሀላፊነት በተሰጣቸው የተለያዩ አካላት ላይ ተፈጻሚነት ይኖረዋል።

ክፍል ሁለት

ለባህል ፍርድ ቤቶች ዕውቅና መስጠት እና ማቋቋም

5. መርህ

- 1) የባህል ተቋማት እንደ ባህል ፍርድ ቤት እንዲሰሩ ዕውቅና ሊሰጣቸው ይችላል።
- 2) የባህል ፍርድ ቤቶችን ከማቋቋም በፊት ዕውቅና በማግኘት ሊሰሩ የሚችሉ የባህል ተቋማት መኖራቸው ወይም አለመኖራቸው መጣራት አለበት። ዕውቅና የተሰጠው የባህል ተቋም ባለበት የባህል ፍርድ ቤት አይቋቋምም።

20) “Meeting of Residents” means a meeting of Kebele residents called by the Committee, on which, in the eyes of the committee, a sufficient number of participants present, to select, evaluate their capacity and remove First Instance Customary Courts elders.

3. Gender Reference

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

4. Scope of Application

- 1) This regulation shall apply to all matters falling under the jurisdiction of Customary Courts.
- 2) This regulation shall apply to all elders, secretary and other workers of the Customary Court.
- 3) This regulation shall apply to governmental and non-governmental organizations as well as different customary institutions and organs or persons having a role as stated in this regulation.

Part Two

Giving Recognition to and Establishment of Customary Courts

5. Principle

- 1) Recognition may be given to customary institutions to operate as a Customary Court.
- 2) The presence or otherwise of a Customary Institution that may get recognition must be verified before establishing a customary court. A customary Court may not be established where there is a customary institution to which recognition is given.

- 3) Jaarmayaan aadaa tokko hojii gara garaa kan qabu yoo ta'e, beekamtiin bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin kennamu gurmaa'insa hojii waldhabbii hiikuu fi araara buusuun walqabatuuf qofa ta'a.
- 4) Jaarmayaa aadaatiif beekamtiin kan kennamu akka gurmaa'insa Mana Murtii Aadaa jalqabaa yookiin oldabarfataatti ta'uu danda'a.
- 5) Jaarmayaa aadaa tokkoof yeroo tokkotti akka Mana Murtii Aadaa jalqabaa fi Oldabarfataatti beekamtiin kennamuu hin danda'u.
- 6) Manni Murtii Aadaa beekamtiin kennamuuf akkuma barbaachisummaa isaatti ganda tokko yookiin tokkoo ol ta'an irratti kan hojjetu ta'uu danda'a.

6. Jaarmayaalee Aadaatiif Beekamtii Kennuuf Ulaagaalee Barbaachisan

- 1) Jaarmayaan aadaa bu'uura Dambii kanaa fi Labsiitiin Mana Murtii Aadaa Jalqabaa ta'uun beekamtii argachuuf ulaagaalee armaan gadii guutee argamuu qaba:
 - (a) Bifa idilaa'aa ta'een seera aadaa fi duudhaa ummata Oromoo bu'uureffachuun waldhabdee hiikuu fi araaraa buusuu irratti kan hojjetu;
 - (b) Beekamtii argachuuf fedhii qabaachuu;
 - (c) Hojii waldhabdee hiikuu yookiin araara buusuu hojjachaa tureen bu'a qabeessa ta'uu;
 - (d) Hawaasa naannichaa garaagarummaa amantaa, koor-nayaa, diinagdee fi haala dhuunfaa biroo malee kan tajaajilu ta'uu;

- 3) አንድ የባህል ተቋም የተለያዩ ተግባራት ያሉት ከሆነ በዚህ አንቀጽ 1 መሠረት የሚሰጠው ዕውቅና አለመግባባትን ለመፍታት እና ዕርቅን ለማውረድ ላለው አደረጃጀቱ ብቻ ይሆናል።
- 4) ለባህል ተቋም ዕውቅና የሚሰጠው እንደ መጀመሪያ ደረጃ የባህል ፍርድ ቤት ወይም እንደ ይግባኝ ሰሚ የባህል ፍርድ ቤት ይሆናል።
- 5) ለአንድ የባህል ተቋም በአንድ ጊዜ እንደ መጀመሪያ ደረጃ የባህል ፍርድ ቤት እና እንደ ይግባኝ ሰሚ የባህል ፍርድ ቤት ዕውቅና ሊሰጠው አይችልም።
- 6) ዕውቅና የሚሰጠው የባህል ፍርድ ቤት እንደ አስፈላጊነቱ በአንድ ወይም ከአንድ በላይ በሆኑ ቀበሌዎች የሚሰራ ሊሆን ይችላል።

6. ለባህል ተቋማት ዕውቅና ለመስጠት መሟላት ያለባቸው መስፈርቶች

- 1) አንድ የባህል ተቋም በዚህ ደንብና በአዋጅ መሠረት እንደ መጀመሪያ ደረጃ የባህል ፍርድ ቤት ዕውቅና ለማግኘት የሚከተሉትን መስፈርቶች መሟላት አለበት፡-
 - (ሀ) መደበኛ በሆነ ሁኔታ የባህል ሕግና የህዝቡን እሴት መሰረት አድርጎ አለመግባባትን ለመፍታትና ዕርቅን ለማውረድ የሚሰራ፤
 - (ለ) ዕውቅና ለማግኘት ፍላጎት ያለው፤
 - (ሐ) አለመግባባትን በመፍታትና ዕርቅን ለማውረድ ስራ ውጤታማ የሆነ፤
 - (መ) የአካባቢውን ህብረተሰብ በሀይማኖት፣ በጾታ፣ በኢኮኖሚ ሁኔታ ወይም በዩኒቨርሲቲውም ግላዊ ሁኔታ ያለ አድሎ የሚያገለግል።

- 3) If a customary institution has different functions, recognition in accordance with sub-article 1 of this Article may be given only to its organ in respect of its function of dispute settlement and reconciliation.
- 4) The recognition given to these customary institutions may be either as a First Instance or Appellate Customary Court.
- 5) Recognition may not be given to a customary institution as a First Instance and as an Appellate Customary Court at the same time.
- 6) A Customary Court to which recognition is given may operate in one or more kebeles as may be necessary.

6. Criteria Required for Giving Recognition to Customary Institutions

- 1) A Customary institution must fulfill the following criteria to be recognized as a First Instance Customary Court in accordance with this Regulation and the Proclamation:
 - (a) It must be working, on a regular basis, on settling disputes and reconciliation based on customary law and values of the Oromo people;
 - (b) Must be willing to be recognized as a customary court;
 - (c) It must be effective in its activities of settling disputes or reconciliation;
 - (d) It must be one that serves the society of the region without discrimination on the basis of religion, sex, economic or other personal status;

- 2) Kan Keewwata kana Keewwata Xiqqaa 1 (d) jalatti ibsame yoo jiraatellee jaarmayaalee akkaataa aadaa naannoo itti hojjetaniitiin kutaa hawaasaa murtaa’e tajaajilaniif ulaagaalee biroo kan guutan yoo ta’e beekamtii kennuun ni danda’ama.
- 3) Jaarmayaan aadaa Mana Murtii Aadaa Oldabarfataa ta’uun beekamtii argachuuf gaafatu ulaagaalee Keewwata kana Keewwata Xiqqaa 1 jalatti tarreeffaman irratti dabalataan muuxannoo dhimmoota oldabarfataan ilaaluu qabaachuu qaba.

7. Adeemsa Jaarmayaa Aadaatiif Beekamtiin Itti Kennamu

- 1) Pirezidaantiin Mana Murtii Aanaa yookiin Ittigaafatamaan Waajjira Aadaa fi Tuurizimii jaarmayaaleen aadaa waldhabbii hiikuu fi araara buusuudhaan beekaman akka Mana Murtii Aadaatti beekamtii argachuuf fedhii akka horatan affeeruu fi jajjabeessuu ni danda’u.
- 2) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti ibsame akkuma jirutti ta’ee, Pirezidaantiin Mana Murtii Aanaa fi Itti gaafatamaan Waajjira Aadaa fi Tuurizimii Aanaa jaarmayaalee aadaa akka Mana Murtii Aadaatti beekamtii fudhachuun tajaajiluu danda’an adda baasuuf sakatta’iinsi akka gaggeeffamu gochuu ni danda’u.
- 3) Jaarmayaa aadaatiif akka Mana Murtii Aadaatti beekamtiin kennamuun dura qabxiileen armaan gadii adda bahuu qabu:
 - (a) Maqaa jaarmayichi ittiin beekamu;
 - (b) Teessoo fi daangaa jaarmayichi keessatti hojjetu;
 - (c) Maqaa jaarsolii yeroo iyyatichi dhiyaatutti jaarmayicha jalatti hojjetanii;
 - (d) Baasii hojii isaa raawwachuuf isa dandeessisu uwwisuuf madda galii fayyadamu;

- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 (መ) ስር የተደነገገው ቢኖርም በአካባቢው ባህል መሰረት አንድ የተወሰነ የማህበረሰብ ክፍልን ብቻ ለሚያገግሉ የባህል ተቋማት ሌሎች መስፈርቶችን ያሟሉ ከሆነ ዕውቅና ሊሰጣቸው ይችላል።
- 3) እንደ ይግባኝ ስሜ የባህል ፍርድ ቤት ዕውቅና ለማግኘት የጠየቀ የባህል ተቋም በዚህ አንቀጽ ንዑስ አንቀጽ 1 ከተዘረዘሩት መስፈርቶች በተጨማሪ በይግባኝ ጉዳዮችን የማየት ልምድ ያለው መሆን ይኖርበታል።

7. ለባህል ተቋም ዕውቅና የሚሰጥበት ስርዓት

- 1) የወረዳ ፍርድ ቤት ፕሬዚዳንት ወይም የወረዳው የባህልና ቱሪዝም ጽሕፈት ቤት ሀላፊ አለመግባባትን በመፍታትና ዕርቅን በማውረድ የሚታወቁ የባህል ተቋማት እንደ ባህል ፍርድ ቤት ዕውቅና ወስደው ለመስራት ፍላጎት እንዲኖራቸው መጋበዝና ማበረታታት ይችላሉ።
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ስር የተደነገገው እንደተጠበቀ ሆኖ የወረዳ ፍርድ ቤት ፕሬዚዳንት እና የወረዳው የባህልና ቱሪዝም ቢሮ ሀላፊ እንደ ባህል ፍርድ ቤት ዕውቅና አግኝተው መስራት የሚችሉ የባህል ተቋማትን ለመለየት ጥናት እንዲሰራ ሊያደርጉ ይችላሉ።
- 3) ለባህል ተቋማት እንደ ባህል ፍርድ ቤት ዕውቅና ከመሰጠቱ በፊት የሚከተሉት ነጥቦች መለየት አለባቸው።
 - (ሀ) ተቋሙ የሚታወቅበት ስም፤
 - (ለ) የተቋሙ አድራሻና ስራውን የሚያከናውንበት ወሰን፤
 - (ሐ) ማመልከቻው በሚቀርብበት ጊዜ በተቋሙ የሚያገለግሉ የሽማግሌዎች ስም፤
 - (መ) ስራውን ለማከናወን የሚያስፈልገውን ወጪ ለመሸፈን የሚጠቀመው የገቢ ምንጭ።

- 2) Notwithstanding the provision of Sub-article 1 (d) of this Article, recognition may be given to institutions that serve a specified group of community in accordance with the custom of the area where they operate provided that they fulfill other criteria.
- 3) A customary institution that requires to be recognized as an Appellate Customary Court must have an experience of an appellate jurisdiction in addition to the criteria stated under sub-article 1 of this Article.

7. Procedure for Giving Recognition to a Customary Institution

- 1) The President of the District Court or Head District Office of Culture and Tourism may invite and encourage customary institutions, known for their dispute resolution and mediation practices, to develop the desire to be recognized as a Customary Court.
- 2) Without prejudice to the provision of sub-article 1 of this Article, the President of the District Court and Head District Office of Culture and Tourism may cause the conduct of an assessment for the identification of a customary institution that can be recognized and serve as a Customary Court.
- 3) The following points shall be verified before giving recognition to a customary institution to serve as a Customary Court:
 - (a) The name by which the institution is known;
 - (b) The address and boundary within which the institution operates;
 - (c) The name of elders working under the institution at the time of the making of the application;
 - (d) Source of income it uses to cover costs to discharge its duties;

- 4) Jaarmiyaa aadaa adda baheef beekamtii kennuun dura Koreen bu'uura Dambii kana Keewwata 12(2) fi 14(2) tiin hundaa'u jaarmayaa beekamtiin akka kennamuuf adda bahe yaa'ii jiraattota gandaa irratti dhiyeessuun jaarmayichi jiraattotaan akka Mana Murtii Aadaatti fudhata ma argachuun isaa mirkanaa'uu qaba.
- 5) Manni Murtii Aanaa jaarmayaa aadaa akka Mana Murtii Aadaa Jalqabaa yookiin Oldabarfataatti beekamtii argateef xalayaa beekamtiin kennamuufii agarsiisu kennuufi qaba.

8. Dirqamoota Jaarmayaa Beekamtii Argatee

- 1) Labsii fi Kutaalee biroo Dambii kanaa keessatti kan ibsame akkuma jirutti ta'ee, jaarmayaan aadaa akka Mana Murtii Aadaatti beekamtiin kennameef dirqamoota armaan gadii ni qabaata:
 - (a) Karooraa fi gabaasa raawwii hojii yeroo yeroon Mana Murtii Aanaatiif dhiyeessuu;
 - (b) Jaarsoliin hojii isaanii naamusa olaanaadhaan hojjechuu mirkaneessuu;
 - (c) Meeshaalee fi waantota hojiif barbaachisoo ta'an guuttachuu fi sirnaan fayyadamuu;
 - (d) Adeemsa iftoomina qabu hordofuun hojii isaanii hojjechuu;
 - (e) Dhimma dhiyaatuuf si'oominaan ilaalanii furmaata kennuu.
- 2) Jaarmayaan aadaa beekamtiin kennameef akkaataa Dambii kanaa fi Labsiitiin hojii isaa eegaluuf barreessaan akka ramadamuuf gaafachuu qaba; Manni Murtii Aanaas jaarmayaa aadaa beekamtiin kennameef barreesaa ofii isaa gargaaramuu ni danda'a.

- 4) እንደ ባህል ፍርድ ቤት ዕውቅና እንዲያገኝ ለተለየ የባህል ተቋም ዕውቅና ከመስጠት በፊት በዚህ ደንብ አንቀጽ 12(2) እና 14(2) መሰረት የሚቋቋመው ኮሚቴ የነዋሪዎች ስብሰባ እንዲጠራ በማድረግ ተቋሙ በነዋሪዎቹ ዘንድ እንደ ባህል ፍርድ ቤት ተቀባይነት ማግኘቱ መረጋገጥ አለበት።
- 5) የወረዳ ፍርድ ቤት እንደ መጀመሪያ ወይም እንደ ይግባኝ ሰሚ የባህል ፍርድ ቤት ዕውቅና ላገኘ የባህል ተቋም ዕውቅና ማግኘቱን የሚገልጽ ደብዳቤ መስጠት አለበት።

8. ዕውቅና የተሰጠው የባህል ፍርድ ቤት ግዴታዎች

- 1) በአዋጁ እና በዚህ ደንብ ሌሎች ክፍሎች የተገለጸው እንደ ተጠበቀ ሆኖ እንደ ባህል ፍርድ ቤት ዕውቅና የተሰጠው የባህል ተቋም የሚከተሉት ግዴታዎች ይኖሩታል፡-
 - (ሀ) ዕቅድና የስራ አፈጻጸም ሪፖርቱን በየጊዜው ለወረዳ ፍርድ ቤት ማቅረብ፤
 - (ለ) ሽማግሌዎች ስራቸውን በከፍተኛ ስነምግባር መፈጸማቸውን ማረጋገጥ፤
 - (ሐ) ለስራ አስፈላጊ የሆኑ ነገሮችና ቁሳቁሶችን ማሟላትና በእነዚህም በአግባቡ መጠቀም፤
 - (መ) ስራቸውን በግልጽነት ማከናወን፤
 - (ሠ) የሚቀርቡላቸውን ጉዳዮች በተቀላጠፈ ሁኔታ ማስተናገድ።
- 2) እንደ ባህል ፍርድ ቤት ዕውቅና የተሰጠው የባህል ተቋም በዚህ ደንብና በአዋጁ መሰረት ስራውን ለመጀመር ጸሐፊ እንዲመደብለት መጠየቅ አለበት። የወረዳ ፍርድ ቤትም ዕውቅና ለተሰጠው የባህል ተቋም በአጭር ጊዜ ውስጥ ጸሐፊ መመደብ አለበት። ዕውቅና የተሰጠው የባህል ተቋም ጸሐፊ ያለው ከሆነ በራሱ ጸሐፊ መገልገል ይችላል።

- 4) Before giving recognition to an identified institution, the acceptance and approval by the meeting of residents, of an institution to work as a Customary Court must be facilitated by a committee to be established pursuant to Articles 12(2) and 14(2) of this Regulation.
- 5) The District Court shall provide the customary institution given recognition as either a First Instance or an Appellate Customary Court, with a letter that indicates such recognition.

8. Responsibilities of a Customary Institution Given Recognition

- 1) Without prejudice to the provisions of the Proclamation and other parts of this Regulation, Customary institutions recognized as Customary Courts must have the following responsibilities:
 - (a) To submit, on a regular basis, work plans and performances to a District Court;
 - (b) To ensure that elders are working with high ethical standard;
 - (c) To ensure the supply and proper utilization of materials necessary for their work;
 - (d) To discharge their functions with transparent procedure; and
 - (e) To resolve cases brought before them expeditiously.
- 2) The Customary Court to which recognition is given shall request the assignment of a Secretary to commence its activities in accordance with this Regulation and the Proclamation; the District Court shall assign a Secretary forth with to the institution given recognition. An institution given recognition may use its own Secretary.

3) Jaarmayaan aadaa akka Mana Murtii Aadaatti beekamtiin kennameef tumaalee Labsii Keewwata 9, 12, 13, 14 fi 15, akka sumas tumaalee Dambii kanaa keewwata 12,13, 14, 15, 16, 17, 28, 29, 34, 35 fi 36 jala jiran akkasumas tumaalee Dambichaa biroo Jaarsolii Mana Murtii Aadaa ilaallatan hojiirra oolchuuf dirqama hin qaban.

9. Beekamtii Jaarmayaa Aadaa Haquu

- 1) Manni Murtii Aanaa beekamtii jaarmayaalee aadaatiif kenne haquu ni danda'a.
- 2) Bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin beekamtiin jaarmayaa aadaa haqamuu kan danda'u, jaarmayaan aadaa sun akka Mana Murtii Aadaatti hojjechuuf fedhii akka hin qabne iyyata kan dhiyeeffate yoo ta'e, yookiin hanqinaalee armaan gadii keessaa tokko qabaachuu yoo mirkanaa'e dha.
- (a) Dirqamoota Dambii kanaa fi Labsii keessatti raawwachuu akka qaban tumaman bahachuu dhabuu;
- (b) Ulaagaa Dambii kanaa fi Labsii keessatti beekamtii argachuuf barbaachisan guutanii argamuu dhabuu;
- (c) Gartummaa siyaasaa, amantaa, koornayaa yookiin kan biraa agarsiisuu;
- (d) Aangoo seeraan ala fayyadamuu;
- (e) Tajaajila kennaniif faayidaa hin malle waldhabdoota irraa gaafachuu;
- (f) Manneen Murtii Aanaa waliin atoomanii hojjechuu dadhabuu;
- (g) Hojimaata Heera Mootummaa faallessu hordofuu;
- (h) Hanqinaalee biroo seera aadaatiin dhorkaman raawwatanii argamuu dha.

3) እንደ ባህል ፍርድ ቤት ዕውቅና የተሰጠው የባህል ተቋም የአዋጁን ድንጋጌዎች አንቀጽ 9፣ 12፣ 13፣ 14 እና 15 እንዲሁም ከዚህ ደንብ ድንጋጌዎች አንቀጽ 12፣ 13፣ 14፣ 15፣ 16፣ 17፣ 28፣ 29፣ 34፣ 35፣ 36 እና የባህል ፍርድ ቤት ሽማግሌዎችን የሚመለከቱ ሌሎች ድንጋጌዎችን ለመተግበር ግዴታ የለበትም።

9. ለባህል ተቋም የተሰጠን ዕውቅና ስለ መሰረዝ

- 1) የወረዳ ፍርድ ቤት ለባህል ተቋማት የሰጠውን ዕውቅና ሊሰረዝ ይችላል።
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሰረት ለአንድ የባህል ተቋም የተሰጠ ዕውቅና ሊሰረዝ የሚችለው ተቋሙ እንደ ባህል ፍርድ ቤት ለማገልገል ፍላጎት የሌለው መሆኑን በማመልከቻ ሲገልጽ ወይም ከዚህ በታች ከተዘረዘሩት ምክንያቶች አንዱ ሲኖር ነው፡-
 - (ሀ) በዚህ ደንብና በአዋጁ የተሰጡትን ግዴታዎች አለመወጣት፤
 - (ለ) በዚህ ደንብና በአዋጁ ዕውቅና ለማግኘት እንደሚያስፈልጉ የተጠቀሱ መስፈርቶችን ሳያሟላ መገኘት፤
 - (ሐ) የፖለቲካ፣ የእምነት፣ የጾታ ወይም ሌላ ወገንተኝነትን ማንጸባረቅ፤
 - (መ) ስልጣንን አለአግባብ መገልገል፤
 - (ሠ) ከተገልጋይ ወገኖች ያልተገባ ጥቅም መጠየቅ፤
 - (ረ) ከወረዳ ፍርድ ቤቶች ጋር ተቀናጅቶ መስራት አለመቻል፤
 - (ሰ) ህገ መንግስቱን የሚቃረን አሰራርን መከተል፤
 - (ሸ) በባህል ሕገ የተከለከሉ ተግባራትን ፈጽሞ መገኘት ናቸው።

3) A customary institution given recognition as a Customary Court may not be bound to implement the provisions of Articles 9, 12, 13, 14 and 15 of the Proclamation, as well as the provisions of Articles 12, 13, 14, 15, 16, 17, 28, 29, 34, 35 and 36 of this Regulation and other provisions concerning elders of the Customary Court.

9. Revocation of the Recognition of the Customary Institution

- 1) The District Court may revoke the recognition it gave to the customary institution.
- 2) The recognition of a customary institution may be revoked pursuant to sub-article 1 of this Article where the customary institution lodged an application that it has no longer a desire to work as a Customary Court, or where it is proven to have one of the following limitations:
 - (a) Failure to discharge responsibilities provided for in the this Regulation and the Proclamation;
 - (b) Failure to fulfill criteria stated in this Regulation and the Proclamation;
 - (c) Manifestation of impartiality based on political, religious, gender or other grounds;
 - (d) Abuse of power;
 - (e) Seeking undue benefit from disputants;
 - (f) Failure to work collaboratively with District Courts;
 - (g) Engaging in practices that are incompatible with the Constitution;
 - (h) Other limitations prescribed by the customary law.

- 3) Bu'uura Keewwata kana Keewwata Xiqqaa 2 tiin hanqinni beekamtiin jaarmayaa aadaa akka haqamu taasisu yoo jiraate Abbootiin Gadaa, bulchitoonni gosaa, jaarsoliin biyyaa fi qaamni dhimmi ilaalu biroo Mana Murtii Aanaatiif eeruu dhiyeesuu ni danda'u.
- 4) Manni Murtii Aanaa bu'uura Keewwata kana Keewwata Xiqqaa 3 tiin eeruun yoo dhiyaateef yookiin kaka'uumsa mataa isaatiin sababni beekamtii jaarmaya aadaa akka haqamu taasisu ni jira jedhee yoo amane dhimmichi Koree jaarsoolii filachiisuuf bu'uura Dambii kana Keewwata 12(2) fi 14(2) tiin hundeeffamuun akka qulqullaa'u ni godha.
- 5) Manni Murtii Aanaa hanqinni eerame jiraachuu kan adda baa-fate yoo ta'e, Manni Murtii Aadichaa hanqinicha sirreessuun akka gabaasu xalayaadhaan ni beeksisa.
- 6) Jaarmayaan aadaa hanqina qabu akka sirreessu akeekkachiisni kennameef sirreeffama barbaachisaa taasisuu kan hin dandeenye yookiin fedhii kan hin qabne ta'uu yoo hubatame, Manni Murtii Aanaa Koreen bu'uura Dambii kana Keewwata 12(2) fi 14(2) tiin hundaa'u yaa'iin jiraattota yookiin yaa'iin jaarsolii Manneen Murtii Aadaa akka waamamu gochuun hanqinaalee jaarmayichaa irratti mari'atamee murtii irra gahame akka gabaasu ni taasisa.
- 7) Korichis yaa'iin jiraattotaa yookiin yaa'iin jaarsolii Manneen Murtii Aadaa beekamtii jaarmayaa aadaa sanaa akka haqu yookiin tarkaanfii sirreeffamaa biroo akka fudhatu ni taasisa.

- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሰረት የባህል ተቋም ዕውቅና እንዲሰረዝ የሚያደርግ ምክንያት ሲኖር አባገዳዎች፣ የጎሳ መሪዎች፣ የሀገር ሽማግሌዎችና ሌላ ጉዳዩ የሚመለከተው አካል ለወረዳ ፍርድ ቤት ጥቆማ ማቅረብ ይችላል።
- 4) የወረዳ ፍርድ ቤት በዚህ አንቀጽ ንዑስ አንቀጽ 3 መሰረት ጥቆማ ሲቀርብለት ወይም በራሱ ተነሳሽነት የባህል ተቋም ዕውቅና እንዲሰረዝ የሚያደርግ ምክንያት አለ ብሎ ስያምን ጉዳዩን ሽማግሌዎችን ለማስመረጥ በዚህ ደንብ አንቀጽ 12(2) እና 14(2) መሠረት ለሚቋቋመው ኮሚቴ በመምራት እንዲጣራ ያደርጋል።
- 5) የወረዳ ፍርድ ቤት ችግሩ መኖሩን ካረጋገጠ የባህል ፍርድ ቤቱ ጉድለቱን በማስተካከል ሪፖርት እንዲያደርግ በደብዳቤ ያሳውቃል።
- 6) ጉድለቶችን እንድያርም ማሳሰቢያ የተሰጠው የባህል ተቋም ማስተካከያ ማድረግ ያልቻለ እንደሆነ ወይም ለማስተካከል ፈቃደኛ አለመሆኑን ከተረዳ የወረዳ ፍርድ ቤት በዚህ ደንብ አንቀጽ 12(2) እና 14(2) መሰረት የተቋቋመው ኮሚቴ የነዋሪዎች ስብሰባ ወይም የባህል ፍርድ ቤት ሽማግሌዎች ጉባዔ እንዲካሄድ በማድረግ የባህል ተቋሙን ጉድለቶች በተመለከተ ተወያይቶ የደረሰበትን ውሳኔ ሪፖርት እንዲያቀርብ ያደርጋል።
- 7) ኮሚቴውም የነዋሪዎች ስብሰባ ወይም የባህል ፍርድ ቤት ሽማግሌዎች ጉባዔ የባህል ተቋሙ ዕውቅና እንዲሰረዝ ወይም ሌላ የማስተካከያ እርምጃ እንዲወሰድ ያደርጋል።

- 3) Where there are limitations capable of leading to revocation of the recognition of the customary institution, pursuant to sub-article 2 of this Article, Aba Gadas, clan administrators, elderly persons and other concerned organs may notify the District Court.
- 4) Where the District Court receives notification pursuant to sub-article 3 of this article or believes that there are grounds leading to the revocation of the recognition of the customary institution, it shall direct the matter, for further investigation, to a committee established pursuant to Articles 12(2) and 14(2) of this Regulation for the purpose of selection of elders.
- 5) If the District Court believes that the limitation exists, it shall notify in writing, the Customary Court to take measures and report to it.
- 6) Where it is proved that the customary institution with limitation warned to take measure fails to take the measure or is not willing to do so, the District Court may cause the committee established pursuant to Articles 12(2) and 14(2) of this Regulation to convene the meeting of residents or plenum of elders to discuss and decide on the limitation of the institution and report to the District Court.
- 7) The committee shall ensure that the meeting of residents or plenum of elders of the Customary Court revokes the recognition of the customary institution or that it takes any other measure.

8) Bu'uura Keewwata kana Kewwata Xiqqaa 7 tiin jaarmayaan aadaa akka haqamu yaa'ii jiraatotataa yookiin yaa'ii jaarsolii Mana Murtii Aadaatiin kan murtaa'e yoo ta'e, yookiin jaarmayichi tarkaanfii sirreeffamaa akka fudhatamu yaa'idhaan murtaa'e kan hin fudhanne yoo ta'e, Manni Murtii Aanaa beekamtii kenname ni haqa. Murtiin bu'uura kanaan kennamu isa dhumaa ta'a.

10. Bu'aa Beekamtii Haquun Hordofsiisu

- 1) Manni Murtii Aanaa beekamtii jaarmayaa aadaa kan haqe yoo ta'ee fi Manni Murtii Aadaa biroo beekamtii argate kan hin jirre yoo ta'e, yeroo ji'a tokko hin caalle keessatti jaarmayaa aadaatiif beekamtii kennuu yookiin Manni Murtii Aadaa akka hundaa'u gochuu qaba.
- 2) Dhimmoonni jaarmayaa beekamtiin isaa haqameen ilaalamaa turanii fi xumura hin arganne jaarmayaa biroo beekamtii qabu yookiin beekamtiin kennamuuf yookiin Mana Murtii Aadaa hundeeffamutti ilaallamuu danda'u.
- 3) Murtiin yookiin bu'aan araaraa jaarmayaa beekamtiin isaa haqameen kenname jaarmayaa biroo beekamtii qabu yookiin haaraa beekamtiin kennamuuf yookiin Mana Murtii Aadaa hundeeffamutti dhiyaatee kan raawwatamu ta'a.
- 4) Galmeeleen jaarmayaa beekamtiin isaa haqameen murtii argatanii fi araaraan xumuramuun kuufamanii argaman gara jaarmayaa biroo beekamtii qabu yookiin beekamtiin kennameef yookiin Mana Murtii Aadaa hundeeffamutti dabarfamuu qabu.
- 5) Jaarmaayaan bu'uura Dambii kana Keewwata 9 Keewwata Xiqqaa 1 jalatti tumameen beekamtiin isaa haqame akkaataa jaarmaayaa aadaa beekamtii hin qabne tokkootti hojii waldhabbii hiikuu fi araara buusuu rawwachuu wanti isa dhorku hin jiraatu.

8) በዚህ አንቀጽ ንዑስ አንቀጽ 7 መሰረት የባህል ተቋሙ ዕውቅና እንዲሰጠ በነዋሪዎች ስብሰባ ወይም በሽማግሌዎች ጉባዔ የተወሰነ ከሆነ ወይም ተቋሙ በነዋሪዎች ስብሰባ የተወሰነውን የማስተካከያ እርምጃ መውሰድ ካልቻለ የወረዳው ፍርድ ቤት የተቋሙን ዕውቅና ሊሰጠ ይችላል። በዚህ መሰረት የተሰጠው ላይ የመጨረሻ ይሆናል።

10. ዕውቅናን መሰረዝ የሚያስከትለው ውጤት

- 1) የወረዳ ፍርድ ቤት የባህል ተቋምን ዕውቅና ከሰጠ ሌላ በአካባቢው እውቅና ያገኘ የባህል ተቋም ከሌለ ከአንድ ወር ባልበለጠ ጊዜ ውስጥ ለሌላ የባህል ተቋም እውቅና የሚሰጥ ወይም አዲስ የባህል ፍርድ ቤት የሚቋቋም ይሆናል።
- 2) ዕውቅናው በተሰጠ የባህል ተቋም ሲታዩ የነበሩ እና እልባት ያላገኙ ጉዳዮች ሌላ እውቅና ባለው ወይም በሚሰጠው ወይም በሚቋቋመው የባህል ፍርድ ቤት እንደ አዲስ ሊታዩ ይችላሉ።
- 3) ዕውቅናው በተሰጠ የባህል ተቋም የተሰጡ ውሳኔዎች ወይም የእርቅ ውጤቶች አዲስ እውቅና በሚሰጠው ወይም በሚቋቋመው የባህል ፍርድ ቤት ቀርበው የሚፈጸሙ ይሆናሉ።
- 4) ዕውቅናው በተሰጠ የባህል ተቋም እልባት አግኝተው የተከማቹ መዝገቦች ሌላ እውቅና ወዳለው ወይም እውቅና ለሚሰጠው ወይም ወደ ሚቋቋመው የባህል ፍርድ ቤት መዛወር አለባቸው።
- 5) በዚህ ደንብ አንቀጽ 9 ንዑስ አንቀጽ 1 መሰረት ዕውቅናው የተሰጠ ተቋም ዕውቅና እንደሌለው እንደ ማንኛውም የባህል ተቋም አለመግባባትን የመፍታትና ዕርቅን የማውረድ ስራ ከማከናወን የሚከለክለው ነገር የለም።

8) Where the meeting of the residents or plenum of elders of the Customary Court decides the revocation of the recognition of the customary institution pursuant to sub-article 7 of this Article or the customary institution fails to take rectifying measure it was ordered by the meeting or plenum, the District Court shall revoke the recognition; the decision given accordingly shall be final.

10. Effects of Revocation of Recognition

- 1) The District Court, where it revoked the recognition of the customary institution and there is no other recognized institution, shall give recognition to a customary institution or establish a Customary Court within a month's time.
- 2) Cases pending before the revoked customary institution and not finalized may be instituted afresh before the customary institution already given recognition or to be given recognition or the Customary Court to be established.
- 3) The judgment rendered by the customary institution whose recognition is revoked may be brought before and executed by the customary institution given recognition or to be recognized or the Customary Court to be established.
- 4) Files with the customary institution the recognition of which is revoked shall be transferred to the customary institution given recognition or to be recognized or Customary Court to be established.
- 5) Nothing shall deprive the customary institution whose recognition is revoked pursuant to Article 9(1) of this Regulation, from settling disputes as a customary institution without recognition.

11. Gahee Manneen Murtii Sadarkaan Jiranii

Labsii fi Dambii kana kutaalee gara garaa jalatti kan ibsame akkuma eegametti ta'ee, manneen murtii sadarkaan jiran gaheewan armaan gaditti ibsaman ni qabaatu:

- 1) Manni Murtii Aanaa jaar-mayaalee aadaa beekamtii argatanii fi Manneen Murtii Aadaa hundeeffaman akkasumas karo-oraa fi raawwii hojii isaanii qindeessee Manneen Murtii Olaanaaf dhiyeessuu qaba. Manneen Murtii Olaanaas haala walfakkaataan Mana Murtii Waliigala Oromiyaatiif dhiyeessuu qabu.
- 2) Manneen Murtii Aanaa murtiilee filatamoo Manneen Murtii Aadaatiin kennaman akka maxxanfamaniif Mana Murtii Waliigalaa Oromiyaatiif ni erga. Manni Murtii Waliigalaa murtiilee Manneen Murtii Aadaa filataman waggaatti yoo xiqqaate yeroo tokko ni maxxansiisa.

Kutaa Sadii

Fo'annoo, Filannoo fi Ramaddii

Kutaa Xiqqaa Tokko

Filannoo Jaarsolii Mana Murtii Aadaa

12. Koree Jaarsolii Mana Murtii Aadaa Jalqabaa Filachiisu

- 1) Filannoon Jaarsolii Mana Murtii Aadaa Jalqabaa qindeessummaa koree Mana Murtii Aanaatiin hundaa'uun gaggeeffama.
- 2) Koreen jaarsoolii Manneen Murtii Aadaa Jalqabaa filachiisu miseensota armaan gadii ni qabaata;
 - (a) Pirezidaantii Mana Murtii Aanichaan kan bakka buufamu nama 1 (tokko) walitti qabaa;
 - (b) Hogganaa Waajjira Aadaa fi Turizimii Aanichaatiin kan bakka buufamu nama 1 (tokko) mi-seensa; fi

11. በየደረጃው ያሉ ፍርድ ቤቶች ሚና

በአዋጁ እና በዚህ ደንብ ሌሎች ክፍሎች የተደነገገው እንደ ተጠበቀ ሆኖ በየደረጃው ያሉ ፍርድ ቤቶች የሚከተሉት ሚናዎች ይኖራቸዋል።

- 1) የወረዳ ፍርድ ቤት ዕውቅና የተሰጣቸውንና የተቋቋሙ የባህል ፍርድ ቤቶችን እንዲሁም ዕቅዳቸውንና የስራ አፈጻጸማቸውን አዘጋጅቶ ለዞኑ ከፍተኛ ፍርድ ቤት ማቅረብ አለበት። ከፍተኛ ፍርድ ቤትም በተመሳሳይ ሁኔታ ለክልሉ ጠቅላይ ፍርድ ቤት ማቅረብ አለበት።
- 2) የወረዳ ፍርድ ቤት የተመረጡ የባህል ፍርድ ቤቶችን ውሳኔዎችን በመለየት እንዲታተሙ ለክልሉ ጠቅላይ ፍርድ ቤት መላክ አለበት። የክልሉ ጠቅላይ ፍርድ ቤትም የተመረጡ የባህል ፍርድ ቤቶችን ውሳኔዎች በአመት ቢያንስ አንድ ጊዜ ያሳትማል።

ክፍል ሦስት

ምልመላ፣ ምርጫና ምደባ

ገዕዝ ክፍል አንድ

የባህል ፍርድ ቤት ሽማግሌዎች ምርጫ

12. የመጀመሪያ ደረጃ የባህል ፍርድ ቤት ሽማግሌዎችን የሚያስመርጥ ኮሚቴ

- 1) የመጀመሪያ ደረጃ የባህል ፍርድ ቤት ሽማግሌዎች ምርጫ በወረዳ ፍርድ ቤት በሚቋቋም ኮሚቴ አስተባባሪነት ይከናወናል።
- 2) የመጀመሪያ ደረጃ የባህል ፍርድ ቤቶች ሽማግሌዎችን የምያስመርጠው ኮሚቴ የሚከተሉትን አባላት ይኖሩታል፡-
 - (ሀ) በወረዳ ፍርድ ቤት ፕሬዚዳንት የሚወከል 1 (አንድ) ሰው
 - (ለ) በወረዳው የባህልና ቴሪዝም ጽሕፈት ቤት ሀላፊ የሚወከል 1(አንድ) ሰው

11. Roles of Courts of Different Levels

Without prejudice to the provisions of in the different parts of the Proclamation and this Regulation, courts of various levels shall have the following roles:

- 1) A District Court shall notify a High Court customary institutions given recognition and a Customary Court established together with their work plans and performances. The High Courts shall similarly notify same to the Supreme Court of Oromia.
- 2) The District Court shall forward to the Supreme Court of Oromia selected judgments rendered by the Customary Court. The Supreme Court of Oromia shall cause the publication of selected Customary Court judgments at least once a year.

Part Three

Recruitment, Election, Assignment and Transfer

Section One

Election of Elders of Customary Court

12. The Committee Responsible for the Election of Elders of the First Instance Customary Court

- 1) The election of elders of First Instance Customary Courts shall be led by the coordination of a committee to be established by a District Court.
- 2) A committee responsible for the election of elders of a First Instance Customary Court shall have the following members:
 - (a) A person to be represented by the President of the District CourtChairman
 - (b) A person to be represented by the head Office of Culture and Tourism of the District....member; and

- (c) Manaajara Ganda Manni Murtii Aadichaa keessatti hundaa’uu miseensaa fi barreessaa.
- 3) Manni Murtii Aadaa Jalqabaa tokko gandoota 2 fi isaa ol irratti kan hundaa’u yeroo ta’u, manaa-jarri gandaa bu’uura Keewwata kana Keewwata Xiqqaa 2(c) tiin miseensa koree ta’u manaa-jara gandaa ganda teessoo Mana Murtii Aadichaati.
- 4) Kan Keewwata kana Keewwata Xiqqaa 2(c) jalatti tumamee jiru irraa kan hafe qaamni miseensa koree bakka buuse barbaachisaa ta’ee yoo argame miseensa korichaa jijjiiruu yookiin nama biroo bakka buusuu ni danda’a.
- 5) Manni Murtii Aanaa jaarsolii Manneen Murtii Aadaa Jalqabaa kan filachiisu akkuma barbaachisummaa isaatti koreen tokkoo ol akka hundaa’u gochuu ni danda’a.

13. Aangoo fi Hojii Koree Jaarsolii Mana Murtii Aadaa Jalqabaa Filachiisuu

Koreen jaarsolii Mana Murtii Aadaa Jalqabaa filachiisu aangoo fi hojii armaan gadii ni qabaata:

- 1) Adeemsa filannoo jaarsolii Mana Murtii Aadaa jalqabaa olaantummaan ni qindeessa, ni hooggana, ni to’ata;
- 2) Karooraa fi tarsiimoo filannoo jaarsolii ni baafata, Pirezidaantii Mana murtii Aanaa beeksisuun hojiirras ni oolcha;
- 3) Guyyaa jaarsoliin Mana Murtii Aadaa filataman yookiin hojiirraa kaafaman bulchaan gandaa yaa’ii jiraattotaa akka waamu ni taasisa;
- 4) Yaa’ii jiraattota gandaa waama irratti lakkoofsi hirmaattoota argamanii gahaa ta’uu isaa ni mirkaneessa; gahaa yoo hin taane beellama biroo qabuun ni beeksisa;

- (ሐ) የባህል ፍርድ ቤቱ የሚቋቋምበት ቀበሌ ማናጀር አባልና ጸሓፊ።
- 3) አንድ የመጀመሪያ ደረጃ የባህል ፍርድ ቤት ሁለትና ከዚያ በላይ በሆኑ ቀበሌዎች ላይ የሚቋቋም ሲሆን በዚህ አንቀጽ ንዑስ 2 መሰረት የኮሚቴው ጸሓፊ የሚሆነው የባህል ፍርድ ቤቱ መቀመጫ የሆነ ቀበሌ ላይ የሚሰራው ማናጀር ይሆናል።
- 4) በዚህ አንቀጽ ንዑስ አንቀጽ 2 (ሐ) የተደነገገው እንደተጠበቀ ሆኖ የኮሚቴውን አባል የወከለው አካል አስፈላጊ ሆኖ ሲገኝ የወከለውን አባል መቀየር ወይም በሌላ ሰው መተካት ይችላል።
- 5) የወረዳ ፍርድ ቤት የመጀመሪያ ደረጃ የባህል ፍርድ ቤት ሽማግሌዎችን እንዲያስመርጡ እንደ አስፈላጊነቱ ከአንድ በላይ ኮሚቴዎች እንዲቋቋሙ ማድረግ ይችላል።

13. የመጀመሪያ ደረጃ የባህል ፍርድ ቤት ሽማግሌዎች አስመራጭ ኮሚቴ ስልጣንና ተግባር

የመጀመሪያ ደረጃ የባህል ፍርድ ቤት ሽማግሌዎች አስመራጭ ኮሚቴ የሚከተሉትን ስልጣንና ተግባራት ይኖሩታል፣

- 1) የመጀመሪያ ደረጃ የባህል ፍርድ ቤት ሽማግሌዎችን የምርጫ ሂደት በበላይነት ያስተባብራል፣ ይመራል፣ ይቆጣጠራል።
- 2) የሽማግሌዎችን ምርጫ ዕቅድና ስትራቴጂ ያዘጋጃል፣ የወረዳ ፍርድ ቤት ፕሬዚዳንትን በማሳወቅ ይተገብራል።
- 3) የሽማግሌዎች ምርጫ ወይም የስነምግባር ግምገማ በሚከናወንበት ዕለት የቀበሌ ሊቀመንበር የነዋሪዎችን ስብሰባ እንዲጠራ ያደርጋል።
- 4) በተጠራው የነዋሪዎች ስብሰባ ላይ የተገኙ የተሳታፊዎች ቁጥር በቂ መሆኑን ያረጋግጣል። በቂ ተሳታፊ ካልተገኘ ሌላ ቀጠሮ ይይዛል።

- (c) The Kebele Manager in which the Customary Court is situated.....Member and secretary
- 3) Where the First Instance Customary Court is established for two or more Kebeles, the manager to be a member to the committee in accordance with Sub-article 2(c) of this article shall be one residing in the Kebele where the Customary Court is situated.
- 4) A body who represented members to a committee, except that specified under Sub-article 2(c) of this Article may replace such a member where necessary.
- 5) A district court may organize more than two committees for the election of the elders of the First Instance Customary Courts.

13. Powers and Functions of a Committee Responsible for the Election of Elders of the First Instance Customary Court

A Committee responsible for the election of the elders of the First Instance Customary Court shall have the following powers and functions:

- 1) It shall coordinate, lead and control the procedure for the election of elders of the First Instance Customary Court;
- 2) It shall prepare plan and strategy for the election of elders and implement same upon notifying to the President of the District Court;
- 3) Cause the Kebele Chairman to convene meeting of the Kebele residents on the day for the selection or removal of elders;
- 4) It shall ensure that sufficient number of participants are present on the meeting of the kebele residents; it shall appoint for another day where such number is not sufficient and notify same the participants;

- 5) Yaa'ii jiraattota Gandaa gaggeef-famu irrattis lakkoofsi jiraattotaa gahaa ta'e yoo argaman ulaagaa Jaarsoliin Mana Murtii Aadaa ittiin filataman Yaa'ichaaf ni ibsa.
- 6) Manni Murtii Aadaa tokko gandoota lamaa fi isaa ol irratti kan hundaa'u yoo ta'e, jaasoliin Mana Murtii Aadaa kan filataman yaa'ii jiraattota gandoota Mana Murtii Aadaa walitti hundeeffatan irraa walitti bahaniin ta'a.
- 7) Eeruu kaadhimamtootaa yemmuu fuudhu Abbootiin Gadaa, haadhooliin siiqqee, bulchitoonni gosaa, jaarsoliin biyyaa fi hayyuuwwan akka haammataaman ni godha;
- 8) Namoota eeraman keessaa ulaagaa kan hin guunne jiraachuu yoo hubate yookiin yaadni yoo dhiyaate qulqulleessuun murtee ni kenna; Yaadni dhiyaate fudhatama yoo argate kaadhimamtoonni ulaagaa guutan biroo akka eeraman ni taasisa;
- 9) Kenniinsi sagalee kaadhimamtoota eeramanii akkaataa aadaa naannichaatiin akka gaggeeffamu ni taasisa;
- 10) Jaarsoliin filataman walitti qabaa of keessaa akka bakka buufatan ni taasisa;
- 11) Bu'aa filannoo jaarsolii fi walitti qabaa bakka buufame Pirezidaantii Mana Murtii Aanichaaf dhiyeessee ni mirkaneessisa;
- 12) Hojiiwwan biroo Pirezidaantii Mana Murtii Anaatiin filannoo Jaarsolii Mana Murtii Aadaa Jalqabaa milkeessuu dandeessisu jedhamanii kennamaniif kamiyyuu ni raawwata.

- 5) በተጠራው የነዋሪዎች ስብሰባ ላይ የተገኙ የተሳታፊዎች ቁጥር በቂ ከሆነ ሽማግሌዎቹን ለመምረጥ የሚያስፈልጉ መስፈርቶችን ለገባዬው ይገልጻል።
- 6) አንድ የባህል ፍርድ ቤት ሁለትና ከዚያ በላይ ለሆኑ ቀበሌዎች የሚቋቋም ሲሆን ሽማግሌዎች የሚመረጡት ከሚመለከታቸው ቀበሌዎች በተወጣጡ ነዋሪዎች የጋራ ስብሰባ ነው።
- 7) የዕጩዎች ጥቆማ በነዋሪዎቹ በሚሰጥበት ጊዜ አባ ገዳዎች፣ ሃደ ሲንቄዎች፣ የጎሳ መሪዎች፣ የሀገር ሽማግሌዎች እና ሐዩዎች መካተታቸውን ያረጋግጣል።
- 8) በዕጩነት ከተጠቆሙት ግለሰቦች መካከል መስፈርት የማያሟላ መኖሩን ከተረዳ ወይም ጥቆመ ከቀረበ አጣርቶ ተገቢውን ውሳኔ ይሰጣል። አስፈላጊ ሆኖ ሲገኝም ሌላ እጩ እንዲቀርብ ያደርጋል።
- 9) ከቀረቡ ዕጩዎች መካከል ሽማግሌዎች ሲመረጡ የድምጽ አሰጣጡ በባህሉ መሰረት እንዲከናወን ያደርጋል።
- 10) የተመረጡ ሽማግሌዎች ከመካከላቸው ሰብሳቢ እንዲመርጡ ያደርጋል።
- 11) የሽማግሌዎቹን የምርጫ ውጤትና የተወከለውን ሰብሳቢ ሽማግሌ ለወረዳ ፍርድ ቤት ፕሬዚዳንት አቅርቦ ያስፀድቃል።
- 12) በወረዳ ፍርድ ቤት ፕሬዚዳንት የሚሰጡትን ሌሎች ከመጀመሪያ ደረጃ የባህል ፍርድ ቤት ሽማግሌዎች ምርጫ ጋር የሚገናኙ ስራዎችን ይፈጽማል።

- 5) If the number of participants who are present on the meeting of the Kebele residents is sufficient, it shall explain the participants criteria for the selection of the elders.
- 6) Where the Customary Court is established for two or more Kebeles, elders of the customary court shall be selected by a meeting of residents constituted from the concerned kebeles for which the customary court is established in common.
- 7) It shall ensure the inclusion of 'Abbaa Gadaas', 'Hadha Siiqqees', Clan Administrators, Community Elders or 'Hayyus' while receiving nominations;
- 8) Where it learns or there is an information as to the effect that the nominated elders do not fulfill the criteria, it shall investigate the matter and gives decision; it shall cause the nomination of other candidates fulfilling the criteria;
- 9) It shall make the conduct of the voting of the nominated candidates in accordance with the custom of the area;
- 10) It shall cause the elected elders to represent a Chairperson from among themselves;
- 11) It shall table, before the President of the District Court for approval, the result of election of elders and the represented Chairperson;
- 12) It shall discharge any other function assigned to it by the President of the District Court that is believed to be helpful for the successfulness of the election of elders of the First Instance Customary Court.

14. Koree Jaarsolii Mana Murtii Aadaa Oldabarfataa Filachiisu

- 1) Manni Murtii Aanaa koree jaar-solii Mana Murtii Aadaa Oldabarfataa filachiisu ni hundeessa.
- 2) Koreen jaarsolii Mana Murtii Aadaa Oldabarfataa filachiisu miseensota armaan gadii ni qabaata:
 - (a) Pirezidaantii Mana Murtii Aan-ichaan kan bakka buufaman nama 2 (lama) Walitti qabaa fi Miseensa,
 - (b) Hoogganaa Waajjira Aadaa fi Turizimii Aanaatiin kan bakka buufamu nama 1 (tokko) ... Barreessa.
- 3) Koreen kun filannoo jaarsolii Mana Murtii Aadaa Oldabarfataa kan gaggeessu yaa'ii abbootii seeraa Mana Murtii Aadaa irratti dha. Korichi filannoo gaggeesuuf yaa'ichi Pirezidaantii Mana Murtii Aanaatiin akka waamu ni gaafata.
- 4) Koreen jaarsolii Mana Murtii Aadaa Oldabarfataa filachiisu aangoo fi hojii koreen jaarsolii Mana Murtii Aadaa Jalqabaa filachiisuuf hundaa'u qabaatu kan Keewwata 13 Keewwata Xiqqaa 2, 6, 7, 8, 9, 10, fi 11 jalatti tarreeffaman dabalataan ni qabaata.

