

WAAJJIRA AFYAA' IIFI CAFFEE OROMIYAATIIN KAN QOPHAA'E



Waggaa 9<sup>ffaa</sup> ..... Lak. 2  
ዓኛ ዓመት ..... ቁጥር 2  
9<sup>th</sup> year ..... No. 2

Finfinnee, Fulbaana 27/1994  
ፊንፊን መስከረም ፳፯ ቀን ፲፱፻፺፬  
Finfine October 7<sup>th</sup> 2002

# MAGALATA OROMIYAA

## መ ገ ለ ተ አ ሮ ሚ ያ

# MEGELETA OROMIC

Gatiin Tokkoo ..... 5-85 የገዳ ዋጋ ..... ” Unit Price..... ”	Too’annaa Caffee Mootummaa Naannoo Oromiyaatiin Kan Bahe በኦሮሚያ ክልላዊ መንግሥት ም/ቤት ጠባቂነት የወጣ	Lakk. S. Poostaa .....101769 የፖ.ሣ.ቁጥር..... ” P.O.Box ..... ”
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QABEENTAA  
LABSII LAKK. 53/1994  
“LABSII MANNEEN MURTII SHARI’AA OROMIYAA CIMSUUF BAHE.  
..... fuula 1

ግዕዝ  
አዋጅ ቁጥር ፶፫/፲፱፻፺፬  
“የኦሮሚያ ሸሪክ ፍ/ቤቶችን አቋም ለማጠናከር የወጣ አዋጅ  
..... ገጽ ፩

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**LIBSII MANNEEN MURTII SHARI’AA OROMIYAA CIMSUUF BAHE LAKK. 53/1994**  
Dhimmoota gaa’ ilaa fi maatii ilaalchisee falmiiwwan ka’an fedhii abbootii dhimmaa irratti hundaa’ee akkaataa seera aadaa fi amantiitiin qaamota murteessan hundeessuun akka danda’amu Heera Mootummaa Naannoo Oromiyaa kan bara 1994 fooyya’e keewwata 34(5) jalatti waan tumameef;  
Bu’uura heerichaa keewwata 62(2)tiin otoo heerichi hin tumamin dura qaamotiin seeraa Aadaa fi Amantii mootummaadhaan beekamanii hojiirra turan bu’uura heerichi jedhuun bifa Haarawaatiin gurmaa’uu akka danda’an waan labsameef;  
Qaamota kanneen keessaa bara hedduuf otoo jijjiiramni fooyyessuu kamiyyuu hin godhamiiniif hojiirra kan turan manneen murtii shari’aa bifa haarawaan cimisanii ijaaruun barbaachisaa ta’ee waan argameef;  
Bu’uura heerichaa keewwata 49(3)(A) tiin kan kanatti aanu labsamee jira.

አዋጅ ቁጥር ፶፫/፲፱፻፺፬  
የኦሮሚያ ሸሪክ ፍ/ቤቶችን ለማጠናከር የወጣ አዋጅ  
በተሻሻለው የ፲፱፻፺፬ ዓ.ም. የኦሮሚያ ክልል ሕገ-መንግሥት አንቀጽ ፴፬ ንዑስ አንቀጽ ፮ መሠረት የግልና የቤተሰብ ጉዳዮች ተከራካሪ ወገኖች ፈቃድ በሃይማኖታዊ ወይም በባሕላዊ ሕግ መሠረት መዳኘት የሚችል በመሆኑ፤  
ከሕገ-መንግሥቱ መጽደቅ በፊት በሥራ ላይ የነበሩና የመንግሥት ዕውቅና የነበራቸው ሃይማኖታዊና ባሕላዊ የፍርድ አካላት ሕገ-መንግሥቱ በሰጣቸው ዕውቅና መሠረት በአዲስ መልክ ሊደራጁ እንደሚችሉ በሕገ-መንግሥቱ አንቀጽ ፳፪(፪) ሥር የተደነገገ በመሆኑ፤  
ከእነዚህ ሃይማኖታዊና ባሕላዊ የፍርድ አካላት ውስጥ አንዳችም የማሻሻያ ለውጥ ሳይደረግላቸው ባሉበት ሁኔታ ለዘመናት በሥራ ላይ እንዲቆዩ የተደረጉትን የሸሪክ ፍ/ቤቶችን አቋም በአዲስ መልክ አጠናክሮ ማደራጀት አስፈላጊ ሆኖ በመገኘቱ፤  
በሕገ-መንግሥቱ አንቀጽ ፶፱(፫)(ሀ) መሠረት የሚከተለው ታውጇል ።

**PROCLAMATION No.53/2002 A PROCLAMATION TO PROVIDE FOR THE CONSOLIDATION OF OROMIA COURTS OF SHARIA.**  
Whereas, Article 34(5) of the 2002 Revised Constitution of the Regional State of Oromia provides for the establishment of organs which, with the consent of the parties there of and in accordance with religious and customary laws, adjudicate cases arising in relation to marriage and family;  
Whereas, pursuant to Article 62(2) of this Constitution religious and customary courts which functioned and had state recognition prior to the adoption of the Constitution need to be organized anew on the basis of the recognition accorded to them by the constitution;  
Whereas, it is necessary to consolidate the courts of Sharia which have functioned for years with out undergoing any structural changes;  
**NOW, THEREFORE,** in accordance with Article 49 (3) (a) of the Constitution of the Regional State of Oromia, it is hereby proclaimed as follows:

<p><b>KUTAA TOKKO</b> <b>TUMAALEE WALIIGALAA</b></p> <p>1. Mata Duree Gabaabaa Labsiin kun ‘Manneen Murtii Shari’aa Oromiyaa Cimsuuf kan Bahe Labsii Lakk. 53/1994’ jedhamee waamamuu ni danda’a.</p> <p>2. Hiika Labsii kana keessatti—</p> <p>1) “Qaadii” jechuun manneen murtii shari’aa keessatti Abbaa Seeraa sadarkaa kamittuu muudamee hojjatuu dha.</p> <p>2) “Qaadii Muummichaa” jechuun itti Gaafatamaa Mana Murtii Shari’aa Waliigalaa jechuudha.</p> <p>3) “Hoggantoota” jechuun Itti Gaafatamtoota Mana Murtii Ol’aanaa fi Mana Murtii Aanaa ta’anii qaadota hojii Manneen Murtii isaanii gaggeessanii dha.</p> <p>4) “Mannen Murtii Shari’aa” jechuun Manneen Murtii Shari’aa Aanaa, Ol’aanaa fi Waliigalaa ti.</p> <p>5) “Seera deemmii falmii siviilii” jechuun seera deemmii falmii siviilii Itoophiyaa kan bara 1957 bahe fi seera kana fooyyeessuuf kana duras ta’e gara fuulduraatti bahan ni dabalata.</p> <p>6) “Gumii Bulchiinsa Abbootii Seeraa” jechuun Gumii Bulchiinsa Abbootii Seeraa Mootummaa Naannoo Oromiyaa ti.</p> <p>3. <i>Sadarkaa Manneen Murtii Shari’aa</i> Sadarkaan Manneen Murtii Shari’aa kan itti aanu ta’a.</p> <p>1) Mana Murtii Shari’aa Aanaa;</p> <p>2) Mana Murtii Shari’aa Ol’aanaa fi</p> <p>3) Mana Murtii Shari’aa Waliigalaa</p>	<p><b>ክፍል አንድ</b> <b>ጠቅላላ ድንጋጌዎች</b></p> <p>፩. አጭር ርዕስ ይህ አዋጅ “የኦሮሚያ ክልላዊ መንግሥት ሽሪዓ ፍርድ ቤቶችን ለማጠናከር የወጣ አዋጅ ቁጥር ፻፲፱፻፺፬” ተብሎ ሊጠቀስ ይችላል።</p> <p>፪. ትርጓሜ በዚህ አዋጅ ውስጥ ፡</p> <p>፩) “ቃዲ” ማለት በክልሉ ሽሪዓ ፍርድ ቤቶች ውስጥ በየትኛውም ደረጃ ተሹሞ የሚሠራ ዳኛ ነው።</p> <p>፪) “ዋና ቃዲ” ማለት የጠቅላይ ሽሪዓ ፍርድ ቤቱ ተጠሪ ቃዲ ነው።</p> <p>፫) “ተጠሪዎች” ማለት የከፍተኛው እና የወረዳው ሽሪዓ ፍርድ ቤት ኃላፊዎች ሆነው የየፍርድ ቤቶቻቸውን ሥራ የሚሠሩ ቃዲዎች ናቸው።</p> <p>፬) “ሽሪዓ ፍርድ ቤቶች” ማለት የወረዳ ፣ የከፍተኛ እና የጠቅላይ ሽሪዓ ፍርድ ቤቶች ናቸው።</p> <p>፭) “የፍትሕ ብሔር ሥነ ሥርዓት ሕጎች” ማለት በ፲፱፻፶፯ የወጣውን የኢትዮጵያ የፍትሕ ብሔር ሥነ ሥርዓትና ሕግ እርሱን ለማሻሻል በየጊዜው የወጡና ወደፊትም የሚወጡትን ይጨምራል።</p> <p>፮) “የዳኞች አስተዳደር ጉባኤ” ማለት የኦሮሚያ ክልላዊ መንግሥት የዳኞች አስተዳደር ጉባኤ ነው።</p> <p>፯. ስለፍርድ ቤቶቹ እርዳታ የሽሪዓ ፍርድ ቤቶቹ እርዳታ ማከተለው ነው።</p> <p>(ሀ) የወረዳ ሽሪዓ ፍርድ ቤት</p> <p>(ለ) የከፍተኛ ሽሪዓ ፍርድ ቤት እና</p> <p>(ሐ) የጠቅላይ ሽሪዓ ፍርድ ቤት</p>	<p><b>PART ONE</b> <b>GENERAL PROVISION</b></p> <p>1. <i>Short Title</i> This Proclamation may be cited as “Oromia Regional State Courts of Sharia Consolidation Proclamation No. 53/2002.</p> <p>2. <i>Definitions</i> In this Proclamation:</p> <p>1) “Kadi” means a judge appointed and sitting at any level of courts of Sharia,</p> <p>2) “Chief Kadi” means heads of the Regional Supreme Court of Sharia.</p> <p>3) “Heads” means heads of the Oromia First Instance and High Courts of Sharia, directing and performing the activities of their respective courts;</p> <p>4) “Oromia Courts of Sharia” include District, High and Supreme Courts of Sharia.</p> <p>5) “Civil Procedure Law” means the Civil Procedure Code of 1965 and include any amendments made thereto.</p> <p>6) “Judicial Administration Commission” means the Oromia Regional State Commission for Judicial Administration.</p>
<p><b>KUTAA LAMA</b> <b>AANGOO ABBAA SEERUMMAA WALIIGALAA MANNEEN MURTII SHARI’AA</b></p> <p>4. <i>Tumaa Bu’uuraa</i> 1) Manneen Murtii Shari’aa Naannichaa dhimmoota armaan gaditti ibsaman irratti aangoo abbaa seerummaa waliigalaa ni qabaatu.</p>	<p><b>ክፍል ሁለት</b> <b>ስለፍርድ ቤቶች የወል የዳኝነት ሥልጣን</b></p> <p>፩. መሠረቱ ፩) የክልሉ ሽሪዓ ፍርድ ቤቶች ከዚህ በታች በተመለከቱት ጉዳዮች ላይ የወል የዳኝነት ሥልጣን ይኖራቸዋል።</p>	<p><b>PART TWO</b> <b>Common Jurisdiction of the Sharia Courts</b></p> <p>4. <i>Principle</i> 1) The Oromia courts of Sharia shall have common jurisdiction over the following matters:</p>

