

የቤኒሻንጉል ጉሙዝ ክልሳዊ መንግስት ልሣነ - ሕግ *ጋ*ዜጣ LISAN HIG GAZETA OF THE BENISHANGUL – GUMUZ REGIONAL STATE

25ኛ ዓመት ቁጥር 161

አሶሳ፣ ታህሳስ 20/

የቤኒሻንጉል ጉሙዝ ክልል መንግስት ም/ቤት ጠባቂነት የወጣ

25th Year No 161 Assosa: Dec.29/

2018

<u>አዋጅ ቁጥር 161/2011 ዓ.ም</u> <u>የቤኒሻንጉል ጉሙዝ ክልሳዊ መንግስት</u> ጠቅሳይ ዐቃቤ-ሕግን ለማቋቋም የወጣ አዋጅ፣

በክልሱ ዉስጥ በተለያዩ ተቋማት በተበታተነ ひなみ ሲተንበር የነበፈዉ የዐቃቤያነ-ሕግ ተግባር በማስባሰብ ወደ አንድ ተቋም በማምጣት ወጥነት ያስው፣ ውጤታማና ቀልጣፋ አንልግሎት የሚሰጥ፤ የሕዝብንና የመንግስትን ጥቅም በተሟላ **ル**とナ የሚያስጠብቅ አንድ ጠንካራ ሕግ አስከባሪ የዐቃቤ-ሕግ ተቋም ማቋቋም አስፈላጊ ሆኖ በመንኘቱ፤

ሕጎች በሚገባ መደራጀታቸውንና የመንግስት ሥራዎች በሕግ መሠረት መመራታቸውን የሚያረጋግጥ ሕንዲሁም የሕግ የበሳይነትን የሚያስከብር ተቋም ሕንደገና ጣደራጀት አስፈላጊ መሆኑን በመገንዘብ፤

ያንዱ ዋ.ን፡-----Unit Price:----

Proclamation No. 161/2018 Proclamation Issued to Establish Attorney General of Benshangul Gumuz Regional Government

WHEREAS: it was found necessary establishing one strong executive attorney institution which can safeguard the interest of the wider public and the government fully, rendering uniform, effective and facilitated services bringing the activities of different attorneys which has been implemented fragmented approach with in different institution of the region in to one institution; WHEREAS; considering the necessity of re structuring an institution insuring the laws are properly categorized and the governmentactivities are governed in line with the law as well insuring the supremacy of the law,

ተአማኒነት የሕዝብ ያስው፣ በተሟላ ተቋማዊና *ው* ያዋ ነፃነት የሚያገለግል *ሕንዲሁም ስሙያዊ፣* ተቋማዊና ሕዝባዊ ተጠያቂነት የሚገዛ፣ በግልጽነትና አሳታፊነት የሚሰራ የዐቃቤ-ሕግ ተቋም ማደራጀት በማስፈለጉ፤

የቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት ሕገ-መንግስት አንቀጽ 49 ንዑስ አንቀጽ 3 ቁጥር 1 መሠረት የሚከተለው ታውዷል።

ክፍል አንድ

ጠቅሳሳ

<u>አንቀጽ 1</u>

<u>አጭር ርዕስ</u>

ይህ አዋጅ "የቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት ጠቅላይ ዐቃቤ-ሕግ ማቋቋሚያ አዋጅ ቁጥር 161/2011 ዓ.ም" ተብሎ ሊጠቀስ ይችላል።

<u>አንቀጽ 2</u>

<u>ትርጉም</u>

በዚህ አዋጅ ውስጥ የቃሉ አግባብ የተለየ ትርጉም የሚያሰጥ ካልሆነ በስተቀር፡-

- 1. "ሕገ-መንግስት" ማለት የቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት የተሻሻለዉ ሕገ-መንግስት ማለት ነው፤
- 2. "ክልል" ማለት የቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት ማለት ነዉ፤

WHEREAS; the necessity arise structuring attorney institution reliable within the community, serving with the complete institution and professional freedom as well governed for the professional, institutional and public liability, engage accountable and transparent,

The following is proclaimed according to Benshangul Gumuz regional government constitution article 49 sub article 3 no. 1

Part One

General

Article One

Short Title

This proclamation can be sited as "Benshangul Gumuz Regional Government Attorney General Establishing Proclamation No.161/2018."

Article Two

Definition

Except the context in this proclamation renders the other meaning:

- "Constitution" means the Benshangul Gumuz regional government revised constitution;
- 2. "Region" means the Benshangul Gumuz Regional Government;

- 3. "ክልል ምክር ቤት" ማለት የቤኒሻንጉል ጉሙዝ ክልላዊ መንግሥት ክልል ምክር ቤት ማለት ነው፤
- 4. "መስተዳድር ምክር ቤት" ማለት የቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት መስተዳድር ምክር ቤት ማለት ነዉ፤
- 5. "የክልሉ መንግስት መስሪያ ቤቶች" ማለት ሕጋዊ ሰውነት ያላቸው ሙሉ በሙሉ ወይም በክፊል በክልሉ መንግስት በጀት የሚተዳደሩ አካላት ሆነው የክልሉ መንግስት የልማት ድርጅቶችንም ይጨምራል፤
- 6. "የወንጀል ሕግ" ማለት የኢትዮጵያ ፌዴራሳዊ ