



DAWLADDA DEEGAANKA SOOMAALIDA
DHOOL GAZETA
Somali Regional State
የሶማሌ ክልላዊ መንግሥት

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BAYAAN TIRSI 190/2012

Bayaanka Dib U Aasasida Maxkamadaha Shareecada Deegaanka

Maadaama farqada 5aad ee Qodobkaobka 34 ee Dastuurka dib loo habeeyay ee Deegaanka Soomaalidu uu dhigayo in doodaha ka yimaada arimaha qoyska iyo ta shakhsiba lagu xaliyo xeerka dhaqanka ama diinta.

Maadaama, Maxkamadaha Shareecada oo soo jiray mudo ka badan nusqarni oo aan isbadalin qaab-dhismeedna aan loo samaynin ayaa waxaa lagama maarmaan noqotay in dib loo aas-aaso, iyadoo laga anba qaadayo Qodobada Dastuurka dib loo habeeyay, kuwaa soo sheegaya in dib loo habeeyo Maxkamadaha dhaqanka iyo Diinta ee horey u jiray, helayna aqoonsi dawladeed ka hor inta aan Dastuurka la ansixinin iyada oo asaas looga dhigayo aqoonsiga uu siinayo Dastuurku.

Maadaama ay lagama maarmaan noqotay in la helo guddi u madaxbanaan maamulka qaadiyada shareecada.

Maadaama dadwaynaha deegaankeenu uu yahay umad muslim ah oo doodaha laxidhiidha Guurka, Xuquuqda qoyska iyo ta shakhsigaba ku xaliya shareecada, si loo helo hay'ad u qaabilsan xalinta doodahaas ayay laga maarmaan noqotay in deegaanka laga aasaaso Maxkamadaha shareecada.

አዋጅ ቁጥር 190/2012

የክልሉ የሽሪዓ ፍ/ቤቶችን እንደገና ለማቋቋም የወጣ አዋጅ

በተሻሻለው የሶማሌ ክልል ሕገ-መንግሥት አንቀጽ 34 ንዑስ አንቀጽ 5 መሠረት የግልና የቤተሰብ ጉዳዮች ተከራካሪ ወገኖች ፈቃድ በሃይማኖታዊ ወይም በባህላዊ ሕግ መሠረት መዳኘት የሚቻል በመሆኑ፤

ከሕገ-መንግሥቱ መጽደቅ በፊት በሥራ ላይ የነበሩና የመንግሥት ዕውቅና የነበራቸው ሃይማኖታዊና ባሕላዊ የፍርድ አካላት ሕገ-መንግሥቱ በሰጣቸው ዕውቅና መሠረት በአዲስ መልክ ሊደራጁ እንደሚችሉ በህገ-መንግሥቱ የተደነገገ በመሆኑ ከእነዚህ ሃይማኖታዊና ባሕላዊ የፍርድ አካላት ውስጥ አንዳቸውም የማሻሻያ ለውጥ ሳይደረግላቸው ባለበት ሁኔታ ለዘመናት በሥራ ላይ እንዲቆዩ የተደረጉትን የሽሪዓ ፍርድ ቤቶችን አቋም በአዲስ መልክ አጠናክሮ ማደራጀት አስፈላጊ ሆኖ በመገኘቱ፤፤

የሽሪዓ ፍርድ ቤቶች ቃዲዎች የሚያስተዳድሩ ራሱን የቻለ የአስተዳደር ጉባኤ ማደራጀት አስፈላጊ ሆኖ በመገኘቱ፤፤

የክልሉ ነዋሪዎች የእስልምና ሃይማኖት ተካተዮች በመሆናቸው የግልና የቤተሰብ ጉዳዮችን የሚመለከቱ ክርክሮች በሽሪዓ ህግ መሠረት የሚዳኙ በመሆናቸው ይህም የሚመራ ራሱ የቻለ ተቋም እንዲኖር ለማድረግ የሽሪዓ ፍርድ ቤቶች በክልሉ ውስጥ ማቋቋም አስፈላጊ ሆኖ በመገኘቱ፡፡

PROCLAMATION NO. 190/2020

A PROCLAMATION TO REESTABLISH SOMALI REGIONAL STATE COURTS OF SHARIA

WHEREAS, pursuant to Sub-Article (5) of Article 34 of the Revised Constitution of the Somali Region, disputes arising in relation to marriage, personal and family rights are to be adjudicated in accordance with religious or customary laws;

WHEREAS, Courts of Sharia, which have been in existence for more than half a century and been left to remain without any structural changes, need to be consolidated pursuant to the provisions of the Constitution that religious and customary courts, which functioned and had state recognition prior to the adoption of the Constitution, may be organized a new, on the basis of recognition accorded to them by the Constitution;

WHEREAS, it is found essential to have kadi administration commission that freely direct the administration of kadis of courts of sharia;

WHEREAS, the people in the regional state believes Islamic religion, Whereby they adjudicate disputes arising in relation to marriage, personal and family rights in sharia law and it is found essential to establish court of sharia which is mandated for adjudication of such disputes.

Hadaba Golaha Xildhibaanada ee Deegaanku wuxuu hab wafaaqsan Qodobka .49(3, B) ee Dastuurka dib loo habeeyay ee Deegaanka bayaaminayaa sidan soo socota:

QAYBTA KOOBAD

GUUD AHAAN

1:-Ciiwaan Gaaban

Bayaan kan waxaa loogu yeedhi karaa "Bayaanka dib u aas-aasida maxkamadaha shareecada ee DDS Bayaan Tirsi 190/2012"

2 :-Oeexid

Bayaan ka dhexdiisa hadii eraygu weedha uu ku jiro macno kale u yeelin :

1. "Qaadi" waxaa loola jeedaa garsooraha lagu magacaabay heerarka kala duwan ee maxkamadaha shareecada.
2. "Gudoomiye" waxaa loola jeedaa Gudoomiyaha Maxkamada Guud ee Shareecada deeganka.
3. "Gudoomiye ku xigeen" Waxaa loola jedaa Gudoomiye Kuxigeenka Maxkamada Guud ee Shareecada Deeganka.
4. **Maxkamadaha Shareecada Deegaanka** waxa loola jeedaa maxkamadaha shareecada ee degmooyinka, gobolada, iyo tan guud ee shareecada.
5. "Habka Xeerka Madaniga" waxaa loola jeedaa xeerka habka madaniga ee soo baxay 1957 iyo wixii danbe ee isbedel ah ee lagu sameeyo iyo Habka Madaniga ee shareecada Islaamka.
6. "Gudiga Maamulka Qaadiyada Maxkamadaha Shareecada" waxaa loola jeedaa gudiga maamulka Qaadiyada ee maxkamadaha shareecada ee lagu aasaasay bayaan kan gudahiisa.

የሱማሌ ክልል ምክር ቤት በተሻሻለው የክልሉ ህገ-መንግሥት አንቀጽ 49 (3 ሀ) መሠረት የሚከተለውን አውጇል፡፡

ክፍል አንድ

ጠቅላላ

1. አጭር ርዕስ

ይህ አዋጅ « የሱማሌ ክልላዊ መንግሥት የሽሪዓ ፍርድ ቤቶችን እንደገና ለማቋቋም የወጣ አዋጅ ቁጥር «190/2012» ተብሎ ሊጠቀስ ይችላል፡፡

2. ትርጓሜ

የቃሉ አግባብ ሌላ ትረጉም የሚያስጠው ካልሆነ በስተቀር በዚህ አዋጅ ውስጥ፡

1. «ቃዲ» ማለት በክልሉ ሽሪዓ ፍርድ ቤቶች ውስጥ በየትኛውም ደረጃ ተመድቦ የሚሠራ ቃዲ ነው፡፡
2. «ፕሬዚዳንት» ማለት የክልሉ ጠቅላይ ሽሪዓ ፍርድ ቤት ፕሬዝዳንት ነው፡፡
3. «ምክትል ፕሬዚዳንት» ማለት የክልሉ ጠቅላይ ሽሪዓ ፍርድ ቤት ምክትል ፕሬዝዳንት ነው፡፡
4. «የሽሪዓ ፍርድ ቤቶች» ማለት የወረዳ፣ የከፍተኛ እና የጠቅላይ ሽሪዓ ፍርድ ቤቶች ናቸው፡፡
5. «የፍትሕ ብሔር ሥነ ሥርዓት ሕጎች» ማለት በ 1957 ዓ.ም የወጣውን የኢትዮጵያ የፍትሕ ብሔር ሥነ ሥርዓት ሕግና እርሱን ለማሻሻል በየጊዜው የወጡና ወደፊትም የሚወጡትንና የሽሪዓ የፍትሕ-ብሔር ሥነ ሥርዓት ሕግን ይጨምራል፡፡
6. «የሽሪዓ ፍርድ ቤቶች ቃዲዎች አስተዳደር ጉባኤ» ማለት በዚህ አዋጅ መሠረት የተቋቋመው የቃዲዎች አስተዳደር ጉባኤ ነው፡፡

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

PART ONE

GENERAL

1:- Short Title

This Proclamation may be cited as the "proclamation to provide for the Re-establishment of Courts of Sharia of Somali Regional State Proclamation No. 190/2020."

2. Definitions

Unless the context requires otherwise, In this Proclamation:

- 1) "Kadi" means a judge appointed and sitting at any level of Courts of Sharia;
- 2) "President" means president of the Regional state Supreme Court of Sharia;
- 3) "vice president" means vice president of the Regional state Supreme Court of Sharia.
- 4) "state Courts of Sharia" include woreda, zonal and Supreme Courts of Sharia;
- 5) "Civil Procedure laws" means the civil procedure Code of 1965 and include any Amendments made thereto as well as Islamic sharia Civil Procedure code.
- 6) "sharia Courts kadi Administration Commission" means the sharia courts kadi's Administration Commission established under this proclamation.

7. “**Boodh**” waxa loola jeeda Gudiga xulushada & magacabista Gudoomiyaha iyo ku xigeenka Maxkamada guud ee shareecada ee lagu asaasay Bayaankani..

8. “**Deegaan**” waxaa loola jedaa deegaanka soomalida.

9. “**Dastuur**” waxaa loola jeeda Dastuurka dib loo habeeyay ee Dawladda Deeganka Somalida.

3. As-Aasida

Waxaa Halkan lagu Aas-aasay Maxkamadaha Kala ah :

- 1. Maxkamada Guud ee shareecada DDS
- 2. Maxkamada sare ee shareecada Gobollada
- 3. Maxkamada shareecada ee Degmooyinka
- 4. Waxaa kaloo Bayaankan lagu aas-aasay Gudiga Maamulka Qaadiyada Maxkamadaha shareecada DDS.
- 5. Gudiga Maamulka Qaadiyada ee lagu aas –aasay Qodobkan, wuxuu ka koobanyahay 11 xubnood.

QAYBTA LABAAD

AWOOD GARSOORKA GUUD EE MAXKAMADAHAA SHAREECADA

4:- Awoodaha wadareed ee maxkamadaha shareecada

- 1. Maxkamadaha shareecadu waxay awood garsoor guud u leeyihiin arimahan soo socoda:
 - (b). Su’aal kasta oo ku saabsan Guur, Masaariif, iyo arimaha ka kaca arimaha qoyska iyo xanaanaynta ilmaha marka guurka su’aashu ka taagan tahay uu yahay mid ku dhismay shareecada islaamka ama dhinacyada isku haya ay ku heshiiyaan.
 - (t). Su’aal kasta oo ku saabsan waqfi, Hibayn (siismo), Sugida Nasabka iyo Dardaaranada.
 - (j) Su’aalkasta oo ku saabsan arrimaha Dhaxalka marka labada dhinac yihiin Muslimiin iyo cidkasta oo codsata in arintooda lagu dhameeyo shareecada Islamka.

7. «**ቦርድ**» ማለት በዚህ አዋጅ መሠረት የተቋቋመው የክልሉ ጠቅላይ ሸሪዕ ፍርድ ቤት ፕሬዚዳንትና ምክትል ፕሬዚዳንት ምልመላና ሹመት የማፅደቅ ሥልጣን የተሰጠው አካል ነው።

8. «**ክልል**» ማለት የሱማሌ ክልል ነው።

9. «**ህገ-መንግሥት**» ማለት የተሻሻለው የሱማሌ ክልላዊ መንግሥት ህገ-መንግሥት ነው።

3. ሰለመቋቋም

በዚህ አዋጅ መሠረት የሚከተለው የሸሪዕ ፍርድ

ቤቶች ተቋቋመዋል፡-

- 1. የክልሉ የጠቅላይ ሸሪዕ ፍርድ ቤት
- 2. የዞን የከፍተኛ የሸሪዕ ፍርድ ቤቶች
- 3. የወረዳ ሸሪዕ ፍርድ ቤቶች ናቸው፤
- 4. የሱማሌ ክልል የሸሪዕ ፍርድ ቤቶች ቃዲዎች አስተዳደር ጉባኤ በዚህ አዋጅ መሠረት ተቋቋሟል፤
- 5. በዚህ አዋጅ መሠረት የተቋቋመው የቃዲዎች አስተዳደር ጉባኤ አሥራ አንድ አባላት ይኖሩታል።

ክፍል ሁለት

ሰለፍርድ ቤቶች የወል የዳኝነት ሥልጣን

4. ሰለሸሪዕ ፍርድ ቤቶች የወል የዳኝነት ሥልጣን

1. የክልሉ ሸሪዕ ፍርድ ቤቶች ከዚህ በታች በተመለከቱት ጉዳዮች ላይ የወል የዳኝነት ሥልጣን ይኖራቸዋል፡-

- ሀ/ ማናቸውም የጋብቻ፣ የፍቺና የንብረት ክፍፍል፣ የቀለብ አወሳሰን፣ አካለ መጠን ያልደረሱ ህጻናት ሞግዚትነት በቤተሰብ ተዛምዶ ላይ የሚነሱ ጉዳዮች አስመልክቶ ጥያቄ ያስከተለው ጋብቻ በእስልምና ሃይማኖት ሥርዓት መሠረት የተፈፀመ የሆነ እንደሆነ፤
- ለ/ የወቅፍ፣ የስጦታ (ሂባ)፣ ወይም የውርስ ወይም የጉዛዜ ጉዳዮችን በተመለከተ
- ሐ/ አውራጅ ወይም ስጦታ አድራጊው ወይም ተናዛዥ ሙስሊም የሆነ እንደሆነ ወይም ሟች በሞተበት ሰዓት ሙስሊም ሆኖ የሞተ እንደሆነ፤

7. “**Board**” means the organ established for the selection and appointment of President and vice president of Supreme Court of Sharia under this proclamation.

8. “**Region**” means Somali Region.

9. “**Constitution**” means the Revised Constitution of Somali Regional State.

3. Establishment

The:

- 1. Regional State Supreme Court of Sharia,
- 2. Zonal High Court of Sharia,
- 3. woreda court of sharia are hereby established,
- 4. Under this proclamation also Somali regional state kadi’s Administration Commission of sharia courts is hereby established.
- 5. The kadi Administration Commission established hereof shall comprise of 11 members.

PART TWO

COMMON JURISDICTION OF COURTS OF SHARIA

4. Common Jurisdiction of Courts of Sharia

- 1. state Courts of Sharia shall have common jurisdiction over the following matters:
 - a) any question regarding marriage, divorce, maintenance, guardianship of minors and family relationships; provided that the marriage to which the question relates was concluded, or the parties have consented to be adjudicated in accordance with Islamic law;
 - b) any question regarding Wakf, gift/Hiba/, succession of wills;
 - c) any question regarding succession provided that the endower or donor is a Muslim and any parties requested that their matter to be adjudicated in accordance with Islamic law;

(x) Su'aal kasta oo ku saabsan bixinta kharashyada ku yimida dacwad kasta oo la xidhiidha arimaha kor ku xusan sida kharshka doonista xoolaha la bixiyo marka gabadha la guursanayo iyo Xoolaha yaradka ah

2. Maxkamadu waxa ay awood garsoor u yeelan arimaha sare lagu xusay ,marka sida uu qeexayo Dastuurka Dalka Qodobkisa 34^{aad} ee tirsigiisa 5^{aad} ay dhinacyadu si cad ugu heshiiyaan in arintooda lagu garsooro shareecada islaamka.

3. Iyada oo Qodobka sare sidiisa yahay waxaa laga soo qaadi hadii yeedhitaanka dhinaca ladacwaynayo si haboon loo gaadhsiiyay islamarkaana uuna ka keenin wax diidmo ah in uu raali kayahay in arintiisa lagu xaliyo shareecada.

5:-Sharciga As-Aasiga Ah ee Maxkamadha Shareecadu Dhaqangalinayaan

1. Maxkamadaha shareecada deegaanku waa in ay dacwadaha ay awood garsoorka u leeyihiin ku xaliyaan shareecada islaamka.

2. Sigeedi socodka dacwadaha si haboon ugu socdaan, maxkamaduhu waxay adeegsan karaan Habka Xeerka madaniga ee dhaqan galka ah, haduusan khilaafin shareecada.

3. Haday iskhilaafaan Habka xeerka Madaniga iyo shareecadu waxaa la racayaa Shareecada.

6: Awood Garsoorka Maxkamada Guud Ee Shareecada

1. Maxkamada guud ee shareecada deegaanku waxay awood garsoor u leedahay arrimahan soo socda :

(b). Go'aanka ay maxkamada sare ee shareecadu ku gaadho heer bilow ah ee racfaanka laga qaatay.

(t) Go'aamada ay maxkamada sare ee shareecadu gaadho kuna eegtay awood racfaan iyadoo badalaysa Go'aanka Maxkamada Degmada.

oo/ ay qaybtood haysa. Ninko Ninko oo ku qaybsan ay qaybtood haysa. Ninko Ninko oo ku qaybsan ay qaybtood haysa.

2. Ninko oo ku qaybsan ay qaybtood haysa. Ninko Ninko oo ku qaybsan ay qaybtood haysa.

3. Ninko oo ku qaybsan ay qaybtood haysa. Ninko Ninko oo ku qaybsan ay qaybtood haysa.

5. Qaybtood haysa

1. Ninko oo ku qaybsan ay qaybtood haysa. Ninko Ninko oo ku qaybsan ay qaybtood haysa.

2. Ninko oo ku qaybsan ay qaybtood haysa. Ninko Ninko oo ku qaybsan ay qaybtood haysa.

3. Ninko oo ku qaybsan ay qaybtood haysa. Ninko Ninko oo ku qaybsan ay qaybtood haysa.

6. Qaybtood haysa

1. Ninko oo ku qaybsan ay qaybtood haysa. Ninko Ninko oo ku qaybsan ay qaybtood haysa.

U/ Ninko oo ku qaybsan ay qaybtood haysa. Ninko Ninko oo ku qaybsan ay qaybtood haysa.

N/ Ninko oo ku qaybsan ay qaybtood haysa. Ninko Ninko oo ku qaybsan ay qaybtood haysa.

d) Any question regarding payment of costs incurred in any suit relating to the aforementioned matters such as cost of dowry.

2. The courts shall have jurisdiction over the aforementioned matters only where, Pursuant to the provisions of Article 34 Sub Article (5) of the Constitution, the parties thereof have expressly consented to be adjudicated under Islamic law.

3. Where a party properly served with summons, and, does not confirm his objection or consent by appearing before the registrar of the court, he shall be presumed not to have objected.

5. Laws to be applied

1. State Courts of Sharia shall adjudicate cases under their jurisdiction in accordance with Islamic sharia Law.

2. In conducting proceedings properly, the courts shall apply the civil procedure laws in force provided that it is not contravenes the Islamic sharia.

3. If the Civil procedure code and sharia law contradicts, then the sharia shall prevail.

6. Jurisdiction of the Regional Supreme Court of Sharia

1. The Regional Supreme Court of Sharia shall have jurisdiction over:

a) decisions of the Zonal High Court of Sharia rendered in its first instance jurisdiction;

b) Decisions of the state High Court of Sharia rendered in its appellate jurisdiction in variation of the decision of the woreda court.

(j) Maxkamada Guud ee shareecadu waxay leedahay awood dib u eegis oo ay ku eegto go'aamada kama dambeysta ah ee ay gadho Maxkamada Guud iyo Maxkamada sare ee khaladad shareeco oo aas-aasi ah leh waana kama dambeys go'aankaas dib u eegista ihi.

(x). Inay wareejiso codsiyada ku saabsan dacwad ka socota Maxkamad sare oo shareeco una wareejiso maxkamada sare oo shareeco oo gobal kale ah .

2. Bixinta shahaadada Guurka iyo furiinka laguna bixiyo hab wafaaqsan shareecada

7:- Awood Garsoorka Maxkamada Sare ee Shareecada

1. Maxkamada sare ee shareecada gobolku waxay awood garsoor heerka kawbaad ah u leedahay dacwadaha ku tacalluqa kharashka lacageed ee ka badan afar boqol oo kun (400,000.00)
2. Maxkamada sare ee shareecada gobolku waxay awood racfan u leedahay go'aanada ay gaadhan maxkamadaha degmooyinku.
3. Waxay awood garsoor u leedahay codsiyada ku saabsan dacwada ka socota maxkamada degmada in ay u gudbisoo /wareejiso/ maxkamad kale oo heer dagmo ah.

8:- Awooda Garsoorka Maxkamada Degmada

Maxkamada degmada ee shareecadu waxay awood garsoor u yeelanaysaa arrimaha ku tacaluqa kharashka aan ka badnayn 400,000.00(afar boqol oo kun oo birr) ama arimaha aan qiimahooda lagu cayimi karin lacag ahaan. Sida cadaynta dhaxlaha ama dhaxlayaasha iyo Cadaymaha dhimashada.

ሐ/ የሽሪዓ ጠቅላይ ፍ/ቤት፣ የጠቅላይ ፍ/ቤትና ከፍተኛ ፍ/ቤት ችሎት መካከል መሠረታዊ የሆነ የሽሪዓ ሕግ ስህተት ያለባቸው ጉዳዮች ሲነሱ ጉዳዩን በሰበር የማየት ሥልጣን ይኖረዋል፤ ፍ/ቤቱ የሚሰጠው ውሳኔም የመጨረሻ ውሳኔ ይሆናል፤

መ/ አንድን ጉዳይ ከአንድ የከፍተኛ ሽሪዓ ፍ/ቤት ወደ ሌላ ከፍተኛ ሽሪዓ ፍ/ቤት ተዘዋውሮ እንዲታይ የሚቀርብን ጥያቄ ለማየት ሥልጣን ይኖረዋል፤

2. በማንኛውም የእርከን ደረጃ የሚገኙ የሽሪዓ ፍ/ቤቶች የጋብቻና የፍች ማረጋገጫ ማስረጃ የመስጠት ሥልጣን አላቸው፡፡

7. የሽሪዓ ከፍተኛ ፍርድ ቤት የዳኝነት ሥልጣን

1. ግምታቸው ከብር እስከ 400,000 (አራት መቶ ሺ ብር) በሚደርስ ጉዳዮች ላይ የመጀመሪያ ደረጃ የዳኝነት ሥልጣን ይኖረዋል፤
2. የወረዳ ሽሪዓ ፍርድ ቤት የወሰነውን ውሳኔ በይግባኝ የማየት ሥልጣን ይኖረዋል፤
3. አንድን ጉዳይ ከአንድ የወረዳ ሽሪዓ ፍርድ ቤት ወደ ሌላ የወረዳ ሽሪዓ ፍርድ ቤት ወይም ወደ ራሱ እንዲዛወር የሚቀርብን ጉዳይ የማየት ሥልጣን ይኖረዋል፤

8. የወረዳ ሽሪዓ ፍርድ ቤት የዳኝነት ሥልጣን

የወረዳ ሽሪዓ ፍርድ ቤት ግምታቸው እስከ ብር 400,000 (አራት መቶ ሺ ብር) የሚሆኑ ጉዳዮች ወይም በገንዘብ ሊተመን በማይችሉ ጉዳዮች እንደ የውርስና የሞት ማስረጃ ላይ የመጀመሪያ ደረጃ የዳኝነት ሥልጣን ይኖረዋል፤

c) the Regional Supreme Court of Sharia shall have jurisdiction shall have the power of cassation over final decisions of the regular division of the Regional Supreme Court and final decisions of the zonal High Court where they contain fundamental error of sharia law and its decision shall be final.

d) It shall have jurisdiction over applications for change of venue from one zonal high Court of Sharia to another or to itself.

2. In accordance with sharia law shall issue certificate of marriage and divorce.

7. Jurisdiction of the High Court of Sharia

1. The Zonal High Court of Sharia shall have first instance jurisdiction over cases involving an amount in excess of Birr Four hundred thousand (400,000).
2. The Zonal High Court of Sharia shall have appellate jurisdiction over decisions of the woreda's Court of Sharia.
3. It shall have jurisdiction over applications for change of venue from one woreda Court of Sharia to another.

8. Jurisdiction of the woreda Court of Sharia

The woreda Court of Sharia shall have jurisdiction over cases involving an amount not in excess of Birr 400,000 (Birr Four hundred thousand) or cases the value of which cannot be expressed in money. Such as certificate of successor or death as the case may be.

9:- **Ka Go'aan Gaadhida Iyo**

Xaqujinta Awood Garsoorka

1. Marka dhinac uu keensado maxkamada shareecada dacwad, waa in ay maxkamadu xaqijisaa in dacwada loo keensaday ay tahay mid waafaqsan awood garsoorkeeda Guud ee lagu sheegay Qodobka 4^{aad} ee Bayaankan.
2. Sinaba looguma wareejin karo maxkamadaha caadiga ah dacwad hor- timid maxkamada shareecada oo ay awood garsoor ku yeelatay sida uu qabo Qodobka 4aad ee bayaankan.Sidoo kale dacwad hortaala Maxkamadaha caadiga ah laguma wareejin karo Maxkamada shareecada.

10:- **Quudhsi Maxkamadeed**

Qof kasta oo muujiya ficil aan haboonayn siday doontaba ha ahaa tee marka ay socoto dacwadu ama qofku ka baaqsado in uu fuliyo amarada maxkamada iyada oo uusan sabab macquul ah haysan waxaa lagu ganaxayaa xadhig gaadhaya bil illaa lix bilood inta u dhaxaysa ama ganaax lacageed oo dhan 1000 ilaa 3.000 (kun ilaa sedex kun oo Birr)

QAYBTA SEDEXAAD

Qaab-Dhismeedka Maxkamdaha Shareecada Ee Deegaanka & Habka Shaqo Ee Maxkamadaha

11:- **Garsoorvasha Iyo Shaqalaha Maxkamada**

1. Maxkamada Guud waxay yeelanaysaa , Gudoomiye , gudoomiye ku –xigeen, Garsoorayaal hadba inta loo baahdo , K/Garsoore , Rejistaralo , K/Rejisatral .& waaxaha kale ee ay Maxkamadu u baahantahay .

9. **ሰለፍርድ ቤቱ የዳኝነት ሥልጣን ስለመወሰን**

1. አንድ ወገን ለሽሪዓው ፍርድ ቤት እንዲታይ ጉዳዮች ሲያቀርቡ ፍርድ ቤቱ ጉዳዩ በዚህ አዋጅ አንቀጽ 4 ሥር የተደነገገው የሥልጣን ክልል መሠረት መሆኑን ማረጋገጥ አለበት፤
2. በዚህ አዋጅ አንቀጽ 4 መሠረት 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 አይቻልም፡፡

10. **ፍርድ ቤትን ስለመድፈር**

ማንኛውም ሰው የፍርድ ሥራ በሚከናወንበት ጊዜ በማናቸውም ዓይነት መንገድ የችሎት መድፈር ተግባር የፈጸመ ወይም ያለበቂ ምክንያት የችሎቱን ትዕዛዝ ያላከበረ እንደሆነ ከአንድ ወር እስከ 6 ወር በሚደርስ እስራት ወይም ከ1000 ብር እስከ 3000 ብር በሚደርስ የገንዘብ መቀጮ ይቀጣል፡፡

ክፍል ሦስት

ሽሪዓ ፍርድ ቤቶች አደረጃጀትና የዳኝነት ሥራ አካሄድ

11. **የጠቅላይ ሽሪዓ ፍርድ ቤት ዳኞችና ሌሎች ሠራተኞች**

1. ጠቅላይ ሽሪዓ ፍርድ ቤት አንድ ፕሬዚዳንት፣ ምክትል ፕሬዚዳንት እንዲሁም ለሥራው አስፈላጊ የሆኑ ቃዲዎች፣ ረዳት ቃዲዎች፣ ፊጅስትራሮች፣ ረዳት ፊጅስትራሮችና ሌሎች የሥራ ክፍሎች ይኖሩታል፡፡

9. **Determination of jurisdiction**

1. Where a party brings a case before a court of Sharia, such court shall ensure whether the matter brought before it falls under its general jurisdiction stipulated in accordance with Article 4 hereof.
2. Under no circumstance 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.

10. **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 an order of the court shall be punishable with imprisonment of up to one month to six month or to a fine of 1000 up to Birr 3,000.00 (One thousand to Three thousand Birr).

PART THREE

STRUCTURE OF REGIONAL STATE COURTS OF SHARIA AND THE ADMINISTRATION OF JUSTICE

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

- 1) The Supreme Court of Sharia shall have a president, a Vice President, as well as the necessary Kadis and assistance kadi and registrars and assistance registrars and the personnel necessary for its function.

- 2. Maxkamada Sare & Maxkamada degmada, waxay yeelanayaan Gudoomiyayaal, Garsoorayaal k/Garsoore iyo kolba inta loobaahdo iyo Rejistralo iyo k/ Rejistaralo
- 3. Maxkamadaha shareecada deeganku waxay yeelanayaan shaqalaha taakulaynta si ay u sahlaan shaqada Maxkamadaha.

12 :- **Fadhiyada Maxkamadaha**

- 1. Waxaa fadhi walba oo maxkamadaha sare, iyo Maxkamada guud ee shareecada fadhiisan Garsoorayaal sedex ah.
- 2. Waxaa fadhi walba oo ka mid ah maxkamadaha shareecada degmooyinka hal qaadi.
- 3. Gudoomiyaha & Gudoomiye ku-xigeenka Maxkamada Guud ee shareecadu waxay hogaamin karaan fadhi kasta oo ay Maxkamada Guud leedahay, sidoo kale Gudoomiyaha Maxkamada sare wuxuu hogaamin karaa fadhi kasta oo ay maxkamada sare leedahay.

13 :- **Goobaha Fadhiyada**

- 1. Fadhiiga Joogtada ah ee Maxkamada Guud ee shareecadu, waa in uu noqdaa magaalo madaxda deegaanka.
- 2. Fadhiiga joogtada ah ee maxkamada sare ee Gobalku waa in uu noqdaa magaalo madaxd gobolada.
- 3. Fadhiiga joogtada ah ee Maxkamada degmadu wuxuu noqonayaa Magaalo madaxda degmada.
- 4. Maxkamadaha shareecadu heer kasta ha ahaatee haday u aragto muhiim waxay fadhi ka samayn kartaa goobaha ay awood garsoor u leedahay si cadalad deg deg ah loo helo.

- 2. የከፍተኛ ፍርድ ቤት እና የወረዳ ፍ/ቤት ፕሬዝዳንቶች፣ ቃዲዎች፣ ረዳት ቃዲዎችና ፊደራል-ኮርቶችን እንደ አስፈላጊነቱ ይኖራቸዋል።
- 3. የክልሉ የሽሪዓ ፍ/ቤቶች ሌሎች ድጋፍ ሰጪ ሠራተኞች ይኖረዋል።

12. **የሽሪዓ ፍርድ ቤቶች ችሎቶች**

- 1. የከፍተኛ ሽሪዓ ፍርድ ቤት እና ጠቅላይ ፍርድ ቤት ችሎቶች በሦስት ቃዲ ያስችላሉ።
- 2. የወረዳ ሽሪዓ ፍርድ ቤት ችሎቶች በአንድ ቃዲ ያስችላሉ።
- 3. የጠቅላይ ሽሪዓ ፍርድ ቤት ፕሬዝዳንትና ምክትል ፕሬዝዳንት የጠቅላይ ፍ/ቤቱን ችሎቶች በሰብሳቢነት ሊመሩ ይችላሉ፤ እንዲሁም የከፍተኛ ፍ/ቤት ፕሬዝዳንት የፍ/ቤቱን ችሎቶች ይመራል።

13. **የማስቻያ ሥፍራዎች**

- 1. የጠቅላይ ሽሪዓ ፍርድ ቤት መደበኛ የማስቻያ ሥፍራ የክልሉ ዋና ከተማ ውስጥ ይሆናል፤
- 2. የዞን ከፍተኛ የሽሪዓ ፍ/ቤት የማስቻያ ስፍራ የዞኖቹ ዋና ከተሞች ይሆናል፤
- 3. የወረዳ ሽሪዓ ፍርድ ቤቶች የማስቻያ ስፍራ የወረዳው ዋና ከተሞች ይሆናል፤
- 4. በየአርካቱ የሚገኙ የሽሪዓ ፍርድ ቤቶች በዳኝነት ሥልጣን ሥር በሚወድቁ አካባቢዎች የተፋጠነ ፍትህ ለመስጠት ተጨማሪ የማስቻያ ስፍራዎች ሊያደራጁ ይችላሉ።

- 2) The Zonal High Court and wordas Court of Sharia shall each have a head, representing the respective court, as well as Kadi and registrars necessary for their respective functions.
- 3) The Supreme courts of sharia shall have the personnel necessary for their respective functions.

12. **Divisions of Courts of Sharia**

- 1. There shall sit a presiding Kadi and two other Kadi in each division of the zonal High Court and of the Supreme Court of Sharia.
- 2. There shall sit a single Kadi in each division of the state worda Court of Sharia.
- 3. The president and vice president of Supreme Court of Sharia may preside over any division of the Supreme Court of Sharia, as well as president of zonal High Court may preside over any division of the zonal High Court.

13. **Place of sittings**

- 1. The state Supreme Court of sharia shall sit in capital city of regional state government.
- 2. The zonal high courts of sharia shall sit at the Zonal administrative centers.
- 3. The Woreda's courts of sharia shall sit at the Woredas administration centers.
- 4. A State Court of any level may, where it finds it necessary for the efficient rendering of justice, hold circuit hearings in any place within the Region or area designated for its jurisdiction.

14:- **Fadhi Aan Shan Garsoore Ka Yaravn**

- 1. Dacwadda waa in ay dhageystaan fadhi aan ka yaravn shan Garsoore marka :
- b) uu sidaas soo jeediyo Gudoomiyaha Maxkamada Guud ee shareecada ama ka timaada fadhi Maxkamada Guud ah .
- t) Dacwda lagu eegayo fadhi dib u eegis ah .

15:- **Habka Soo Dhaweynta Cabashada Dib –U eegista ah**

- 1. Go'aanka waxaa fadhi dib u eegis ah lagu eegi karaa marka uu fadhi ka kooban sadex Garsoore oo Maxkamada Guud ahi go'aamiyaan khalad shareeco oo aas-aasi ah in uu ku jiro go'aanka ayna soo jeediyaan in dib loo eego.
- 2. Codsaduhu waa in uu cabashadiisa ku soo faah-faahiyaa khaladadka shareeco ee aas-aasiga ah ee ku jira go'aanka dib loo eegayo .
- 3. Codsaduhu waa in uu arjiga cabashada soo racyaan nuqulka go'aanka loo eegayo iyo go'aankii Maxkamada hoose.
- 4. Codsiga dib u eegista , waa in Maxkamada Guud loo soo gudbiyaa mudo (90)maalmood gudahood ah laga bilaabo maalintii go'aanka kama dambaynta ah lagadhay.