(a) Dhimmoota gaa'ila, hiikkaa fi hirmaannaa qabeenyaa, mashru- ufa, guddiftummaa da- a'imman gaa'ila hin geenyee fi firooma ma- atii kamiyyuu ilaalchi- see fuudhaa fi heeru- mni dhimmichaaf bu- 'uura ta'e akkaataa sirna amantii Islaamaa- tiin kan raawwatame yoo ta'e;

(b) Dhimmoota waqfii, kennaa (hibbaa), yooki- in dhaala yookiin dha- amoo ilaalchisee nam- ni dhaala yookiin ken- naa kenne yookiin dha- amoo godhe sun musli- ma yoo ta'e yookiin, yeroo du'etti muslima ta'ee kan du'e yoo ta'e;

(c) Armaan olitti dhimmoota (a) fi (b) irratti ibsaman ilaalchisee hi- mannoowwan dhihaa- tan baasii hordofsiisan murteessuf;

2) Dhimmoota armaan olitti ibsaman irratti manneen murtii kun aangoo abbaa seerummaa kan qabatan abbootii dhimmaa dhimma ofii akkaataa sirna amantii Islaamaatiin mana murtii shari'aatti ilaalchifachuudhaaf haala ifa ta'een barreeffamaan fedhii isaaniitiin filatani yoo dhihaatan qofa ta'a.

5. Fedhii Yookiin Mormii Murteessuu

1) Abbootii dhimmaa keessaa gareen tokko dhimma ofii mana murtii shari'aatti ilaalchifachuudhaaf iyyannoo yemmu dhiheeffatu manni murtii dhimmichi itti dhihaate gareen biroo dhimma ofii mana murtichaatti ilaalchifachuudhaaf fedhii yoo qabaate fedhii isaa fi deebii himatichaa; fedhii yoo hin qabaanne ammoo mormiisaa qabatee akka dhihaatu waraqaa waamichaa ni ergaaf.

(ሀ) ማናቸውም የጋብቻ ፣ የፍቺና የንብረት ክፍ ፍል፣ የቀለብ አወ ሳሰን፣ አካለመጠን ያል ደረሱ ህፃናት ሞግዚት ነትና በቤተሰብ ተዛ ምዶ ላይ የሚነሱ ጉዳዮችን አስመልክቶ ጥያቄ ያስከተለው ጋብቻ በእስ ልምና ሃይማኖት ሥር ዓት መሠረት የተፈፀመ የሆነ እንደሆነ፤

(ለ) የወቅፍ፣ የስጦታ (ሂባ)፣ ወይም የውርስ ወይም የጉዳይ ጉዳዮችን በተመለከተ አውራጅ ወይም ስጦታ አድራጊው ወይም ተናገሮ መሰለም የሆነ እንደሆነ ወይም ጧች በሞተበት ሰዓት ሙስ ሊም ሆኖ የሞተ እንደ ሆነ፤

(ሐ) ከፍ ብሎ ከ(ሀ) እስከ (ለ) በተገለጹት ጉዳዮች ላይ በሚቀርቡ ክሶች ኪሣራ መወ ሰንን በተመለከተ፤

፩) ከፍ ብሎ በተገለጹት ጉዳዮች ላይ ፍርድ ቤቶቹ የዳኝነት ሥልጣን የሚኖራቸው ተከራካሪ ወገኖች በእስልምናው ሃይማኖት ሥርዓት ለመዳኘት በጽሑፍ አረጋግጠው በፈቃዳቸው መርጠው የቀረቡ ከሆነ ብቻ ይሆናል።

፩. ፈቃደኝነትን ወይም ተቃውሞን ስለመወሰን

፩) ከተከራካሪ ወገኖች አንዱ በሽሪዓ ፍርድ ቤት ለመዳኘት አቤቱታ ሲያቀርብ ጉዳዩ የቀረበለት የሽሪዓ ፍርድ ቤት ሌላው ተከራካሪ ወገን በፍርድ ቤቱ ለመዳኘት ፈቃደኛ ከሆነ ይህንኑ ፈቃደኝነቱንና የተሟላ መልሱን ፈቃደኛ ካልሆነ ደግሞ ተቃውሞውን ይዞ እንዲቀርብ መጥሪያና አቤቱታውን ይልክለታል።

(a) Any dispute regarding marriage, divorce, partition of property, maintenance, guardianship of minors and family relations: provided that the marriage to which the dispute relates was concluded, or the parties have consented to be adjusted in accordance with Islamic law;

(b) Any question regarding Wakf, gift (Hiba), succession or wills; provided that the endower or donor is a Muslim or the deceased was a Muslim at the time of his death;

(c) Any question regarding payment of costs incurred in any suit relating to matters mentioned under (a) and (b) above.

2) The courts shall have jurisdiction over the aforementioned matters only where the parties thereof have expressly consented in writing to be adjudicated under Islamic law.

5. Determination of Consent or Objection

1) Where a party brings a case before a court of Sharia a copy thereof shall be served on to the other party together with summons requiring him to appear before the court, with his written consent of objection to the jurisdiction of the court. If he consents to the jurisdiction of the court, he shall submit his written response to the suit.

2) Akkaataa keewwata kana keewwata xiqqaa (1) jalatti ibsametti gareen waamichi mana murtichaa sirriitti isa ga'e mormiisaa yookiin fedhii isaa dhihaatee utuu hin mirkaneessiin yoo hafe mormii dhiheessuu akka hin barbaadne lakkaa'amee dhimmichi bakka inni hin jirretti ilaalama.

3) Abbootiin dhimmaa dhimma ofii mana murtichaa-tti ilaalchifachuudhaaf kan walii hin galle yoo ta'e manni murtichaa baasiin abbaa seerummaatiif kafalame yoo jiraate maallaqichi akka deebi'u ajajee galmicha cufuudhaan isaan gaggeessa.

4) Fedhii abbootii dhimmaa irratti hundaa'anii dhimmootni mana murtii shari'aatti ilalamaa jiran sababa kamii-nuu gara mana murtii idileetti; yookiin dhimmootni mana murtii idileetti ilaalama a gara mana murtii shari'aa naanna'anii ilaalaman gochuun hin danda'amu.

6. Seerota Manneen Murtii Shari'aa Ittiin Hojjetan

1) Manneen Murtii Shari'aa bu'uura daangaa aangoo isniitiin dhimmoota isaanii dhihaatan ilaalanii murtii kan kennan seera shari'aa irratti hundaa'uudhaan ta'a.

2) Manneen Murtii kun dhimmoota isaaniif dhihaatan haala sirna qabeessa ta'een ilaalanii murteessuudhaaf akka isaan dandeessisutti seera deemmii falmii siviili hojjiirra jiran hordofuudhaan hojjetu.

7. Mana Murtii Ugguu

Namni kamiyyuu yeroo hojiin murtii gaggeeffamutti bifa kamiinuu gocha dhaddacha jeequu yoo raawwate yookiin sababa ga'aa malee ajaja dhaddachichaa utuu hin kabajin yoo hafe adaba hidhaa hanga baatii tokkoo ga'uun yookiin adaba maallaqaa hanga Qr. 500.00(dhibba shanii) ga'uun adabama.

፪) በዚህ አንቀጽ ንዑስ አንቀጽ (፩) በተገለጸው መሠረት የፍርድ ቤት መጥሪያ በአግባቡ የደረሰው ተከራካሪ ተቃዋሚውን ወይም ፈቃደኝነቱን ቀርቦ ካላረጋገጠ ተቃዋሚ ለማቅረብ እንዳልፈለገ ተቆጥሮ ጉዳዩ በሌለበት ይታያል።

፫) ተከራካሪዎቹ በፍርድ ቤቱ ለመዳኘት በግልጽ ካልተሰማሙ ፍርድ ቤቱ ለዳኝነት የተከፈለ ገንዘብ ካለ እንዲመለስ አዞ መዝገቡን በመዝጋት ተከራካሪዎችን ያሰናብታል።

፬) በተከራካሪዎች ፈቃድ ላይ ተመስርተው በሽሪዓ ፍርድ ቤት በመታየት ላይ የሚገኙ ጉዳዮችን በማናቸውም ምክንያት ወደ መደበኛ ፍርድ ቤት ወይም በመደበኛ ፍ/ቤት በመታየት ላይ የሚገኙ ጉዳዮችን ወደ ሽሪዓ ፍርድ ቤት ተዛውረው እንዲታዩ ማድረግ አይችልም።

፮. ፍርድ ቤቶቹ ስለሚሠሩባቸው ስጉኞች

፩) የሽሪዓ ፍርድ ቤቶች የሥልጣን ክልላቸውን መሠረት አድርጎ የቀረበላቸውን ጉዳዮች የሽሪዓውን ስግ መሠረት አድርገው ይዳኛሉ።

፪) ፍርድ ቤቶቹ የያዙባቸውን ጉዳዮች ሥርዓት ባለው ሁኔታ ለመወሰን እንዲያስችላቸው የፍትሐብሔር ሥነ ሥርዓት ስግ ድንጋጌዎችን ተከትለው ይሠራሉ።

፯. ፍርድ ቤትን ስለመድፈር

ማንኛውም ሰው የፍርድ ሥራ በሚከናወንበት ጊዜ በማናቸውም ዓይነት መንገድ የችሎት መድፈር ተግባር የፈጸመ ወይም ያለበቂ ምክንያት የችሎቱን ትዕዛዝ ያላከበረ እንደሆነ እስከ አንድ ወር በሚደርስ እሥራት ወይም እስከ ብር 500.00 (አምስት መቶ ብር) በሚደርስ የገንዘብ መቀጮ ይቀጣል።

2) Where a party properly served with summons pursuant to Sub-Article (1) of this Article does not confirm his objection or consent by appearing before the court, he shall be presumed not to have objected and the case shall be heard exparte.

3) In the absence of the consent of the parties to a case the court shall reject the case and order the return of the court fee to the plaintiff.

4) Under no circumstances shall a case brought before a court of Sharia the jurisdiction of which has been consented to, be transferred to a regular court; nor shall a case before a regular court be transferred to a court of Sharia.

6. Laws to be Applied

1) The Courts of Sharia shall adjudicate cases under their jurisdiction in accordance with Islamic law.

2) to conduct proceedings properly, the courts shall apply the civil procedure laws in force.

7. Contempt of Court

Any person who, in whatsoever manner, shows improper conduct in the course of any proceedings or who, without good cause, fails to comply with any order of the court shall be punishable with imprisonment up to one month or to a fine up to Birr. 500.00 (five hundred Birr).

KUTAA SADII  
AANGOO ABBAA SEERUMMAA  
MANNEEN MURTII  
SHARI'AA

8. *Aangoo Abbaa Seerummaa Mana Murtii Shari'aa Aanaa*

- 1) Manni Murtii Shari'aa Aanaa dhimmoota tilmaamni isaanii hanga Qr.50,000(kuma shantama) ga'u yookiin dhimmoota tilmaamni isaanii maallaqaan ibsamuu hin dandeenye irratti aangoo abbaa seerummaa sadarkaa duraa ni qabaata.
- 2) Keewwata kana keewwata xinnaa (1) jalatti kan tumame yoo jiraateyyuu, Manni Murtii Shari'aa Aanaa hiikkaa gaa'ila murteesse, otuu tilmaama qabeenyaatiin hin daangeffamiin gaaffii hirmaannaa qabeenya sanis murteessuu qaba.

9. *Aangoo Abbaa Seerummaa Mana Murtii Shari'aa Ol'aanaa*

- Manni Murtii Shari'a Ol'aanaa: 1) Dhimmoota tilmaamni isaanii Qr.50,000(kuma shantama) caalurratti aangoo abbaa seerummaa sadarkaa duraa ni qabaata;
- 2) Dhimma manni Murti Shir'aa Aanaa murtii kenne oliyyaan-noodhaan ilaaluudhaaf aangoo ni qabaata;
- 3) Dhimmi tokko Mana Murtii Shari'aa Aanaa tokkorraa gara Mana Murtii Shari'aa Aanaa adda biraatti yookiin gara isaatti naanna'ee akka ilalamu gaaffii dhihaatu ilaaluuf aangoo ni qabaata.

10. *Aangoo Abbaa Seerummaa Mana Murtii Shari'aa waliigalaa*

- Manni Murtii Shari'aa Waliigalaa: 1) Manni Murtii shari'aa Ol'aanaa aangoo abbaa seerummaa ol'iyyata ilaalu qabuun dhimmoota murtii kenne kamiyyuu irratti ol'iyyata dhihaatu ilaaluuf aangoo ni qabaata;
- 2) Manni murtii Shri'aa ol'aanaa aangoo ol' iyyannootiin kenne kamiyyuu ilaalchisee dhimmoota dhiyaataniif irratti aangoo abbaa Seeruummaa ni qabaata.
- 3) Seera sharii'aa ilaalchisee dhaddachoota Mana Murtii Shari'aa waliigalaa gidduutti dhimmootni garaagarummaa hiikkoo seeraa bu'uura qaban yeroo ka'anitti kaka'umsa muummichaatiin, qaadiitiin yookiin hubachiisa dhaddachootaatiin yookiin gaaffi abbootii dhimmaatiin dhimicha qaadotni shanii gadi hin taane moggaafamanii akka ilaalan gochuuf aangoo ni qabaata;
- 4) Dhimmi tokko Mana Murtii Shari'aa Ol'aanaa tokkorraa gara Mana Murtii Shari'aa Olaanaa adda biraatti naanna'ee akka ilalamu gaaffii dhihaatu ilaaluuf aangoo ni qabaata;
- 5) Akkaataa keewwata kana keewwata xinna (4) jalatti ibsameen dhaddachi akka naannayu gaaffii dhiyaatu irratti murtiin Manni murtii Shari'aa kennu isa dhumaata'a.

ክፍል ሦስት

የሽሪዓ ፍርድ ቤቶች የዳኝነት ሥልጣን

፩. የወረዳ ሽሪዓ ፍርድ ቤት የዳኝነት ሥልጣን

- ፩) የወረዳ ሽሪዓ ፍርድ ቤት ግምታቸው እስከ ብር 50,000 (ሃምሳ ሺ ብር) የሚሆኑ ጉዳዮችን ወይም በገንዘብ ሊተመን በማይችሉ ጉዳዮች ላይ የመጀመሪያ ደረጃ የዳኝነት ሥልጣን ይኖረዋል ።
- ፪) በዚህ አንቀጽ ንዑስ አንቀጽ (፩) የተደነገገው እንደተጠበቀ ሆኖ የወረዳ ሽሪዓ ፍርድ ቤት በፍቺ ጥያቄ ላይ ውሳኔ ከሰጠ በንብረቱ ግምት ላይወሰን በንብረት ክፍፍ ለም ላይ ለመወሰን የመጀመሪያ ደረጃ የዳኝነት ሥልጣን ይኖረዋል ።

፪. የከፍተኛ ሽሪዓ ፍርድ ቤት የዳኝነት ሥልጣን

- ፩) ግምታቸው ከብር 50,000 (ሃምሳ ሺ ብር) በላይ በሆኑ ጉዳዮች ላይ የመጀመሪያ ደረጃ የዳኝነት ሥልጣን ይኖረዋል ።
- ፪) የወረዳ ሽሪዓ ፍርድ ቤት የወሰነውን ውሳኔ በይግባኝ የማየት ሥልጣን ይኖረዋል ።
- ፫) አንድን ጉዳይ ከአንድ የወረዳ ሽሪዓ ፍርድ ቤት ወደ ሌላ የወረዳ ሽሪዓ ፍርድ ቤት ወይም ወደራሱ እንዲዛወር የሚቀርብን ጉዳይ ለማየት ሥልጣን ይኖረዋል ።