15. Dirqama Miseensota Koree Jaarsolii Mana Murtii Aadaa Filachisanii

- 1) Miseensonni koree filannoo jaar-solii Mana Murtii Aadaa jalqabaa fi oldabarfataa dirqamoota armaan gadii ni qabaatu:
 - (a) Hojii isaanii yeroo gaggeessan yaada qajeelaa fi amanamumaan raawwachuu;
 - (b) Loogii bifa kamiirraayyuu bilisa ta'uun walqixxummaan tajaajiluu;
 - (c) Icciiitii sababa hojiitiin beekan eeguu;

14. የይግባኝ ሰሚ የባህል ፍርድ ቤት ሽማግሌዎችን የሚያስመርጥ ኮሚቴ

- 1) የወረዳ ፍርድ ቤት የይግባኝ ሰሚ የባህል ፍርድ ቤት ሽማግሌዎችን የሚያስመርጥ ኮሚቴ ያቋቁማል።
- 2) የይግባኝ ሰሚ የባህል ፍርድ ቤት ሽማግሌዎችን የሚያስመርጥ ኮሚቴ የሚከተሉት አባላት ይኖሩታል፡-
 - (ሀ) በወረዳ ፍርድ ቤት ፕሬዚዳንት የሚወከሉ 2 (ሁለት) ሰዎች ሰብሳቢና አባል፤
 - (ለ) በወረዳው ባህልና ቱሪዝም ጽሕፈት ቤት ሀላፊ የሚወከል 1 ሰው ... ጸሓፊ።
- 3) ኮሚቴው የይግባኝ ሰሚ የባህል ፍርድ ቤት ሽማግሌዎችን ምርጫ የሚያካሄደው የባህል ፍርድ ቤት ሽማግሌዎች ጉባዔ ላይ ነው። ኮሚቴው የሽማግሌዎችን ምርጫ ለማካሄድ የወረዳ ፍርድ ቤት ፕሬዚዳንት የባህል ፍርድ ቤት ሽማግሌዎችን ጉባዔ እንዲጠራ ይጠይቃል።
- 4) የይግባኝ ሰሚ የባህል ፍርድ ቤት ሽማግሌዎችን የሚያስመርጥ ኮሚቴ በዚህ ደንብ አንቀጽ 13 ንዑስ አንቀጽ 2፣ 6፣ 7፣ 8፣ 9፣ 10 እና 11 ስር የተዘረዘሩትን ስልጣንና ተግባራት በተጨማሪነት ይኖሩታል።

15. የባህል ፍርድ ቤት ሽማግሌዎችን የሚያስመርጥ ኮሚቴና የአባላቱ ግዴታዎች

- 1) የመጀመሪያ ደረጃ እና የይግባኝ ሰሚ የባህል ፍርድ ቤት የኮሚቴዎቹ አባላት የሚከተሉት ግዴታዎች ይኖራቸዋል፡-
 - (ሀ) ስራቸውን በቅንነትና በታማኝነት ማከናወን፤
 - (ለ) ከማንኛውም ዓይነት አድሎ ነጻ በመሆን በእኩልነት ማገልገል፤
 - (ሐ) በስራቸው ምክንያት የሚያገኙትን ስልጣንና መረጃዎች በሚስጥር መያዝ፤

14. The Committee Responsible for the Election of Elders of the Appellate Customary Court

- 1) A District Court shall organize a committee responsible for the election of elders of an Appellate Customary Court.
- 2) A committee responsible for the election of elders of the Appellate Customary Court shall have the following members:
 - (a) Two persons to be represented by the President of the District Court a Chairman and one member,
 - (b) A person to be represented by Head District Office of Culture and Tourism of a District..... a secretary.
- 3) The committee shall conduct the election of elders of an Appellate Customary Court on the Plenum of the elders of the Customary Court. The committee shall, to effect the selection, request the President of the District Court to convene the plenum.
- 4) The committee responsible for the selection of elders of an Appellate Customary Court shall have, in addition, powers and functions of a committee to be constituted for the selection of elders of a First Instance Customary Court stated under Article 13 Sub-articles (2), (6), (7), (8), (9), (10), and (11) of this Regulation.

15. Responsibilities of A Member of a Committee in Charge of Election of Elders of A Customary Court

- 1) A Member of Committees responsible for the selection of elders of First Instance and Appellate Customary Courts shall have the following responsibilities:
 - (a) Discharging their function in good faith and with trustworthiness;
 - (b) Serving on the basis of equality and be free from discriminating on any ground;
 - (c) Keeping the confidentiality of an information secured in the course of discharging their duty;

- (d) Adeemsa fi tumaalee Dambii kanaa fi Labsii keessatti tumaman kabajanii hojjechuu;
- 2) Barreessaan Korichaa kanneen Keewwata kana Keewwata Xiqqaa 1 jalatti ibsamanitti dabalataan ragaalee gara garaa fi qaboo yaa'ii sirnaan qabachuuf dirqama qaba.
- 3) Walitti Qabaan Korichaa kanneen Keewwata kana Keewwata Xiqqaa 1 jalatti ibsamanitti dabalataan hojiin filannoo jaarsolii yeroodhaan akka xumurumu qindeessuu fi yeroo xumuramus bu'aa isaa Pirezidaantiif dhiyees-suun mirkaneessisuuf dirqama qaba.

16. Haala Hojimaata Korichaa

- 1) Koreen hojii isaa hojjechuuf miseensota keessaa yoo xiqqaate lama argamuu qabu.
- 2) Koreen murtii kan dabarsu sagalee walta'insaatiin ta'a.
- 3) Kan Keewwata kana Keewwata Xiqqaa 2 jalatti ibsame yoo jiraatellee, walta'iinsa irra gahuun yoo dadhabame sagalee caalmaadhaan murtii kan dabarsu ta'a. Bakka sagaleen wal qixa ta'etti walitti qabaan sagalee murteessaa ni qabaata.

17. Gahee Pirezidaantii Mana Murtii Aanaa

Filannoo jaarsoolii Mana Murtii Aadaa ilaalchisee Pirezidaantiin Mana Murtii Aanaa aangoo fi dirqama armaan gadii ni qabaata:

- 1) Koreen jaarsolii Mana Murtii Aadaa filachiisu akka hundeeffamu ni taasisa;
- 2) Gabaasa koree irraa dhiyaatuuf ilaaluun filannoon gaggeeffame adeemsa Dambii kanaa fi Labsii keessatti tumame keessa kan darbe ta'uu ni mirkaneessa;

(መ) የዚህን ደንብና የአዋጁን ድንጋጌዎች አክብረው ስራቸውን መስራት።

- 2) የኮሚቴው ጸሓፊ በዚህ አንቀጽ ንዑስ አንቀጽ 1 ከተደነገገው በተጨማሪ የተለያዩ መስረጃዎችንና ቃለ ጉባዔን በአግባቡ የመያዝ ግዴታ አለበት።
- 3) የኮሚቴው ሰብሳቢ በዚህ አንቀጽ ንዑስ አንቀጽ 1 ከተደነገገው በተጨማሪ የባህል ፍርድ ቤቶች የሽማግሌዎች ምርጫ በጊዜው እንዲከናወን የማስተባበር እና ሲጠናቀቅም ውጤቱን ለወረዳ ፍርድ ቤት ፕሬዚዳንት አቅርበው የማስጸደቅ ግዴታ አለበት።

16. የኮሚቴው አሰራር

- 1) ኮሚቴው ስራውን ለማከናወን ከአባላቱ ቢያንስ ሁለቱ መገኘት ይኖርባቸዋል።
- 2) ኮሚቴው ውሳኔ የሚሰጠው በስምምነት ነው።
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 ስር የተደነገገው ቢኖርም ስምምነት ላይ መድረስ ያልተቻለ እንደሆነ ኮሚቴው በድምጽ ብልጫ ውሳኔ ሊያሳልፍ ይችላል። ድምጽ እኩል በሚሆንበት ጊዜ ሰብሳቢው ወሳኝ ድምጽ ይኖረዋል።

17. የወረዳ ፍርድ ቤት ፕሬዚዳንት ሚና

የባህል ፍርድ ቤት ሽማግሌዎችን ምርጫ በተመለከተ የወረዳ ፍርድ ቤት ፕሬዚዳንት የሚከተሉት ስልጣንና ግዴታ ይኖሩታል።

- 1) የባህል ፍርድ ቤት ሽማግሌዎችን ምርጫን የሚያስተባበር ኮሚቴ እንዲቋቋም ያደርጋል።
- 2) ከኮሚቴው የሚቀርብለትን ሪፖርት መሰረት አድርጎ የተካሄደው ምርጫ በዚህ ደንብና በአዋጁ የተቀመጠውን ስርዓት ተከትሎ መካሄዱን ያረጋግጣል።

(d) Discharging their functions in compliance with the procedures and provisions stated in this Regulation and the Proclamation;

- 2) The Secretary of the Committee, in addition to duties stated under sub-article 1 of this Article, shall properly record different evidences and minutes;
- 3) The Chairperson, in addition to duties stated under sub-article 1 of this Article, shall be responsible to timely conclude the activities of selection of the elders of the Customary Court and table the outcome thereof before the President of the District Court for approval.

16. Working Procedure of the Committee

- 1) At least two of its members shall be present for the committee to carryout its functions.
- 2) The committee shall pass decisions by consensus.
- 3) Notwithstanding the provision of sub-Article 2 of this Article, the committee shall pass decisions by majority vote where consensus cannot be reached. The chairman shall have the casting vote in case of an equality of votes.

17. The Role of the District Court President

The President of the District Court shall have the following powers and duty in relation to the election of elders of the Customary Court:

- 1) He shall organize a committee responsible for the election of elders of customary courts;
- 2) He shall investigate and ensure that the election report submitted to him is conducted in compliance with the procedures laid down in this Regulation and the Proclamation;

- 3) Komii filannoo jaarsoliin walqabatee dhiyaatu fuudhee ni keessummeessa; Komii dhiyaate kuffaa gochuu yookiin irra deebiin akka ilaalamuu taasisuu ni danda'a;
- 4) Yeroo filannoon jaarsolii Mana Murtii Aadaa Oldabarfataa gaggeeffamu yaa'ii jaarsolii ni waama;
- 5) Hojjiilee biroo filannoo jaarsolii milkeessan ni hojjeta.

Kutaa Xiqqaa Lama

Fo'annoo, Filannoo fi Ramaddii Barreessaa fi Hojjetaa Biroo Mana Murtii Aadaa

18. Adeemsa Fo'annoo fi Filannoo Barreessaa Mana Murtii Aadaa

- 1) Fo'annoo fi filannoon barreessaa Mana Murtii Aadaa koree fo'annoo fi filannoo Manni Murtii Aanichaa hojjetoota bulchiinsaa isaa qacaruu hundeeseen kan gaggeeffamu ta'a.
- 2) Fo'annoo fi filannoon barreessaa Mana Murtii Aadaa kan gaggeeffamu beeksisa baasuun galmeessuun ta'a.
- 3) Gita hojii barreessaa banaa jiru guutuuf beeksisni affeerri hojii bahu Mana Murtii Aanichaa fi ganda Manni Murtii Aadichaa irratti hojjetu irratti iddoo fi haala argamuu danda'uun maxxanfamuu qaba.
- 4) Beeksisni hojii maxxanfamu gittaa fi iddoo hojichaa, ulaagaawan dorgommii, iddoo fi haala galmeen itti raawwatu, odeeffannoo haala faayidaa, fi dhimmoota barbaachisoo ta'an kan biroo illee kan ifatti ibsu ta'uu qaba.
- 5) Toftaa dorgomaan ittiin calalamu keessaa kanneen armaan gadii hunda yookiin muraasa fayyadamuun ta'uu ni danda'a.

- 3) የሽማግሌዎች ምርጫን በተመለከተ የሚፈጠሩ ቅሬታዎችን ያስተናግዳል፤ ቅሬታውን መርምሮ ውድቅ ሊያደርግ ወይም ጉዳዩ በድጋሚ እንዲታይ ሊያደርግ ይችላል።
- 4) የይግባኝ ሰሚ የባህል ፍርድ ቤት ሽማግሌዎች ምርጫ ሲካሄድ የሽማግሌዎችን ጉባዔ ይጠራል።
- 5) ሌሎች የሽማግሌዎችን ምርጫ ለማሳካት የሚረዱ ስራዎችን ይከውናል።

ገደብ ክፍል ሁለት

የባህል ፍርድ ቤት ጸሐፊና ሌሎች ሰራተኞች ምልመላ፣ መረጣና ምደባ

18. የባህል ፍርድ ቤት ጸሐፊ ምልመላና መረጣ ሂደት

- 1) የባህል ፍርድ ቤት ጸሐፊ የወረዳ ፍርድ ቤት የአስተዳደር ሰራተኞችን ለመቅጠር በሚያቋቁመው ኮሚቴ የሚመለመልና የሚመረጥ ይሆናል።
- 2) የባህል ፍርድ ቤት ጸሐፊ ምልመላና መረጣ የሚካሄደው ማስታወቂያ በማውጣት ምዝገባ በማካሄድ ነው።
- 3) የጸሐፊ ምልመላን ለማካሄድ የሚወጣው ማስታወቂያ በወረዳው ፍርድ ቤት እና የባህል ፍርድ ቤቱ በሚሰራበት ቀበሌ በሚታይ ቦታና ሁኔታ መለጠፍ አለበት።
- 4) የሚለጠፈው የክፍት የስራ ቦታ ማስታወቂያ የስራውን መደብና ቦታ፣ የሚያስፈልጉ መስፈርቶች፣ የምዝገባው ሁኔታ፣ የጥቅማ ጥቅም ሁኔታ እና ሌሎች አስፈላጊ መረጃዎችን በግልጽ የሚያስቀምጥ መሆን አለበት።
- 5) የምልመላና መረጣ ሂደቱ ከሚከተሉት ዘዴዎች ሁሉንም ወይም የተወሰኑትን በመጠቀም ሊከናወን ይችላል፡-

- 3) He shall receive and intertain complaints in relation to the election of elders; he may disregard or order its reconsideration;
- 4) He shall convene the plenum of elders when conducting the election of elders of the Appellate Customary Court is sought;
- 5) He shall discharge other functions believed to ensure the successfulness of the selection of elders of the Customary Court.

Section Two

Recruitment, Selection and Assignment of Secretary and Other Workers of The Customary Court

18. Procedure for the Recruitment and Selection of the Secretary of the Customary Court

- 1) Recruitment and selection of the secretary of the Customary Court shall be conducted by the recruitment and selection committee organized by the District Court for hiring its administrative staffs.
- 2) The recruitment and selection of the Secretary of the Customary Court shall be conducted through job vacancy announcement and registration of applicants.
- 3) The job vacancy announcement to fill the vacant post of the secretary shall be posted in a place and manner easily observable at the District Court and Kebele Administration Office.
- 4) The job vacancy announcement shall bear and clearly state the position and place of job, minimum requirements for application, place and manner of registration, information as to benefits, and other required information.
- 5) Selection of applicants may be made using all or some of the following methods:

- (a) Sakatta'a ragaa/dokumantii dhu-unfaa iyyataa;
 - (b) Qormaata barreeffamaa;
 - (c) Qormaata afaanii;
 - (d) Sakatta'a odeeffannoo naamusaa fi gahumsa iyyataa ta'uu ni danda'a.
- 6) Kan Keewwata kana Keewwata Xiqqaa 1-5 jalatti tumame akkuma eegametti ta'ee, fo'annoo fi filannoon barreessaa adeemsa seera hojjettoota bulchiinsaa Mana Murtii Aanichaa filachuuf hojiirra oolu bu'uureffachuun ni raawwatama.

19. Ulaagaa Fo'annoo fi Filannoo Barreessaa

- 1) Namni kamuu Barreessaa Mana Murtii Aadaa ta'ee filatamuuf ulaagaalee armaan gadii guutuu qaba:
 - (a) Qophii baruumsaa kutaa 10ffaa fi isaa ol kan qabu;
 - (b) Umriin isaa Wagga 18 hanga 60 kan ta'e;
 - (c) Seera aadaa fi safuu bakka mana murtichaa kan beekuu fi kabaju;
 - (d) Afaan Oromoo sirnaan dhagahuu, dubbachuu, barreessuu fi dubbisuu kan danda'u;
 - (e) Fayyaa qaamaa fi qalbii hojicha gahumsaan hojjechuuf dandeesisu kan qabu;
 - (f) Ragaa naamusa gaarii qabaachuu isaa agarsiisu bulchiinsa ganda keessa jiraatu irraa dhiye-effachuu kan danda'uu;
 - (g) Araada adda addaa irraa bilisa kan ta'e.

20. Hojjettoota Biroo Mana Murtii Aadaa

- 1) Manni Murtii Waliigala Oromiyaa caasaan hojjettoota Manneen Murtii Aadaa qoratamee hojiirra akka oolu gochuu ni danda'a.

- (ሀ) የአመልካች የግል ማስረጃዎች፤
 - (ለ) የጽሑፍ ፈተና፤
 - (ሐ) የቃል ፈተና፤
 - (መ) የአመልካች የስነምግባር መረጃና ብቃት ሊሆኑ ይችላሉ።
- 6) በዚህ አንቀጽ ከንዑስ አንቀጽ 1-5 የተደነገገው እንደተጠበቀ ሆኖ የጸሐፊ ምልመላና መረጣ የሚካሄደው የወረዳ ፍርድ ቤት የአስተዳደር ሰራተኞችን ለመቅጠር የተቀመጠውን የህግ አግባብ በመከተል ይሆናል።

19. ጸሐፊ ማሟላት ያለባቸው መስፈርቶች

- 1) ማንኛውም ሰው የባህል ፍርድ ቤት ጸሐፊ ሆኖ ለመመረጥ የሚከተሉትን መስፈርቶች ማሟላት አለበት፡-
 - (ሀ) በትምህርት ዝግጅቱ ቢያንስ 10ኛ ክፍል ያጠናቀቀ፤
 - (ለ) ከ18 ዓመት ያላነሰና ከ60 ዓመት ያልበለጠ፤
 - (ሐ) የአካባቢውን የባህል ሕግና እሴቶች የሚያውቅና የሚያከብር፤
 - (መ) አፋን ኦሮሞን በአግባቡ መስማት፣ መናገር፣ መጻፍ እና ማንበብ የሚችል፤
 - (ሠ) ስራውን ለመወጣት የሚያስችል አካላዊና ስነልቦናዊ ብቃት ያለው፤
 - (ረ) መልካም ስነምግባር እንዳለው ከሚኖርበት ቀበሌ መስተዳድር ማስረጃ ማቅረብ የሚችል፤
 - (ሰ) ከተለያዩ ሱሶች ነጻ የሆነ መሆን አለበት።

20. ስለሌሎች የባህል ፍርድ ቤት ሠራተኞች

- 1) የኦሮሚያ ጠቅላይ ፍርድ ቤት የባህል ፍርድ ቤት ሊኖረው የሚገባው የሠራተኛ መዋቅር ተጠንቶ እንዲተገበር ሊያደርግ ይችላል።

- (a) Review of personal evidences/documents of the applicant;
 - (b) Written exam;
 - (c) Oral exam; and/or
 - (d) Investigation of the ethics and competence of the applicant.
- 6) The recruitment and selection of the Secretary of a Customary Court shall be conducted in accordance with procedures for the recruitment and selection of the administrative staffs of the District Court.

19. Criteria for the Recruitment and Selection of the Secretary

- 1) Any applicant shall meet the following criteria to be selected as a Secretary of a Customary Court:
 - (a) Must at least complete grade 10;
 - (b) Must be between the age of 18 and 60 years;
 - (c) Must be familiar with and has respect for the customary law and social norms of the place where the Customary Court operates;
 - (d) Must be listen, speak, write and read Afaan Oromoo appropriately.
 - (e) Must have mental or physical fitness to perform his duties;
 - (f) Must produce a certificate from the administration of the Kebele where he resides that he is of high ethics; and
 - (g) Must be free from different ad-dictions.

20. Other Workers of the Customery Court

- 1) The Supreme Court of Oromia may cause the study and implementation of structure for the workers of the Customary Court.

- 2) Hojjettoonni Mana Murtii Aadaa bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin Manneen Murtii Aadaa ogummaa gara garaatiin akka tajaajilan Mana Murtii Aanaatiin dorgomsiifamanii ramadaman barri tajaajila isaanii kan barreessaa waliin walfakkaataa ta'a.
- 3) Qaamni fo'annoo fi filannoo hojjettoota biroo Mana Murtii Aadaa gaggeessu qaama akkaataa Dambii kana Keewwata 18(1) jalatti tumameen fo'annoo fi filannoo barreessaa gaggeessu ta'a.
- 4) Fo'annoo fi filannoon hojjettoota biroo Mana Murtii Aadaa akkaataa Dambii kana keewwata 18(2)-(6) fi adeemsa barreessaa Mana Murtii Aadaa ilaalchisee ibsaman hordofuun kan raawwatamu ta'a.

21. Deeggarsa Addaa

- 1) Adeemsa filannoo fi fo'annoo barreessaa fi hojjettoota biroo Manneen Murtii Aadaa keessatti hirmaannaa dubartootaa fi qaama miidhamtootaa jajjabeessuuf deeggarsi addaa ni taasifama.
- 2) Dorgomtoonni dubartootaa fi qaama miidhamtootaa dorgomtoota biroo waliin qabxii waliigalaa argatan qabxii walitti dhiyaatu yoo ta'e, dorgomtoota dubartootaa yookiin qaama miidhamtootaaf dursi ni kennama.
- 3) Qabxiin walitti dhiyaatu Keewwata kana Keewwata Xiqqaa 2 jalatti tuqame garagarummaa hanga qabxii 2 yoo qabaate dha.
- 4) Qabxiin waliigalaa dubartootaa fi qaama miidhamtootaa walqixa yoo ta'e qaama miidhamtootaaf dursi ni kennama.

- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሠረት በተለያዩ ሙያና የስራ ዘርፍ የባህል ፍርድ ቤቶችን እንዲያገለግሉ በወረዳ ፍርድ ቤት የሚመደቡ ሠራተኞች ከጸሐፊ ጋር ተመሳሳይ የስራ ዘመን ቆይታ ይኖራቸዋል።
- 3) የሌሎች የባህል ፍርድ ቤት ሰራተኞችን ምልመላና መረጣ የሚያካሄደው በዚህ ደንብ አንቀጽ 18(1) መሠረት የጸሐፊን ምልመላና መረጣ የሚያከናውን አካል ነው።
- 4) የሌሎች የባህል ፍርድ ቤት ሰራተኞች ምልመላና መረጣ የሚካሄደው በዚህ ደንብ አንቀጽ 18(2)-(6) መሠረት የተቀመጠውን ሥነ ስርዓት ተከትሎ ነው።

21. ልዩ ድጋፍ

- 1) የጸሐፊና ሌሎች ሠራተኞች ምልመላና መረጣ በሚካሄድበት ጊዜ የሴቶችና አካል ጉዳተኞችን ተሳትፎ ለማረጋገጥ ልዩ ድጋፍ መደረግ አለበት።
- 2) ሴት እና አካል ጉዳተኛ ተወዳዳሪዎች ያገኙት አጠቃላይ ውጤት ከሌሎች ተወዳዳሪዎች ጋር ተቀራራቢ ከሆነ ለሴት ወይም አካል ጉዳተኛ ተወዳዳሪዎች የቅድሚያ መብት ይሰጣል።
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 ስር እንደ ተገለጸው ተቀራራቢ ውጤት ማለት ከሁለት ነጥብ የማይበልጥ ልዩነት ነው።
- 4) የሴቶችና የአካል ጉዳተኛ ተወዳዳሪዎች ነጥብ እኩል የሚሆን ከሆነ ለአካል ጉዳተኞች ቅድሚያ ይሰጣል።

- 2) Term of office of workers of the Customary Court selected and assigned by the District Court in accordance with the provision of sub-Article 1 of this Article to serve in different positions shall be the same as that of the Secretary.
- 3) An organ responsible for the recruitment and selection of other workers of the Customary Court shall be an organ responsible for the recruitment and selection of a secretary in accordance with Article 18(1) of this Regulation.
- 4) The recruitment and selection of other workers of a Customary Court shall be conducted in accordance with the procedure stated, in relation to the Secretary, under sub-articles (2-6) of Article 18 of this Regulation.

21. Special Consideration

- 1) In the course of the recruitment and selection of the Secretary and other workers of the Customary Court, a special consideration shall be made to encourage the participation of female and persons with disability.
- 2) If applicants that are female or persons with disability get a mark closer to other applicants, priority shall be given to the female or disabled applicants.
- 3) Closer point in accordance with the provision of sub-article 2 of this Article refers to a point upto 2 points difference.
- 4) In case female applicants and applicants with disability score the same mark, priority shall be given to persons with disability.

22. Ramaddii Barreessaa fi Hojjetoota Biroo

- 1) Manni Murtii Aanaa dorgomaa filatame ni ramada.
- 2) Dorgomaan filatame hojii osoo hin eegaliin dura waa'ee hojichaa fi ittigaafatamummaa akka bahatu irraa eeggamu ilaalchisee Pirezidaantii Mana Murtii Aanichaatiin yookiin nama inni ramaduun ni hubachiifama.
- 3) Dorgomaa filatameef ramaddiin kan kennamu xalayaa Pireezidaantii Mana Murtii Aanaatiin mallatteeffamuun ta'a.

Kutaa Afur

Mirgaa fi Dirqama Jaarsoolii, Barreessaa fi Hojjetaa Biroo Mana Murtii Aadaa

23. Mirga Jaarsoolii Mana Murtii Aadaa

Jaarsi Mana Murtii Aadaa mirga armaan gadii ni qabaata:

- 1) Hojii isaa bilisummaan hojjechuu;
- 2) Adeemsa seerri kaa'een yoo ta'e malee bara hojii isaa osoo hin xumuriin mirga hojii irraa kaa-famuu dhabuu;
- 3) Itti gaafatamummaan Dambii kana, Labsii yookiin seera biraatiin qabu akkuma jirutti ta'ee, aangoofi hojii bu'uura seeraatiin kennameef raawwachuu isaatiin miidhaa gahuuf itti gaafatamummaa seeraa kan hin qabne ta'uu.

24. Dirqama Jaarsa Mana Murtii Aadaa

Jaarsi Mana Murtii Aadaa dirqama armaan gadii ni qabaata.

- 1) Naamusa hojii kabajuu;
- 2) Iccitii eeguu;
- 3) Bilisummaa hojii Mana Murtii Aadaa kabajuu, kabachiisuu fi akka dagaaguuf hojjechuu;
- 4) Hojii isaa loogii kamirraayyuu bilisa ta'ee seera aadaa fi safuu ummata qofa qajeelfamuudhaan hojjechuu;

22. የጸሐፊና የሌሎች ሠራተኞች ምደባ

- 1) የወረዳ ፍርድ ቤት የተመረጠውን ተወዳዳሪ ይመድባል።
- 2) ለተመረጡ ተወዳዳሪዎች ስራ ከመጀመራቸው በፊት ስለ ስራውና የሚጠበቅባቸውን ኃላፊነት አስመልክቶ በወረዳው ፍርድ ቤት ፕሬዚዳንት ወይም ፕሬዚዳንቱ በሚወክለው ሰው ግንዛቤ ይሰጣል።
- 3) ለተመረጠው ተወዳዳሪ ምደባ የሚሰጠው የወረዳው ፍርድ ቤት ፕሬዚዳንት በሚፈረመው ደብዳቤ ይሆናል።

ክፍል አራት

የባህል ፍርድ ቤት ሽማግሌ፣ የጸሐፊና የሌሎች ሠራተኞች መብትና ግዴታ

23. የባህል ፍርድ ቤት ሽማግሌ መብት

የባህል ፍርድ ቤት ሽማግሌ የሚከተሉት መብቶች ይኖሩታል።

- 1) ስራውን በነጻነት ማከናወን፤
- 2) በህጉ አግባብ ካልሆነ በስተቀር የስራ ዘመኑን ሳይጨርስ ከስራው ያለመነሳት መብት፤
- 3) በዚህ ደንብ፣ በአዋጅና ወይም ሌሎች ህጎች የተደነገገው እንደተጠበቀ ሆኖ በህግ አግባብ የተሰጠውን ስልጣንና ተግባራት በመፈጸሙ ምክንያት ለሚደርስ ጉዳት ከህግ ተጠያቂነት ነጻ መሆን ናቸው።

24. የባህል ፍርድ ቤት ሽማግሌ ግዴታ

የባህል ፍርድ ቤት ሽማግሌ የሚከተሉት ግዴታዎች ይኖሩታል።

- 1) የስራ ስነምግባር ማክበር፤
- 2) ሚስጢር መጠበቅ፤
- 3) የባህል ፍርድ ቤቱን የስራ ነጻነት ማክበር፤ ማስከበር እና እንዲጎለብት መስራት፤
- 4) ስራውን ከአድሎ ነጻ ሆኖ በባህል ህጉ እና በህዝቡ እሴቶች ብቻ በመመራት መፈጸም፤

22. Assignment of the Secretary and Other Workers

- 1) The District Court shall assign selected applicants.
- 2) A selected applicant shall be oriented before the commencement of his job, by the District Court President or other person assigned by him, about his career and responsibilities he is expected to discharge.
- 3) A letter of assignment signed by the President of the District Court shall be given to the selected applicant.

Part Four

Rights and Duties of Elders, Secretary and Other Workers of The Customary Court

23. Rights of An Elder of the Customary Court

An elder of the Customary Court shall have the following rights:

- 1) Discharging his function with independence;
- 2) A right not to be removed from his position prior to the expiry of his term of office except in accordance with the law;
- 3) Without prejudice to his accountability in accordance with the provisions of this regulation, the Proclamation, or other laws, he may not have legal liability for damages arising out of the exercise of the powers and functions given to him by laws.

24. Duties of An Elder of the Customary Court

An Elder of the Customary Court shall have the following duties:

- 1) Must comply with the code of conduct;
- 2) Must keep confidentiality;
- 3) Must respect, protect and work for the development of the functional independence of the Customary Court;
- 4) Must act impartially and be directed solely by customary law and the public moral while discharging his duty;

- 5) Karoorri Mana Murtii Aadaa akka galma gahu gahee isarraa eeggamu bahachuu;
- 6) Hojii bulchiinsa Mana Murtii Aadaa yookiin hojii biroo dabalataan kennamuuf hojjechuu;
- 7) Maqaa gaarii Mana Murtii Aadaa ijaaruu keessatti qooda irraa eegamu bahachuu;
- 8) Hawaasa Mana Murtii Aadaa waliin waliigalee hojii isaa sirnaan raawwachuudha.

25. Gaaddisarraa Ka’uu

- 1) Jaarsi Mana Murtii Aadaa kamiyyuu sababoota armaan gadii keessaa tokko yookiin tokkoo ol yoo jiraate gaaddisa irraa of kaasu qaba:
 - (a) Garee waldhabdootaa keessaa tokko waliin firooma yookiin lola yoo qabaate;
 - (b) Dhimma ilaalamu keessaa dantaa dhuunfaa yoo qabaate;
 - (c) Seera aadaa naannoo Manni Murtii Aadichaa itti hojjetutti jiru keessatti sababoonni fudhatama qaban biroo yoo jiraatanii dha.
- 2) Jaarsi kamiyyuu haalli Keewwata kana Keewwata Xiqqaa (1) jalatti ibsame jiraachuu akkuma beekkeen battalumatti gaaddisa irraa ka’uu qaba. Sababa gaaddisa irraa itti ka’ees Walitti qabaa; yoo Walitti qabaa ta’e immoo bakka bu’aa beeksisuu qaba.
- 3) Jaarsi akkaataa Keewwata kana Keewwata Xiqqaa (2) tiin gaaddisarraa ka’uu yoo dhabe, garee falmitootaa keessaa nam-ni komii qabu iyyata isaa Afaaniin yookiin barreeffamaan dhiyeefachuu ni danda’a.
- 4) Iyyanni bu’uura Keewwata kana Keewwata Xiqqaa 3 tiin dhiyaatu falmiin osoo hin jalqabiin yookiin waanti iyyatichaaf sababa ta’e jiraachuu akka beekameen battalumatti ta’uu qaba.

- 5) የባህል ፍርድ ቤት ዕቅድ እንዲፈጸም ድርሻውን መወጣት፤
- 6) የባህል ፍርድ ቤት አስተዳደራዊ ስራዎች በተጨማሪ ሲሰጡት ማከናወን፤
- 7) የባህል ፍርድ ቤት መልካም ገጽታ እንዲገነባ የበኩሉን ድርሻ መወጣት፤
- 8) ከሌሎች የባህል ፍርድ ቤቱ ማህበረሰብ ጋር በመግባባት ስራውን በአግባቡ ማከናወን ናቸው።

25. ከጋዲሳ መነሳት

- 1) ማንኛውም የባህል ፍርድ ቤት ሽማግሌ ከሚከተሉት ምክንያቶች አንዱ ወይም “ማንሳት አለበት”-
 - (ሀ) ከተከራካሪ ወገኖች ውስጥ ከአንዳቸው ጋር ዝምድና ወይም ጥል ካለው፤
 - (ለ) ከሚታየው ጉዳይ ጋር ተያይዞ የጥቅም ግጭት ካለ፤
 - (ሐ) በአካባቢው የባህል ህግ መሰረት ከጋዲሳ የሚያስነሱ ሌሎች ምክንያቶች ካሉ።
- 2) የባህል ሽማግሌ በዚህ አንቀጽ ንዑስ አንቀጽ 1 ስር የተጠቀሱ ምክንያቶች መኖራቸውን ካወቀ ወዲያው ከጋዲሳ መነሳትና ምክንያቱን ለሰብሳቢ ሽማግሌ ማሳወቅ አለበት። ሰብሳቢ ሽማግሌ ከጋዲሳ ለመነሳት ሌላ ሰብሳቢን በመወከል ምክንያቱን ሊያሳውቀው ይገባል።
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሰረት ሽማግሌ ከጋዲሳ ያልተነሳ እንደሆነ ከተከራካሪ ወገኖች ቅሬታ ያለው አካል ሽማግሌው ከጋዲሳ እንዲነሳ በጽሑፍ ወይም በቃል ለባህል ፍርድ ቤቱ ማመልከት ይችላል።
- 4) በዚህ አንቀጽ ንዑስ አንቀጽ 3 መሰረት የሚቀርብ አቤቱታ ጉዳዩ መታየት ከመጀመሩ በፊት ወይም ለቅሬታው ምክንያት የሆነው ነገር መኖሩ እንደታወቀ ወዲያው መሆን አለበት።

- 5) Must play his own role towards the successful implementation of the Customary Courts plan;
- 6) Must perform any administrative functions of the Customary Court or any other additional activity assigned to him;
- 7) Must play his role in building the good will of the Customary Court and;
- 8) Must properly discharge his duties being in good terms with the community of the Customary Court.

25. Withdrawal from ‘Gaaddisa’

- 1) Any elder of the Customary Court shall withdraw from ‘Gaaddisa’ on account of the existence of one or more of the following grounds:
 - (a) If he is related to or not in good terms with either of the parties;
 - (b) If he has personal interest in the the subject matter of the dispute;
 - (c) If there are acceptable reasons in accordance with the customary law of the place where the Customary Court operates.
- 2) Any elder shall withdraw from ‘Gaaddisa’ as soon as he is aware of the existence of the circumstances mentioned under sub-article (1) of this Article. He shall notify the Chairperson the reasons of his withdrawal, and notify his representative same if he is a Chairperson.
- 3) Where the elder fails to withdraw in accordance with sub-Article (2) of this Article, the party in the proceeding may lodge a complaint either orally or in writing.
- 4) The application to be made in accordance with sub-article (3) of this Article must be before the trial opens or soon after the party becomes aware of the reason for making such an application.

5) Iyyanni akkaataa Keewwata kana Keewwata Xiqqaa 3 fi 4 tiin dhiyaatu jaarsolii biroo jaarsa komiin irratti dhiyaateen ala jiraniin gaaddisarratti ilaalamee kan murtaa'u ta'a. Murtiin akkaataa kanaan kennamus kan dhumaa ta'a.

26. Dirqamoota Barreessaa fi Hojjetoota Mana Murtii Aadaa

Barreessaan yookiin hojjetaan biroo Mana Murtii Aadaa dirqamoota armaan gadii ni qabaata:

- 1) Naamusa hojichi barbaadu kabajuu;
- 2) Koornayaa, amantaa, umurii, haala diinagdee, ilaalcha siyaasaa fi haala kamiyyuu bu'uura godhachuun loogii raawwachuu irraa of qusachuu;
- 3) Faayidaan hojjechuu irraa bilisa ta'uu;
- 4) Haala jireenyaa maqaa gaarii Mana Murtii Aadaa ijaaru qabaachuu;
- 5) Iccitii eeguu;
- 6) Hojii kamiyyuu Walitti Qabaan yookiin Jaarsolii Mana Murtii Aadaatiin itti kennamu raawwachuu.

Kutaa Shan

Yeroo Hojii fi Faayidaalee

27. Yeroo Hojii Jaarsolii, Barreessaa fi Hojjetoota Biroo Manneen Murtii Aadaa

- 1) Yeroon hojii jaarsolii Manneen Murtii Aadaa guyyaa Manni Murtii Aadaa gaaddisa itti gaggeessu ta'ee akkuma barbaachisummaa isaatti sa'atii murtaa'eeef yookiin guyyaa guutuu ta'uu danda'a.
- 2) Yeroon hojii barreessaa fi hojjetoota Manneen Murtii Aadaa guyyaa hojii Manni Murtii Aadaa gaaddisa itti gaggeessu ta'ee, akkuma barbaachisummaa isaatti haalli hojii yoo dirqisiisu yookiin Mana Murtii Aadi chaatiin yoo gaafatamu guyyaa biraa hojjechuuf dirqama ni qabaata.

5) በዚህ አንቀጽ ንዑስ አንቀጽ 3 እና 4 መሰረት የሚቀርበው ማመልከቻ አቤቱታው ከቀረበበት ሽማግሌ በስተቀር ሌሎች ሽማግሌዎች ባሉበት ጋዲሳ ላይ ቀርቦ ውሳኔ የሚያገኝ ይሆናል። ውሳኔውም የመጨረሻ ይሆናል።

26. የጸሓፊና የሌሎች ሠራተኞች ግድታዎች

ጸሓፊ ወይም ሌላ የባህል ፍርድ ቤት ሠራተኛ የሚከተሉት ግድታዎች ይኖሩታል፡-

- 1) ስራው የሚፈልገውን ስነምግባር መጠበቅ፤
- 2) በጾታ፣ በሃይማኖት፣ በእድሜ፣ በኢኮኖሚ ሁኔታ፣ በፖለቲካ አመለካከትና በሌላ ማንኛውም ምክንያት አድሎ ከመፈጸም መቆጠብ፤
- 3) በጥቅም አለመስራት፤
- 4) የባህል ፍርድ ቤቱን መልካም ስም ለማጎልበት የሚረዳ የኑሮ ሁኔታ፤
- 5) ሚስጢር መጠበቅ፤
- 6) በባህል ፍርድ ቤቱ ሽማግሌዎች ወይም ሰብሳቢ የሚሰጠውን ስራ መፈጸም ናቸው።

ክፍል አምስት

የስራ ሰዓትና ጥቅማጥቅም

27. የሽማግሌዎች፣ የጸሓፊ እና የሌሎች ሠራተኞች የስራ ሰዓት

- 1) የሽማግሌዎች የስራ ሰዓት የባህል ፍርድ ቤቱ ጋዲሳ የሚያካሄድበት ቀን ሆኖ እንደ ሁኔታው ለተወሰነ ሰዓት ወይም ሙሉ ቀን ሊሆን ይችላል።
- 2) የጸሓፊ እና የሌሎች ሠራተኞች የስራ ሰዓት ባህል ፍርድ ቤቱ ጋዲሳ የሚያካሄድበት ቀን ሆኖ እንደ አስፈላጊነቱ የስራው ሁኔታ ስያስገድድ ወይም በባህል ፍርድ ቤቱ ሲጠየቁ ስራቸው ላይ የመገኘት ግዴታ ይኖርባቸዋል።

5) An application lodged pursuant to sub-articles 3 and 4 of this Article shall be heard and decided by on Gadisa by elders other than the one the application was made against. A decision given in this manner shall be final.

26. Duties of the Secretary and Other Workers of the Customary Court

The Secretary and workers of the Customary Court shall have the following duties:

- 1) Respecting the required code of conduct;
- 2) Refraining from making discrimination on the basis of gender, religion, age, economic status, political attitude, and any other grounds;
- 3) Being free from working against personal gain;
- 4) Possession of exemplary behavior and a personal life that builds the good will of the Customary Court;
- 5) Keeping confidentiality;
- 6) Performing any activity assigned to him by the Presiding or elders of the Customary Court.

Part Five

Working Time and Benefits

27. Working Time of elders, secretary and other workers of the Customary Court

- 1) The working time of the elders shall be on the days when 'Gaaddisa' carries out its functions and may be for limited hours or the whole day.
- 2) The working time of the Secretary and other workers of the Customary Court shall be on the day the 'Gaaddisa' discharges its functions or other days as may be required by the urgency of the work or by 'Gaaddisa'.

- 3) Jaarsi, barreessaan yookiin hojjetaan biroo Mana Murtii Aadaa yeroo hojii kabajuuf dirqama qaba.
- 4) Jaarsi, barreessaan yookiin hojjetaan biroo Mana Murtii Aadaa sababa Dambii kana Keewwata 28 jalatti ibsameen yoo ta'e malee, hojii irraa hafuu yookiin sa'aatii hojiitti hojiirraa dhabamuu hin qabu.

28. Hayyama

Jaarsi, barreessaan yookiin hojjetaan Mana Murtii Aadaa rakoon hawaasummaa, fayyaa yookiin sababni humnaa olii biroo hojiirratti argamuu isa hin dandeessisne yoo isa quunname Walitti-qabaa jaarsolii Mana Murtii Aadichaa hayyamsiisuu qaba. Walitti-qabaan jaarsolii Mana Murtii Aadaa barbaachisaa ta'ee yoo argame ragaa dhiyeessisuun hayyamicha ni kenna.

29. Faayidaalee Barreessaa fi Hojjetoota Biroo Mana Murtii Aadaa

- 1) Barreessaa fi hojjetaan Mana Murtii Aadaa faayidaalee seeraan murtaa'ee ni argatu.
- 2) Akkaataa Dambii kana keewwata 50 jalatti tumameen galii Mana Murtii Aadaatiif sassaabamu keessaa baasiwwan hojii bulchiinsaa erga uwwifaman booda kan hafe keessaa barreessaa fi hojjetoota Mana Murtii Aadaatiif bifa mindaatiin akka kaffalamu murtaa'uu ni danda'a.
- 3) Hangi faayidaalee barreessaa fi hojjetoota Mana Murtii Aadaa humna jiru irratti hundaa'uun yeroo yeroon Mana Murtii Aanaatiin kan murtaa'u ta'a. Manni Murtii Waliigala Oromiyaa baaxii hanga faayidaa murteesuu ni danda'a.

- 3) የባህል ፍርድ ቤት ሽማግሌ፣ ጸሓፊና ሌላ ሠራተኛ የስራ ሰዓት ለማክበር ግዴታ አለበት።
- 4) የባህል ፍርድ ቤት ሽማግሌ፣ ጸሓፊና ሌላ ሠራተኛ በዚህ ደንብ አንቀጽ 28 ስር በተጠቀሰው ምክንያት ካልሆነ በስተቀር ከስራ መቅረት ወይም በስራ ሰዓት ከስራ ላይ መጥፋት የለበትም።

28. ስለ ፈቃድ

የባህል ፍርድ ቤት ሽማግሌ፣ ጸሓፊ ወይም ሌላ ሠራተኛ በማህበራዊ ወይም የጤና ችግር እንዲሁም በዬትኛውም ከአቅም በላይ የሆነ ምክንያት በስራ ላይ መገኘት ካልቻለ ሰባሳቢ ሽማግሌውን ፈቃድ መጠየቅ ይኖርባቸዋል። ሰባሳቢ ሽማግሌው አስፈላጊ ሆኖ ሲገኝ ማስረጃ እንዲቀርብ በማድረግ ፈቃዱን ይሰጣል።

29. የጸሓፊና ሌሎች ሠራተኞች ጥቅማጥቅሞች

- 1) ጸሓፊና ሌሎች ሠራተኞች በሕግ የሚወሰኑ ጥቅማጥቅሞችን ያገኛሉ።
- 2) በዚህ ደንብ አንቀጽ 50 መሠረት በተለያዩ መልክ ለባህል ፍርድ ቤቶች ከሚሰበሰበው ገቢ አስተዳደራዊ ወጪዎች ከተሸነፈኑ ቦኒሳ ቀሪው ለጸሓፊና ሌሎች ሠራተኞች በደሞዝ መልክ እንዲከፈል ሊወሰን ይችላል።
- 3) ለጸሓፊና ሌሎች ሠራተኞች በደሞዝ መልክ እንዲከፈል የሚወሰነው ክፍያ የባህል ፍርድ ቤቱን የመክፈል አቅም መሰረት አድርጎ በየጊዜው ሊወሰን ይችላል። የኦሮሚያ ጠቅላይ ፍርድ ቤት ለጸሓፊና ሌሎች ሠራተኞች እንዲፈጸም የሚወሰነውን ጥቅም ጣሪያ ሊወሰን ይችላል።

- 3) An elder, a Secretary or another worker of the the Customary Court shall respect the working time.
- 4) An elder, a Secretary or a worker of the Customary Court may not be absent from duty or absent during the working hours except for reasons specified under Article 28 of this Regulation.

28. Leave

An elder, a Secretary or a worker of a Customary Court must ask the Chairperson for leave where he faces a social or health problem or any force majeure that renders him incapable of being present at his work. The Chairperson may give the permission by asking the production of evidence where so necessary.

29. Benefits of the Secretary and Other Workers of the Customary Court

- 1) The Secretary and worker of the Customary Court are entitled to get the benefits determined by the law.
- 2) It may be decided that the Secretary and worker of the Customary Court get payment, in a form of salary, from an income collected pursuant to Article 50 of this Regulation, where capacity allows, after all costs for administration and procurement of necessary materials are covered.
- 3) The amount of benefits that the Secretary and worker of the Customary Court may get shall be determined by the District Court periodically based on the existing capacity. The Supreme Court of Oromia may determine the ceiling of this benefit.

- 4) Kan Keewwata kana Keewwata Xiqqaa 2 fi 3 jalatti tumame akkuma jirutti ta'ee, hangi faayidaa barreessaa fi hojjetoota biroo yeroo murtaa'u ulfaatinaa fi sadarkaa ittigaafatamummaa hojii ilaalcha keessa galchuu qaba.
- 5) Barreessaa fi hojjetaan Mana Murtii Aadaa sababa hojjiitiif bakkaa bakkatti yeroo socho'an bu'uura qajeelfama hojjetaa bulchiinsaa Mana Murtii Aanaatiif hojiirra oolmaa qabuutiin galii Mana Murtii Aadaa irraa kaffaltii durgoo ni raawwatamaaf.

- 4) በዚህ አንቀጽ ንዑስ አንቀጽ 2 እና 3 የተደነገገው እንደተጠበቀ ሆኖ ለጸሓፊና ሌሎች ሠራተኞች እንዲከፈል የሚወሰነው ክፍያ የስራ ክብደት እና የጋላፊነት ደረጃን ከግንባቤ ያስገባ መሆን አለበት።
- 5) የባህል ፍርድ ቤት ጸሓፊና ሌሎች ሠራተኞች በስራ ምክንያት ከቦታ ቦታ በሚንቀሳቀሱበት ወቅት ለወረዳ ፍርድ ቤት የአስተዳደር ሰራተኞች ተፈጻሚነት ባለው መመሪያ መሰረት ከባህል ፍርድ ቤት ገቢ ላይ የውሎ አበል ይከፈላቸዋል።

Kutaa Jaha

Sirna Hojiirraa Ka'uu Yookiin Gaggeeffamuu

30. Sababoota Hojiirraa Ka'uu Yookiin Gaggeeffamuu

Jaarsi, barreessaan yookiin hojjetaan Mana Murtii Aadaa haalota armaan gadii keessaa tokkoon hojii irraa ka'uu yookiin geggeeffamuu ni danda'a:

- 1) Fedhii isaatiin;
- 2) Sababa fayyaa dhabuutiin hojii isaa qajeellootti raawwachuu hin dandeenye jedhee qaamni ilaallatu yoo murteesse; yookiin
- 3) Badii naamusaa raawwateen yookiin hanqina dandettiin qaama ilaallatuun akka geggeeffamuu yoo murtaa'e dha.

31. Fedhiin Hojii Gadi Lakkisuu

- 1) Barreessaan yookiin hojjetaan Mana Murtii Aadaa fedhii isaatiin hojii gadi lakkisuu ni danda'a.
- 2) Barreessaan yookiin hojjetaan Mana Murtii Aadaa fedhii isatiin hoji gadi lakkisuu barbaadu ji'a tokko dursee barreeffamaan Pirezidaantii Mana Murtii Aanaa beeksisuu qaba.
- 3) Pirezidaantiin Mana Murtii Aanaa bu'uura Keewwata kana Keewwata Xiqqaa 2 tiin iyyanni itti dhiyaate, yeroo beeksisaa kana xumuruun yookiin yeroo kana eegu osoo hin barbaachisiin iyyataan akka gaggeeffamu murteessuu ni danda'a.

ክፍል ስድስት

ከስራ የመነሳት እና የመሰናበት ስርዓት

30. ከስራ የመነሳትና የመሰናበት ምክንያቶች

የባህል ፍርድ ቤት ሽማግሌ፣ ጸሓፊ ወይም ሌላ ሠራተኛ ከዚህ በታች ከተዘረዘሩ ምክንያቶች በአንዱ ከስራ ሊነሳ ወይም ሊሰናበት ይችላል፡-

- 1) በፍላጎት፤
- 2) በጤና ችግር ምክንያት ስራውን በሚገባ መወጣት አለመቻሉን የሚመለከተው አካል ሲወስን፤
- 3) በስነምግባር ወይም በብቃት ማነስ ምክንያት የሚመለከተው አካል ከስራ እንዲሰናበት ሲወስን ነው።

31. በፍላጎት ስራ መልቀቅ

- 1) ጸሓፊ ወይም ሌላ የባህል ፍርድ ቤት ሠራተኛ በፍላጎቱ ስራ መልቀቅ ይችላል።
- 2) በፍላጎቱ ስራ የሚለቅ ጸሓፊ ወይም ሌላ የባህል ፍርድ ቤት ሠራተኛ አንድ ወር አስቀድሞ በጽሑፍ ለወረዳው ፍርድ ቤት ፕሬዚዳንት ማሳወቅ አለበት።
- 3) የወረዳው ፍርድ ቤት ፕሬዚዳንት በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሰረት አቤቱታ ሲቀርብለት በአቤቱታው መሠረት ወይም ወዲያው አቤቱታ እንደቀረበለት አመልካች እንደሰናበት ሊወስን ይችላል።

- 4) Without prejudice to the provisions of sub-article 2 and 3 of this Article, the determination of this benefit shall base itself on the weight and level of responsibility the job requires.
- 5) The Secretary and worker of the Customary Court, where moving for duty from place to place, are entitled to daily subsistence allowance as if they were a District Court worker, in accordance with the relevant directive.

Part Six

Termination of Tenure

30. Grounds for Termination of Tenure

The tenure of an elder, a Secretary or a worker may be terminated on any one of the following grounds:

- 1) Of his own will;
- 2) Where it is decided by an authorized organ that he is incapable of discharging his duty properly due to illness; or
- 3) The decision of the an authorized organ on grounds of breach of disciplinary rules or incapacity.

31. Resignation

- 1) A Secretary or worker of the Customary Court may resign of his own will.
- 2) A Secretary or worker of the Customary Court who wants to resign has a duty to submit to the President of District Court a one month prior written notification of resignation.
- 3) The President of the District Court, before whom an application is lodged in accordance with sub-article 2 of this Article, may decide that the applicant resign upon the expiry or without the need to wait for the expiry of the period of notice.

4) Barreessaan yookiin hojjetaan Mana Murtii Aadaa hayyama osoo hin argatiin yookiin sababa hin beekamne yookiin quubsaa hin taaneen guyyaa hojii mana murtii aadichaa 5 (Shaniif) walitti aansee yoo hojiirraa hafe akka fedhii isaatiin hojicha gadi dhii-seetti fudhatamee Pirezidaantii Mana Murtii Aanaatiin hojiirraa gaggeeffamuu danda'a.

32. Rakkoo Fayyaatiin Hojiirraa Geggeeffamuu

- 1) Jaarsi, barreessaan yookiin hojjetaan Mana Murtii Aadaa sababa rakkoo fayyaatiin hojii isaa qajeellootti raawwachuu dadhabuu isaa yoo hubate walitti qabaan yookiin jaarsi mana murtii aadichaa, yookiin qaamni ilaallatu biroo Pirezidaantii Mana Murtii Aanaaf beeksisuu qaba.
- 2) Pirezidaantiin Mana Murtii Aanaa iyyata yookiin eeruun bu'uurra Keewwata kana Keewwata Xiqqaa 1 tiin dhiyaate ragaa bitaa fi mirgaatiin akka qulqullaa'u taasisuun iyyanni yookiin eeruun dhiyaate sirrii ta'uu yoo amane jaarsi, barreessaan yookiin hojjetaan Mana Murtii Aadaa sun hojiirraa akka gaggeeffamuu murteessuu ni danda'a.

33. Badii Naamusaa fi Hanqina Dandeettiin Hojiirraa Kaafamuu Jaarsa Mana Murtii Aadaa

- 1) Jaarsi Mana Murtii Aadaa badii naamusaa raawwateen yookiin hanqina dandeettiin hojiirraa geggeeffamuu ni danda'a.
- 2) Gochi seera aadaa keessatti akka badii naamusaa yookiin hanqina dandeettiin fudhatamu akkuma jirutti ta'ee, dirqamoota jaarsolii Mana Murtii Aadaa irraa akka eegaman Dambii kanaa fi Labsii keessatti ibsaman bahachuu dhabuun akka badii naamusaa yookiin hanqina dandeettiin itti gaafatamummaa kan hordofsiisu ta'a.

4) ጸሓፊ ወይም ሌላ ሰራተኛ ፈቃድ ሳያገኝ ወይም ባልታወቀ ምክንያት ወይም በቂ ባልሆነ ምክንያት ለተከታታይ 5 (አምስት) የስራ ቀናት ከስራ የቀረ ከሆነ ስራውን በገዛ ፈቃዱ እንደሰቀቀ ተቆጥሮ በወረዳው ፍርድ ቤት ፕሬዚዳንት ከስራ ይሰናበታል።

32. በጤና ችግር ከስራ መሰናበት

- 1) ሰብሳቢ ሽማግሌ ወይም ሌላ የሚመለከተው ሰው የባህል ፍርድ ቤት ሽማግሌ፣ ጸሓፊ ወይም ሌላ ሠራተኛ በጤና ችግር ምክንያት ስራውን በአግባቡ መስራት አለመቻሉን ከተረዳ ለወረዳ ፍርድ ቤት ፕሬዚዳንት ማሳወቅ አለበት።
- 2) የወረዳ ፍርድ ቤት ፕሬዚዳንት በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሰረት የቀረበለት ጥቆማ በግራና ቀኝ ማስረጃ እንዲጣራ በማድረግ የቀረበው ጥቆማ ትክክለኛ መሆኑን ከተረዳ አቤቱታ የቀረበበት ሰው ከስራ እንዲሰናበት ሊወስን ይችላል።

33. በስነምግባር ችግርና በብቃት ማነስ የባህል ፍርድ ቤት ሽማግሌን ከስራ ስለ ማሰናበት

- 1) የባህል ፍርድ ቤት ሽማግሌ በስነምግባር ጥፋት ወይም በችሎታ ማነስ ከስራ ሊሰናበት ይችላል።
- 2) በባህል ሕጉ እንደ ስነምግባር ጥፋት ወይም እንደ ችሎታ ማነስ የሚወሰዱ ድርጊቶች እንዳሉ ሆኖ በዚህ ደንብና በአዋጅ ከባህል ፍርድ ቤት ሽማግሌዎች የሚጠበቁ ግዴታዎችን ከአቅም በላይ ባልሆነ ምክንያት አለመወጣት እንደ ስነምግባር ችግር ወይም እንደ ችሎታ ማነስ ሊወሰድ ይችላል።

4) The Secretary or worker of the Customary Court, who is absent from his duty for consecutive 5 (five) working days of the Customary Court without permission, for unknown or unsatisfactory reasons may be considered as if he resigned of his own will and be removed by the president of the District Court.

32. Removal from Duty Due to Health Issue

- 1) Where an elder, a Secretary or a worker of the Customary Court is incapable of discharging his duty properly due to health issue, the Chairperson, an elder or a concerned organ must notify the President of the District Court.
- 2) The president of the District Court may, after evaluation of evidences from both sides, decide the removal of the elder, secretary or worker of the Customary Court where he finds that the information or application made in accordance with sub-article 1 of this Article is found to be true.

33. Removal of an Elder of the Customary Court Due to Breach of Disciplinary Rule or Incompetence

- 1) An elder of the Customary Court may be removed from his duty on grounds of his breach of disciplinary rules or incompetence.
- 2) Without prejudice to acts considered by customary law as breach of disciplinary rule or incompetence, failure to discharge duties of elders stated in this Regulation or the Proclamation shall be considered as a breach of disciplinary rule or incompetence and entail accountability.

- 3) Jaarsi Mana Murtii Aadaa tokko badii naamusaa raawwachuu yookiin hanqina dandeettii qabaachuu isaa waldhabdoonni, jaarsoliin Mana Murtii Aadaa biroo fi qaamni biroo dhimmichi ilaallatu Mana Murtii Aanaatiif beeksisuu yookiin eeruu kennuu danda'u.
- 4) Pirezidaantiin Mana Murtii Aanaa eeruu naamusaa yookiin hanqina dandeettii bu'uura Keewwata kana Keewwata Xiqqaa 3 tiin dhiyaateef bu'uura godhachuun yookiin kaka'uumsa mataa isaatiin Koree jaarsolii Mana Murtii Aadaa filachiisuuf hundaa'eef qajeelchuun qulqullaa'ee furmaata akka argatu ni taasisa.
- 5) Eeruu badii naamusaa yookiin hanqina dandeettii bu'uura Keewwata kana Keewwata Xiqqaa 3 tiin dhiyaate jaarsa Mana Murtii Aadaa jalqabaa irratti yoo ta'e, Korichi bulchiinsa gandaa ilaallatu dubbisuun yaa'iin jiraattota gandaa akka waamamu ni taasisa.
- 6) Eeruu naamusaa yookiin hanqinni dandeettii bu'uura Keewwata kana Keewwata Xiqqaa 3 tiin dhiyaate jaarsa Mana Murtii Aadaa Oldabarfataa irratti yoo ta'e yaa'iin jaarsolii Mana Murtii Aadaa akka waamamu Pirezidaantii Mana Murtii Aanaa ni gaafatu.
- 7) Yaa'iin jiraattota gandaa yookiin yaa'iin jaarsolii Mana Murtii Aadaa waamame irratti hirmaattonni argaman gahaa ta'uu Korichi yoo itti amane, eeruu naamusaa yookiin hanqina dandeettii dhiyaate yaa'ichaaf ibsuun akka yaada irratti kennan ni taasisa; yoo barbaachisaa ta'es qaamni eeruu dhiyeesse ragaa barbaachisaa akka dhiyeesu yookiin dhiyaatee dhimmicha akka ibsu taasisuu ni danda'a.

- 3) አንድ የባህል ፍርድ ቤት ሽማግሌ የስነምግባር ችግር ወይም የችሎታ ማነስ ያለበት መሆኑን ተከራካሪ ወገኖች፣ ሌሎች የፍርድ ቤት ሽማግሌዎች ወይም ሌላ የሚመለከተው አካል ለወረዳ ፍርድ ቤት ማሳወቅ ወይም ጥቆማ መስጠት ይችላሉ።
- 4) የወረዳ ፍርድ ቤት ፕሬዚዳንት በዚህ አንቀጽ ንዑስ አንቀጽ 3 መሠረት የቀረበለትን ጥቆማ ወይም በራሱ ተነሳሽነት የስነምግባር ችግር ወይም የችሎታ ማነስ አለ ቢሎ ሲያምን ሽማግሌዎችን እንዲያስመርጥ ለተቋቋመ ኮሚቴ በመምራት ተጣርቶ መፍትሔ እንዲያገኝ ያደርጋል።
- 5) የስነምግባር ችግር ወይም የችሎታ ማነስ ጥቆማ የቀረበው በመጀመሪያ ደረጃ የባህል ፍርድ ቤት ሽማግሌ ላይ ከሆነ ኮሚቴው የሚመለከተው ቀበሌ አስተዳደር የነዋሪዎችን ስብሰባ እንዲጠራ ያደርጋል።
- 6) የስነምግባር ችግር ወይም የችሎታ ማነስ ጥቆማ የቀረበው በይግባኝ ሰሚ የባህል ፍርድ ቤት ሽማግሌ ላይ ከሆነ ኮሚቴው የባህል ፍርድ ቤት ሽማግሌዎች ጉባዔ እንዲጠራ የወረዳ ፍርድ ቤት ፕሬዚዳንትን ይጠይቃል።
- 7) ኮሚቴው በስብሰባው ላይ በቂ ተሳታፊ ተገኝቷል ብሎ ካመነ የቀረበውን ጥቆማ ለተሳታፊዎች በመግለጽ ሀሳብ እንዲሰጡበት ያደርጋል፤ አስፈላጊ ሆኖ ከተገኘም ጥቆማ ያቀረበው አካል ማስረጃ እንዲያቀርብ ወይም በአካል ቀረቦ ጉዳዩን እንዲያስረዳ ሊያደርግ ይችላል።

- 3) Where an elder of the Customary Court is found in breach of a disciplinary rule or incompetent, the parties to the proceeding, other elders or a concerned organ may notify the President of the District Court.
- 4) The president of the District Court shall, based on the information he has received in accordance with sub-article 3 of this Article or on his own motion, direct the matter for investigation and determination, to the committee organized for the selection of the elders of the Customary Court.
- 5) If the information regarding the breach of disciplinary rule or incompetence, in accordance with sub-article 3 of this Article, is in respect of the elder of the First Instance Customary Court, the committee shall contact the respective kebele administration and cause the kebele residents meeting to take place.
- 6) Where the information relating to breach of disciplinary rule or incompetence, in accordance with sub-article 3 of this Article is in respect of the elder of an Appellate Customary Court, the committee shall request the President of the District Court to convene the plenum of elders.
- 7) If the committee is convinced that the number of participants on the kebele residents meeting or on the plenum of the elders is sufficient, it shall explain to the participants the alleged breach of disciplinary rule or incompetence and cause the participants to give their opinion. Where necessary, it may make the production of evidence by or physical appearance of the allegant to explain on the matter.

- 8) Korichi bu'uura Keewwata kana Keewwata Xiqqaa 7 tiin yaadota yaa'icha irraa ka'an irratti sagalee kennisiisuudhaan yaa'ichi murtii irra akka gahu ni godha.
- 9) Jaarsi Mana Murtii Aadaa akka hojii irraa kaafamu yaa'ichaan kan murtaa'e yoo ta'e, Korichi yaa'ii sana irratti jaarsa bakka bu'u filachiisuun murtii jaarsi hojiirra akka kaafamu yaa'ichi dabarse waliin Pirezidaantii Mana Murtii Aanichaaf dhiyeessee ni mirkaneessisa.
- 10) Pirezidaantiin Mana Murtii Aanaa murtii yaa'ichaa barreeffamaan jaarsa hojii irraa ka'eeffii jaarsa haaraa filatameef ni beeksisa.

34. Komii Murtii Dhimma Naamusaa Yookiin Dandeettii Ilaalchisee Dhiyaatu

- 1) Jaarsi Mana Murtii Aadaa adeemsa dhimmi naamusaa yookiin hanqina dandeettii ittiin keessummaa'e irratti komii qabu kamuu dhimmi komiif sababa ta'e uumamuu isaa guyyaa beeke yookiin beekuu qabu irraa kaasee guyyoota hojii 5 (Shan) keessatti komii isaa barreeffamaan yookiin afaaniin Pirezidaantii Mana Murtii Aanaatti dhiyeeffachuu ni danda'a.
- 2) Pirezidaantiin Mana Murtii Aanaa komii murtii naamusaa yookiin hanqina dandeettiin walqabatee dhiyaatuuf qoratee hanqina yoo qabaate akka sirreeffamu ajajuu ni danda'a.
- 3) Pirezidaantiin komii dhiyaate irratti guyyoota hojii 7 (Torba) hin caalle keessatti deebii kennuu qaba.

- 8) ኮሚቴው በዚህ አንቀጽ ንዑስ አንቀጽ 7 መሠረት ከተሳታፊዎች በተሰጡ ሀሳቦች ላይ ድምጽ በማሰጠት ውሳኔ ላይ እንዲደረስ ያደርጋል።
- 9) የባህል ፍርድ ቤት ሽማግሌ ከስራ እንዲሰናበት የተወሰነ ከሆነ ኮሚቴው በዛው መድረክ ተተኪ ሽማግሌ እንዲመረጥ በማድረግ የስብሰባውን/የጉባዔውን ውሳኔ አንድ ላይ ለወረዳው ፍርድ ቤት ፕሬዚዳንት አቅርቦ ያስፀድቃል።
- 10) የወረዳ ፍርድ ቤት ፕሬዚዳንት የጉባዔውን ውሳኔ በጽሑፍ ከስራ ለተሰናበተ እና አዲስ ለተመረጠ ሽማግሌ ያሳውቃል።

34. በስነምግባር ችግር ወይም በችሎታ ማነስ ምክንያት በሚወሰድ እርምጃ ላይ የሚቀርብ ቅሬታ

- 1) የባህል ፍርድ ቤት ሽማግሌ የቀረበበት የስነምግባር ወይም የችሎታ ማነስ ጥቆማ የተስተናገደበት ሂደት ላይ ቅሬታ ካለው ለቅሬታው ምክንያት የሆነው ነገር መፈጸሙን ካወቀበት ወይም ማወቅ ከነበረበት ጊዜ ጀምሮ በአምስት (5) የስራ ቀናት ውስጥ በጽሑፍ ወይም በቃል ለወረዳ ፍርድ ቤት ፕሬዚዳንት አቤቱታ ማቅረብ ይችላል።
- 2) የወረዳ ፍርድ ቤት ፕሬዚዳንት የቀረበውን አቤቱታ መርምሮ መስተካከል ያለበት ሆኖ ከተገኘ ማስተካከያ እርምጃ እንዲወሰድ ማዘዝ ይችላል።
- 3) የወረዳ ፍርድ ቤት ፕሬዚዳንት በቀረበው ቅሬታ ላይ ከ 7 (ሰባት) የስራ ቀናት ባልበለጠ ጊዜ ውስጥ መልስ መስጠት አለበት።

- 8) The committee shall cause the taking place of voting on the opinions raised by the participants in accordance with sub-article 7 of this Article and cause the meeting or plenum give decision.
- 9) Where it is decided on the meeting or plenum that the elder be removed, the committee shall cause the selection of a replacing elder on the same meeting or plenum and submit same together with the holding of removal to the President of the District Court for approval.
- 10) The President of the District Court shall notify the removed elder and the newly selected elder about the decision of the meeting or plenum.

34. Complaint on a Decision Regarding Disciplinary matter or Incompetence

- 1) Any elder who is not satisfied by the procedure by which the disciplinary matter or incompetence is entertained shall make his complaint, orally or in writing, to the President of the District Court within 5 (five) working days after he becomes or could have been aware of the reason for his appeal.
- 2) The president of the District Court may, after investigating the complaint in relation to the disciplinary matter or incompetence, order its correction if the decision is found to be erroneous.
- 3) The President of the District Court shall give his response on the complaint brought before him within 7 (seven) working days.

35. Walitti Qabaa Jaarsolii Jijjiiruu
Walitti qabaan jaarsolii Mana Murtii Aadaa hojii geggeessummaa irratti hanqina geggeessummaa qabaachuu isaa adda baasuun jaarsoliin Mana Murtii Aadichaa hafan hundi yoo itti waliigalan jaarsa Mana Murtii Aadichaa jaarsa birootiin bakka buusuun qaboo yaa'ii qabatanii Mana Murtii Aanaa beeksisuu ni danda'u.

36. Badii Naamusaa fi Hanqina Dandeettii Barreessaa fi Hojjettoota Biroo Mana Murtii Aadaa

- 1) Barreessaan yookiin hojjetaan Mana Murtii Aadaa badii naamusaa raawwachuu yookiin hanqina dandeettii yoo qabaate Mana Murtii Aanaatiif eeruu dhiyeessuun akka tarkaanfiin fudhatamu ni taasifama.
- 2) Pirezidaantiin Mana Murtii Aanaa eeruun naamusaa yookiin hanqina dandeettii barreessaa yookiin hojjetaa Mana Murtii Aadaa yeroo dhiyaatuuf qaama ilaallatuuf ni qajeelcha.
- 3) Bu'uura Keewwata kana Keewwata Xiqqaa 1 fi 2 tiin badii naamusaa fi hanqina dandeettii barreessaa fi hojjettoota biroo Mana Murtii Aadaa ilaalchisee qaamni iyyannoo dhiyeessu, iyyannaa naamusaa fuudhu, kan qoratu, murtii kennuu fi komii dhagahu qaama dhimma Naamusa Hojjettoota Bulchiinsaa Mana Murtii Aanaa ilaalchisee aangeeffame ta'a.
- 4) Barreessaa fi hojjetaa Mana Murtii Aadaa ilaalchisee gochaawwan badii naamusaa itti gaafatamummaa hordofsiisan, sadarkaalee badii naamusaa fi gosoota adabbii naamusaa akkasumas dhimmoota bu'uuraa biroo dhimma naamusaan walqabatan irratti seerri naamusa Hojjettoota Bulchiinsaa Mana Murtii Aanaatiif hojiirra oolu raawwatiinsa ni qabaata.

35. ሰብሳቢ ሽማግሌን መቀየር
የባህል ፍርድ ቤት ሰብሳቢ ሽማግሌ የአመራር ጉድለት ያለበት ከሆነ በተቀሩት የባህል ፍርድ ቤቱ ሽማግሌዎች ከተስማሙ ቃለጉባዔ በመያዝ በሌላ ሰብሳቢ በመተካት የወረዳ ፍርድ ቤቱን ማሳወቅ ይችላሉ።

36. የባህል ፍርድ ቤት ጸሓፊና ሌሎች ሰራተኞች የስነምግባር ጥፋትና የችሎታ ማነስ

- 1) የባህል ፍርድ ቤት ጸሓፊ ወይም ሌላ ሰራተኛ የስነምግባር ጥሰት ከፈጸመ ወይም የችሎታ ማነስ ችግር ካለበት ለወረዳ ፍርድ ቤት ጥቆማ በማቅረብ እርምጃ እንዲወሰድ ይደረጋል።
- 2) የወረዳ ፍርድ ቤት ፕሬዚዳንት የባህል ፍርድ ቤት ጸሓፊና ሌሎች ሰራተኞች የስነምግባርና የችሎታ ችግር እንዳለባቸው ሲቀርብለት ለሚመለከተው አካል ይመራል።
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 1 እና 2 መሰረት የባህል ፍርድ ቤት ጸሓፊና ሌሎች ሰራተኞች የስነምግባርና የችሎታ ችግርን በማስመልከት ቅሬታ የሚያቀርብ፣ አቤቱታ የሚቀበል፣ የሚመረምር፣ ውሳኔ የሚሰጥና ቅሬታን የሚሰማ አካል የወረዳ ፍርድ ቤት የአስተዳደር ሰራተኞችን የስነምግባር ጉዳይ ለማስተናገድ ስልጣን የተሰጠው አካል ይሆናል።
- 4) የስነምግባር ጥፋትን የምያስከትሉ ድርጊቶች፣ የስነምግባር ጥፋት ደረጃዎች፣ የሚያስከትሉት ተጠያቂነትና ሌሎች መሰረታዊ ስነምግባር ነክ ጉዳዮችን በተመለከተ ለባህል ፍርድ ቤት ጸሓፊና ሌሎች ሰራተኞች ተፈጻሚነት ያለው ህግ ለወረዳ ፍርድ ቤት የአስተዳደር ሰራተኞች ተፈጻሚነት ያለው ይሆናል።

35. Replacement of the Chairperson
Elders of the Customary Court may take a minute for the replacement of a Chairperson, if they all agree that the Chairperson has leadership incapacity, and notify the President of the District Court.

36. Breach of Disciplinary Rule and Incompetence of the Secretary and other Workers of the Customary Court

- 1) Breach of disciplinary rule and incompetence of the Secretary or other worker of the customary Court may be reported to the District Court for further measure.
- 2) The President of the District Court shall direct, to a concerned organ, where he receives information as to the breach of disciplinary rule or incompetence of the Secretary or a worker of the Customary Court.
- 3) An organ which makes, receives, investigates and decides on petitions, and also hears appeal in relation to grievances of discipline or incompetence of the Secretary or other workers of the Customary Court, in accordance with sub-articles 1 and 2 of this Article, shall be an organ authorized to deal with disciplinary matters of the administrative staff of the District Court.
- 4) The law governing the disciplinary matters of the administrative staffs of the District Courts shall be applicable regarding disciplinary matters entailing accountability, levels of grievances of discipline and types of disciplinary measures as well as other basic matters regarding disciplinary issues related to the secretary and other workers of the Customary Court.

- 5) Barreessaa fi hojjetaa Mana Murtii Aadaa ilaalchisee adeemsi iyyanni badii naamusaa itti dhiyaatuu fi keessummaa'u, daangaa yeroo dhimmii badii naamusaa itti dhiyaatu, adeemsi qorannoo, himannaa fi falmii badii naamusaa, adeemsi kenniinsa murtii, raawwii murtii hordofamu akkasumas dhimmoota biroo adeemsa falmii naamusaatiin walqabatan irratti seerri Hojjetoota Bulchiinsaa Mana Murtii Aanaatiif hojiirra oolu raawwatiinsa ni qabaata.
- 6) Kan Keewwata kana Keewwata xiqqaa 3, 4 fi 5 jalatti tumame yoo jiraates, dhimma naamusa barreessaa fi hojjetoota biroo sadarkaa jalqabaatti akka ilaalu qaama aangeffameen murtii kennamu irraa ol-iyyannoon dhiyaachuu kan danda'u Pirezidaantii Mana Murtii Aanaatti ta'a. Murtiin Pirezidaantii Mana Murtii Aanaatiin kennamu isa dhumaa ta'a.
- 7) Manni Murtii Waliigala Oromiyaa haala addaatiin tumuun barbaachisaadha jedhee yoo amane dhimmoota Keewwata kana Keewwata Xiqqaa 3, 4 fi 5 jalatti hammataman irratti qajeelfama baasuu ni danda'a.

37. Barreessaa yookiin Hojjetaa Hojiirraa Ka'e yookiin Kaafame Bakka Buusuu
 Barreessaan yookiin hojjetaan Mana Murtii Aadaa sababoota Dambii kana Keewwata 31, 32 fi 36 jalatti caqasamaniin hojiirraa kan ka'e yookiin gaggeeffame yoo ta'e, Pirezidaantiin Mana Murtii Aanaa yeroo ji'a tokko hin caalle keessatti akka bakka buufamu gochuu qaba.

- 5) አቤቱታ የሚቀርብበትና የሚስተናገድበት ሂደት እንዲሁም አቤቱታው የሚቀርብበት የጊዜ ገደብ፣ የምርመራ ሂደቱ፣ የስነምግባር ጥሰት ክስ፣ ክርክርና ውሳኔ አሰጣጥ ሂደት፣ የፍርድ አፈጻጸምና ሌሎች የስነምግባር ክርክር ሂደትን በሚመለከቱ ጉዳዮች ለወረዳ ፍርድ ቤት የአስተዳደር ሰራተኞች ተፈጻሚነት ያለው ህግ ለባህል ፍርድ ቤት ጸሐፊና ሌሎች ሰራተኞች ስራ ላይ የሚውል ይሆናል።
- 6) በዚህ አንቀጽ ንዑስ አንቀጽ 3፣4 እና 5 ስር የተደነገገ ቢኖርም በመጀመሪያ ደረጃ የስነምግባር ጉዳይን እንዲያይ ስልጣን የተሰጠው አካል የወሰነው ውሳኔ ላይ ቅሬታ ያለው አካል ለወረዳ ፍርድ ቤት ፕሬዚዳንት ይግባኝ ማቅረብ ይችላል፡፡ በፕሬዚዳንቱ የሚሰጠው ውሳኔ የመጨረሻ ይሆናል።
- 7) የኦሮሚያ ጠቅላይ ፍርድ ቤት አስፈላጊ ሆኖ ሲያገኝ በዚህ አንቀጽ ንዑስ አንቀጽ 3፣4 እና 5 ስር በተጠቀሱ ጉዳዮች ላይ መመሪያ በማውጣት በተለየ ሁኔታ መደንገግ ይችላል።

37. ከስራ የተነሳ ወይም የተሰናበተን ጸሐፊ ወይም ሌላ ሰራተኛ መተካት
 በዚህ ደንብ አንቀጽ 31፣ 32 እና 36 ስር በተዘረዘሩ ምክንያቶች ጸሐፊ ወይም ሌላ ሰራተኛ ከስራ የተነሳ ወይም የተሰናበተ እንደሆነ የወረዳ ፍርድ ቤት ፕሬዚዳንት ከአንድ ወር ባልበለጠ ጊዜ ውስጥ እንዲተካ ማድረግ አለበት።

- 5) The law governing the administrative staffs of the District Courts shall be applicable regarding the procedure by which petitions of disciplinary grievance is made and entertained, period of limitation for disciplinary matters, procedure for investigation, institution, and litigation of disciplinary matters, procedure for the rendition of judgement and its execution as well as other matters regarding procedure for disciplinary issues related to the secretary and other workers of the Customary Court.
- 6) Notwithstanding the provisions of sub-articles 3, 4 and 5 of this Article, an appeal may be taken to the President of the District Court against a decision given in its first instance jurisdiction by an organ authorized in relation to the disciplinary matter of the administrative staffs of the District Court. The decision of the President of the District Court on the appeal shall be final.
- 7) The Supreme Court of Oromia, where it deemed necessary, may issue a directive instead of the provisions of sub-articles 3, 4 and 5 of this Article.

37. Replacing a Secretary or a Worker Whose Tenure is Terminated
 The President of the District Court shall replace, within a month's time, the Secretary or worker of the Customary Court whose tenure is terminated on account of reasons specified under the provisions of Articles 31, 32 and 36 of this Regulation.