16 : **Fadhi ka bixida Garsooraha**

- 1. Qaadi kasta waa in uu fadhiga ka baxo marka :
- b) dhinacyada ama qareenka ay xikto yihiin ama xidid yihiin ama dooda ay ku jiraan xaaskiisa ama xaas ay kala tageen ,ama dacwad la xidhiidha arin uu wakiil qareen ama ilaaliye ka ahaa .
- t) Dooda mar hore Garsooranimo ama Odaynimo uu ku galay ama :

14. **ከአምስት ያላነሱ ዳኞች ስለሚሰየሙበት ችሎት**

- 1. በሚከተሉት ጉዳዮች የሚመለከት ክርክሮች ከአምስት ዳኞች በማያንሱ ችሎት መዳኘት አለበት:-
 - ሀ). በጠቅላይ ሽሪዓ ፍርድ ቤት ፕሬዚዳንት አነሳሽነት ወይም በጠቅላይ ፍርድ ቤት ችሎት ሲጠየቅ፤
 - ለ). በሰበር ችሎት የሚታዩ ጉዳዮች፤

15. **የሰበር አቤቱታ አቀራረብ ሥነ-ሥርዓት**

- 1. አንድ ውሳኔ በጠቅላይ ሽሪዓ ፍርድ ቤት በሰበር የሚሰማው አስቀድሞ ሦስት የጠቅላይ ሽሪዓ ፍርድ ቤት ዳኞች የተሰየሙበት ችሎት ውሳኔው ለሰበር የሚያበቃ መሠረታዊ የሽሪዓ የህግ ስህተት አለበት ብሎ ሲወስን ነው፤
- 2. ጉዳዩ በሰበር እንዲታይለት የሚፈልግ አቤቱታ አቅራቢ ጉዳዩ መሠረታዊ የሽሪዓ የህግ ስህተት አለበት የሚልበትን ምክንያት በማመልከቻው ላይ በዝርዝር ጽፎ ማቅረብ አለበት፤
- 3. አቤት ባዩ ከማመልከቻው በተጨማሪ ይግባኝ የተባለበትን ውሳኔና የበታች ፍርድ ቤት ውሳኔ ቅጂዎች ማቅረብ አለበት፤
- 4. የሰበር ጥያቄ ማመልከቻ ለክልሉ ጠቅላይ ፍርድ ቤት መቅረብ የሚገባው የሰበር ጥያቄ በሚቀርብበት ጉዳይ ላይ የመጨረሻ ውሳኔ በተሰጠ በዘጠና ቀናት ውስጥ ይሆናል፡፡

16. **የቃዲዎች ከችሎት ስለመነሳት**

- 1. አንድ የሽሪዓ ፍርድ ቤት ቃዲ ከዚህ ቀጥሎ ከተመለከቱት ምክንያቶች በአንዱ ከችሎት ይነሳል:-
 - ሀ/ ከተከራካሪዎች ከአንደኛው ወገን ወይም ከጠበቃው ጋር የሥጋ ወይም የጋብቻ ዝምድና ያለው እደሆን፤
 - ለ/ ክርክር የተነሳበትን ጉዳይ አስቀድሞ በዳኝነት ወይም በእርቅ መንገድ የሚያውቀው ሆኖ የተገኘ እደሆን፤

14. **Division with not less than Five kadis**

- 1) the following cases shall be heard by a division with not less than five judges sitting:
 - a) where The President of the Supreme Court of sharia may on his own initiative or suggestion by a division of the Supreme Court of sharia,
 - b) Cases referred to be heard in cassation.

15. **Application Procedure for Cassation**

- 1. A decision shall be heard in cassation by the Supreme subject to prior ruling as to the existence of fundamental error of sharia qualifying for cassation, by a division wherein three judges of the Supreme Court sit.
- 2. The applicant for a hearing in cassation shall state the reasons for alleging the decision to contain a fundamental error of sharia.
- 3. The applicant shall together with his application submit a copy of the decision protested and of the decisions of lower courts.
- 4. An application for a hearing in cassation shall be made to the Supreme Court within 90 days from the date on which the final decision protested is rendered.

16. **Withdrawal of Kadi**

- 1. No Kadi of a state Court of sharia shall sit in any case where:
 - a) he is related to one of the parties or the advocate thereof by consanguinity or by affinity;
 - b) He' has previously acted in some capacity in connection with the case or the subject matter of the dispute.

J) Dacwad kale dhinacyada midkood ay isku hayaan

2. Qodobkan tirsigiisa 1aad sida ku xusan Garsooruhu marka uu fahmo waa in uu fadhiga ka baxo .

3. Qodobkan tirsigiisa 2aad sida ku xusan haduusan garsooruhu fadhiga ka bixin dhinaca arintu khusaysa inta uusan dooda bilaabin ama marka uu ogaado sababaha keenaya fadhiga ka bixida garsooruhu islamarkaana waa in uu Maxkamada arji usoo qortaa .

4. Garsooraha ay arintu khusaysa isaga oo ka maqan ayay garsoorayaasha kale Go'aan ka gadhayaan .Hadii fadhiga loo gudbiyay hal garsoore yahay isla markaana ka bixi waayo ,dhinaca uu arinku khuseeyo ,wuxuu cabasho ugudbisan karaa Gudoonka maxkamadaas ,hadayna jirina wuxuu ugudbisan karaa Maxkamada ka sareysa ee Racfaanka.

5. Qodobkan. Tirsigiisa 3aad sida ku xusan kharashka cabashada arjigisu uu keensado waxaa lagu darayaa kharashka dacwada caadig ah . lakiin hadey maxkamadu cabashada aynan aqbalin kharashka waxaa bixin codsadaha.

6. Mid-kamid ah codsadyaasha hadii uunsan cabashadiisa sababo sugan ku soo gudbinin Garsoorku waa in uu ku ganaxaa ilaa 300 (sedex boboql oo birr) codsigiisana siiyaan.,

7. sida ku cad Qodobkan go'aanka lagu gaadho recfaan malaha.

17:- **Afka Shaqo ee Maxkamadaha shareecada .**

1. Afka shaqo ee maxkamadaha waa Af-Somaliga

2. Dhinacyada aan Af-somaliga garanynin Maxkamadu waa in ay uqabataa Turjumaan.

ሐ/ ከተከራካሪዎቹ ወገኖች ከአንደኛው ጋር በፍርድ ቤት የተያዘ ክርክር ወይም ሙግት ያለው እንደሆነ፤

2. በዚህ አንቀጽ ንዑስ አንቀጽ (1) መሠረት ቃዲው በችሎት ላይ ሊዳኝ የማይገባው መሆኑን ሲያውቅ ምክንያቱን በመዘገቡ ላይ በማስፈር ከችሎት ተነስቶ ጉዳዩ በሌላ ቃዲ እንዲታይ አስፈላጊውን ማድረግ አለበት፡፡

3. ከተከራካሪዎች አንደኛው በንዑስ አንቀጽ 2 በተዘረዘሩት ምክንያቶች መሠረት አንድ ዳኛ ከችሎት መነሳት የሚገባ መስሎ የታየው እንደሆነ እንዲነሳለት ለፍርድ ቤቱ ማመልከቻ ማቅረብ ይችላል፤

4. ማመልከቻው የሚቀርበው ክርክሩ ከመጀመሩ በፊት ወይም ማመልከቻ ለማቅረብ ምክንያት መኖሩን አመልካች እንዳወቀ ወዲያውኑ መሆን አለበት፤

5. አንድ ዳኛ ብቻውን የሚያስችል ከሆነ ከችሎት ስለመነሳት የሚቀርብለትን ማመልከቻ ተመልክቶ ጥያቄውን የተቀበለው እንደሆነ ከችሎት ይነሳል፡፡ ጥያቄው ያልተቀበለው እንደሆነ ግን በዚያው ፍርድ ቤት በሚገኝ ሌላ ችሎት ሌላ ችሎት ከሌለ የዚህ ፍርድ ቤት ውሳኔ ይግባኝ በሚያየው ፍርድ ቤት እንዲወሰን ማስተላለፍ አለበት፤

6. ከተከራካሪዎች አንደኛው ወገን ዳኛው ከችሎት እንዲነሳለት ያቀረበው ማመልከቻ በቂ ምክንያት ሳይኖረው ያቀረበ እንደሆነ ፍርድ ቤቱ ማመልከቻውን ውድቅ አድርጎ በአመልካች ላይ እስከ ሦስት መቶ (300) ብር መቀመጫ ሊጥልበት ይችላል፡፡

7. በዚህ አንቀጽ መሠረት የሚሰጠው ውሳኔ የመጨረሻና ይግባኝ የማይባልበት ይሆናል፡፡

17. የሽሪና ፍርድ ቤቶች የሥራ ቋንቋ

1. የሽሪና ፍርድ ቤቶች የሥራ ቋንቋ ሶማልኛ ነው፡፡

2. ሶማልኛ ለማይችል ባለጉዳይ ፍርድ ቤቱ አስተርጓሚ ይመድብለታል፡፡

c) he has a case pending in court with one of the parties or the advocate thereof;

2. The judge concerned shall withdraw as soon as he is aware that he should not sit,

3. Where a party to a case is of the opinion that a judge should not sit for one of the reasons specified in Article 2 hereof, he shall submit a written application to the court requesting that the judge be removed.

4. Where the judge is sitting with other judges, he shall withdraw and the remaining judge or judges shall hear the application and give a decision thereon. Where the judge is sitting alone and refused to withdraw from the bench the concerned party shall submit his petition to the administration of that court, however, where not possible shall appeal to the next higher court.

5. The costs of application under sub Article 3 hereof shall form part of the costs in the case. Where the application is dismissed, however, the costs shall be borne by the applicant irrespective of the outcome of the case.

6. Where a party .makes an application without good cause the court may, in addition to dismissing the application impose a fine not exceeding Birr Three hundred (300).

7. A decision given under sub-Articles hereof shall be final and subject to no appeal.

17. **Working Language of Courts of Sharia**

1. Somali shall be the working language of Regional state Courts of Sharia.

2. The Courts shall provide an interpreter, to a party who does not understand Somali.

18:- **Xaqa helida Qareen**

Qof kasta wuxuu xaqa u leeyahay in uu helo Qareen .

19:- **Fadhi Furan**

1. Maxkamadu waa in ay dacwada ku dhageystaa fadhi dadweynaha u furan .
2. Iyadoon lagu xad gudbin shuruudaha Qodobka Tirsigiisa laad & nidaamyada fadhiyada furan ayaa markay soo dersaan xaaladaha soo socda dacwada lagu eegi karaa fadhi xidhan .
- b) Marka loo arko in sidaasi lagama maar maan u tahay amniga iyo nabadgaliyada dadweynaha & dawlada .
- t) Marka loo arko dacwadu in ay la xidhiidho arrimo sharciga iyo akhlaaqada guud wax u geysanaya.

QAYBTA AFRAAD

**XULASHADA IYO MAGAC-
ABISTA GUDOOMIYAHA IYO
GUDOOMIYE KU XIGEENKA
MAXKAMADA GUUD &
MAGACABIDA GARSOORAY-
AASHA MAXKA-MADAHA
SHAREECADA**

20: **Asaasida Guddiga Xulashada iyo
Magaacabista Gudoomiyaha
& Gudoomiye ku-xigeenka**

1. Waxaa hab wafaqsan bayaankani lagu asaasay guddiga sare ee xulshada iyo magaacabista gudoomiyaha iyo Gudoomiye ku-xigeenka maxkamada shareecada
2. Guddigu wuxuu ka koobanyahay xubnahani:-
 - b). Madaxwaynaha dawladda ee Deegaanka = Shirgudoon=
 - t). Afhayeenka Golaha deegaanka = xubin=
 - j). Gudoomiyaha Maxkamada Guud = xubin
 - x) Guddoomiyaha Golaha sare ee islaamka ee deegaanka = Xubin
 - kh) Xeer-ilaaliyaha guud ee Deegaanka = Xubin =

18. **ጠባቃ የማግኘት መብት**

ማንኛውም ሰው ጠባቂ የማግኘት መብት አለው።

19. **በግልጽ ችሎት ስለማሰቻል**

1. የሽሪዓ ፍርድ ቤቶቹ ለሕዝብ ግልጽ በሆነ ሁኔታ ያስችላሉ ።
2. በዚህ አንቀጽ ንዑስ አንቀጽ (1) የተመለከተው ቢኖርም ለዳኝነት አሠራር ተገቢ ሆኖ ሲገኝ ከዚህ ቀጥሎ የተመለከቱት ሁኔታዎች ሲያጋጥሙ በዝግ ችሎት ያስችላል፡-
 - ሀ/ ለሕዝብና ለመንግሥት ሰላምና ፀጥታ አስፈላጊ ሲሆን ወይም
 - ለ/ ለህዝብ መልካም ፀባይ ግብረ ገብነት ሲባል።

ከፍል አራት

**የሽሪዓ ጠቅላይ ፍርድ ቤት ፕሬዝዳንትና ምክትል
ፕሬዝዳንት እና የሽሪዓ ፍርድ ቤቶች ቃዲዎች
ምልመላና አሻሻያ**

20: **የፕሬዝዳንትና ምክትል ፕሬዝዳንት ምልመላና
ሹመት አፅዳቂ ኮሚቴ ስለመቋቋም**

1. የጠቅላይ ሽሪዓ ፍርድ ቤት ፕሬዝዳንትና ምክትል ፕሬዝዳንት ምልመላና አሻሻያም አጽዳቂ ኮሚሽን በዚህ አዋጅ መሠረት ተቋቋሟል።
2. ኮሚቴው የሚከተሉትን አባላት ያጠቃልላል፡-
 - ሀ/ የክልሉ ርዕሰ መስተዳድር ,= ሰብሳቢ
 - ለ/ የክልሉ ምክር ቤት አፈ-ጉባኤ = አባል
 - ሐ/ የጠቅላይ ፍርድ ቤት ፕሬዝዳንት = አባል
 - መ/ የክልሉ የአስልም ጉዳዮች ጠቅላይ ጉባኤ ሰብሳቢ = አባል
 - ሠ/ የክልሉ ዋና ጠቅላይ ዐቃቤ ህግ = አባል

18. **Right to Be Represented By an Advocate**

Any parties have the right to get an Advocate.