፫. የጠቅላይ ሽሪዓ ፍርድ ቤት የዳኝነት ሥልጣን

- ፩) የከፍተኛው ሽሪዓ ፍርድ ቤት በመጀመሪያ ደረጃ የዳኝነት ሥልጣኑ ውሳኔ በሰጣቸው ጉዳዮች ላይ የዳኝነት ሥልጣን ይኖረዋል ።
- ፪) የከፍተኛው ሽሪዓ ፍርድ ቤት በይግባኝ ሰማኝነት ሥልጣኑ በሰጠው በማናቸውም ውሳኔ በሚቀርቡ ጉዳዮች ላይ የዳኝነት ሥልጣን ይኖረዋል ።
- ፫) በዋናው ቃዲ አሳሳቢነት ወይም በችሎቶች አሳሳቢነት ወይም በባለጉዳዮች ጠያቂነት በጠቅላይ ሽሪዓ ፍ/ቤት ችሎቶች መካከል መሠረታዊ የሆኑ የትርጉም ልዩነት ያለባቸው የሽሪዓውን ሕግ የሚመለከቱ ጉዳዮች ሲነሱ ጉዳዩን ከአምስት ያላነሱ ቃዲዎች ተሰይመው እንዲያዩት የማድረግ ሥልጣን ይኖረዋል ።
- ፬) አንድን ጉዳይ ከአንድ የከፍተኛ ሽሪዓ ፍ/ቤት ወደሌላ ከፍተኛ ሽሪዓ ፍ/ቤት ተዛውሮ እንዲታይ የሚቀርብን ጥያቄ ለማየት ሥልጣን ይኖረዋል ።
- ፭) በዚህ አንቀጽ ንዑስ አንቀጽ ፬ መሠረት የሽሪዓ ፍ/ቤቱ የሚሰጠው ውሳኔ የመጨረሻ ውሳኔ ይሆናል ።

PART THREE

Jurisdiction of the Courts of Sharia

8. Jurisdiction of the District Court of Sharia

- 1) The District Court of Sharia shall have jurisdiction over cases involving an amount not exceeding Birr 50,000 (fifty thousand Birr) or cases the value of which can not be expressed in money.
- 2) Not with standing the provisions of Sub-Art. (1) of this Article, the District Court of Sharia which has decided on the dissolution of a marriage shall have jurisdiction over cases involving partition of property thereof irrespective of its value.

9. Jurisdiction of the High Court of Sharia

- The High Court of Sharia shall have:*
  - 1) *First Instance Jurisdiction over cases involving an amount exceeding Birr 50,000 (fifty thousand Birr);*
  - 2) *Appellate Jurisdiction over decisions of the District Court of Sharia;*
  - 3) *Jurisdiction over applications for change of venue from one District Court of Sharia to another or to itself.*

10. Jurisdiction of the Supreme Court of Sharia.

- The Supreme Court of Sharia shall have appellate jurisdiction over:
  - 1) decisions of the High Court of Sharia rendered in its instance jurisdiction;
  - 2) decisions of High Court of Sharia rendered in its appellate jurisdiction;
  - 3) it shall, upon the initiation of the Chief Kadi or the recommendation of its divisions or the petition of the parties thereof casuse the hearing, by a division of not less than five judges, of cases in relation to which the divisions of the Supreme court basically differed on the interpretation of the applicable Islamic law;
  - 4) it shall hear applications for change of venue from one High Court of Sharia to another;
  - 5) decisions made by Sharia court on the issue of change of venue presented to it in accordance with Sub-Article 4 of this provision is final.

11. *Ragaa Fuudhaa fi Heeruma Yookiin Hiikkaa Mirkaneeessu Kennuu*  
 Armaan olitti kewwata 8 hanga 10<sup>mi</sup> kan tumame akkuma eegametti ta'ee Manneen Murtii Shari'aa sadarkaa kamittu argaman ragaa fuudhaa fi heerumaa yookiin hiikkaa gaayilaa mirkaneeessu keennuuf aangoo ni qabu.

**KUTAA AFUR  
 GURMAA'INAA FI ADEEMSA  
 HOJII ABBAA SEERUMMAA  
 MANNEEN MURTII  
 SHARI'AA**

12. *Manneen murtii Shari'aa Ol'aanaa fi Aanaa*

- 1) Manneen murtii Shari'aa Ol'aanaa fi Aanaa Hoggantoota manneen murtii isaanii qaadota hojichaaf barbaachisaa ta'an, akasuma akkataan barbaachisummaa isaatti registiraarota ni qabaatu.
- 2) Manneen murtii kun hojjetoota biroo hojichaaf barbaachisaa ta'aniis ni qabaatu.

13. *Qaadota fi Hojjetoota Biroo Mana Murtii Shari'aa Waliigalaa*

- 1) Manni Murtii Shari'aa Waliigalaa qaadii muummichaa tokkoo fi itti aanaa qaadii muummichaa tokko, akkasumas qaadotaa fi registiraarota hojichaaf barbaachisaa ta'an ni qabaata;
- 2) Manni Murtii Shari'aa waliigalaa hojjetoota biroo hojichaaf barbaachisaa ta'an ni qabaata.

14. *Dhaddachaa fi Bakka Hojii Manneen Murtii Shari'aa*

1. Dhaddachootni Mana Murtii Shari'aa Ol'aanaa fi Mana Murtii Shari'aa Aanaa kan hojjetan qaadii tokkoon ta'a.
2. Dhaddachootni Mana Murtii Shari'aa Waliigalaa walitti qabaa tokkoo fi qaadota lamaan moggfamanii kan hojjetan ta'u.
3. Bakki hojii dhaddachaa Mana Murtii Shari'aa Waliigalaa magaala guddoo Naannichaa yemmuu ta'u akka barbaachisummaa isaatti magaalota biroottis hojjechuu ni danda'a.
4. Bakki hojii dhaddacha Manneen Murtii Shari'aa Ol'aanaa magaala guddoo godinaalee yemmuu ta'u akka barbaachisummaa isaatti magaalota biroottis hojjechuu ni danda'u.

፲፩. የጋብቻና የፍት ማረጋገጫ ስለ መስጠት

ከዚህ በላይ ከአንቀጽ ፰ እስከ ፲ የተደነገገው እንደተጠበቀ ሆኖ በማንኛውም የእርከን ደረጃ የሚገኙ የሽሪና ፍ/ቤቶች የጋብቻና የፍት ማረጋገጫ ማስረጃ የመስጠት ሥልጣን አላቸው።

**ክፍል አራት**

**የሽሪና ፍርድ ቤቶች አደረጃጀትና የዳኝነት ሥራ አካሄድ**

፲፪. የከፍተኛ ሽሪና ፍርድ ቤትና የወረዳ ሽሪና ፍርድ ቤቶች

- ፩) የከፍተኛ እና የወረዳ ሽሪና ፍርድ ቤቶች ስለ የፍርድ ቤቶቹ ተጠሪ የሚሆኑ ሹሞችና ለሥራው አስፈላጊ የሆኑ ቃዲዎች እንዲሁም እንደአስፈላጊነቱ ሬጅስትራሮች ይኖሯቸዋል።
- ፪) ፍርድ ቤቶቹ ለሥራው አስፈላጊ የሆኑ ሌሎች ሠራተኞችም ይኖሯቸዋል።

፲፫. የጠቅላይ ሽሪና ፍርድ ቤት ዳኞችና ሌሎች ሠራተኞች

- ፩) ጠቅላይ ሽሪና ፍርድ ቤት አንድ ዋና ቃዲ፣ እና አንድ ምክትል ዋና ቃዲ እንዲሁም ለሥራው አስፈላጊ የሆኑ ቃዲዎችና ሬጅስትራሮች ይኖሩታል።
- ፪) ጠቅላይ ሽሪና ፍርድ ቤት ለሥራው አስፈላጊ የሆኑ ሌሎች ሠራተኞች ይኖሩታል።

፲፬. የሽሪና ፍርድ ቤቶች ችሎትና የማስቻያ ሥፍራ

- ፩) የከፍተኛ ሽሪና ፍርድ ቤት እና የወረዳ ሽሪና ፍርድ ቤት ችሎቶች በአንዳንድ ቃዲ ያስችላሉ።
- ፪) የጠቅላይ ሽሪና ፍርድ ቤት ችሎቶች በአንድ ሰብሳቢና በሁለት ቃዲዎች ያስችላሉ።
- ፫) የጠቅላይ ሽሪና ፍርድ ቤት የማስቻያ ሥፍራ የክልሉ ዋና ከተማ ይሆናል። እንደ አስፈላጊነቱ በሌሎች ከተሞችም ሊያስችል ይችላል።
- ፬) የከፍተኛ ሽሪና ፍርድ ቤቶች የማስቻያ ሥፍራ የየዞኖቹ ዋና ከተሞች ሲሆን እንደ አስፈላጊነቱ በሌሎች ከተሞችም ሊያስችሉ ይችላሉ።

11. *Certificate of Marriage and Divorce*

Notwithstanding Arts. 8 to 10 of this Proclamation Sharia Courts at all level shall have jurisdiction to issue certificates of marriage and divocre.

**PART FOUR**

**Structure and Administration of Justice in Sharia Courts**

12. *The High Court and District Court of Sharia*

- 1) High Courts and District Courts of Sharia each shall have a head representing the respective court, as well as Kadis and registrar as is necessary.
- 2) The Courts shall have other personnel necessary for their respective functions.