**Kutaa Torba
Adabbii**

38. Adabbii Maallaqaa yookiin Akaakuu

- 1) Seera aadaa iddoo Manni Murtii Aadichaa itti hojjetuun haala addaatiin kan ilaalamu akkuma jirutti ta'ee, Manni Murtii Aadaa sababoota armaan gadiitiin adabbii maallaqaa yookiin akaakuu yookiin lameenuu murteessuu ni danda'a.
- (a) Nama Mana Murtii Aadaatiin akka himatamaatti akka dhiyaatu waamichi dhaqqabee sababa quubsaa malee argamuu dhabe;
- (b) Jaarsa, barreessaa yookiin hojjetaa Mana Murtii Aadaa, abbaa dhimmaa, yookiin ragaa gaaddisa irratti kan arrabse, doorsise, sodaachise yookiin bifa kamiiniyyuu hojii gaaddisaa kan gufachiise yookiin gufachiisuuf yaale;
- (c) Nama ajaja Mana Murtii Aadichaa kabajuu dide; yookiin hojii isaa gidduu lixuun dhiibbaa hin malle uume; yookiin dirqama waliin tumsuuf qabu sababa gahaa malee osoo hin bahatiin hafe;
- (d) Nama gochaa safuu fi aadaa ha-waasichaa keessatti fudhatama hin qabne raawwachuun miidhaa diinagdeetiin ala ta'e biroo nama dhuunfaa irra kan geessise dha.
- 2) Manni Murti Aadaa bu'uura Keewwata kana Keewwata Xiqqaa 1 (a-c) tiin nama badii raawwate kan adabu galmee ilaalaa jiru irratti himannaan addaa irratti dhiyaachuu osoo hin barbaachisiin battaluma badichi raawwatamuu mirkaneeffatetti dha.
- 3) Namni kamiyyuu bu'uura Keewwata kana Keewwata Xiqqaa 1 fi 2 tiintiin badii raawwate jedhamee balleessaa taasifamuun dura ragaa badii akka hin qabaanne isarraa ittisu yoo qabaate akka dhiyeeffatu hayyamamuufi qaba.
- 4) Adabbiin sababa Keewwata kana Keewwata Xiqqaa 1 (a-c) jalatti ibsamaniin murtaa'u galii Mana Murtii Aadaatiif kan oolu ta'a.

**ክፍል ሰባት
ቅጣት**

38. የገንዘብ ወይም የአይነት ቅጣት

- 1) በአካባቢው የባህል ሕግ በተለየ ሁኔታ የሚታየው እንደተጠበቀ ሆኖ የባህል ፍርድ ቤት በሚከተሉት ምክንያቶች የገንዘብ ወይም የአይነት ቅጣት ሊወሰን ይችላል፡-
 - (ሀ) በባህል ፍርድ ቤት እንደ ተከላሽ እንድቀርብ ጥሪ ደርሶት ያለ በቂ ምክንያት ሳይቀርብ የቀረ፤
 - (ለ) የባህል ፍርድ ቤት ሽማግሌ፣ ጸሓፊ፣ ሌላ ሰራተኛ፣ ባለጉዳይ፣ ወይም ምስክርን በጋዲሳ ላይ የሰደበ፣ የዛተበት፣ ያስፈራራ፣ ወይም በማንኛውም ምክንያት የጋዲሳን ስራ ያደናቀፈ ወይም ሊያደናቅፍ የሞከረ፤
 - (ሐ) የባህል ፍርድ ቤቱን ትዕዛዝ ያላከበረ፣ በስራው ጣልቃ በመግባት አላስፈላጊ ጫና የፈጠረበት፣ የመተባበር ግዴታውን ያልተወጠ ማንኛውም ሰው፤
 - (መ) በአካባቢው ባህል ተቀባይነት የሌለውን ድርጊት በመፈጸም ማንኛውም ኢኮኖሚያዊ ያልሆነ ጉዳትን በሌላ ግለሰብ ላይ ያደረሰ ሰው፡፡
- 2) የባህል ፍርድ ቤት በዚህ አንቀጽ ንዑስ አንቀጽ 1 (ሀ-ሐ) ያሉትን ጥፋቶች የፈጸመን ሰው የሚቀጣው እያየ ባለ መዝገብ ላይ ክስ እንዲቀርብበት ሳያስፈልግ ወዲያው ጥፋቱ መፈጸሙን ባረጋገጠበት ነው፡፡
- 3) ማንኛውም ሰው በዚህ አንቀጽ ንዑስ አንቀጽ 1 እና 2 መሰረት ጥፋት ፈጸመ ተብሎ ሳይወሰንበት በራት ጥፋተኛ አለመሆኑን የሚያስረዳ ማስረጃ እንዲያቀርብ ሊፈቀድለት ይገባል፡፡
- 4) በዚህ አንቀጽ ንዑስ አንቀጽ 1 (ሀ-ሐ) መሰረት የሚወሰነው ቅጣት ለባህል ፍርድ ቤት ገቢ የሚደረግ ይሆናል፡፡

**Part Seven
Penalty**

38. Fine or Penalty in Kind

- 1) Without prejudice to the special provisions of the customary law of the place where it operates, the Customary Court may give fine, penalty in kind or both on the following grounds:
 - (a) A defendant who fails to appear before Customary Court after duly served;
 - (b) Whosoever insults, holds up to ridicule, threatens the elder, a secretary, a worker or customer of the Customary Court or witnesses or disturbs or attempts to disturb, in any manner, the activities of the Customary Court;
 - (c) A person who fails to obey the order of the Customary Court, interferes in its activities and unduly pressurizes it, or fails to cooperate without sufficient cause;
 - (d) A person who, by an act contrary to the morality and custom of the society, causes damage, not economic in nature, to an individual.
- 2) The Customary Court may punish a person who committed crime stated under the provisions of sub-article 1 (a-c) of this Article summarily on the file pending before it upon verifying the commission of the crime.
- 3) A person, who is alleged to have committed crime pursuant to sub-article 1 and 2 of this Article, shall be entitled to the right to defend himself before convicting him.
- 4) A fine to be imposed in accordance with sub-article 1 (a-c) of this article shall be an income of the Customary Court.

- 5) Manni Murtii Aadaa saba-ba Keewwata kana Keewwata Xiqqaa 1 (d) jalatti ibsameen adabbii yeroo murteessu adabbii murtaa'e keessaa hanga tokko himataaf yookiin miidhamaadhaaf bifa beenyaatiin akka kaffalamu, hanga ta'e immoo galii Mana Murtii Aadaatiif akka oolu murteessuu ni danda'a.
- 6) Adabbiin bu'uura Keewwata kana Keewwata Xiqqaa 5 tiin himatamaa irratti murtaa'u, miidhaa qabeenyaa yookiin baasii fi xaarrii miidhamaa irra gahe bakka buusuuf yookiin gumaa baasuuf itti gaafatamummaa himatamaan himataaf yookiin miidhamaaf qabaatu kan hambisu miti.
- 7) Hangii fi gosti adabbii bu'uura Keewwata kana Keewwata Xiqqaa 1-5 tiin murtaa'u seera aadaa bakka Manni Murtii Aadichaa itti hojjetuu bu'uura godhachuun kan kennamu ta'ee, madaalawaa, haqa-qabeessaa fi haala qabatamaa nama adabamuu ilaalcha keessa kan galche ta'uu qaba.
- 8) Manni Murtii Aadaa adabbiin maallaqaa yookiin akaakuu akkaataa Keewwata kana Keewwata Xiqqaa 1-5 tiin murtaa'u yeroo tokkoon yookiin ciccitee garaa garummaa yeroo murtaa'e keessatti akka raawwatamu murteessuu ni danda'a.

Kutaa Saddet

Raawwii Murtii

Kutaa Xiqqaa Tokko

Raawwii Murtii Himataaf Raawwatamu

39. Qajeeltoo

- 1) Murtiin Mana Murtii Aadaatiin kenname kan raawwatamu akkaataa seerri aadaa bakka Manni Murtii Aadichaa itti argamuutiin ta'a.

- 5) የባህል ፍርድ ቤት በዚህ አንቀጽ ንዑስ አንቀጽ 1 (መ) መሰረት ቅጣት ሲወስን በጥፋተኛው ላይ ከሚጣለው ቅጣት የተወሰነው ለከላሽ ወይም ለተጎጂ የተወሰነው ደግሞ ለባህል ፍርድ ቤት ገቢ እንዲውል መወሰን ይችላል።
- 6) በዚህ አንቀጽ ንዑስ አንቀጽ 5 መሰረት የሚጣለው ቅጣት ተከላሽ በንብረት ላይ ላደረሰው ጉዳት ወይም ኢኮኖሚያዊ ጥቅም፣ ወጪና ኪሳራን፣ ጉማን ወይም ካሳን ለመክፈል ያለበትን ሀላፊነት አያስቀርም።
- 7) በዚህ አንቀጽ ከንዑስ አንቀጽ 1-5 መሰረት የሚወሰነው የቅጣት መጠንና ዓይነት በአካባቢው የባህል ሕግ መሰረት የሚወሰን ሲሆን ቅጣቱም ተመጣጣኝ፣ ፍትህና ተጨባጭ ሁኔታን ያገናዘበ መሆን አለበት።
- 8) የባህል ፍርድ ቤት በዚህ አንቀጽ ከንዑስ አንቀጽ 1-5 መሰረት የሚወሰነው ቅጣት በአንድ ጊዜ እንዲከፈል ወይም በተወሰነ ጊዜ ውስጥ ተከፋፍሎ እንዲፈጸም ሊወሰን ይችላል።

ክፍል ስምንት

የውሳኔ አፈጻጸም

ንዑስ ክፍል አንድ

ለከላሽ የሚፈጸም ውሳኔ

39. መርህ

- 1) በባህል ፍርድ ቤት የሚሰጥ ውሳኔ የሚፈጸመው በአካባቢው የባህል ሕግ መሰረት ይሆናል።

- 5) The Customary Court, while imposing penalties by reasons stated under sub-article 1(d) of this Article, may decide that part of the fine be paid to the plaintiff or victim in the form of compensation and the remaining as an income of the Customary Court.
- 6) A penalty imposed on the defendant in pursuant to sub-article 5 of this Article may not absolve him from his liability to effect Guma and to cover the costs and economic damages he caused to the plaintiff or victim.
- 7) The amount and type of penalty to be imposed in accordance with sub-articles 1-5 of this Article being in accordance with the customary law of the place where the Customary Court operates, must be fair and just that takes into account the situation of the defendant.
- 8) The Customary Court may decide that the penalty imposed in form of fine or in kind, pursuant to Sub-articles 1-5 of this Article, be enforced once or by installment within a given period.

Part Eight

Execution of Judgement

Section One

Execution of a Judgement in favor of the Judgement Creditor

39. Principle

- 1) The judgment of the Customary Court shall be executed in accordance with the customary law of the place where the Customary Court operates.

- 2) Seerri aadaa haala raawwii murtii ilaallatu bakka hin jirretti, Manni Murtii Aadaa tumaalee Dambii kanaa itti aansuun tumaman bu'uureffatee murtiilee isaa ni raawwachiisa.
- 3) Himatamaan haala Labsii Keewwata 34 (2) (c) jalatti ibsameen murtii itti murtaa'e raawwachuuf hayyamamaa osoo hin ta'iin yoo hafe Manni Murtii Aadaa akkaataa seera aadaatiin caasaa aadaa murtii raawwachiisan kanneen akka foollee, jaallaba, jalkaawaa fi makkala fa'a gargaaramee murtii isaa dirqisiisee raawwachiisuu ni danda'a.
- 4) Bu'uura Keewwata kana Keewwata Xiqqaa 3 tiin mirgoota namoomaa himatamaa osoo hin sarbiin murtii raawwachiisuun kan hin danda'amne yoo ta'e, Manni Murtii Aadaa garagalcha murtichaa Mana Murtii Aanaatiif erguun murticha akka raawwachiisu ni beeksisa.
- 5) Manni Murtii Aanaa bu'uura Keewwata kana Keewwata Xiqqaa 4 tiin beeksifame murticha akka murtii ofii kenneetti fudhatee seera idilee rogummaa qabu bu'uureffachuun murticha ni raawwachiisa.

40. Qabeenya Raawwii Murtiif Oolu Adda Baasuu

- 1) Himatamaan murtii Mana Murtii Aadaa raawwachuuf fedhii kan hin qabne yoo ta'e, Manni Murtii Aadaa qabeenya himatamaa murticha raawwachuuf ooluu danda'u yoo jiraate adda baasee akka dhiyeessu caasaa aadaa murtii raawwachiisu yookiin bulchiinsa gandichaa ni ajaja.
- 2) Qaamni bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin ajajame qabeenya himatamaa murticha raawwachiisuuf ooluu danda'u guyyaa akka dhiyeessu ajajametti adda baasee Mana Murtii Aadaatiif beeksisuu qaba.

- 2) የውሳኔ አፈጻጸምን የሚመለከት የባህል ሕግ በሌለበት የባህል ፍርድ ቤት ከዚህ ቀጥሎ የተደነገጉትን የዚህን ደንብ ክፍሎች ተመርኩዞ ውሳኔዎቹን ያስፈጽማል።
- 3) ተከላሽ በአዋጁ አንቀጽ 34 (2) (ሐ) መሰረት የተወሰነበትን ውሳኔ ለመፈጸም ፈቃደኛ ሳይሆን ከቀረ የባህል ፍርድ ቤት በባህል ሕግ መሰረት ውሳኔ የሚያስፈጽሙ እንደ ፎሎ፣ ጃሰባ፣ ጀልካዋ፣ እና መካላ ያሉትን የባህል አደረጃጀቶችን ተጠቅሞ ውሳኔውን አስገድዶ ማስፈጸም ይችላል።
- 4) በዚህ አንቀጽ ንዑስ አንቀጽ 3 መሰረት የሰብዓዊ መብት ሳይጣስ ውሳኔን ማስፈፀም ያልተቻለ እንደሆነ የባህል ፍርድ ቤቱ የውሳኔውን ግልባጭ ለወረዳ ፍርድ ቤት በመላክ ውሳኔውን እንዲያስፈጽም ያስታውቃል።
- 5) በዚህ አንቀጽ ንዑስ አንቀጽ 4 መሰረት የባህል ፍርድ ቤት ውሳኔን እንዲያስፈጽም የተጠየቀ የወረዳ ፍርድ ቤት ውሳኔውን እንደ ራሱ ውሳኔ ወስኖ ያስፈጽማል።

40. ለውሳኔ አፈጻጸም የሚውል ንብረትን መለየት

- 1) ተከላሽ የባህል ፍርድ ቤት ውሳኔን ለመፈጸም ፍላጎት የሌለው ከሆነ ተከላሽ ለውሳኔው አፈጻጸም ሊውል የሚችል ንብረት ካለው አጣርቶ እንዲያቀርብለት የባህል ፍርድ ቤት ውሳኔን የሚያስፈጽም የባህል አደረጃጀትን ወይም የቀበሌ አስተዳደርን ያዛል።
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 የታዘዘው አካል ለውሳኔው አፈጻጸም ሊውል የሚችልን የተከላሽ ንብረት አጣርቶ እንዲያቀርብ በታዘዘው ቀን ለባህል ፍርድ ቤቱ ማሳወቅ አለበት።

- 2) Where there is no customary law governing the execution of judgment, the Customary Court shall execute its judgment in accordance with the following provisions:
- 3) The Customary Court may enforce its judgment using customary structures for the execution of judgment such as 'Foollee', 'Jaallaba', 'Jalkaawaa' and 'Makkala' where the defendant fails to perform a judgment made against him in accordance with Article 34 (2) (c) of the Proclamation.
- 4) Where it is hardly possible to execute the judgement, in accordance with sub-article 3 of this Article, without the violation of the human rights of the defendant, the Customary Court shall send the copy of the judgment and notify the District Court for executing it.
- 5) The District Court notified pursuant to sub-article 4 of this Article, shall execute the judgment based on relevant laws taking as its own.

40. Identification of Property for Execution

- 1) Where the defendant fails to execute the judgement, the Customary Court shall order the customary structure for the execution of judgment or the Kebele administration to identify and submit to it the property of the defendant for execution.
- 2) The organ ordered pursuant to sub-article 1 of this Article shall notify to the Customary Court, on the date specified, the property of the defendant it identified for execution.

- 3) Bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin qabeenyi idaaf qabamuu danda'u akkaataa seera aadaatiin qabeenya idaadhaan qabuuf hayyamamu ta'uu qabu.
- 4) Qabeenyi murtiin akka irratti raawwatamu bu'uura Keewwata kana Keewwata Xiqqaa 2 tiin dhiyaate qabeenya idaaf qabamuu hin dandeenye ta'uu, kan himatamaa akka hin taane yookiin idaa biraatiin dursee kan qabame ta'uu yookiin qabeenya sana irraa mirgan qaba jedhee qaamni mormu yoo jiraate gaaddisa Mana Murtii Aadichaa itti aanutti dhiyaatee akka ibsu beellamni ni qabama. Beeksisni kana ibsus Mana Murtii Aadichaa fi Waajira Bulchiinsa Gandaa yookiin iddoo biroo argamuu danda'utti ni maxxanfama.
- 5) Namni bu'uura Keewwata kana Keewwata Xiqqaa 4 tiin mormii qabu iyyata isaa guyyaa beellamaatti Mana Murtii Aadaatiif barreeffamaan yookiin afaaniin dhiyeeffachuu danda'a.
- 6) Bu'uura Keewwata kana Keewwata Xiqqaa 5 tiin iyyanni dhiyaate yoo jiraate, Manni Murtii Aadaa iyyaticha ragaadhaan akka qulqullaa'u taasisee komiin dhiyaate sirrii ta'uu yoo amane qabeenyi biraa raawwii murti chaaf ooluu danda'u yoo jiraate akka dhiyaatu ajaja ni kenna.
- 7) Bu'uura Keewwata kana Keewwata Xiqqaa 5 tiin iyyanni dhiyaate hin jiru yoo ta'e yookiin iyyanni dhiyaatee ragaadhaan qulqullaa'ee kufaa yoo ta'e, qabeenyichi raawwiif akka oolfamu ni taasifama.

- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሰረት ለውሳኔው አፈጻጸም የሚውል የተከሰሽ ንብረት በባህል ህጉ መሰረት ለዕዳ ሊያዝ የሚችል መሆን አለበት።
- 4) ለውሳኔው አፈጻጸም እንዲውል በዚህ አንቀጽ ንዑስ አንቀጽ 2 የቀረበ የተከሰሽ ንብረት በዕዳ ሊያዝ የማይችል መሆኑን፣ የተከሰሽ አለመሆኑን ወይም በሌላ ዕዳ ቀድሞ የተያዘ መሆኑን ወይም ከንብረቱ መብት አለኝ የሚል ተቃውሞ ያለው ወገን ሲኖር በቀጠዩ የባህል ፍርድ ቤቱ ቀጠሮ ቀርቦ ተቃውሞውን እንዲያቀርብ መደረግ አለበት። የህንፃ የሚገልጽ ማስታወቂያም በባህል ፍርድ ቤቱ እና በቀበሌ አስተዳደሩ ጽሕፈት ቤት ወይም ሌላ ሊታይ የሚችልበት ቦታ መለጠፍ አለበት።
- 5) በዚህ አንቀጽ ንዑስ አንቀጽ 4 መሰረት ተቃውሞ ያለው ሰው አቤቱታውን በቀጠሮ ቀን ለባህል ፍርድ ቤት በጽሑፍ ወይም በቃል ማቅረብ ይኖርበታል።
- 6) በዚህ አንቀጽ ንዑስ አንቀጽ 5 መሰረት የቀረበ አቤቱታ ያለ እንደሆነ የባህል ፍርድ ቤቱ አቤቱታውን በማስረጃ እንዲጣራ ካደረገ ቦጊላ አቤቱታው ትክክል መሆኑን ካመነ ሌላ ለውሳኔው አፈጻጸም ሊውል የሚችል ንብረት ካለ እንዲቀርብ ትዕዛዝ ሊሰጥ ይችላል።
- 7) በዚህ አንቀጽ ንዑስ አንቀጽ 5 መሰረት የቀረበ አቤቱታ የሌለ ከሆነ ወይም አቤቱታ ቀርቦ በማስረጃ ተጠርቶ ውድቅ ከተደረገ ንብረቱ ለውሳኔ አፈጻጸም እንዲውል ይደረጋል።

- 3) The property to be attached for the execution of judgment, in accordance with sub-article 1 of this Article, shall be the property permissible for attachment in accordance with the customary law.
- 4) Where the property identified pursuant to sub-article 2 of this Article is not liable to attachment by the Customary law, or does not belong to the defendant, or has been liable to an encumbrance already, or someone claims to have a right on the property, it will be adjourned for another date to present and explain to Gaaddisa. A notification to this effect shall be affixed on the Customary Court house, office of Kebele administration or any conspicuous place.
- 5) Anyone who has an objection pursuant to sub-article 4 of this Article may lodge his application orally or in writing to 'Gaaddisa' on the fixed day.
- 6) The Customary Court may order the production of another property, if any, for the execution of the judgment where there is an application made in accordance with sub-article 5 of this Article and such an application is found, based on evidence, to be true.
- 7) Where there is no application, or the application made is dismissed, having been verified by evidence, in accordance with sub-article 5 of this Article, the property shall be subjected to execution.

41. Qabeenyi Raawwiif Adda Bahe Osoo Hin Qabamiin Dura Tarkaanfilee Fudhatamuu Qaban
Manni Murtii Aadaa qabeenyi raawwiif akka oolfamu adda bahe akka qabamu ajajuun dura tarkaanfiiwwan armaan gadii ni fudhata:

- 1) Caasaa aadaa yookiin bulchiinsa gandaa ajajicha akka raawwachiisu ajajamuuf murtii raawwatu muuf adeemuu fi haala ittiin raawwatamu waamee ni hubachiisa;
- 2) Murtiin Mana Murtii Aadaatiin raawwatamuuf adeemu oliyyannoon fudhatamee ajajni dhorkaa kan irratti hin dhiyaanne ta'uu ni mirkaneessa;
- 3) Qabeenyi murtii raawwachiisuuf qabamu idaa sanaan kan walmadaalu yookiin idicha raawwachuuf kan gahu ta'uu mirkaneessuu;

42. Qabeenya Raawwiif Adda Bahe Qabuu fi Raawwii Murtiif Oolchuu

- 1) Bu'uura Dambii kana Keewwata 40 fi 41 tiin erga qulqullaa'e booda qabeenyi himatamaa raawwii murtiif akka oolfamu murtaa'e akka qabamu Manni Murtii Aadaa ni ajaja.
- 2) Qaamni Mana Murtii Aadaatiin bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin ajajame, qabeenya raawwii murtiif akka qabamu ajajame hordoffii barbaachisaa taasisuun himatamaa irraa fuudhuun Mana Murtii Aadaaf dhiyeessuu qaba.
- 3) Manni Murtii Aadaa qabeenyi bu'uura Keewwata kana Keewwata Xiqqaa 2 tiin raawwii murtiif qabame gurguramee yookiin murtichi akaakuun akka raawwatamu ni ajaja.
- 4) Himatamaan murtiin osoo hin raawwatamiin dura fedhii isaatiin akkaataa murtiitiin raawwachuuf kan dhiyaate yoo ta'e, qabeenyi raawwiif qabame gadi ni dhiifamaaf.

41. ለውሳኔ አፈጻጸም እንዲውል የተለየ ንብረት ሳይያዝ በፊት መወሰድ ያለባቸው እርምጃዎች

የባህል ፍርድ ቤት ለውሳኔ አፈጻጸም እንዲውል የተለየ ንብረት እንዲያዝ ከማዘዙ በፊት የሚከተሉትን እርምጃዎች ይወስዳል።

- 1) ውሳኔውን እንዲያስፈጽም ለታዘዘ የባህል አደረጃጀት ወይም የቀበሌ አስተዳደር ሊፈጸም ስላለው ውሳኔ እና የአፈጻጸሙን ሁኔታ ያስገነዝባል።
- 2) በባህል ፍርድ ቤት የሚፈጸመው ውሳኔ ይግባኝ ቀርቦበት ዕግድ ያልወጣበት መሆኑን ያረጋግጣል።
- 3) ለውሳኔ ማስፈጸሚያ የሚያዘው ንብረት ከዕዳው ጋር ተመጣጣኝ መሆኑን ማረጋገጥ አለበት።

42. ለውሳኔ አፈጻጸም እንዲውል የተለየን ንብረት መያዝና ለአፈጻጸም ማዋል

- 1) በዚህ ደንብ አንቀጽ 40 እና 41 መሰረት ከተጣራ ቦኒላ ለውሳኔ አፈጻጸም እንዲውል የተወሰነ የተከላከሉ ንብረት እንዲያዝ የባህል ፍርድ ቤቱ ያዛል።
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሰረት በባህል ፍርድ ቤት የታዘዘ አካል ለውሳኔ አፈጻጸም እንዲውል የተወሰነ የተከላከሉ ንብረትን አስፈላጊውን ክትትል በማድረግ በመያዝ ለባህል ፍርድ ቤት ማቅረብ አለበት።
- 3) የባህል ፍርድ ቤት በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሰረት የተያዘ የተከላከሉ ንብረት ተሽጦ ወይም በዓይነት ውሳኔው እንዲፈጸም ያዛል።
- 4) ተከላከሎ ውሳኔው ሳይፈጸም በፊት የሚፈለግበትን ገንዘብ የከፈለ ከሆነ ለውሳኔ አፈጻጸም የተያዘው ንብረት ሊለቀቅለት ይገባል።

41. Measures to be Taken Before Attaching the Property Identified for Execution

The Customary Court shall take the following measures before giving an order of attachment of the property identified for execution:

- 1) It shall call on and explain to the customary structure or Kebele administration the judgment to be executed and the manner of its execution.
- 2) It shall ensure that the judgment going to be executed by the Customary Court is not appealed against and subjected to injunction order;
- 3) It must ensure that the property to be attached is equivalent to or sufficient to discharge the debt.

42. Attachment of and Execution of Property Identified for Execution

- 1) The Customary Court shall order the attachment of the property of the defendant determined for execution after it is verified pursuant to Articles 41 and 42 of this Regulation.
- 2) An organ ordered by the Customary Court pursuant to sub-article 1 of this Article, shall seize and deliver it to the Customary Court.
- 3) The Customary Court may order the execution of the judgment against the proceeds of the sale of the property attached pursuant to sub-article 2 of this Article or in kind.
- 4) Where the defendant discharged the debt expected of him for before the execution takes place, the property shall be released and be given back to him.