19. **Open Hearing**

1. The court of sharia heard all, cases in open court.
2. Notwithstanding the provisions of sub-Article (1) hereof and without prejudice .to procedural laws relevant to adjudication, cases may be heard in camera in consideration of the following:
 - a) public and state safety and security: or
 - b) Public morality and decency.

PART FOUR

**SELECTION AND APPOINTMENT
PRESIDENT ND VICE
PRESIDENT OF SUPREME
COURT OF SHARIA AND KADIS
OF SHARÍA COURTS**

20: **Establishment of The Board For
The Selection and Appointment
of President and Vice President
of Supreme court of Sharia**

1. it is hereby established a board to select and approve the appointment of President and Vice President of Supreme court of sharia.
2. members of the Board shall be:-
 - a) president of Regional state = chairman=
 - b) speaker of state Council = member=
 - c) president of supreme court = member =
 - d) chairperson The Supreme Council for Islamic Affairs = member =
 - e) the Attorney General; = member =

21:- Awoodaha iyo Wajibaadka Guddiga

1. Guddigani sare wuxuu ansixiya xulashada iyo magaacabista iyo xilka qaadista Guddoomiyaha iyo guddoomiye ku xigeenka maxkamada guud ee shareecada marka uu u soo dhaweeyo Madaxweynaha deeganku .
2. waxay ka wada hadlan arrimaha kale ee la xidhiidha shaqada arrimaha maxkamada shareecada.
3. Guddigu waxay dajisan karaan habraacyo la xidhiidha qaabshaqeedka guddiga.

22: Awoodaha & waajibadka Gudoomiyaha Maxkamada Guud ee shareecada

Gudoomiyaha Maxkamada Guud ee shareecada oo hoos yimaada Guddiga , wuxa uu leeyahay awoodahan iyo waajibaadkan soo socda:-

1. Wuxuu metelayaa Maxkamadaha shareecada Deeganka .
2. Wuxuu kala meelaynayaa fadhiyada ,hawl gelinayana, maamulayaana Garsoorayaasha Maxkamada Guud ee shareecada .
3. Wuxuu ugudbiyaa Golaha sharciyada cusub iyo fikiradaha dib u habaynta sharciyada ee uu soodiyaariyo Maamulka Qaadiyada Maxkamadaha shareecadu.
4. Wuxuu sahlayaa isla markaana socodsiinayaa Tababarada iyo waxbarashada Qaadiyada iyo shaqaalaha kale ee maxkamada .
5. Wuxuu diyaariyaa shaqaalaha looga bahan yahay Maxkamadaha shareecada kadibna wuxuu u gudbiya Xafiiska Maamulka Shaqaalaha Dawlada (CPA).
6. Wuxuu ku kala meeleeayaa Maxkamadaha shareecada Qaadiyada uu ansixiyo Gudiga Maamulka Qaadiyada shareecada .

21:- ኮሚሽኑ ሥልጣንና ተግባራት

1. ኮሚሽኑ በክልሉ መንግሥት ርዕሰ መስተዳድር አቅራቢነት የጠቅላይ ሽሪዓ ፍርድ ቤት ፕሬዝዳንት እና የምክትል ፕሬዝዳንት ምልመላ፣ ሹመጽ እና ሥነ-ብት ሁኔታዎች ያፀድቃል፤
2. ሌሎች ስለሽሪዓ ፍርድ ቤቶች አሠራር ለማሻሻል የሚርዱ ጉዳዮች ላይ ተወያይቶ አቅጣጫ ያስቀምጣል፤
3. ኮሚሽኑ የራሱ የሆነ የአሠራር ሥነ-ሥርዓት የሚመራበት መመሪያዎች ሊያወጣ ይችላል።

22. የጠቅላይ ሽሪዓ ፍርድ ቤት ፕሬዝዳንት ሥልጣንና ተግባር

የጠቅላይ ሽሪዓ ፍርድ ቤት ፕሬዝዳንት ተጠሪነቱ ለኮሚሽኑ ሆኖ የሚከተሉትን ሥልጣንና ተግባራት ይኖሩታል:-

1. የክልሉ የሽሪዓ ፍርድ ቤቶች ይወካላል.
2. የጠቅላይ ሽሪዓ ፍርድ ቤት ቃዲዎች በየችሎቶች በመደልደል ያሠራል።
3. የሽሪዓ ፍርድ ቤቶች ቃዲዎች አስተዳደር ጉባኤ አማካይነት የቀረቡትን የህግ ማሻሻያዎች ለምክር ቤቱ ያቀርባል፤
4. ለሽሪዓ ፍርድ ቤቶች ቃዲዎች እና ድጋፍ ሰጭ ሠራተኞች የሚያስፈልጋቸውን ሥልጠና እና የትምህርት የሚከሄድበትን ሁኔታዎች ያመቻቻል፤
5. ለሽሪዓ ፍርድ ቤቶች ሥራው አስፈላጊ የሆኑ ሠራተኞች እንዲቀጠሩለት የፕብሊክ ሰርቪስና የሰው ሀብት ቢሮ ይጠይቃል።
6. በቃዲዎች አስተዳደር ጉባኤ አማካይነት ሹመታቸው የፀደቁት ቃዲዎች በየደረጃው ባሉት የሽሪዓ ፍርድ ቤቶች ውስጥ በመደልደል ያሠራል።

21:- Powers and Duties of the Commission

1. To approve selection and appointment of the President and vice president supreme court of sharia upon nomination of the state president.
2. Decide on other issues related on works of sharia courts.
3. Without prejudice to the 'other provisions of this Article, the Commission may draw up its own rules of procedure.

22 : powers and duties of president of supreme courts of sharia

The president of supreme courts of sharia being accountable to the commission shall have the following powers and duties:

1. represent the court of sharia;
2. assign and administer Court sittings and judges of supreme Courts of Sharia;
3. To present to the state Council new draft laws and amendment of laws prepared by kadi administrative commission.'
4. Cause the preparation and implementation of training and education programs of kadi and other personnel of the courts.
5. recommend to the civil service Bureau for the employment of the personnel necessary for the function of courts sharia;
6. give job placement at level of Courts of Sharia kadi approved by kadi administrartive commission;

- 7. wuxuu soo diyaariya islamarkaana u soo gudbiya guddoomiyaha maxkamada guud ee dastuuriga ah warbixinta wax qabadka maxkamadaha shareecada si ay qayb uga noqoto warbixinta sanadlaha ah ee Guddoomiyaha maxkamada guud ee dastuurigu u gudbiyo Golaha.
- 8. Wuxu diyaariya una gudbiya Golaha qorshaha iyo miisaniyada maxkamada wuuna dhaqan galin marka loo ogolaado.
- 9. Waxuu matalaa maxkamadaha marka lala macaamuloonayo cid kale.
- 10. Wuxuu fulinayaa wajibaadyada kale ee sharciyada kale loogu xilsaaray .

23 : Awooda & Waajibaadka Gud.ku xigeenka Maxkamada Guud ee shareecada

- 1. Wuxuu fulinayaa hawsha uu Gudoomiyaha Maxkamada Guud ee shareecadu u xilsaaro.
- 2. Xiliga uu Gudoomiyuhu maqan yahay ,wuxuu sii matalaa Gudoomiyaha Maxkamada Guud ee shareecada.

24:-Awooda & Waajibaadka Gudoomiyaha Maxkamada sare

Gudoomiyaha Maxkamada sare oo hoos yimaada Gudoomiyaha Maxkamada Guud ee shareecada ,wuxuu leeyahay awoodahan iyo wajibaadyadan soo socda :

- 1. Wuxuu matalayaa maxkamada
- 2. Wuxuu fadhiyada ku kal meyleynayaa Qaadiyada iyo shaqaalaha kale ee maxkamada
- 3. Wuxuu maxkamada Guud ee shareecada u gudbinayaa warbixin xiliyeedka laxidhiidha habsocodka shaqada Maxkamada sare iyo maxkamadaha degmooyinka hoosyimaada ,lagu lifaaqay tirakoob.
- 4. .Wuxuu diyaariyaa qorshe hawleedka iyo qorshe miisaaniyadeedka maxkamada iyo maxkamadaha degmooyinka hoosyimaada wuxuna ugudbinayaa Maxkamaada Guud ee shareecada , marka loo fasaxana hawlgeliyaa .

- 7. የሽሪዓ ፍርድ ቤቶች ስላከናወኗቸው ሥራዎች ሪፖርት ለክልሉ ጠቅላይ ፍርድ ቤት ፕሬዝዳንት ለክልሉ ምክር ቤት የሚያቀርቡትን አመታዊ ሪፖርት አካል እንዲሆን ያቀርባል።
- 8. የፍርድ ቤቶቹን ዕቅድና በጀት አዘጋጅቶ ለክልሉ ምክር ቤት ያቀርባል፤ ሲፈቀድለትም ሥራ ላይ ያውላል።
- 9. የሽሪዓ ፍርድ ቤቶች ከሦስተኛ ወገን ጋር የሚያድርጉት ግንኙነት የሽሪዓ ፍርድ ቤቶችን ይወክላል፤
- 10. ሌሎች በግጥ የተሰጡት ሥልጣንና ተግባር ያከናውናል።

23. የምክትል ፕሬዝዳንት ሥልጣንና ተግባር

- 1. የጠቅላይ ሽሪዓ ፍርድ ቤት ፕሬዝዳንት የሚመሩለትን ጉዳዮች ያከናውናል።
- 2. ዋናው ቃዲ በማይኖርበት ጊዜ ዋናውን ቃዲ ተክቶ ይሰራል።

24:- የዞን ከፍተኛ የሽሪዓ ፍርድ ቤት ፕሬዝዳንት ሥልጣንና ተግባር

የዞን ከፍተኛ የሽሪዓ ፍርድ ቤት ፕሬዝዳንት ተጠሪነቱ ለክልሉ የሽሪዓ ጠቅላይ ፍርድ ቤት ፕሬዝዳንት ሆኖ የሚከተሉትን ሥልጣንና ተግባራት ይኖሩታል:-

- 1. ፍርድ ቤታቸውን ይወክላሉ፤
- 2. በዞኑ ውስጥ የተመደቡ ቃዲዎችና ሠራተኞች በፍርድ ቤቱ ችሎቶች ለይቶ ይመድባል፤
- 3. ስለዞኑ ፍርድ ቤትና በሥራ ባለት የወረዳ ሽሪዓ ፍርድ ቤቶች ወቅታዊ የሥራ ክንውን ሪፖርት ለክልሉ የሽሪዓ ጠቅላይ ፍርድ ቤት ያቀርባል፤
- 4. የዞኑ ከፍተኛ የሽሪዓ ፍርድ ቤትና ተጠሪ የሆኑት የወረዳ የሽሪዓ ፍርድ ቤቶች ዓመታዊ የሥራ ዕቅድና በጀት አዘጋጅቶ ለክልሉ ጠቅላይ ፍርድ ቤት ያቀርባል፤ ሲፀድቅም ሥራ ላይ ያውላል፤

- 7. He shall submit a bi-annual report, to the President of the state ordinary Supreme Court, on the performance of the Courts of Sharia so as to be part of annual judiciary report presented to the Council by the president of ordinary Supreme Court.
- 8. He shall prepare, and submit to the state Council, the work plan and budget of the Courts of sharia and implement same upon approval.
- 9. He/she represent courts of sharia in dealing with third party.
- 10. Perform such other duties as may be entrusted to him by law.

23. Powers and Duties of The Vice-President of the Supreme Court of sharia

- 1. discharge duties to be assigned to him by the President of sharia courts;
- 2. Serve in the President's stead, while he is absent.