13. *Judges and Other Personnel of the Supreme Court of Sharia.*

1. *The Supreme Court of Sharia shall have a Chief Kadi, a Deputy Chief Kadi, as well as the necessary Kadis and registrar.*
- 2) *It shall have other personnel necessary for its function.*

14. *Divisions and Place of Sittings of the Courts of Sharia.*

- 1) There shall sit a single Kadi in each division of the High Court and District Courts of Sharia.
- 2) There shall sit a presiding Kadi and two other Kadis in each division of the Supreme Court of Sharia.
- 3) The Supreme Court of Sharia shall sit in the capital city of the Regional State. It may hold hearing in other cities of the Regional state as it may deem necessary.
- 4) High courts of Sharia shall have sit in the capital cities of their respective zones and may hold their hearings in other cities as they may deem it necessary.

- 5. Bakki hojii dhaddacha Manneen Murtii Shari'aa Aanaa magaalota guddoo aanolee yookiin akka barbaachisummaa isaatti magaalota biroos ta'uu ni danda'a.
- 15. **Afaan Hojii Manneen Murtii Shari'aa**
  - 1) Afaan hojii manneen murtii Shari'aa afaan Oromotii.
  - 2) Abbaa dhimmaa afaan Oromoo hin dandeenyeef manni murtichaa turjumaana ni ramadaaf.
- 16. **Hojii dhaddachaa Ifaan Gaggeessuu**
  - 1) Manneen murtii murtii shari'aa hojii dhaddachaa haala uummataaf ifa ta'een ni gaggeessu.
  - 2) Keewwata kana keewwata xiqqaa (1) jalatti kan ibsame yoo jiraateyyuu haalan barbaachisaa ta'aan yeroo qunnaman fi akkaataa seera deemmii falmii siiviliitiin manneen murtii kun hojii isaanii dhaddacha cufaatiin gaggeessuu ni danda'u.
- 17. **Dhaddacha Irraa ka'uu Qaado-taa**
  - 1) Qaadiin tokko sababoota armaan gaditti ibsaman keessaa isa tokkoon dhaddacharraa ni ka'a.
    - (a) Abbootii dhimmaa keessaa gare tokkoo wajjin yookiin abukaatoosaa wajjin firooma dhiigaa yookiin firooma gaa'ilaan kan qabu yoo ta'e,
    - (b) Abbootii dhimmaa keessaa gare tokkoof guddiftuu, dubbii fixaa yookiin abukaatoo dhimmaa itti ta'erratti falmi ta'e yoo ta'e,
    - (c) Dhimma falmiin itti ka'e dursee abbaa seerummaatiin yookiin karaa araaraatiin kan beeku ta'ee yoo argame,
    - (d) Abbootii dhimmaa keessaa garee tokko yookiin abukaatoosaa wajjin falmii mana murtiitiin ilaalamaa jiru kan qabu yoo ta'e,
    - (e) Armaan olitti (a) irraa hanga (d)tti sababoota ibsamaniin alatti murtiin haqaa hin kennamu kan jechisiisu sababni adda biraa ga'aa ta'e yoo argame.
  - 2) Akkaataa keewwata kana keewwata xiqqaa (1)tti qaadichi dhaddacharraa taa'uu kan hin qabne ta'uusaa akka bareen sababa isaa galmicharratti ibsuudhaan dhaddacharraa ka'ee dhimmi qaadii biraatiin akka ilaalamu barbaachisaa kan ta'e raawwachuu qaba.

- ፩) የወረዳ ሽሪዓ ፍርድ ቤቶች የማስቻያ ሥፍራ የወረዳው ዋና ከተሞች ወይም እንደ አስፈላጊነቱ በሌሎች ከተሞችም ሊያስቻሉ ይችላሉ ።
- ፲፮. የሽሪዓ ፍርድ ቤቶች የሥራ ቋንቋ
  - ፩) የሽሪዓ ፍርድ ቤቶች የሥራ ቋንቋ አርምኛ ነው ።
  - ፪) አርምኛ ለማይችል ባለጉዳይ ፍርድ ቤቱ አስተርጓሚ ይመድብለታል ።
- ፲፯. በግልጽ ችሎት ስለማስቻል
  - ፩) የሽሪዓ ፍርድ ቤቶች ለሕዝብ ግልጽ በሆነ ሁኔታ ያስችላሉ
  - ፪) በዚህ አንቀጽ ንዑስ አንቀጽ (፩) የተመለከተው ቢኖርም ጉዳዩ በዝግ ችሎት ማየት ለዳኝነት አሠራር ተገቢ ሆኖ ሲገኝ ፍርድ ቤቶቹ ጉዳዩን በዝግ ችሎት ለማየት ይችላሉ።
- ፲፰. የቃዲዎች ከችሎት መነሳት
  - ፩) አንድ የሽሪዓ ፍርድ ቤት ቃዲ ከዚህ ቀጥሎ ከተመለከቱት ምክንያቶች በአንዱ ከችሎት ይነሳል ።
    - (ሀ) ከተከራካሪዎቹ ከአንድ ደኛው ወገን ወይም ከጠበቃው ጋር የሥጋ ወይም የጋብቻ ዝምድና ያለው እንደሆነ ፤
    - (ለ) ከተከራካሪዎቹ የአንድ ደኛው ወገን ሞግዚት ፣ ነገረፈጅ ወይም ጠበቃ በሆነበት ጉዳይ ላይ የተነሳ ክርክር የሆነ እንደሆነ ፤
    - (ሐ) ክርክር የተነሳበትን ጉዳይ አስቀድሞ በዳኝነት ወይም በእርቅ መንገድ የሚያውቀው ሆኖ የተገኘ እንደሆነ ፤
    - (መ) ከተከራካሪዎቹ ወገኖች ከአንደኛው ወይም ከጠበቃው ጋር በፍርድ ቤት የተያዘ ክርክር ወይም መግት ያለው እንደሆነ ፤
    - (ሠ) ከዚህ በላይ ከ(ሀ) እስከ (መ) ከተመለከቱት ምክንያቶች ውጭ ትክክለኛ ፍትሕ አያሰጥም የሚያሰኝ ሌላ በቂ ምክንያት ሲኖር ።
  - ፪) በዚህ አንቀጽ ንዑስ አንቀጽ ላይ ሊቀመጥ የማይገባው መሆኑን ሲያውቅ ምክንያቱን በመዝገቡ ላይ በማስፈረስ ከችሎት ተነስቶ ጉዳዩ በሌላ ቃዲ እንዲታይ አስፈላጊውን ማድረግ አለበት ።

- 5) District courts of Sharia shall have sit in their respective district towns and may hold their hearing other towards they may deem it necessary.
- 15. **Working Language**
  - 1) Afaan Ormo shall be the working language of the Sharia Courts.
  - 2) The courts shall provide an interpreter, to a party who does not understand Afaan Ormo.
- 16. **Open Hearing**
  - 1) The Courts of Sharia shall hear in open court.
  - 2) Notwithstanding Sub-Article 1 of this Article the courts, if justice so demands may hold hearing in camera.
- 17. **Withdrawal of Kadis**
  - 1) No Kadi shall sit in an case where:
    - (a) he is related to one of the parties or the advocate thereof either by consanguinity or by affinity;
    - (b) the dispute relates to a case in which one of the parties is a person for whom he acted as tutor or legal representative or advocate;
    - (c) he has previously acted in some capacity as a judge or arbitrator in connection with the case or the subject matter of the dispute;
    - (d) He has a case pending in court with one of the parties or the advocate thereof;
    - (e) there are sufficient reasons, other than those specified under sub-Article (1)(a) to (d) hereof, to conclude that injustice may be done.
  - 2) The Kadi concerned shall withdraw as soon as he is aware that he should not sit, in accordance with Sub-Article (1) herein above, by recording the reason for his withdrawal and shall direct the case to other Kadi.

18. *Quadiin Dhaddacharraa akka ka'u Iyyannoo Dhiheessuu*

- 1) Abbootii dhimmaa keessaa gareen tokkoo bu'uura sababoota keewwata 17 jalatti ibsamaniin qaadiin tokko dhaddacharraa ka'uu kan qabu ta'ee yoo itti mul'ate qaadichi akka ka'u mana murtichaatti iyyannoo dhiheeffachuu ni danda'a.
- 2) Iyaannichi kan dhihaatu falmichi utuu hin jalqabamiin dura yookiin iyyannicha dhiheessuu sababni jiraachuu-saa iyyataan akka bareen battalumatti ta'uu qaba.
- 3) Qaadiin tokko dhaddacha kan gaggeessu qofaasaa yoo ta'e dhaddacharraa akka ka'u iyyannoo isaaf dhihaate ilaalee gaafficha kan fudhatu yoo ta'e dhaddacharraa ni ka'a. Gaafficha kan hin fudhanne yoo ta'e garuu sababa itti hin fudhanne galmicharatti ibsuudhaan iyyannichi manumamurtii sanatti kan argamu dhaddacha biraatiin yookiin dhaddachi biraa hin jiru yoo ta'e mana murtii oliyyannoo mana murtichaa dhaga'uun akka ilaalamu dabarsuu qaba.
- 4) Dhaddacharraa akka ka'u qaadicharratti iyyannoon kan dhihaate yeroo qaadota biraa wajjiin dhaddacha gaageessutti ta'e iyyannichi bakka qaadiin iyyannoon itti dhihaate hin jirretti qaadii yookiin qaadoota hafaniin murtiin kan itti kennamu ta'a.
- 5) Akkaataa keewwata kana keewwatoota xiqqaa (3) fi (4)tti murtiin kennamu kan dhumaa fi kan irraa ol hin iyyatamne ta'a.
- 6) Murtii kennamu kamiyyuu qaadichi battalumatti hojjiirra oolchuu qaba.