43. Haala Qabeenyi Raawwii Murtiitiif Qabame Ittiin Gurguramu

- 1) Murtii raawwachiisuuf qabeenya himatamaa gurguruun barbaachisaa ta'ee yoo argame, Manni Murtii Aadaa tilmaamni qabeenya himatamaa raawwiif qabamee namoota ogummaa yookiin muuxannoo qabaniin tilmaamamee akka dhiyaatu bulchiinsa gandaa ni ajaja.
- 2) Bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin tilmaamni erga dhiyaate booda, Manni Murtii Aadaa caasaan aadaa murtii raawwachiisu yookiin bulchiinsi gandaa tilmaama bah-ee gadi hanga hin taanetti gurguree bu'aa isaa akka dhiyeessu ni taasisa.
- 3) Manni Murtii Aadaas maallaqa gurgurtaa bu'uura Keewwata kana Keewwata Xiqqaa 2 tiin argame himataaf akkaataa murtiitiin ni raawwata.
- 4) Manni Murtii Aadaa maallaqni gurgurtaa qabeenyichaa irraa argame murticha raawwachuuf hanga barbaachisuu ol yoo ta'e, himatamaaf ni deebisa.
- 5) Manni Murtii Aadaa murtii isaa yeroo raawwachiisu deeggarsi Mana Murtii Aanaa yoo isa barbaachise, keessattuu murtiin raawwatamu qabeenya hin sochoone yookiin mindaa kan ilaallatu yoo ta'e yookiin ajaja dhorkaa kennuu kan barbaachisu yoo ta'e yookiin maallaqni moodeelaan olkaa'amu qabu yeroo jiraatu Mana Murtii Aanaa deeggarsa gaafachuu ni danda'a.

44. Qabeenyi Raawwii Murtiif Oolu Dhabamuu Yookiin Gahaa Ta'uu Dhabuu

- 1) Murtii Mana Murtii Aadaatiin murtaa'e raawwachuuf kan oolu himatamaan qabeenya yookiin madda galii kan hin qabne yoo ta'e akkaataa seera aadaa naannichaatiin murtiin barbaachisaan ni fudhatama.

43. ለውሳኔ አረጃጃም የተያዘ ንብረት የሚሸጥበት አገባብ

- 1) የባህል ፍርድ ቤት ውሳኔውን ለማስፈጸም የተከሰሽ ንብረትን መሸጥ አስፈላጊ ሆኖ ካገኘው የቀበሌ አስተዳደሩ ሙያና ልምድ ባላቸው ሰዎች ንብረቱን አስገምቶ እንዲያቀርብ ያዛል።
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሰረት ንብረቱ ተገምቶ ከቀረበ ቦኋላ የባህል ፍርድ ቤቱ የባህል አደረጃጀት ወይም የቀበሌ አስተዳደሩ ከቀረበው ግምት በማያንስ ዋጋ ንብረቱን ሽጦ ውጤቱን እንዲያቀርብ ያደርጋል።
- 3) የባህል ፍርድ ቤት በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሰረት ከተከሰሽ ንብረት ሽያጭ የተገኘውን ገንዘብ በውሳኔው መሰረት ለተወሰነለት ሰው ይፈጽማል።
- 4) የባህል ፍርድ ቤት ከተከሰሽ ንብረት ሽያጭ የተገኘው ገንዘብ ውሳኔውን ለማስፈጸም ከሚያስፈልገው በላይ ከሆነ ቀሪውን ለተከሰሽ ይመልሳል።
- 5) የባህል ፍርድ ቤት ውሳኔውን ለማስፋፀም የወረዳ ፍርድ ቤት ድጋፍ ካስፈለገው በተለይም የሚፈጸመው ውሳኔ የማይንቀሳቀስ ንብረት ከሆነ፣ ደሞዝን የሚመለከት ከሆነ፣ የዕገድ ትዕዛዝ በፍርድ ቤት እንዲሰጥ የሚያስፈልገው ከሆነ ወይም በሞዴል እንዲያዘ የሚያስፈልገው ገንዘብ ሲኖር የወረዳውን ፍርድ ቤት ድጋፍ መጠየቅ ይችላል።

44. ለውሳኔ አረጃጃም የሚውል ንብረት አለመኖር ወይም በቂ አለመሆን

- 1) ተከሰሽ በባህል ፍርድ ቤት የተሰጠን ውሳኔ ለማስፈጸም የሚውል ንብረት ወይም ገቢ የሌለው ሲሆን በባህል ሕጉ መሰረት አስፈላጊ ውሳኔ ይሰጣል።

43. The Manner of Sale of the Property Attached for Execution

- 1) Where it is necessary to sell the property of the defendant to execute its judgment, the Customary Court shall order the Kebele administration to cause the estimation of the market value of the property by persons with knowledge and experience.
- 2) Where the estimation is made pursuant to sub-article 1 of this Article, the Customary Court shall cause the sale of the property estimated pursuant to sub-article 1 of this Article by the customary institution responsible for the execution of judgment or the Kebele administration for not less than the estimated price.
- 3) The Customary Court shall pay the decree holder, as per the judgment, from the proceeds of the property sold in accordance with sub-article 2 of this Article.
- 4) The Customary Court shall return to the defendant where the proceeds of sale is greater than what is required to execute the decree.
- 5) Where the Customary Court needs support of the District Court, particularly when the execution involves an immovable property or salary of an employee, or an injunction order is required, or there is money to be placed with the Court, it may request support therefrom.

44. Unavailability or insufficiency of Property for Execution

- 1) Where the defendant has no property or means of income for the execution of the judgment of the Customary Court, an appropriate measure shall be taken based on the customary law.

- 2) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti ibsame akkuma jirutti ta'ee, qabeenyi himatamaan qabu gurguramee murtii raawwachuuf kan hanqate yoo ta'e, Manni Murtii Aadaa hangidaa maallaqichi uwwisuu danda'u akka raawwatamu taasisuun kan hafe galmeessuun galmicha ni cufa.
- 3) Himataan maallaqa bifa Keewwata kana Keewwata Xiqqaa 2 jalatti ibsameen osoo hin raawwatamiiniif hafe, yeroo himatamaan qabeenya yookiin galii raawwii murtiif ooluu danda'u argatutti akka raawwatamuuf gaafachuu ni danda'a.

45. Hirpha

- 1) Manni Murtii Aadaa, himatamaa fi kanneen biroo badii wal-fakkaataa akka hin raawwanne barsiisuudhaaf yookiin hawaasni gahee badii ittisuuf gumaachuu qabu hubachiisuuf faayidaa qaba jedhee yoo amane himatamaan murtii adabbii, baasii fi kisaaraa, gumaa yookiin beenyaa itti murtaa'e hirphaan akka raawwatu ajajuu ni danda'a.
- 2) Kaayyoo Dambii kanaatiif "Hirpha" jechuun namni badii raawwate tokko lammii yookiin gosa isaa irraa yookiin uummata naannoo jiraatuu irraa bakkeewan gabaa yookiin mana manarra deemuun badii raawwatee fi murtii itti murtaa'e ibsaa, deeg-garsa maallaqaa yookiin akaakuu kadhachuun waan argate nama badii irratti raawwateef baasii fi kisaaraa, gumaa, beenyaa yookiin gatii kaffaluuf yookiin adabbii itti murtaa'e raawwachuuf sirna gargaaru dha.
- 3) Manni Murtii Aadaa murtiin bu'uura Keewwata kana Keewwata Xiqqaa 1 jalatti ibsameen kenname akkaataa murtaa'een raawwatamuu isaa akka to'atu caasaa aadaa murtii raawwachiisu yookiin bulchiinsa gandaa ajajuu ni danda'a.

- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ስር የተደነገገው እንደተጠበቀ ሆኖ የተከላከለ ንብረት ውሳኔውን ለማስፈጸም በቂ ሳይሆን የተገኘ ከሆነ የባህል ፍርድ ቤት ከንብረቱ ሽያጭ የተገኘው ገንዘብ የቻለውን ያህል ዕዳውን በመሸፈን ቀሪውን በመመዘገብ መዘገቡ ይዘጋል።
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሰረት ሳይፈጸም የቀረ ውሳኔ ሲኖር ተከላከለ ለዕዳው ሊውል የሚችል ንብረትን ሲያፈራ ወይም ገቢ ሲያገኝ ከላኝ የባህል ፍርድ ቤቱ እንዲያስፈጽምለት መጠየቅ ይችላል።

45. ህርጳ

- 1) የባህል ፍርድ ቤት ተከላክኖ ሌሎች ተመሳሳይ ጥፋት እንዳይፈጽሙ ለማስተማር ወይም ህብረተሰቡ የባህል ህግ ጥሰትን ከመከላከል አንጻር ያለበትን ድርሻ እንዲወጣ ለማሳሰብ ጠቃሚ ነው ብሎ ካሰበ ተከላክ የተወሰነበትን ቅጣት፣ ወጪና ኪሳራ፣ ጉማ ወይም የካሳ ክፍያ በህርጳ እንዲፈጽም ሊያዝ ይችላል።
- 2) በዚህ ደንብ ዓላማ ህርጳ ማለት ጥፋት የፈጸመ ሰው ከጎሳ አባላት ወይም ከአካባቢው ነዋሪ በገቢያ ቦታዎች ወይም ቤት ለቤት በመሄድ የፈፀመውን ጥፋትና በሽማግሌዎች የተላለፈበትን ውሳኔ በመናገር ቅጣቱን ወይም እንዲከፍል የተወሰነውን ጉማ ወይም የካሳ ክፍያ ለመፈጸም የሚረዳውን የገንዘብ ወይም የዓይነት ድጋፍ የሚያሰጥበት ስርዓት ነው።
- 3) የባህል ፍርድ ቤት በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሰረት በህርጳ እንዲፈጸም የሰጠውን ውሳኔ እንዲተገበርና ክትትል አድርጎ በውሳኔው መሰረት እንዲያስፈጽም የባህል አደረጃጀትን ወይም የቀበሌ አስተዳደርን ሊያዝ ይችላል።

- 2) Without prejudice to the provision of sub-article 1 of this Article, where the proceeds of the sale of the property of the defendant is not sufficient to settle the debt, the amount of the proceed of the sold property shall be paid to the plaintiff and the file be closed by recording the remainder.
- 3) The plaintiff to whom payment is not effected in accordance with sub-article 2 of this Article may require the payment of the remaining amount of money where the defendant has acquired property.

45. 'Hirpha'

- 1) The Customary Court may order the defendant to discharge penalty imposed on him, to effect 'Gumaa', to cover the costs and economic damages he caused to the plaintiff through 'hirpha' where it believes that this can deter the defendant or other persons or such is capable of awaring the community of their role in preventing criminal acts.
- 2) For the purpose of this Regulation, 'Hirpha' means a process by which a person because of his wrong doing, asks for support in cash or kind from his clan or community members, by going to a market place or door to door, explaining his wrong doings and penalties imposed on him, to pay to the victim in the form of costs and expenses, 'Gumaa', compensation or price, or for the purpose of performing the imposed penalty.
- 3) The Customary Court may order the customary structure for the execution of judgment or the Kebele administration to follow up the enforcement of the judgement given in accordance with sub-article 1 of this Article.

Kutaa Xiqqaa Lama

Raawwii Murtii Adabbii

46. Adabbii Maallaqaa fi Akaakuu Raawwachiisuu

- 1) Raawwiin adabbii maallaqaa adeemsuma murtiin himataaf ittiin raawwatamu kan Kutaa kana Kutaa Xiqqaa Tokko (Keewwata 39-45) jalatti ibsameen kan raawwatamu ta'a.
- 2) Adabbiin maallaqaa bu'uura Dambii kana Keewwata 38 tiin murtaa'u bulchiinsa gandichaatiin ni raawwachiifama.
- 3) Kan Keewwata kana Keewwata Xiqqaa 2 jalatti ibsame akkuma jirutti ta'ee, barbaachisaa ta'ee yoo argame Pirezidaantiin Mana Murtii Aanaa kanfaltiin adabbii hojjetaa Mana Murtii Aadaatiin akka walitti qabamu gochuu ni danda'a.
- 4) Bu'uura Keewwata kana Keewwata Xiqqaa 2 fi 3 tiin qaamni adabbii maallaqaa raawwachiisu nagahee seera qabeessa kennuu fi lakkoofsa herreega baankii Mana Murtii Aanichaatiin kaayyoo kanaaf banamu irratti galii gochuu qaba.
- 5) Hafteen nagahee bu'uura Keewwata kana Keewwata Xiqqaa 4 tiin himatamaan adabbii ittiin kaffale dhiyaatee galmee keessatti hidhamuu qaba.
- 6) Adabbiin akaakuun akka raawwatamu murtaa'u yookiin raawwachiifamu kamiyyuu galmeeffamee Mana Murtii Aanaatti galii ni taasifama. Barbaachisaa ta'ee yeroo argamu Pirezidaantiin Mana Murtii Aanaa qabeenyi akaakuun kenname gurguramee maallaqni isaa galii akka taasifamu ajajuu ni danda'a.
- 7) Adabbiin maallaqaa bu'uura Dambii kana Keewwata 38 (5) tiin himataaf yookiin miidhamaaf bifa beenyaatiin akka kanfalamu murtaa'e gaaddisa irratti himataaf raawwatamuun, galmee irrattis ni galmeeffama.

ጎዑስ ክፍል ሁለት

የቅጣት ውሳኔ አፈጻጸም

46. የገንዘብና የአይነት ቅጣትን ማስፈፀም

- 1) የገንዘብ ቅጣት አፈጻጸም በዚህ ደንብ ክፍል ስምንት ጎዑስ ክፍል አንድ (አንቀጽ 39-45) መሰረት ለከላሽ የተወሰነው ውሳኔ በሚፈፀምበት ሂደት ይፈጸማል።
- 2) በዚህ ደንብ አንቀጽ 38 መሰረት የሚወሰነው ቅጣት በቀበሌ አስተዳደር ይፈፀማል።
- 3) በዚህ አንቀጽ ጎዑስ አንቀጽ 2 የተደነገገ እንደተጠበቀ ሆኖ አስፈላጊ ሆኖ ሲገኝ የወረዳ ፍርድ ቤት ፕሬዚዳንት የቅጣት ክፍያ በባህል ፍርድ ቤቱ ሰራተኛ እንዲሰበሰብ ሊያደርግ ይችላል።
- 4) በዚህ አንቀጽ ጎዑስ አንቀጽ 2 እና 3 የገንዘብ ቅጣትን የሚያስፈጽም አካል ሕጋዊ ደረሰኝ መስጠትና ለዚህ ዓላማ በወረዳ ፍርድ ቤቱ በተከፈተ የባንክ የሂሳብ ቁጥር ላይ ገቢ ማድረግ አለበት።
- 5) በዚህ አንቀጽ ጎዑስ አንቀጽ 4 መሰረት ተከላሽ ቅጣቱን የከፈለበት የደረሰኙ ቀሪ ቀርቦ ከመዘገቡ ጋር መያያዝ አለበት።
- 6) የትኛውም በዓይነት የሚፈጸም ቅጣት ተመዘግቦ ለወረዳ ፍርድ ቤት ገቢ መደረግ አለበት። አስፈላጊ ሆኖ ሲገኝ የወረዳ ፍርድ ቤት ፕሬዚዳንት በዓይነት ገቢ የሚደረግ ቅጣት ተሽጦ ገንዘቡ ገቢ እንዲደረግ ማዘዝ ይችላል።
- 7) በዚህ ደንብ አንቀጽ 38(5) መሰረት ለከላሽ ወይም ለተጎጂ በካሳ መልክ እንዲፈጸም የተወሰነ ቅጣት ጋዲላ ላይ ለከላሽ እንዲሰጥ ተደርጎ በመዘገቡ ላይም ይመዘገባል።

Section Two

Enforcement of Penalties

46. Enforcing Fine and Penalty in Kind

- 1) The enforcement of a fine shall be made in accordance with the execution of the rights of the decree holder stated under Section One of this Part (Article 39-45).
- 2) A fine imposed pursuant to Article 38 of this Regulation shall be enforced by the Kebele Administration.
- 3) without prejudice to the provision of sub-article 2 of this Article, the President of the District Court may, where he thinks fit, order the collection of fine by an employee of the District Court.
- 4) Any person who collects fine pursuant to sub-articles 2 and 3 of this Article shall give an appropriate receipt in return to the fine collected and deposit same in the Bank Account created by the District Court for this purpose.
- 5) The copy of the receipt by which the defendant paid fine pursuant to sub-article 4 of this Article shall be affixed in the file.
- 6) Where penalty is imposed to be enforced in kind, it must be registered and placed with the District Court. The President of the District Court may order, where he thinks fit, the sale of the penalty collected in kind.
- 7) The fine to be paid to the plaintiff or victim, pursuant to sub-article 5 of Article 38 in form of compensation, shall be made on 'Gaaddisa' and be recorded on the file.

Kutaa Sagal

Galii Manneen Murtii Aadaa

47. Buusii Jiraattota Irraa Walitti Qabamu

- 1) Buusiin galii Mana Murtii Aadaatiif oolu abbootii warraa jiraattota gandichaa ta’an irraa walitti ni qabama.
- 2) Abbootiin warraa jiraataa gandaa ta’an buusii waggaatti altokko Mana Murtii Aadaatiif galii akka ta’u sassaabamu kanfaluuf dirqama qabu.
- 3) Kan Keewwata kana Keewwata Xiqqaa 2 jalatti ibsame akkuma jirutti ta’ee, abbaan warraa buusii kana kaffaluu hin dandeenye qaama buusii kana sassaabuuf beeksisuu fi ragaa dhiyeeffachuudhaan kaffalticha irraa bilisa ta’uu ni danda’a.
- 4) Buusiin bu’uura Keewwata kana Keewwata Xiqqaa 1 tiin walitti qabamu waggaatti altokko bulchiinsa gandaatiin ni sassaabama.
- 5) Kan Keewwata kana Keewwata Xiqqaa 4 jalatti ibsame yoo jiraatellee, Pirezidaantiin Mana Murtii Aanaa buusiin abbootii warraa jiraattota gandaa irraa sassaabamu hojjettoota Mana Murtii Aadaatiin akka walitti qabamu ajajuu ni danda’a.
- 6) Hangi buusii abbootii warraa irraa sassaabamu marii waliinii Pirezidaantii Mana Murtii Aanaa, Walitti qabaa Mana Murtii Aadaa Oldabarfataa fi Itti Gaafatamaa Waajjira Aadaa fi Turriizimii Aanichaatiin murtaa’a.
- 7) Hangi buusii bu’uura Keewwata kana Keewwata Xiqqaa 6 tiin murtaa’u karoora fi baasii Manneen Murtii Aadaatiif barbaachisu akkasumas humna diinagdee jiraattota gandichaa jiddu galeessa godhachuun ta’a.

ክፍል ዘጠኝ

የባህል ፍርድ ቤት ገቢ

47. ከነዋሪዎች የሚሰበሰብ መዋጮ

- 1) ለባህል ፍርድ ቤት መዋጮ የሚሰበሰበው በቀበሌው ነዋሪ ከሆኑ አባ ወራዎች ነው።
- 2) የቀበሌው ነዋሪ የሆኑ አባወራዎች ለወረዳ ፍርድ ቤት በአመት አንድ ጊዜ የሚሰበሰበውን መዋጮ ለመክፈል ግዴታ አለባቸው።
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 ስር የተደነገገው እንዳለ ሆኖ መዋጮውን ለመክፈል አቅም የሌለው አባወራ መዋጮውን ለሚሰበሰበው አካል በማሳወቅና አስፈላጊውን ማስረጃ በማቅረብ ከመዋጮው ነጻ መሆን ይችላል።
- 4) በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሰረት የሚሰበሰበው መዋጮ በአመት አንድ ጊዜ በቀበሌ አስተዳደር ይሰበሰባል።
- 5) በዚህ አንቀጽ ንዑስ አንቀጽ 4 ስር የተጠቀሰው ቢኖርም የወረዳው ፍርድ ቤት ፕሬዚዳንት መዋጮው በባህል ፍርድ ቤት ሰራተኞች እንዲሰበሰብ ሊያዝ ይችላል።
- 6) ከነዋሪ አባ ወራዎች የሚሰበሰበው የመዋጮ መጠን በወረዳ ፍርድ ቤት ፕሬዚዳንት፣ በይግባኝ ሰሚ የባህል ፍርድ ቤት ሰብሳቢ ሽማግሌ እና በባህልና ቱሪዝም ጽሕፈት ቤት ኃላፊ ያጋራ ምክክር የሚወሰን ይሆናል።
- 7) በዚህ አንቀጽ ንዑስ አንቀጽ 6 መሰረት የሚወሰነው የመዋጮ መጠን ለባህል ፍርድ ቤቶች የሚያስፈልገውን ወጪና ዕቅድ እንዲሁም የነዋሪዎችን የኢኮኖሚ አቅም ከግንዛቤ ያስገባ መሆን አለበት።

Part Nine

Income of Customry Courts

47. Contribution to be Collected from the Residents

- 1) Contributions for the income of the Customary Courts shall be collected from heads of families of the Kebele residents.
- 2) Heads of families residing in the Kebele shall pay the contributions to be collected once a year as an income of the Customary Court.
- 3) without prejudice to the provision of sub-article 2 of this Article, a head of family who is not in a position to pay the contribution may notify the organ in charge of collecting it and be relieved from such payment by adducing evidence.
- 4) The contribution to be made in accordance with sub-article 1 of this Article shall be collected once in a year by the Kebele Administration.
- 5) Notwithstanding the provision of sub-article 4 of this Article, the President of the District Court may order the collection of the contribution from heads of families by an employee of the District Court.
- 6) The amount of the contribution to be collected shall be determined by the joint consultation of the President of the District Court, Chairperson of the Appellate Customary Court and the head Office of Culture and Tourism of the district.
- 7) The determination of the amount of contribution to be made pursuant to sub-article 6 of this Article shall base itself on the plan and necessary costs as well as economic capacity of the Kebele residents

8) Kan Keewwata kana Keewwata Xiqqaa 1-7 tti jiru akkuma eegametti ta'ee, yeroo galmi yookiin waajjirri Mana Murtii Aadaa ijaaramu yookiin sababa birootiin deeggarsi addaa ni barbaachisa jedhamee yoo amaname Pirezidaantii Mana Murtii Aanaa beeksisuun haala addaatiin galiin akka walitti qabamu taasifamuu danda'a.

48. Haala Gumaatni Itti Sassaabamu

- 1) Gumaatni madda galii Mana Murtii Aadaatiif oolu sadarkaa aanaatti abbootii qabeenyaa, dhaabbilee mootummaa fi miti mootummaa irraa ni sassaabbama.
- 2) Gumaatni kan kennamu yookiin waadaa kan galamu fedhii qaamolee gumaatanii bu'uureffatee ta'a.
- 3) Gumaatni kan walitti qabamu qaamolee gumaata kennuu danda'u jedhamanii adda baafamun xalayaa Pirezidaantiin Mana Murtii Aanichaa mallatteessuun gaafataman irraa yookiin sagan-taa teeletoonii qopheessuun qaamoleen gumaacha akka taasisan filataman argamanii akka irratti hirmaatan affeeraman irraa ta'uu danda'a.
- 4) Pirezidaantiin Mana Murtii Aanaa, Walitti Qabaan Mana Murtii Aadaa Oldabarfataa fi Itti Gaafatamaan Waajjira Aadaa fi Tuurizimii sagantaa gumaatni irratti walitti qabamu olaantummaan ni qindeessu;
- 5) Sagantaan bu'uura Keewwata kana Keewwata Xiqqaa 3 fi 4 tiin gumaata walitti qabuuf qophaa'u yoo xiqqaate waggaatti altokko sadarkaa aanaatti ni gaggeeffama.
- 6) Pirezidaantiin Mana Murtii Aanaa hojjettoota mana murtii aanaa keessaa ogeessa gumaata bifa maallaqa callaan kennaman, akaakuun dhiyaatanii fi waadaawwan galaman itti gaafatamummaadhaan sassaabuun herreega baankii kaayyoo kanaaf banamu irratti galii taasisu ni ramada.

8) በዚህ አንቀጽ ከንዑስ አንቀጽ 1-7 የተደነገገው እንደተጠበቀ ሆኖ የባህል ፍርድ ቤት የግንባታ ስራ ሲኖረው ወይም በሌላ ምክንያት ልዩ ድጋፍ ያስፈልጋል ተብሎ ሲታመን የወረዳ ፍርድ ቤት ፕሬዚዳንትን በማሳወቅ በተለያዩ መንገድ ነዋሪዎች ድጋፍ እንዲያደርጉ ማድረግ ይቻላል።

48. ጉማታ የሚሰበሰበት ሁኔታ

- 1) ለባህል ፍርድ ቤት ገቢ እንዲሆን ጉማታ ከባለሀብቶች፣ ከማንገስታዊና መንግስታዊ ካልሆኑ ተቋማት በወረዳ ደረጃ ይሰበሰባል።
- 2) ጉማታ የሚሰጠው ወይም ቃል የሚገባው ጉማታ የሚሰጡ አካላትን ፈቃደኝነት በመመርኮዝ ይሆናል።
- 3) ጉማታ የሚሰበሰበው ጉማታ ሊሰጡ ይችላሉ ተብሎ ተለይቶ የወረዳው ፍርድ ቤት በሚፈርመው ደብዳቤ በሚጠየቁ ወይም በሚዘጋጀው የቴሌቶን ፕሮግራም ላይ ከሚጋበዙ ሰዎች ነው።
- 4) የወረዳ ፍርድ ቤት ፕሬዚዳንት፣ ይግባኝ ሰሚ የባህል ፍርድ ቤት ሰብሳቢ ሽማግሌ እና የባህልና ተረዝም ጽሕፈት ቤት ኃላፊ ጉማታ የሚሰበሰቡትን ፕሮግራም በበላይነት ያስተባብራሉ።
- 5) በዚህ አንቀጽ ንዑስ አንቀጽ 3 እና 4 መሰረት ጉማታ የሚሰበሰቡት ፕሮግራም ቢያንስ በአመት አንድ ጊዜ በወረዳ ደረጃ ይካሄዳል።
- 6) የወረዳ ፍርድ ቤት ፕሬዚዳንት በገንዘብና በአይነት እንዲሁም ቃል የሚገባውን ጉማታ በሃላፊነት የሚሰበሰብ እና ገቢ የሚያደርግ የወረዳው ፍርድ ቤት ሰራተኛን ይመድባል።

8) without prejudice to the provisions of sub-articles 1 -7 of this Article, an income for the Customary Court may be collected under exceptional circumstances, after notifying the President of the District Court, where special support is deemed necessary for the construction of a house for the Customary Court or another purpose.