24:- Powers and Duties of the Presidents of the Zonal High Court

The President of each the Zonal High Court being accountable to the President of Supreme Court of sharia shall:

- 1. represent the court;
- 2. assign kadi and other personnel in different benches of courts;
- 3. submit to the Supreme Court of sharia periodic reports on the activities of the zonal high Court and woreda courts under it;
- 4. He shall prepare, and submit to the Supreme Court of sharia, the work plan and budget of the zonal high Court and woreda courts under it and implement same upon approval.

5. Wuxuu soo xulaa isla markaana ugudbinayaa Maxkamada Guud ee shareecada Xukunada iyo Go'aanada laga faa' iidayankaro

6. Wuxuu fuliyaa wajibadyada kale ee sharciyada kale loogu xilsaaray

25:- Awooda &wajibaadka Gudoomiyaha Maxkamada Degmada.

Gudoomiyaha Maxkamada shareecada degmada oo hoos yimaada Gudoomiyaha Maxkamada sare wuxuu leeyahay awoodaha iyo wajibadyada soo socda:

1. Wuxuu matelaa maxkamada
2. Wuxuu fadhiyada ku kala meelayaa hawlgeleyaa, maamulana Garsoorayaasha Maxkamada degmada.
3. Wuxuu maamulaa shaqalaha maxkamada isaga oo tixracaya awamirta ay Maxkamada Guud iyo ta sare siiyaan.
4. Wuxuu maxkamada sare ugudbinayaa warbixin xiliyeed. Lagu lifaaqay tirokoob.

26:- Magacaabida Qaadiyada

1. Gudiga Maamulka Qaadiyada Shareecada ee lagu As-aasay Bayaankan ayaa samayn xulashada ansixinaya magacabista qaadiyada kadibna marka u soo xulo una soo dhaweeyo Guddoomiyaha guddigu .
2. Gudoomiyaha Guddigu wuxuu Guddiga maamulka qaadiyada u soo guddbin faalo yar oo ku saabsan taariikh nololeedka qaadiyada loo kala xushay heerarka kala duwan si guddigu uu ansixiyo.
3. isaga oo Qodobka hoosadkan (2) sidaasi yahay qaadiyada waxaa lagu sii howlgalin karaa shaqada Garsoorka intuu nan Gudigu ansixinin ka hor.

5. ትምህርታዊ የሆኑ የዓመቱ ፍርዶችና ውሳኔዎች ተመርጠው ለክልሉ ጠቅላይ ፍርድ ቤት እንዲላክ ያደርጋል፤

6. በህግ መሠረት የሚሰጡትን ሌሎች ተግባሮች ያከናውናል።

25:- የወረዳ የሽሪዓ ፍርድ ቤት ፕሬዝዳንት ሥልጣንና ተግባራት

የወረዳው የሽሪዓ ፍርድ ቤት ፕሬዝዳንት ተጠሪነቱ ለዞኑ ከፍተኛ ፍርድ ቤት ፕሬዝዳንት ሆኖ የሚከተሉትን ሥልጣንና ተግባራት ይኖሩታል፡-

1. ፍርድ ቤታቸውን ይወክላሉ፤
2. በወረዳው ውስጥ የተመደቡ ቃዲዎች በፍርድ ቤቱ ችሎቶች ደልዲሎ ይመድባል፤
3. በክልሉ ጠቅላይ ሽሪዓ ፍርድ ቤትና በዞኑ ከፍተኛ ሽሪዓ ፍርድ ቤት በሚሰጠው መመሪያ መሠረት የፍርድ ቤቱ ሠራተኞች ያስተዳድራል።
4. ስለዞን ፍርድ ቤትና በሥሩ ባለት የወረዳ ሽሪዓ ፍርድ ቤቶች ወቅታዊ የሥራ ክንውን ሪፖርት ለከፍተኛ ሽሪዓ ፍርድ ቤት ያቀርባል፤

26. ስለ ቃዲዎች አሸሽጎ

1. በዚህ አዋጅ መሠረት የተቋቋመው የቃዲዎች አስተዳደር ጉባኤ በስብሰቢው አቅራቢነት የሽሪዓ ፍርድ ቃዲዎችን ምልመላና ሹመት ይከናወናል፤ እየታየ ይጸድቃል።
2. የጉባኤው ስብሰቢ በጉባኤው የተጠቆሙትና በተለያዩ ደረጃ እንዲመደቡ የተመረጡ እጩ ቃዲዎች አጭር የህይወት ታሪክ መግለጫ አዘጋጅቶ ለጉባኤው ያቀርባል፤
3. የዚህ አንቀጽ ንዑስ አንቀጽ 2 ድንጋጌ እንደተጠበቀ ሆኖ በጉባኤው እስከ ሚፀድቅበት ጊዜ ቃዲዎች በጊዛዊነት ሊመደቡ ይችላሉ።

5. Shall select and recommend to the supreme court of sharia exemplary decisions and judgments.

6. Perform such other duties as may be entrusted to him by law.

25 : Powers and Duties Of President Of Woreda Court

President of Woreda Court of sharia being accountable to the president of zonal high court of sharia shall have the Powers And Duties:

1. represent the court;
2. assign kadi in different divisions of woreda court;
3. administer personnel of the court in accordance with directions given to him by supreme and zonal high courts;
4. submit to the zonal high court of sharia periodic statistics reports on the activities of the Court ;

26. Appointment of Kadi

1. The Kadi administration commission established pursuant to this proclamation shall carry out the selection and approval of recruitment of Kadi upon the recommendation of The Chairperson of the Commission.
2. The Chairperson of the Commission shall prepare and submit, to the kadi Administration Commission, a short profile of would be Kadi nominated by, together with the level of their placement.
3. notwithstanding with provisions under sub-article 2 hereof until The appointment of Kadi, are to be approved, may assign temporarily at any level;

QAYBTA SHANAAD
GUDDIGA MAAMULKA
QAADIYADA SHAREECADA
27. Qaabdhismeedka Gudiga

1. Guddiga Maamulka Qaadiyada Maxkamadaha shareecada ee lagu aasaasay Qodobka sedexaad ee Bayaankan waxa uu ka koobnaanayaa xubnahan
 - b) Guddoomiyaha maxkamada Guud ee Shareecada = Shirgudoon
 - t) Ku xigeenka Guddoomiyaha Maxkamada guud ee Shareecada = K/x Shirgudoon
 - j) afar Qaadi oo Qaadiyada guud kasoo dhex xulo qaadiyada heer deegaan, Gobol iyo Degmo = Xubno
 - x) xubin ay soo xulaan Guddiga Maamulka garsoorka Deegaanka = Xubin
 - kh) Xubin ay soo xulaan Guddiga Maamulka xeerilaalinta = xubin
 - d) Xubin u soo xulo Uruurka Qareenada Deegaanku = Xubin
 - r) xubin uu soo xulo Golaha sare Arrimaha Islaamka ee Deegaanku = Xubin
 - s) laba xubnood oo ka tirsan golaha deegaanka oo uu soo xulo Afhayeenka Goluhu = Xubno
2. Guddigu wuxuu yeelanayaa Hal xubin oo xoghayn ah oo codna aan ku dhaxlahayn guddiga.

28: Awoodaha Iyo Waajibaadyada
Guddiga Maamulka Qaadiyada
Shareecada

- Guddigu waxuu yeelanayaa awoodaha iyo waajibaadyadan soo socda:
1. Waxuu magacabaa qaadiyada lagu soo xulay si waafaqsan Qodobka 32aad ee Bayaankan.
 2. Wuxuu magacaaba, sidookalena shaqa galiyaa, xubnaha kele ee magacaabista ah.
 3. Wuxuu go'aaminayaa shaqo ka eryida, anshax-maarinta, beddalaada, mushaarka, heerarka dallacada, gunnada daweynta iyo meelaynta Qaadiyada deeganka

ክፍል አምስት

ሸሪዓ ፍርድ ቤቶች ቃዲዎች አስተዳደር ጉባኤ

27. ስለጉባኤው አደረጃጀት

1. በዚህ አዋጅ አንቀጽ 3 መሠረት የተቋቋመው የቃዲዎች አስተዳደር ጉባኤ የሚከተሉን አባላት ያጠቃልላል፡-
 - ሀ/ የጠቅላይ ሸሪዓ ፍርድ ቤት ፕሬዝዳንት ----- ሰብሳቢ
 - ለ/ የጠቅላይ ሸሪዓ ፍርድ ቤት ምክትል ፕሬዝዳንት ----- ም/ሰብሳቢ
 - ሐ/ በዋና ቃዲ አማካይነት ከጠቅላይ ፍርድ ቤት፣ ከከፍተኛ እና ከወረዳ ፍርድ ቤቶች ቃዲዎች ውስጥ የሚመረጥ አራት ቃዲዎች ----- አባል
 - መ/ በክልሉ ዳኞች አስተዳደር ጉባኤ የሚወከል አንድ ተወካይ ----- አባል
 - ሠ/ በክልሉ የዐቃቤያን ህግ አስተዳደር ጉባኤ የሚወከል አንድ ተወካይ ----- አባል
 - ረ/ በክልሉ የጠበቆች አስተዳደር ጉባኤ የሚመረጥ አንድ ተወካይ ----- አባል
 - ሰ/ በክልሉ የእስልምና ጠቅላይ ምክር ቤት የሚወከል አንድ ተወካይ ----- አባል
 - ቀ/ በክልሉ ምክር ቤት አፈ-ጉባኤ የሚመረጥ ሁለት ተወካይ ----- አባል

2. ጉባኤው ያለድምጸ በጉባኤው በፀሐፊነት የሚሠራ አንድ ባለሙያ ይመድባል ፤፤

28: የቃዲዎች አስተዳደር ጉባኤ ሥልጣንና ተግባር

- የቃዲዎች አስተዳደር ጉባኤ የሚከተሉትን ሥልጣንና ተግባራት ይኖሩታል፡-
1. በዚህ አዋጅ አንቀጽ 32 መሠረት የሚሰየሙና የሚመረጡ ቃዲዎች ይሾማል ወይም ሹሙት ያፀድቃል፤
 2. ሌሎች ተጽእኖ አባላትን ይሾማል፤ የሥራ ስምሪት ይሰጣል፤
 3. ስለ ቃዲዎች ዝውውር ደመወዝ፣ አበል፣ የሥራ ስንብት፣ የደረጃ ዕድገትና የህክምና ምደባ ይወስናል፡፡

PART FIVE

SHARIA COURTS KADI
ADMINISTRATION COMMISSION

27. Organization of the Commission

1. the Sharia Courts Kadi Administration Commission established under article 3 of this proclamation shall have the following members:
 - a) the President of the Supreme Court of sharia = chairman=
 - b) The Vice-President of the Supreme Court of sharia__ Vice chairman (s)
 - c) Four kadi to be selected from Supreme Court, zonal high court and woreda courts by the chairman._____ member.
 - d) A member to be selected by the ordinary judicial Administration Commission._____ member.
 - e) A member to be selected by the prosecutors Administration Committee ____ member.
 - f) A member to be selected by the Advocates association_____ member.
 - g) A member to be selected by the Regional Supreme Council for Islamic Affairs ____ member.
 - h) Two members of the state council to be selected by the speaker of the Council ____ member

2. The Commission shall assign Secretary who has vote during session.

28: Powers and Duties of the Commission

- The Commission shall have the following powers and duties:
1. to approve the appointment of kadi selected in accordance article 32 of this proclamation.
 2. to approve and give deployment to other nominee personnels.
 3. to decide on the transfer, salary, allowance, promotion, medical benefits and placement of the regional state kadi of court of sharia;

- 4. Waxuu baadhaa ama sababaa in baadhis lagu sameeyo cabashooyinka ka dhanka ah qaadiyada iyo xubnaha kale ee magacaabista ah, islamarkaana ka go'aan gaadhaa cabashooyinkaas.
- 5. waxuu darsaa oo uu go'aamiyaa isagoo sharciga waafajinya qaabka shaqo ee maxkamadaha shareecada
- 6. Wuxuu heshiis kor logu qaadayo waxbarashada Qaadiyada Maxkamada lagali karaa Machadyada , kulliyadaha iyo Jamacadaha deeganka iyo dalka ka jira .
- 7. Wuxuu diyaarinkaraa xeer lagu aas-aasayo Machad lagu tababaro Qaadiyada Maxkamadaha Shareecada. kadibna horgeeyaa Golaha .
- 8. Wuxuu aas-aasi karaa Gudi hoosaadyo kolba siday baahidu tahay ,wuxuuna go'aamin awooda iyo wajibaadkoodaba.
- 9. waxay soo saaran xeerka asluubta & anshaxa qaadiyada shareecada .