19. *Sababni Ga'aan Utuu hin Jiraatiin Iyyannoo Dhiheessuun Adaba Hordofsiisu*  
Iyyataan qaadichi dhaddacharraa akka ka'u iyyannoo kan dhiheesse sababa ga'aa utuu hin qabaatiin yoo ta'e manni murtichaa iyyannicha kufaa godhee adaba maallaqaa hanga Qr. 300(dhibba sadii) ga'u iyyaticharratti murteesuu ni danda'a.

20. *Qaadii Ta'anii Muudamuuf Ulaagaalee Dandeessisan*

- Haallan armaan gaditti ibsaman kan guutu lammiin Itoophiyaa kamiyyuu qaadii ta'ee muudamuu ni danda'a.
- 1) Seera shari'aatiin muuxannoo fi beekumsa gahaa ta'e kan qabu,
  - 2) Kaka'umsa hojii fi naamusa qabuun maqaa gaarii kan argate,

፲፰. *ቃዲ ከችሎት እንዲነሳ ስለማመልከት*

- ፩) ከተከራካሪዎቹ አንደኛው ወገን በአንቀጽ ፲፯ በተዘረዘሩት ምክንያቶች መሠረት አንድ ቃዲ ከችሎት መነሳት የሚገባው መሰሎ የታየው እንደሆነ እንዲነሳለት ለፍርድ ቤቱ ማመልከቻ ማቅረብ ይችላል ።
- ፪) ማመልከቻው የሚቀርበው ከርከሩ ከመጀመሩ በፊት ወይም ማመልከቻ ለማቅረብ ምክንያት መኖሩን አመልካቹ እንዳወቀ ወዲያውኑ መሆን አለበት ።
- ፫) አንድ ቃዲ ብቻውን የሚያስችል ከሆነ ከችሎት ስለመነሳት የሚቀርብለትን ማመልከቻ ተመልክቶ ጥያቄውን የተቀበለው እንደሆነ ከችሎት ይነሳል ጥያቄውን ያልተቀበለው እንደሆነ ግን ምክንያቱን በመዝገቡ ላይ በመግለጽ በዚያው ፍርድ ቤት በሚገኝ ሌላ ችሎት ወይም ሌላ ችሎት ከሌለ የዚህኑ ፍርድ ቤት ውሳኔ በይግባኝ ለሚያየው ፍርድ ቤት ማስተላለፍ አለበት ።
- ፬) ከችሎት እንዲነሳ አቤቱታ የቀረበበት ቃዲ ከሌሎች ቃዲዎች ጋር በሚያስችልበት ጊዜ ከሆነ አቤቱታ የቀረበበት ቃዲ በሌለበት በቀረው ቃዲ ወይም ቃዲዎች አቤቱታው ውሳኔ ያገኛል ።
- ፭) በዚህ አንቀጽ ንዑስ አንቀጽ (፫) እና (፬) መሠረት የሚሰጠው ውሳኔ የመጨረሻና ይግባኝ የማይባልበት ይሆናል ።
- ፮) የሚሰጠውን ማናቸውንም ውሳኔ ቃዲው ወዲያውኑ መፈጸም አለበት ።

፲፱. *በቂ ምክንያት ሳይኖረው የሚቀርብ ማመልከቻ ስለሚያስከትለው ቅጣት*

አመልካች ቃዲው ከችሎት እንዲነሳለት ያቀረበው ማመልከቻ በቂ ምክንያት ሳይኖረው የቀረ እንደሆነ ፍርድ ቤቱ ማመልከቻውን ውድቅ አድርጎ በአመልካቹ ላይ እስከ ብር 300 (ሦስት መቶ ብር) መቀጫ ሊጥልበት ይችላል ።

፳. *ቃዲ ሆኖ ለመመረጥ የሚያበቁ ሁኔታዎች*

- የሚከተሉትን ሁኔታዎች የሚያሟላ ማንኛውም ኢትዮጵያዊ የፍርድ ቤቶች ቃዲ ሆኖ ሊሾም ይችላል ።
- ፩) በሽሪና ሕግ በቂ ልምድ እና ዕውቀት ያካበተ ፤
  - ፪) በታታሪነቱና በሥነ ምግባሩ መልካም ስም ያተረፈ ፤

18. *Application for Removal of a Kadi*

1. Where a party to a case is of the opinion that a Kadi should not sit for the reasons specified in Article 17 herein above, he may submit application to the court requesting that the Kadi be removed.
2. The application shall be made before the trial opens or soon after the party becomes aware of the reason for lodging such an application.
3. Where the Kadi is sitting alone, he shall, after considering the application, either withdraw or with his recorded reason for not to withdraw refer the matter for decision to another division of the same court or where there is no other division of this court to the next higher court of appeal.
4. Where the Kadi is sitting with other Kadis he shall withdraw and the remaining Kadis shall hear the application and give a decision thereon.
5. A decision given under Sub-Article (3) and (4) thereof shall be final and subject to no appeal.
6. A Kadi shall forthwith comply with a decision given under this Article.

19. *Penalty for Application without Good Cause*

In the event where the application for removal of Kadi lacks sufficient cause the court shall struck out the application thereof and fine the applicant the amount not exceeding Birr 300 (three hundred Birr)

20. *Conditions for the Appointment of Kadi*

- Any Ethiopian who:
- 1) has acquired adequate experience and knowledge in Islamic law;
  - 2) is reputed for his diligence and good conduct,



- 3) Qaadii ta'ee hojjechuu dhaaf fedhii kan qabu,
- 4) Umriinsaa waggaa 25 caalaa kan ta'e.
- 5) Yakkaan himatamee mana murtiitiin kan hin adabamne,
- 6) Dhukkuba sammuu kan hin qabne,
- 7) Afaan hoojii Naannichaa kan danda'u.

21. Akkaata Muudama Qaadotaa

- 1) Gumiiin ol'aanaa Dhimma Islaamaa Naannichaa gumii Bulchiinsa Abbootii Seeraa Naannichaa irraa gaffiin yemmuu dhihaatuuf filannoo qaadotaa ni gaggeessa.
- 2) Walitti qabaan Gumii Dhimmaa Isalaamaa kaadhima-mtoota qaadii Gumichaan filatamani fi sadarkaa adda addaatti akka ramadaman deeggarsa sagalee caalmaa argatan ilaalchisee ibsa seenaa dhaloota gabaabaa ta'e qopheessee Gumii Bulchiinsaa Abbootii Seera Naannichaatiif ni dhiheessa.
- 3) Muudamni qaadii sadarkaa kamiyyuu irratti ramadamu Prezidaantii Mana Murtii Waliigalaa Naannichaatiin Gumii Bulchiinsa Abbootii Seeraa Naannichaatiif dhihaatee kan haala isaatti ilaalamee kan mirkanaa'u ta'a.
- 4) Qaadiin muummichaa fi isaan kan filatamu hogganaan Mana Murtii Shar'aa Ol'aanaa tokko dhimmi manneen murtii shari'aa yookiin dhimmi qaadootaa yeroo ilaalamutti walga'ii Gumii Bulchiinsa Abbootii Seeraa irratti miseensummaadhaan ni hirmaatu.

22. Bilsummaa Abbaa Seerummaa

- 1) Qaadotni hojii isaanii bilisummaadhaan gaggeessu. Seeraan malee wanta biraatiin hin qajeelfaman.
- 2) Akkaataa keewwata 23 irratti tumameen yoo ta'e malee hojii isaanii akka gadhiisan hin taasifaman.

23. Akkaataa Qaadotni Hojiirraa Ittiin Gaggeeffaman

- Qaadiin kamiyyuu hojiirraa kan gaggeeffamu sababoota armaan gaditti ibsamaniin ta'a.
- a) Hojicha gadhiisuu yeroo barbaadu baatii lamaan duratti beeksisa barreeffamaa kennuudhaan.
- b) Umriisaa waggaa 60 guuttee sooramaan yeroo gaggeeffamu,
- c) Sababa dhukkubaatiin hojiisaa akkaataa ta'uu qabuun gaggeessuu hin danda'u jedhamee yeroo murtaa'u,

- ፫) ቃዲ ሆኖ ለመሥራት ፈቃደኛ የሆነ፤
- ፬) ዕድሜው ከ25 ዓመት በላይ የሆነ፤
- ፭) በወንጀል ተከሶ በፍርድ ቤት ያልተቀጣ፤
- ፮) የአዕምሮ በሽታ የሌለበት
- ፯) የክልሉን የሥራ ቋንቋ የሚያውቅ፤