48. Manner of Collection of 'Gumaata'

- 1) 'Gumaata' may be collected, as an income of the Customary Court, at District level, from wealthy people, governmental and non-governmental organizations.
- 2) 'Gumaata' may be given or promised based on the will of the organs to give it.
- 3) 'Gumaata' may be collected by an official letter signed by the President of the District Court, from organs identified to support, or through the arrangement of a telletone program and inviting those believed to give 'Gumaata'.
- 4) The President of the District Court, the the Chairperson of the Appellate Customary Court, and Head District Office of Culture and Tourism shall be primarily be responsible to coordinate the program for the collection of 'Gumaata';
- 5) The program for the collection of 'Gumaata' pursuant to sub-article 3 and 4 of this Article shall be arranged at least once a year at District level.
- 6) The President of the District Court shall assign an expert, from among the staffs of the District Court, who collects and deposits into the bank account created for this purpose, 'Gumaata' to be given or promised in cash or in kind.

- 7) Gumaatni akaakuun Mana Murtii Aadaatiif kennamu kamiyyuu galmeeffamee Mana Murtii Aanaatti galii ni taasifama.
- 8) Kan Keewwata kana Keewwata Xiqqaa 1-7 jalatti ibsame yoo jiraatellee, namni yookiin dhaabbanni kamiyyuu kaka'uumsa mataa isaatiin yeroo kamiyyuu maallaqaan, akaakuun, humnaa fi ogummaa isaatiin Mana Murtii Aadaa deeggaruu ni danda'a.
- 9) Kennaan bu'uura Keewwata kana Keewwata Xiqqaa 8 tiin kennamu Manuma Murtii Aadaa kennameef sanaaf galii taasifama.
- 10) Manni Murtii Aadaa deeggarsa bu'uura Keewwata kana Keewwata Xiqqaa 8 fi 9 tiin kennameef galmessee ni qabata, kaayyoo oolcheef waliin gabaasa isaa keessatti haammachiisuun Mana Murtii Aanaa beeksisuu qaba.

49. Galii Buusii fi Gumaata Irraa Walitti Qabame Bulchuu

- 1) Buusii fi gumaatni bu'uura Dambii kana keewwata 47 (1-7) fi 48 (1-7) tiin qaamolee gara garaa irraa walitti qabamu nagahee seera qabeessa kaayyoo kanaaf maxxanfamuun kan sassaabamu ta'a.
- 2) Buusii fi gumaatni bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin sassaabamuu fi galiin adabbii irraa walitti qabamu lakkoofsa herreeggaa baankii Mana Murtii Aanichaatiin kaayyoo kanaaf banamu irratti galii ta'a.
- 3) Pirezidaantiin Mana Murtii Aanaa barbaachisaa ta'ee yoo argame gumaata akaakuun Mana Murtii Aadaatiif bu'uura Dambii kana Keewwata 48(7) tiin kenname gurguramee maallaqni isaa galii akka taasifamu gochuu ni danda'a.

- 7) ማንኛውም በዓይነት ለባህል ፍርድ ቤት የሚሰጠው ጉማታ ተመዝግቦ በወረዳ ፍርድ ቤት ገቢ ይደረጋል።
- 8) በዚህ አንቀጽ ከንዑስ አንቀጽ 1-7 የተገለጸው ቢኖርም ማንኛውም ሰው ወይም ድርጅት በራሱ ተነሳሽነት ለባህል ፍርድ ቤት በገንዘብ፣ በአይነት፣ በሙያው እና በጉልበቱ ድጋፍ ማድረግ ይችላል።
- 9) በዚህ አንቀጽ ንዑስ አንቀጽ 8 መሰረት ለባህል ፍርድ ቤት የሚደረግ ድጋፍ ለዛው ለተሰጠው ፍርድ ቤት ገቢ ይሆናል።
- 10) የባህል ፍርድ ቤት በዚህ አንቀጽ ንዑስ አንቀጽ 8 እና 9 መሰረት የተሰጠውን ድጋፍ መዝግቦ ይይዛል፤ ከዋለበት አላማ ጋር በሪፖርቱ አካላት የወረዳውን ፍርድ ቤት ያሳውቃል።

49. ከመዋጮና ጉማታ የተገኘ ገቢ ስለ ማስተዳደር

- 1) በዚህ ደንብ አንቀጽ 47 (1-7) እና 48 (1-7) መሰረት ከተለያዩ አካላት የሚሰበሰቡ መዋጮና ጉማታ ለዚህ ዓላማ በሚታተም ህጋዊ ደረሰኝ የሚሰበሰብ ይሆናል።
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሰረት ከመዋጮና ከጉማታ የሚሰበሰበውና ከቅጣት የሚገኘው ገቢ በወረዳ ፍርድ ቤት ለዚህ ዓላማ በሚከፈሉት የሂሳብ ቁጥር ገቢ የሚደረግ ይሆናል።
- 3) የወረዳ ፍርድ ቤት ፕሬዚዳንት በዚህ ደንብ አንቀጽ 48(7) መሰረት ለባህል ፍርድ ቤት በአይነት ገቢ የተደረገ ጉማታ አስፈላጊ ሆኖ ሲገኝ ተሽጦ ገንዘቡ ገቢ እንዲደረግ ሊያደርግ ይችላል።

- 7) 'Gumaata' to be given in kind shall be registered and deposited with the District Court.
- 8) Notwithstanding the provisions of Sub-articles 1- 7 of this Article, any person or organization may, on its own initiation, support the Customary Court, at any time, through giving property in cash, in kind, his labor or his profession.
- 9) A gift to be made to a Customary Court, in accordance with sub-article 8 of this Article will be given to the specified Customary Court.
- 10) The Customary Court shall make an inventory of the support made to it in accordance with sub-articles 8 and 9 of this Article and include in its report to the District Court together with the purpose for which it was utilized.

49. Administration of an Income Collected from Contributions and 'Gumata'

- 1) The collection of Contribution and 'Gumaata' from different organs in accordance with Articles 47(1-7) and 48(1-7) shall be made through a receipt to be published for same purpose.
- 2) Contributions and 'Gumata' to be collected pursuant to sub-article 1 of this Article and income from fines shall be deposited in the bank account created by the District Court for same purpose.
- 3) The President of the District Court may, where he thinks fit, cause the sale of the 'Gumaata' made in kind to the Customary Court pursuant to Article 48(7) of this Regulation and the proceeds thereof deposited.

50. Haala Galiin Adabbii, Buusii fi Gumaata Irraa Walitti Qabamu Hojjiirra Itti Oolu

- 1) Maallaqni bifa adabbii, buusii fi gumaataatiin galii Manneen Murtii Aadaatiif akka oolu walitti qabame marii Pirezidaantii Mana Murtii Aanaa, Walitti-qabaa Mana Murtii Aadaa Oldabarfataa fi Itti Gaafatamaa Waajjira Aadaa fi Turiizimii aanichaatiin Mana Murtii Aadaa Oldabarfataa fi Manneen Murtii Aadaa Jalqabaa aanicha keessatti argamaniif ni qoodama.
- 2) Bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin qooddiin taasifamu haqa-qabeessa, iftoomina kan qabu, hanga galii mana murtii aadichaatiin sassaabame, baay'ina hojii fi haalota qabatamoo biroo Manneen Murtii Aadaa ilaalcha keessa kan galche ta'uu qaba.
- 3) Qoodinsa galii Manneen Murtii Aadaa bu'uureffatee faayinaansii kan bulchuu fi bittaa qabeenyaa kan raawwatu Mana Murtii Aanaa ta'a.
- 4) Manneen Murtii Aadaas qooddii maallaqaa isaan dhaqqabe irraa baasiwwan hojii raawwachiiftuu fi bittaaan meeshaalee akka raawwatamuuf fedhii isaanii dhiyeefachuun gaafatanii kan raawwatamuuf ta'a.
- 5) Galii Manni Murtii Aadaa argate keessaa baasiwwan hojii raawwachiistuu fi faayidaalee barreessaa fi hojjettoota biroo Mana Murtii Aadaa uwwisu irraa hanga maallaqaa hafe Manneen Murtii Aadaa cimsuu fi dagaagina seera aadaatiif oolfamuu ni danda'a.
- 6) Jaarmayaaleen aadaa akka Mana Murtii Aadaatti beekamtiin kennameef bu'uura Dambii kana Keewwata 47, 48, 49 fi Keewwata kana Keewwata Xiqqaa 1-5 tiin galii sassaabamu irraa fayyadamuu kan hin barbaanne yoo ta'e, adeemsa aadaa keessatti baramaan baasii hojii isaan barbaachisu uwwifachuuf gumaata walitti qabachuun ni danda'u.

50. ከቅጣት፣ ከመዋጮና ጉማታ የሚሰበሰብ ገቢ ስራ ላይ ስለሚውልበት ሁኔታ

- 1) የወረዳ ፍርድ ቤት ፕሬዚዳንት፣ የይግባኝ ሰሚ የባህል ፍርድ ቤት ሰብሳቢ ሽማግሌ እና የወረዳ ባህልና ቱሪዝም ጽሕፈት ቤት ኃላፊ በቅጣት፣ በመዋጮና፣ በጉማታ መልክ ለባህል ፍርድ ቤቶች የሚሰበሰበውን ገቢ ተወያይቶ በወረዳው ለሚገኙ የመጀመሪያ ደረጃ እና የይግባኝ ሰሚ የባህል ፍርድ ቤቶች ያከፋፍላሉ።
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሰረት የሚደረገው ክፍፍል ፍትሐዊ፣ ግልጽነት ያለው እንዲሁም በባህል ፍርድ ቤቱ የተሰበሰበውን የገቢ መጠን፣ የስራ ብዛትና ሌሎች ተጨባጭ ሁኔታዎችን ያገናዘበ መሆን አለበት።
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 1 እና 2 መሰረት ለባህል ፍርድ ቤቶች የተደረገውን ክፍፍል መሰረት በማድረግ ፋይናንስን የሚያስተዳድረውና የንብረት ግዢን የሚፈጽመው የወረዳ ፍርድ ቤት ነው።
- 4) የባህል ፍርድ ቤቶችም ከክፍፍሉ ያገኙትን ድርሻ መሰረት በማድረግ የስራ ማስኬጃ እና የንብረት ግዢ ፍላጎቶቻቸውን ለወረዳ ፍርድ ቤት በማቅረብ የሚፈጸሙላቸው ይሆናል።
- 5) የባህል ፍርድ ቤት ካገኘው ገቢ ውስጥ ከስራ ማስኬጃ፣ ከጸሐፊና ሌሎች ሰራተኞች ጥቅማጥቅም ክፍያ የተረፈው ገንዘብ የባህል ፍርድ ቤቶች ማጠናከሪያ እና ለባህል ህጉ ዕድገት የሚውል ይሆናል።
- 6) ዕውቅና ያገኙ የባህል ተቋማት በዚህ ደንብ አንቀጽ 47, 48, 49 እና በዚህ አንቀጽ ከንዑስ 1-5 በተደነገገው መሰረት ከሚሰበሰብ ገቢ ለመጠቀም የማይፈልጉ ከሆነ ወጪያቸውን ለመሸፈን በተለመደው ባህላዊ አሰራር ጉማታ መሰብሰብ ይችላሉ።

50. Utilization of Income from Fine, Contribution and 'Gumaata'

- 1) The income of the Customary Court collected through fine, contribution or 'Gumaata' shall be distributed to the Appellate Customary Court and the First Instance Customary Courts in the District by consultation among the President of the District Court, Chairperson of the Appellate Customary Court and Head District Office of the Culture and Tourism.
- 2) The distribution to be made in accordance with sub-article 1 of this Article shall be fair, transparent and take into account the amount of income collected by the Customary Court, its work load and other tangible conditions of the Customary Court.
- 3) The organ responsible for the administration of finance and procurement of goods based on the distributed income, in accordance with sub-articles 1 and 2 of this Article, shall be the District Court.
- 4) The Customary Courts shall present their needs and request, from the money distributed to them, to cover administrative costs and costs for the procurement of goods.
- 5) An income of the Customary Court that remains after the deduction of administration costs and costs to cover the benefits of the Secretary and other staffs of the Customary Court, shall be utilized for strengthening Customary Courts and the development of customary laws.
- 6) Notwithstanding the provisions of Articles 47, 48, 49 and sub-article 1-5 of this Article, customary institutions recognized as Customary Courts, that do not want to use the income of the Customary Court may collect 'Gumaata' in an ordinary manner.

51. Sirna Odiitii

Galmeewwan herreegaa fi harshammeewwan Mana Murtii Aadaa ilaallatan qaama bajata Mana Murtii Aanaa odiitii gochuuf aangoo qabuun odiitii ni taasifamu.

Kutaa Kudhan

Tumaalee Adda Addaa

52. Galmee Dhuunfaa Hojjetaa

- 1) Manni Murtii Aanaa galmee dhuunfaa tokkoo tokkoo hojjetaa Mana Murtii Aadaa sirna ammayyaatiin gurmeessee qabachuu qaba.
- 2) Manni Murtii Aanaa galmee dhuunfaa hojjetaa Mana Murtii Aadaa keessatti ragaawwan kan akka seenaa dhalootaa, gosaa fi sadarkaa barnootaa, muuxannoo hojii, xalayaa ramaddii, ragaalee fi uunkaalee yeroo jalqaba ramadaman dhiyeessan yookiin guutan, xalayaa yookiin waraqaa ragaa adda addaa yoo jiraate, odeeffannoo haala maatii, ragaawwan raawwii hojii fi naamusa hojjetichaa ibsan ni qabata.

53. Bakka Bu'iinsaan Hojjechiisuu

- 1) Walitti qabaan jaarsolii Mana Murtii Aadaa yeroo argamuu hin dandeenye jaarsolii mana murtii aadichaa keessaa tokko akka walitti qabu bakka buusuu ni danda'a.
- 2) Barreessaa yookiin hojjetaan Mana Murtii Aadaa sababa humnaa oliitiin hojii irratti argamuu kan hin dandeenye yoo ta'e, Manni Murtii Aadaa nama yeroof hojicha raawwachuu danda'u bakka bu'iinsaan hojjechiisuu ni danda'a.
- 3) Bakka bu'iinsi bu'uura Keewwata kana Keewwata Xiqqaa 2 tiin kenamu ji'a tokkoo oliif kan turu yoo ta'e, Mana Murtii Aanaatiif beeksifamee mirkanaa'uu qaba.

51. የኦዲት ስርዓት

የባህል ፍርድ ቤቶችን የሚመለከቱ የሃሳብ መዝገቦችና ሰነዶች የወረዳ ፍርድ ቤትን በጀት ኦዲት ለማድረግ ስልጣን ባለው አካል ኦዲት ይደረጋሉ።

ክፍል አስር

ልዩ ልዩ ድንጋጌዎች

52. የሰራተኛ የግል ማህደር

- 1) የወረዳ ፍርድ ቤት የእያንዳንዱን የባህል ፍርድ ቤት ሰራተኛ የግል ማህደር በዘመናዊ መልክ አደራጅቶ መያዝ አለበት።
- 2) የወረዳ ፍርድ ቤት በባህል ፍርድ ቤቱ ሰራተኞች የግል ማህደር ውስጥ የተለያዩ መረጃዎች በተለይም የትውልድ ዘመንና ሁኔታ፣ የትምህርት ዓይነትና ደረጃ፣ የስራ ልምድ፣ የምደባ ደብዳቤ፣ ሲመደቡ የሞላቸው የተለያዩ ማስረጃዎችና ቅጾች፣ የተሰጣቸው የተለያዩ ደብዳቤዎችና የምስክር ወረቀቶች፣ የቤተሰብ ሁኔታ፣ የስራ አፈጻጸምና የስነምግባር ሁኔታን የሚያሳዩ ማስረጃዎችን አደራጅቶ መያዝ አለበት።

53. በውክልና ማሰራት

- 1) የባህል ፍርድ ቤት ሰብሳቢ ሽማግሌ መገኘት የማይችልበት ጊዜ ከባህል ሽማግሌዎች አንዱን እንደ ሰብሳቢ መወከል ይችላል።
- 2) የባህል ፍርድ ቤት ጸሓፊ ወይም ሌላ ሰራተኛ ከአቅም በላይ በሆነ ምክንያት ስራ ላይ መገኘት የማይችል ከሆነ የባህል ፍርድ ቤት በጊዜያዊነት ሌላ ሰው እንዲወከል ማድረግ ይችላል።
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሰረት የባህል ፍርድ ቤት የሰጠው ውክልና ከአንድ ወር በላይ ለሚቆይ ጊዜ ከሆነ የወረዳ ፍርድ ቤት ሊያውቀውና ሊያጸድቀው ይገባል።

51. Auditing

Financial documents and receipts pertaining to the Customary Court shall be audited by an organ authorized to audit the budget of the District Court.

Part Ten

Miscellaneous Provisions

52. Personal Employee Files

- 1) The District Court shall keep, in a modern way, the records of the individual employee files.
- 2) The District Court shall keep records, in the personal employee file, of the employees of the Customary Court, such as birth history, type and level of education, work experience, letter of assignment, documents produced or forms filled up at the moment of first assignment, different letters or certificates if any, marital status, documents attesting work performance and the ethics of the employee.

53. Delegation

- 1) The Chairperson, where fails to be present, may delegate a Chairperson from among the Customary Court elders.
- 2) Where a Secretary or worker of the Customary Court fails to attend his duty by reason beyond his control, the Customary Court may temporarily assign a person who can represent the absentee.
- 3) Any delegation, made pursuant to sub-article 2 of this Article, for more than a month shall be reported to the District Court and get approval.

54. Haala Kenniinsa Ragaa Muuxannoo Hojii fi Waraqaa Qulqullinaa

- 1) Jaarsi, barreessaan yookiin hojjetaan Mana Murtii Aadaa yeroo hojiirra jirus ta'e hojii erga gadi lakkise booda ragaa muuxannoo hojii gaafatee argachuuf mirga qaba.
- 2) Jaarsi, barreessaan yookiin hojjetaan Mana Murtii Aadaa sababa kamiinuu hojii erga gadi lakkise yookiin hojii irraa erga kaafame booda waraqaa qulqullinaa gaafatee argachuuf mirga qaba. Waraqaa qulqullinaa kennamuuf irratti sababni hojii itti gadi lakkise yookiin hojiirraa itti kaafame ibsamuu qaba.
- 3) Waraqaan qulqullinaa fi ragaan muuxannoo hojii Pirezidaantii Mana Murtii Aanaatiin mallattaa'ee kan kennamu ta'a.

55. Ragaalee Sobaatti Fayyadamuu yookiin Kennuu

- 1) Barreessaan yookiin hojjetaan Mana Murtii Aadaa kamuu ragaa sobaatti fayyadame yookiin itti fayyadamuuf yaale yookiin hojii isaatiin kan walqabatu ragaa sobaa qopheessee qaama sadaffaaf kan kenne yoo ta'e, bu'uura tumaalee Dambii kanaa, Labsii fi seera roggummaa qabu birootiin itti gaafatamummaa bulchiinsaa, naamusaa yookiin/fi yakkaa ni qabaata.
- 2) Manni Murtii Aanaa filannoon yookiin ramaddiin ragaa sobaatiin gargaaramuun kenname jiraachuu yoo hubate akkuma beekkeen filannoon yookiin ramaddiin gaggeeffame akka haqamu taasisuu qaba.

56. Aangoo Dambicha Fooyyeessuu fi Qajeelfama Baasuu

- 1) Gumiin Bulchiinsa Abbootii Seeraa Oromiyaa barbaachisaa ta'ee yoo argame Dambii kana fooyyeessuu ni danda'a.
- 2) Manni Murtii Waliigala Oromiyaa Dambii kanaa fi Labsii hojiirra oolchuuf qajeelfama barbaachisaa ta'ee argame baasuu ni danda'a.

54. የስራ ልምድ እና የስራ ስንብት ሰርተፊኬት አሰጣጥ

- 1) የባህል ፍርድ ቤት ሽማግሌ፣ ጸሓፊ ወይም ሌላ ሰራተኛ በስራ ላይ እያለ ወይም ስራውን ከለቀቀ ቦጋለ የስራ ልምድ ማስረጃን የማግኘት መብት አለው።
- 2) የባህል ፍርድ ቤት ሽማግሌ፣ ጸሓፊ ወይም ሌላ ሰራተኛ ስራውን በዩትኛውም ምክንያት ቢለቅ ወይም ከስራው ቢሰናበት የስራ ስንብት ሰርተፊኬትን የማግኘት መብት አለው። በሚሰጠው የስራ ስንብት ሰርተፊኬት ላይ ስራውን የለቀቀበት ወይም የተሰናበተበት ምክንያት መገለጽ አለበት።
- 3) ለባህል ፍርድ ቤት ሽማግሌ፣ ጸሓፊ ወይም ሌላ ሰራተኛ የሚሰጠው የስራ ልምድ እና የስራ ስንብት ሰርተፊኬት በወረዳ ፍርድ ቤት ፕሬዚዳንት የሚፈረመው ይሆናል።

55. በሀሰተኛ ማስረጃ መገልገል ወይም መስጠት

- 1) ማንኛውም ጸሓፊ ወይም ሌላ የባህል ፍርድ ቤት ሰራተኛ በሀሰተኛ ማስረጃ ተጠቅሞ ሲገኝ ወይም ሊጠቀምበት የሞከረ ወይም ከስራው ጋር በተገናኘ ሀሰተኛ ማስረጃን አዘጋጅቶ ለሶስተኛ አካል የሰጠ ከሆነ በዚህ ደንብ፣ በአዋጅ እና ሌላ አግባብ ባለው ህግ አስተዳደራዊ፣ የስነምግባር እና/ወይም የወንጀል ተጠያቂነት ይኖረዋል።
- 2) የወረዳ ፍርድ ቤት ሀሰተኛ ማስረጃን ተጠቅሞ የተመረጠ ወይም የተመደበ ሰራተኛ መኖሩን ሲረዳ ይህንን እንደተረዳ የተካሄደው ምደባ እንዲሰረዝ ማድረግ አለበት።

56. ደንቡን የማሻሻልና መመሪያ የማውጣት ስልጣን

- 1) የኦሮሚያ ዳኞች አስተዳደር ጉባኤ አስፈላጊ ሆኖ ሲገኝ ይህንን ደንብ ማሻሻል ይችላል።
- 2) የኦሮሚያ ጠቅላይ ፍርድ ቤት ይህንን ደንብና አዋጁን ስራ ላይ ለማዋል አስፈላጊ ሆኖ ሲገኝ መመሪያ ሊያወጣ ይችላል።

54. Manner of Giving Clearance and Work Experience

- 1) An elder, Secretary or worker of the Customary Court has a right to request and get work experience during his employment or after he left the Customary Court.
- 2) Any elder, Secretary or worker of a Customary Court has a right to request and get clearance upon the termination of his tenure. The reason for the termination of his tenure shall be stated on the clearance.
- 3) The clearance and work experience shall be signed by the President of the District Court.

55. Using or Giving Falsified Documents

- 1) Any elder, Secretary or worker of the Customary Court who used or attempted to use a falsified document or prepares and gives it to a third party in connection with his responsibility, shall be liable to administrative, ethical and/or criminal accountability pursuant to this Regulation, the Proclamation or any relevant law.
- 2) The District Court shall, upon its becoming aware of the use of falsified evidence for selection or assignment, shall dismiss the selection or assignment.

56. Power to Amend This Regulation and Issue Directive

- 1) The Oromia Judicial Administration Commission may amend this regulation where necessary.
- 2) The Supreme Court of Oromia may issue a directive to enforce this Regulation and the Proclamation where necessary.

57. Seerota Raawwatiinsa Hin Qabne

Dambiin, Qajeelfamnii fi murtiin Dambii kanaan walfaallessu kamiyyuu dhimmoota Dambii kanaan haammataman irratti raawwatiinsa hin qabaatu.

58. Yeroo Hojiirra Oolmaa Dambichaa

Dambiin kun guyyaa Labsiin Manneen Murtii Aadaa Naannoo Oromiyaa Hundeessuu fi Beekamtii Kennuuf Bahe, Labsiin Lakkoofsi 240/2013 Magalata Oromiyaa irratti maxxanfamee bahe irraa eegalee hojiirra kan oolu ta'a.

Finfinnee

Fulbaana 18 Bara 2014

Gazaalii Abbaasimal

Walitti Qabaa Gumii Bulchiinsa Abbootii Seeraa Naannoo Oromiyaa

57. ተፈጻሚነት የሌላቸው ሕጎች

በዚህ ደንብ ውስጥ የተካተቱ ጉዳዮችን አስመልክቶ የደንቡን ድንጋጌዎች የሚቃረን ደንብ፣ መመሪያ ወይም ውሳኔ ተፈጻሚነት የለውም።

58. ደንቡ ስራ ላይ የሚውልበት ጊዜ

ይህ ደንብ የኦሮሚያ ክልል የባህል ፍርድ ቤቶችን ለማቋቋምና አውቅና ለመስጠት የወጣ አዋጅ ቁጥር 240/2013 መገለጥ አሮሚያ ላይ ታትሞ ከወጣበት ቀን ጀምሮ ስራ ላይ የሚውል ይሆናል።

ፊንፊኔ

መስከረም 18 ቀን 2014 ዓ.ም

ገዛሊ አባስመል

የኦሮሚያ ክልል ጻዥ አስተዳደር ጉባኤ ሰብሳቢ

57. Inapplicable Laws

Any regulation, directive or decision inconsistent with this regulation shall be inapplicable with respect to matters provided for in this regulation.

58. Effective Date

This regulation shall come into effect as of the date for the publication, on Megeleta Oromia, of the Proclamation for the Establishment and Recognition of the Customary Courts of Oromia, Proclamation No. 240/2013.

Finfine

September 28, 2021

Gezali Abasimel

**Chairperson of Oromia Region
Judicial Administration Commission**