29: Awoodaha Iyo Waajibaadyada Shirguddoonka Guddiga Maamulka Qaadiyada Maxkamadaha Shareecada

Shirguddoonku waxa uu yeelanayaa awoodahan iyo waajibaadyadan soo socoda:

- 1. Wuxuu masuul ka yahay kormeerayaana xafiiska Guddiga .
- 2. Wuxuu hogaamiyaa,shirarka Guddiga,
- 3. Wuxuu isugu yeedhaa, gudoomiyaana kulamada guddiga.
- 4. Wuxuu warbixin kooban ka diyaarinayaa Guddigana hor dhigayaa tariikh nololeedka shakhsiyaadka ay xubnaha guddigu Qaadinimo usoo badhigaan hab waafaqsan Qodobka 31^{aad} ee Bayaankan.
- 5. Wuxuu fuliyaa hawlaha kale ee uu Guddigu u xilsaaro.

- 4. በቃዲዎች እና በሌሎች ተገቢ አባላት የሚቀርቡበት ስለዲሲፕሊን የሚመለከት አቤቱታዎችና ጥቆማዎች ይመረምራል፤ እንዲሁም እንዲመረመር ያደርጋል፤ መርምሮ ውሳኔ ያሳልፋል፡፡
- 5. በህግ መሠረት የሽሪዓ ፍርድ ቤቶች አሠራር የሚሻሻልበት ሁኔታ ይመክራል፤ ያጠናል፤
- 6. በክልሉና በሀገር ውስጥ የሚገኙ ኢንስቲትዩቶች፣ ኮሌጆች፣ የከፍተኛ ተምህርት ተቋማት ጋር የቃዲዎች የትምህርትና ክህሎት ማሻሻያ ስልጠናዎች የሚሰጥበትን ስምምነት ያደርጋል፡፡
- 7. የክልሉ ቃዲዎች የሚሰለጥኑበት ተቋማት በክልሉ ምክር ቤት አማካይነት እንዲቋቋም የህግ ማዕቀፍ አዘጋጅቶ ሊያቀርብ ይችላል፤
- 8. እንደአስፈላጊነቱ በሥራ ንዑሳን ኮሚቴዎች ሊያደራጅ ይችላል፡፡ እንዲሁም የሥራ ድርሻቸውና ኃላፊነት ይወስናል፡፡
- 9. የክልሉ ቃዲዎች የሚመሩበትን የዲስፕሊንና የሥነ ምግባር ደንብ ያወጣል፡፡

29:- የሽሪዓ ፍርድ ቤቶች የቃዲዎች አስተዳደር ጉባኤ ስብሰባ ሥልጣንና ተግባር

የጉባኤው ስብሰባ የሚከተሉትን ሥልጣንና ተግባራት ይኖሩታል:-

- 1. የጉባኤውን ጽሕፈት ቤት በበላይነት ይመራል፤ ይቆጣጠራል፤
- 2. የጉባኤው ስብሰባ በሊቀመንበርነት ይመራል፤
- 3. የጉባኤው ስብሰባዎች ይጠራል፤
- 4. በዚህ አዋጅ አንቀጽ 31 መሠረት በጉባኤው አባላት የተጠቀሙት ግለሰቦች አጭር የህይወት ታሪክ መግለጫ አዘጋጅቶ ለጉባኤው ያቀርባል፤
- 5. ሌሎች በጉባኤው የሚሰጡትን ሥራዎች ይፈፅማል፤

- 4. To examine, cause its examination and decide on complaints brought against kadi and other nominee personnels.
- 5. in accordance with law to determine work procedure courts of sharia;
- 6. may enter agreement with institutes, colleges and Unversities in the Region and courty for enhancing the educational capacity of kadi of sharia courts;
- 7. may cause the establishment of Regional state kadi taring institutes,present to the state council;
- 8. may oragnize sub committees as deemed necessary and determines their powers and duties;
- 9. To issue the Disciplinary and Code of Conduct Rules for court of sharia kadi.

29:- Powers and Duties of the Chairman of kadi adiministration commission

The Chairman shall have the following powers and duties:

- 1. to direct, as the superior authority, and supervise the Secretariat of the Commission;
- 2. to preside over the meetings of the Commission;
- 3. to convene the meetings of the Commission;
- 4. to prepare and present to the Commission the profile of candidate-judges nominated by the members of the Commission pursuant to Article 31 of this proclamation.
- 5. Perform other functions referred to him by the commission.

6. Hawsha Gudoomiyaha Guddiga waxaa siiwadaya gudoomiye ku-xigeenka marka aanu gudoomiyuhu joogin.

30 :**Kulamada Guddiga**

1. Gudiga shirkiisa caadiga ah bishiiba hal (1) mar ayuu yeelanayaa. Hase yeeshee, wakhti kasta oo loo baahdo wuu shiri karaa.
2. Shirka Guddigu wuxuu qabsoomayaa marka kala badh in ka badan xubnaha guddigu shirka ka soo qaybgalaan.
3. Go'aamada guddigu cod hal dheeriya ayay ku meelmarayaan haseyeeshee, marka ay dhacdo in codku isku mid noqdo waxa go'aanka leh dhinaca uu shirguddoonku raaco.
4. Qaadi kasta oo xubin ka ah guddiga hadii dacwad asluub dara ah lagu soo oogo ,wakhtiga arintiisa la eegayo xubin ahaan shirka Guddiga uama fadhiisan karo
5. Guddigu waxuu samaysan karaa xeer –hoosaadyo si uu hawshiisa ufushado iyada oo aan laga hor imanaynin sida ay dhigayaan tirsiyada 1,2,3,iyo 4 ee Qodobkan .
6. Goobta Kulanku waxay noqonaysaa maxkamada Guud ee shareecda DDS. Haseyeeshee kulanka Gudiga waxaa lagu qaban karaa meelakale hadii loo baahdo

31: **Shuruudaha Magacaabista Qaadiyada**

Qof walba oo Somali ah oo u dhashay Dawlada Degaanka Somalida, buuxiyay shuruudahan soo socda ayaa loo magacaabi karaa in uu noqdo qaadi maxkamada shareecada.

1. Qof tababar shareeco ku qaatay machadyada wax barasho ee shareecada lehna aqoon iyo khibrad shareeco , sumacad iyo sharafna ku dhex leh deegaanka dhaxdiisa ama ka soo baxay Jamacadaha Islaamka.

6. ሰብሳቢው በማይኖርበት ጊዜ የሰብሳቢው ኃላፊነቶች በምክትሉ አማካይነት ተክቶ ይሠራል።

30. **ሰብሳቢው ስብሰባዎች**

1. ጉባኤው በየወሩ አንድ ጊዜ መደበኛ ጉባኤውን ያካሄዳል፤ ሆኖም ማናቸውም ጊዜ አስፈላጊ ሆኖ ሲገኝ አስቸኳይ ስብሰባ ሊያካሄድ ይችላል፤
2. ከጉባኤው አባላት መካከል አብዛኞቹ ከተገኙ ምልዕተ ጉባኤ ይሆናል፤
3. የጉባኤው ውሳኔዎች በድምፅ ብልጫ ያልፋሉ፤ ሆኖም ድምፅ እኩል በኩል የተከፈለ እንደሆነ ሰብሳቢው ወሳኝ ድምፅ ይኖረዋል፤
4. የዲስተሊን ክስ የቀረበበት ማንኛውም የጉባኤው አባል ቃዲ ጉዳይ በሚታይበት ጊዜ በጉባኤው ሰብሳቢ በአባልነት ማስተፍ አይችልም፤
5. ጉባኤው የዚህ አንቀጽ ንዑስ አንቀጽ 1,2, 3 እና 4 ድንጋጌዎች ጋር የማይቃረን የራሱን የሰብሰባ ሥነ-ሥርዓት የሚመራበት ደንብ ሊያወጣ ይችላል፤
6. የጉባኤው የመሰብሰቢያ ቦታ የክልሉ የሽሪዓ ጠቅላይ ፍርድ ቤት ጽ/ቤት ይሆናል ሆኖም አስፈላጊ ሆኖ ሲገኝ በሌላ ቦታ ይካሄዳል

31. **ቃዲ ሆኖ ለመመረጥ የሚያበቁ ሁኔታዎች**

የሚከተሉት ሁኔታዎች የሚያሟላ ማንኛውም የሶማሌ ክልል ነዋሪ የፍርድ ቤቶቹ ቃዲ ሆኖ ሊሾም ይችላል።

1. በሽሪዓ ህግ ከሽሪዓ ትምህርት ከሚስጡ ተቋማት የተመርቀና በቂ ልምድና እውቀት ያካበተ፤ በታታሪነቱና በስነ-ምግባሩ መልካም ስም ያተረፈ።

6. The Vice chairman shall serve in the Chairman's stead while he is absent.

30. **Meetings of the Commission**

1. The Commission shall hold a regular meeting once in a month; however, it may meet at any time where found necessary.
2. There shall be a quorum where a majority of the members of the Commission are present.
3. Decisions of the Commission shall be passed by a majority vote; in case of a tie, however, the Chairman shall have a casting vote.
4. kadi who is a member of the Commission, and against whom disciplinary proceedings are instituted, may not sit in meetings of the Commission while his case is under investigation.
5. Without prejudice to the provisions of sub Article 1, 2, 3 and 4 of this Article, the Commission may draw up its own rules of procedure.
6. The venue of meetings of commission shall be at the head-quarter of office of Supreme Court of sharia of Somali regional state. However, the venue may be conducted in somewhere else as deemed necessary.

31. **Criteria for Appointment of Kadi**

any person who is a Somali ethnic and belong to somali regional state, who fulfils the Criteria provided here under may be appointed as kadi of sharia courts.

1. is trained in Islamic law in Islamic Educational Institutions or has acquired adequate experience and knowledge in Islamic law;

- 2. Qofka aan haysan shahaado, aqontiisa shareecada islaamka waxaa lagu xaqiijin imtixaan ay maxkamada guud ee shareecadu diyaariso.
- 3. Qof ogol in uu ku shaqeeyo xilka qaadinimada islamarkaana da'diisuna ka weyntahy 25 sano iyo shuruudaha kale ee ay shareecadu xeeriso.
- 4. Qof kasta oo Xubin ka ah Hay'ada sharci dajinta , sharci fulinta dawlada ama urur siyaasi ah ka tirsan Qaadi ma noqon karo.

32:-Siyaabaha Qaadinimada Lagu Waayo

- 1. Qaadigu waxuu shaqada kuwayi karaa sababahan soo socda:
- b) marka ay da'diisu gaadho da'da howlgabnimada ee Garsoorayaasha
- t) Marka guddigu go'aamiyo in aanu ka soo bixi Karin hawshiisa Qaadi xanuun dartii, ama la xaqiijiyo in uuna lahayn aqoonta shareecada islaamka.
- j) Marka iyadoo laraacayo xeerka anshaxa iyo asluubta ee qaadiyada la xaqiijiyo in uu ku xadgubay xerka anshaxa iyo asluubta ee qaadiyada.
- 2. Qodobka hoosaadyadiisa (b) iyo (t) waxay dhaqan gal noqonayaan kadib marka uu ansixiyo Guddigu.
- 3. Iyada oo uu Qodobkani sidaasi ahaanayo, Guddigu waxa uu xeerka soo saari siyaabaha ay shaqada ku waayi karaan xubnaha kale ee magacaabista ah.

33 :Iscasilaada

- 1. Qaadiyada, Registaraalada iyo xubnaha kale ee magacabista ah waxay xaq u leyihiin inay iska casilaan shaqadooda
- 2. Hase yeeshee, qaadiga iyo xubinka kale magacabista ah iyo dhamaan shaqalaha Maxkamada ee doonaya in ay is casilaan waxa waajib ku ah in ay ogaysiis qoraal ah usoo gudbiyan hal bil ka hor iscasilaadiisa Gudoomiyaha maxkamada guud ee shareecada.