፳፩. ስለቃዲዎች አሻሻሎ

- ፩) የክልሉ የእስልምና ጉዳዮች ከፍተኛ ጉባዔ ከክልሉ ዳኞች አስተዳደር ጉባዔ ጥያቄ ሲቀርብለት የቃዲዎችን ምልመላ ያከናውናል።
- ፪) የእስልምና ጉባዔው ሰብሳቢ በጉባዔው የተጠቀሙትንና በተለያዩ ደረጃ እንዲመደቡ የድምጽ ብልጫ ድጋፍ ያገኙትን የዕጩ ቃዲዎች አጭር የሕይወት ታሪክ መግለጫ አዘጋጅቶ ለክልሉ ዳኞች አስተዳደር ጉባዔ ያቀርባል።
- ፫) በየትኛውም ደረጃ የሚመደቡ ቃዲዎች ሹመት በክልሉ ጠቅላይ ፍርድ ቤት ፕሬዚዳንት አቅራቢነት በክልሉ ዳኞች አስተዳደር ጉባዔ እንደሁኔታው እየታየ ይጸድቃል።
- ፬) ዋናው ቃዲና በዋናው ቃዲ የሚመረጥ አንድ የከፍተኛ ሽሪዓ ፍርድ ቤት ተጠሪ የሽሪዓ ፍርድ ቤቶቹ ወይም የቃዲዎች ጉዳይ በሚታይበት ጊዜ በዳኞች አስተዳደር ጉባዔ ሰብሰባ ላይ በአባልነት ይሳተፋሉ።

፳፪. ስለዳኝነት ነፃነት

- ፩) ቃዲዎች ሥራቸውን በነፃነት ያከናውናሉ ከሕጉ በስተቀር በሌላ አይመሩም፤
- ፪) በአንቀጽ ፳፫ በተደነገገው መሠረት ካልሆነ በስተቀር ሥራቸውን እንዲለቁ አይዳረጉም።

፳፫. ቃዲዎች ከሥራቸው

- ስለሚሰናበቱበት ሁኔታ ማንኛውም ቃዲ ከሥራ የሚሰናበተው በሚከተሉት ምክንያቶች ይሆናል።
- (ሀ) ሥራውን ለመልቀቅ ሲፈልግ የሁለት ወር የጽሑፍ ማስጠንቀቂያ በመስጠት፤
- (ለ) ዕድሜው ፷ ዓመት ሞልቶት በጡረታ ሲገለል፤
- (ሐ) በሕመም ምክንያት ሥራውን በተገቢው ሁኔታ ማከናወን አይችልም ተብሎ ሲወሰን፤

- 3) consents to assume the position of Kadi;
- 4) is more than twenty five years of age
- 5) has not been crimianlly convicted by a court of law;
- 6) does not suffer from mental illness; and
- 7) knows the working lanuguage of the Region may be appointed as Kadi.

21. Appoint of Kadis

- 1) The Supreme Court for Islamic Affairs of Oromia shall upon request by the Judicial Administration Commission carry out the recruitment of Kadis.
- 2) The chair person of the Supreme Council for Islamic Affairs of Oromia shall submit to t he Judicial Administration Commission a short profit of the nominees who are supported by the majority vote of the council together with their level of placement.
- 3) The appointment of Kadis who are to be placed at any level shall be approved by the Judicial Administration Commission upon recommendation of the president of the Regional Supreme Court.
- 4) The Chief Kadi and one representative Kadi of the High Courts of Sharia who is selected by the Chief Kadi, shall participate as members of the meetings of the Judicial Administration Commission where matters concerning Sharia courts or Kadis thereof are considered.

22. Independence of Kadi

- 1) Kadis exercise their functions in full independence and they shall be guided by no authority other than that of the law.
- 2) A Kadi may not be removed from his office other than under the circumstances specified under Article 23 of this Proclamation.

23. Conditions of Removal

- 1) A Kadi may be moved from his position or where
  - (a) he volunarily relinquishes his position by submitting a two months' advance written notice;
  - (b) he attains the retirement age of 60 years;
  - (c) It is decided that he can no longer carry out his responsibilities on account of illness;

- d) Badii naamusaa raawwatee yeroo argamu,
- e) Hir'ina dandeettii fi hiri'ina raawwannaa hojii cimaa mul'iseera jedhamee yeroo murtaa'u,
- f) Danbii Naamusa Abbootii Seeraa darbuunsaa yeroo mirkanaa'u.

24. Waayee Naamusaa, Mirgaa fi Dirqama Qaadotaa

Labsiin Gumii Bulchiinsa Abbootii Seeraa Naannichaa hundessuuf bahe akkaataa murteeffama dhimmoota naamusaa, mindaa, guddinaa fi jijjiirraa qaadotaa ilaalchisee raawwatama ni qabaata.

25. Akkaataa Dhorkaan Itti Kennamu

- 1) Qaadiin tokko hojiirra turuunsaa naamusa abbaa seerummaa kan faalleessu ta'ee yoo argame walitti qabaan Gumii Bulchiinsa Abbootii Seeraa Naannichaa qaadii sadarkaa kamiyyuu irratti argamu hoojiirraa dhorkuu ni danda'a.
- 2) Walitti qabaan Gumichaa guyyaa dhorkaan kennamee eegalee baatii tokko gidduutti dhimmicha Gumii dhiyeessuu qaba.

26. Baajata

Burqaan baajata manneen murtii shari'aa Naannichaa baajata Mootummaan Naannichaa ramaduu fi burqaawwan birooirraa gargaarsa argamu ta'a.

KUTAA SHAN

WAAYEE QAADII MUUMMI-CHAA ITTI AANAA FI HOGGANTOOTAA

27. Aangoo fi Ga'ee Hojii Qaadii Muummichaa

- 1) Qaadii muummichi Manneen Murtii Shari'aa Naannichaa ogganummaadhaan ni bulcha. Akkasumas walitti qabaa dhaddachaa ta'ee hojjechuu ni danda'a.
- 2) Jechi waliigalaa keewwata xiqqaa (1) keewwata kanaa akka eegametti ta'ee Qaadiin muummichi.
  - (a) Caasaa manneen Murtii Shari'aa sadarkaa adda addaatti gurmaa'an qopheessee Preezidaantii Mana Murtii Waliigalaa Naannichaatiif ni dhiheessa. Yeroo hayyamamuttis hojiirra ni oolcha.
  - (b) Qaadota muudaman manneen murtii shari'aa Naannichaa keessatti ramadee ni hojjechiisa.
  - (c) Hojjettoota hojii manneen Murtii Shari'aatiif barbaachisan Prezidaantii Mana Murtii Waliigalaa Naannichaa wajjin mari'achuudhaan ni qaxara. Hojiirratti ramadee ni hojjechiisa.

- (መ) የዲ.ፒ.ሲ.ን ጥፋት ፈጽሞ ሲገኝ፤
- (ሠ) ጉልህ የሆነ የሥራ ችሎታና ቅልጥፍና እን ስታል ተብሎ ሲወ ሰን፤
- (ረ) ለየዳኞች የዲ.ፒ.ሲ.ን የሥነ ምግባር ደንብ ተላልፎ ሲገኝ፤

፳፬. ስለ ቃዲዎች ዲ.ፒ.ሲ.ን እንዲሁም መብትና ግዴታ

የአሮጌያ ክልላዊ መንግሥት የዳኞች አስተዳደር ጉባዔ አዋጅ የቃዲዎችን ዲ.ፒ.ሲ.ን፣ ደመወዝ፣ ዕድገትና ዝውውርን በተመለከተ ተፈጻሚ ይሆናል።

፳፭. እግድ ስለሚሰጥበት ሁኔታ

- ፩) የቃዲው በሥራ ላይ መቆየት የዳኝነት ሥነ ምግባሩን የሚቃረን ከሆነ የክልሉ ዳኞች አስተዳደር ጉባዔ ሰብሳቢ በየትኛውም ደረጃ የሚገኝ ቃዲን ከሥራ ሊያግድ ይችላል።
- ፪) የጉባዔው ሰብሳቢ እግድ ከተሰጠበት ቀን አንስቶ በአንድ ወር ጊዜ ውስጥ ጉዳዩን ለጉባዔው ማቅረብ ይኖርበታል።

፳፮. በጀት

የክልሉ ሸሪዓ ፍርድ ቤቶች የበጀት ምንጭ የክልሉ መንግሥት የሚመድበው በጀትና ከሌሎች ምንጮች የሚገኝ ድጋፍ ይሆናል።

ከፍል አምስት

ስለዋናው ቃዲ ምክትል ዋና

ቃዲና ተጠሪዎች

፳፯. የዋናው ቃዲ ሥልጣንና ተግባር

- ፩) ዋናው ቃዲ የክልሉን ሸሪዓ ፍርድ ቤቶች በበላይነት ያስተዳድራል። እንዲሁም የችሎት ሰብሳቢ ሆኖ ሊሠራ ይችላል።
- ፪) የዚህ አንቀጽ ንዑስ አንቀጽ (፩) አጠቃላይ አነጋገር እንደተጠበቀ ሆኖ ዋናው ቃዲ፡-
  - (ሀ) በየደረጃው የሚደራጁ የሸሪዓ ፍርድ ቤቶችን መዋቅር አዘጋጅቶ ለክልሉ ጠቅላይ ፍርድ ቤት ፕሬዚዳንት ያቀርባል። ሲፈቀድለትም በሥራ ላይ ያውላል።
  - (ለ) ተሹመው የሚመጡለትን ቃዲዎች በክልሉ ሸሪዓ ፍርድ ቤቶች ውስጥ በመደል ያሠራል።
  - (ሐ) የጠቅላይ ሸሪዓ ፍርድ ቤቱ ዋና ቃዲ ለሥራው አስፈላጊ የሆኑ ሠራተኞችን ከክልሉ ጠቅላይ ፍርድ ቤት ፕሬዚዳንት ጋር በመመካከር ይቀጥራል። በየሥራውም ደልድሎ ያሠራል።

- (d) he is found to have committed a disciplinary offense;
- (e) it is decided that he has become incompetent and inefficient in his career;
- (f) it is ascertained that he has breached the judicial code of conduct.

24. Disciplinary Matters, Rights and Duties of Kadis

The Regional Judicial Administration Commission Establishment Proclamation shall apply to matters concerning disciplinary measures, salary, promotion and transfer of Kadis.

25. Conditions of Suspension

- 1) The chairman of the judicial Administration Commission may suspend a Kadi from his office if he thinks that the continued assumption of office by such a Kadi would be contrary to public interest.
- 2) The chairman of the Judicial Administration Commission shall within one month of the date of suspension submit the case to the commission.

26. Budget

The budget of the courts of Sharia shall be drawn from budget to be allocated by the Regional State of Oromia and assistance from other sources.

PART FIVE

The Chief Kadi, the Deputy Chief Kadi, and the Heads

27. Powers and Duties of the Chief Kadi

- 1) The Chief Kadi shall be the superior authority in administering the Courts of Sharia and may preside over any division of the Supreme Court of Sharia.
- 2) Without prejudice to the generality stated under Sub-Article (1) of this Article, the Chief Kadi shall:
  - (a) prepare and submit the organizational structure of the courts of Sharia to the president of the Supreme Court of Oromia and implement same upon approval;
  - (b) Place newly appointed Kadis in the Regional Courts of Sharia.
  - (c) in consultation with the president of the Regional Supreme Court hire other personnel necessary for the function of the Sharia Courts, and give job placement to same;

- (d) Hojii Manneen Murtii Shari'aatiin hojjetame Prezidaantii Mana Murtii Waliigala Oromiyaatiif gabaasa ni dhiheessa.
- (e) Karoora fi baajata Manneen Murtii Shari'aa akka qopheesse Prezidaantii Mana Murtii Waliigalaaf ni dhiheessa. yeroo hayyama muttis hojiirra ni oolcha.
- (f) Manneen Murtii Shari'aa bakka bu'a Ibsaa ni kenna.

28. Aangoo fi Ga'ee Hojii, Itti Aanaa Qaadii Muummichaa
- 1) Hojiiwwan qaadii muummichaatiin qajeelfamaniif ni raawwata.
  - 2) Yeroo inni hin jirretti bakka isaa bu'ee ni hojjeta

29. Aangoo fi Ga'ee Hojii Hoggaantoota
- 1) Manneen Murtii isaanii bakka ni bu'u;
  - 2) Akkaataa qajeelfama duree qaadii irraa kennamuun hojii manneen Murtii isaanii ni ogganu. Hojjetoota ni bulchu;
  - 3) Waa'ee raawwannaa hojii isaanii mana Murtii Shari'aa sadarkaa itti aanu irratti argamuuf gabaasa ni dhiheessu;
  - 4) Hojiiwwan biroo seeraan kennamuuf ni raawwatu.

**KUTAA JAHA TUMAALIE ADDA ADDAA**

30. Murtii fi Ajaja Manneen Murtii Shari'aa
- 1) Manneen Murtii Shari'aa sadarkaa kamiyyuu irratti argaman dhimmoota aangoo isaanii ta'an irratti murtiwwanii fi ajajni kennan qaama ilaaluun akka raawwataman ajajuu ni danda'u.
  - 2) Qaamotnii fi namootni dhuunfaa ajajni manneen murtii shari'aa isaan ga'e akkaataa ajajichaatti raawwachuufis ta'e raawwachiisuuf dirqama ni qabu.

31. Dhimmoota Ilaalamaa Jiran
- Labsiin kun hojiirra utuu hin ooliin duratti dhimmootni manneen murtii shari'aatiin ilaalamaa jiran akkaataa seera kanarratti tumameen manneen murtii shari'aa aangoo qabanitti naanna'anii ni ilaalamu.

32. Seerota Haqaman
- Labsii kana kan faallessu seerri kamiyyuu dhimmoota lab sii kanaan hammataman irratti raawwatama hin qabaatu.

33. Yeroo Labsichi Hojiirra Oolu
- Labsiin kun Bitootessa gyyaa 25 bara 1994 irraa eegalee kan hojiirra oolu ni ta'a.

Juneyidii Saaddoo  
Prezidaantii Bulchiinsa  
Mootummaa Naannoo Oromiyaa

- (መ) የሽሪግ ፍርድ ቤቶች ስለ ከናወረቱ ሥራዎች ለክልሉ ጠቅላይ ፍርድ ቤት ፕሬዚዳንት ሪፖርት ያቀርባል።
- (ሠ) የፍርድ ቤቶችን ዕቅድና በጀት አዘጋጅቶ ለክልሉ ጠቅላይ ፍርድ ቤት ፕሬዚዳንት ያቀርባል፤ ሲፈቀድለትም ሥራ ላይ ያውላል።
- (ረ) የሽሪግ ፍርድ ቤቶችን ይወካል፤ መግለጫዎችን ይሰጣል።

**፳፰. የምክትል ዋና ቃዲው ሥልጣንና ተግባር**

- ፩) በዋና ቃዲው የሚመሩለትን ጉዳዮች ያከናውናል።
- ፪) ዋናው ቃዲ በማይኖርበት ጊዜ ዋናውን ቃዲ ተክቶ ይሠራል።

**፳፱. የተጠሪዎች ሥልጣንና ተግባር**

- ፩) ፍርድ ቤቶቻቸውን ይወክላሉ።
- ፪) ዋናው ቃዲ በሚሰጠው መመሪያ መሠረት የፍርድ ቤቱን ሥራ ይመራሉ። ሠራተኞች ያስተዳድራሉ።
- ፫) ስለሥራቸው ክንውን በሚቀጥለው እርከን ለሚገኘው ሽሪግ ፍርድ ቤት ሪፖርት ያቀርባሉ። ሌሎች በሕግ የሚላጣቸውን ተግባራት ያከናውናሉ። ክፍል ስድስት

**፷. የሽሪግ ፍርድ ቤቶች ውሳኔዎችና ትዕዛዞች**

- ፩) በማናቸውም ደረጃ የሚገኙ ሽሪግ ፍርድ ቤቶች በሥልጣን ክልላቸው በሚሸፈኑ ጉዳዮች ላይ የሚሰጧቸውን ውሳኔዎችና ትዕዛዞች አስፈጻሚ ያድርጋሉ።
- ፪) የሽሪግ ፍርድ ቤት ትዕዛዝ የደረሰባቸው አስፈጻሚ አካላትም ሆነ ግለሰቦች በትዕዛዙ መሠረት የመፈጸም ሆነ የማስፈጸም ግዴታ አላባቸው።

- ፷፩. በመታየት ላይ ስላሉ ጉዳዮች ይህ አዋጅ ከመጽናቱ በፊት በክልሉ ሽሪግ ፍርድ ቤቶች በመታየት ላይ ያሉ ጉዳዮች በዚህ አዋጅ በተደነገገው መሠረት ሥልጣን ወዳላቸው ሽሪግ ፍርድ ቤቶች ተዛውረው ይታያሉ።

- ፷፪. የተሻሩ ሕጎች ይህን አዋጅ የሚቃረን ማናቸውም ሕግ በዚህ አዋጅ የተሸፈኑ ጉዳዮችን በሚመለከት ተፈጻሚነት አይኖረውም።

- ፷፫. አዋጁ የሚፀናበት ጊዜ ይህ አዋጅ ከመጋቢት ፳፭ ቀን ፲፱፻፺፬ ጀምሮ የፀና ይሆናል።
- ጁንያዲ ላይ  
የኦሮሚያ ብሔራዊ ክልላዊ መንግሥት  
ፕሬዚዳንት

- (d) submit a report to the president of the Supreme Court of Oromia as to the performance of the Courts of Sharia;
- (e) prepare and submit to the president of the Supreme Court of Oromia as to the work plan and budget of the courts of Sharia and implement same upon approval,
- (f) attend necessary events and give statements on behalf of the courts of Sharia.

**28. Powers and Duties of the Deputy Chief Kadi**

The Deputy Cheif of Kadi shall:

- 1) perform functions referred to him by the Chief Kadi;
- 2) act in the Chief Kadis stead where he is absent;

**29. Powers and Duties of the Heads**

The respective Heads of the High Court District Court of Sharia shall

- 1) represent their respectives;
- 2) direct the functions of the court and administer personels thereof in accordance with directives rendered by the Chief Kadi;
- 3) Submit reports of their activities to the next higher Courts of Sharia in hierarchy.
- 4) Performs such other functions as may be given to them by law.

**PAKT SIX Miscellaneous Provisions**

**30. Decisions and Orders of the Courts of Sharia**

- 1) The courts of all levels may order that decisions and orders given by them on matters under their jurisdiction be enforced by executive organs;
- 2) Any executive organ as well as individual who receive the decisions or order of any court of Sharia shall executive or cause the execute the execution of same.

**31. Pending Cases**

Cases pending in the Regional Courts of Sharia prior to the coming into force of this Proclamation, shall be transferred to the Courts of Sharia having jurisdiction pursuant to the provisions of this Proclamation.

**32. Repealed Laws**

No law inconsistent with this proclamation shall be applicable to matter provide for in this Proclamation.

**33. Effective Date**

This Proclamation shall come in to force as of the 3<sup>rd</sup> day of April 2002.

Juneydi Saddo  
President of the Oromia Regional State