- 2. የትምህርት ማስረጃ የሌለው ተወዳዳሪ የሽሪዓ ዕውቀት መኖሩን በሚሰጥ ፈተና አማካይነት ይረጋገጣል።
- 3. ቃዲ ሆኖ ለመሥራት ፈቃደኛ የሆነ እና ዕድሜው ከ25 ዓመት በላይ የሆነ፤
- 4..ማንኛውም ሰው በመንግሥት ሕግ አውጭ ወይም አስፈጻሚ ውስጥ ወይም በማንኛውም የፖለቲካ ድርጅት በአባልነት በሚያገለግልበት ጊዜ አጣምሮ የዳኝነት ሥራ ሊሠራ አይችልም።

32. ቃዲዎች ከሥራ ስለሚሰናበቱበት ሁኔታ

- 1. ማንኛውንም ቃዲ ከሥራው የሚሰናበተው በሚከተሉት ምክንያቶች ነው፡-
ሀ/ ዕድሜው የጡረታ መወሰኛ ጣሪያ ሲሞላው፤
ለ/ በህመም ምክንያት ወይም በችሎታ ማነስ ተግባሩን በተገቢው ሁኔታ ማከናወን አይችልም ተብሎ ሲወሰን፤
ሐ/ የቃዲዎች የዲሲፕሊንና የሥነ ምግባር ደንብ ተላልፎ ሲገኝ፤
- 2. የዚህ አንቀፅ ንዑስ አንቀፅ (ሀ እና ለ) ድንጋጌዎች ተፈጻሚ የሚሆኑ በጉባኤው ሲፀድቅ ነው፤
- 3. የዚህ አንቀጽ ድንጋጌዎች እንደተጠበቁ ሆኖ ጉባኤው የሌሎች ተጽእኖ አባላት ከሥራ ስለሚሰናበትበት ሁኔታ የሚመራበት ደንብ ሊወጣ ይችላል።

33: በፈቃደኝነት ሥራን ስለመልቀቅ

- 1. ቃዲዎች ሬጅስትራሮችና ሌሎች ተጽእኖዎች በራሳቸው ፈቃድ ሥራውን በገዛ ፈቃዳቸው መልቀቅ ይችላሉ።
- 2. ቃዲ፣ ሌሎች ተጽእኖዎች ሆነ ደጋፍ ሰጪ ሠራተኞች በገዛ ፈቃዳቸው ሥራ መልቀቅ ሲፈልጉ በአንድ ወር አስቀድሞ የማስታወቂያ ለጠቅላይ ፍርድ ቤት ፕሬዝዳንት ማቅረብ አለባቸው።

- 2. if not have training credentials, his knowledge in Islamic law shall be proved through competency assurance examination prepared by courts of sharia.
- 3. consents to assume the position of a Kadi; and is more than twenty five years of age;
- 4. No person may simultaneously assume judgeship while serving in the legislative or executive branches of government or while a member of any political organization.

32. Termination of Tenure

- 1. The tenure of any kadi may be terminated only on the following grounds:
 - a) where he has attained the age of retirement for Judges;
 - b) where it is decided that he is incapable of properly discharging his duties due to illness or other incapacity ;
 - c) Where in accordance with Rules of Disciplinary and Code of Conduct of kadi the commission proves that he has transgressed the Rules of Disciplinary and Code of Conduct.

- 2. matters provided under this sub-article (B) and(C) shall be effective when approved by the commission.
- 3. Without prejudice with the Provisions of this Article the Commission may issue rules determining the manner in which other appointee members may be discharged from the office.

33. Procedure for Resignation of Kadi

- 1. Kadis, registrars and other members who are nominated shall have the right to resign from their works voluntarily.
- 2. However, any kadi, members who are nominated and all civil servants of the sharia courts who wants to resign from their assignment voluntarily are obliged to submit a one month prior written notice to the president of supreme sharia courts.

3. Ogaysiiska qoraalka ah marka uu soogaadho Gudoomiyaha kadibna gudoomiyuhu uu soo hordhigo Gudiga waxaa lagaga goaan gaadhi sedex bilood gudohood, Haduu gudigu 3 bilood gudahood go'aan ka soo saari waayo iscasilaada xubinku sidaas bay ku dhaqan galay.

34: **Xasaanada (Immunity)**

Garsooruhu isaga oo faldanbiyeed faraha kula jira mooyee lama qaban karo lamana xidhi karo iyada oo aan ogolaansho laga helin Gudiga Maamulka Qaadiyada shareecada

35: **Fasaxa Qaadiyada**

Fasax sanadeedka Qaadiyadu waa laba bilood laga bilaabo Ida Bisha Hamle ilaa Ida Bisha Maskaram

QAYBTA LIXAAD
QODOBKAOBO KALA DUWAN

36 :**Diiwaanaka Xisabaadka iyo Hanti -**

Dhawrka

1. Maxkamadu waxay yeelan diwaanada xisaabaadka oo dhamaystiran islamarkaana sax ah.
2. Diiwaanada xisaabaadka iyo Cadaymaha lacageed ee maxkamada waxaa sanadkiiba mar ku samayn baadhis hanti dhawka guud ee deegaanka ama odhitarka uu isagu magacaabay

37 : **Tixgelinta Go'aanadda iyo Amarada Maxkamadda**

Waxaa waajib ku ah dhamaan ururada , shakhsiyaadka iyo xubin kasta oo dawli ah in ay tixgaliyaan go'aamada iyo amarada ay bixiyaan maxkamadaha shareecadu .

38: **Dacwadaha soo Jiitamay**

Dacwadaha ka socoday maxkamadaha shareecada ee deeganka heer walba oo ay yihiinba ka hor inta uusan dhaqan galin.bayaankani waxaa dhamaystiri Maxkamadihii Gacanta ku hayay.

39:-**Miisaaniyada**

1. Miisaaniyad waxaa u qoondeeyn Golaha Xildibaanada ee Deegaanka..
2. kaalmaha lacageed ee laga helo ilo kale sida deeq bixiyaasha

3. የጠቅላይ ፍርድ ቤት ፕሬዝዳንት የመልቀቂያ ጥያቄ ሲቀርብበት ለጉባኤው በማቅረብ በሦስት ወር ውስጥ የመጨረሻ ውሳኔ መስጠት አለባቸው።

34. **የለመከሰስ ክለሳ**

ማንኛውም ቃዲ በእጅ ከፈንጅ ወንጀል ሲፈገም ካልተያዘ በስተቀር ያለቃዲዎች አስተዳደር ጉባኤ ፈቃድ መከሰስ ወይም መታሰር አይችልም።

35. **ስለቃዲዎች ዓመታዊ ዕረፍት**

ዓመታዊ የቃዲዎች ዕረፍት ፈቃድ በየዓመቱ ሁለት ወር ሆኖ ከሆጦሌ 1 እስከ መስከረም 1 ይሆናል።

ክፍል ስድስት

ልዩ ልዩ ድንጋጌዎች

36. **ስለ ሂሳብ መዛግብትና ኦዲት**

1. የፍርድ ቤቱ የተሟላና ትክክለኛ የሆኑት የሂሳብ መዛግብት ይይዛል፤
2. የፍርድ ቤቱ የሂሳብ መዛግብትና ገንዘብ ነክ ሰነዶች በክልሉ ዋና ኦዲተር ወይም ራሱ በሚወክለው ኦዲተሮች በየዓመቱ ይመረምራል።

37. **ሸሪዓ ፍርድ ቤቶች ውሳኔዎችና ትዕዛዞች**

በማንኛውም ደረጃ የሚገኙ ሸሪዓ ፍርድ ቤቶች በሥልጣን ክልላቸው በሚሸፈኑ ጉዳዮች ላይ የሚሰጧቸውን ውሳኔዎችና ትዕዛዞች አስፈጻሚ አካላትም ሆነ ግለሰቦች በትዕዛዙ መሠረት የመፈጸምም ሆነ የማስፈጸም ግዴታ አለባቸው።

38. **በመታየት ላይ ስላሉ ጉዳዮች**

ይህ አዋጅ ከመጽናቱ በፊ በክልሉ ሸሪዓ ፍርድ ቤቶች በመታየት ላይ ያሉ ጉዳዮች በዚህ አዋጅ በተደነገገው መሠረት ሥልጣን ወዳላቸው ሸሪዓ ፍርድ ቤቶች ተዛውረው ይታያሉ።

39.- **የበጀት ምንጭ**

1. የፍርድ ቤቱ በጀት በክልሉ ምክር ቤት የሚመደብ በጀት፤
2. ከሌሎች አካላት የሚገኝ የበጀት ድጎማና ድጋፊ።

3. Written notice submitted to the president of supreme sharia courts and by duly submitting the matter to the commission, it shall be decided within three months, provided if they are failed to overrule the matter within three months period the Resignation shall be effective.

34.. **Immunity**

No kadi may be arrested or prosecuted without the permission of the kadi's administrative commission except in the case of commission of grave *flagrante delicto* offense.

35. **Granting of Annual Leaves**

The annual leave of kadi shall be granted for two months from 1st of Hamle to 1st of Maskaram.

PART SIX

MISCELLANEOUS PROVISIONS

36. **Books of Accounts**

1. The court shall keep complete and accurate books of accounts.
2. The Court's books of accounts and financial documents shall be audited annually by the Auditor General or by auditors designated by him.

37. **Decisions and Orders of Sharia Courts**

Any Executive Organ, organization as well as individuals who receive the decisions or orders of any Court of Sharia shall execute or cause the execution of same.

38. **Pending Cases**

Cases pending in the various levels of state Courts of Sharia, prior to the coming into force of, this Proclamation, shall be heard and decided by the same courts.

39. **Budget**

1. a budget to be allocated by the state Council;
2. Assistance from other donor sources.

40: Go'aan Qaadashada Arimaha Anshaxa

Bayaanka Aas-aaska gudiga maamulka Qaadiyada shareecada iyo xeer hoosaadyada kale ee uu soosaro gudigu, ayaa dhaqan gal ku noqonaya arimaha la xidhiidha anshaxa qaadiyada iyo xubnaha kale ee magacaabista ee maxkamadaha shareecada.

41:- Shuruucda Dhaqan galka aan lahayn

1. Waxaa halkan lagu nasakhay Bayaanka Xoojinta Aasaaska maxkamadaha shareecada ee DDS bayaan tirsi 39/95 .
2. Sharci kasta oo ka soo hor jeeda arrimaha lagu xeeriyay bayaankan, ma yeelanayan fulin sharci.

42: Mudada Dhaqan galka

Bayaankani wuxuu dhaqan gelayaa marka uu ku soo baxo Dhool Gazeta.

Jijiga, Ginboot 2012

**MUSTAFE MUXUMED CUMAR
MADAXWEYNE KU XIGEENKA
AHNA KUSIISIMAHA
MADAXWEYANAHA DAWLADA
DEEGAANKA SOOMAALIDA**

40. ሰለቃዲዎች የዲሲፕሊን ጉዳዮች አወሳሰን

ሰለሽሪዓ ፍርድ ቤቶች ቃዲዎችና ሌሎች ተሻሚዎች የዲሲፕሊን ጉዳዮች በተመለከተ የዚህ አዋጅ ዲንጋጌዎች እና ሌሎች በጉባኤ የሚወጣው ዝርዝር መመሪያዎች ተፈጻሚ ይሆናሉ።

41. ተፈጻሚነት ስለማይኖረቸው ሕጎች

1. የሱማሌ ክልላዊ መንግሥት የሸሪዓ ፍርድ ቤቶችን አቋም ለማጠናከር የወጣው አዋጅ ቁጥር 39/1995 በዚህ አዋጅ ተሸሯል።
2. ከዚህ አዋጅ ጋር የሚቃረን ማንኛውም ህግ፣ በዚህ አዋጅ በተሸፈኑ ጉዳዮችን በሚመለከት ተፈጻሚ አይሆንም።

42. አዋጁ የሚፀናበት ጊዜ

ይህ አዋጅ በዶል ጋዜጣ ላይ ታትሞ ከወጣበት ቀን ጀምሮ የፀና ይሆናል።

ጁግጁጋ ግንቦት 2012 ዓ.ም

ሙስጠፌ ሙሀመድ ዑመር

የሱማሌ ክልላዊ መንግሥት ም/ፕሬዝዳንትና ተጠባባቂ ፕሬዝዳንት

40. Determination of Disciplinary Matters

This proclamation and other Administrative Regulations to be enacted by the kadi Administration Commission for kadi shall be applicable in respect of determination of disciplinary matters relating to Kadi of Sharia Courts.

41. Inapplicable Laws

1. Somali Regional state Courts of Sharia Consolidation Proclamation No. 39/2995" is hereby repealed.
2. No law, inconsistent with this Proclamation or dealing with matters provided for herein, shall be applicable.

42. Effective Date

This Proclamation shall come into force upon its publication on Dhool Gazettea

**MUSTAPHA MOHOMED UMER
INTERIM PRESIDENT OF THE
SOMALI REGIONAL STATE**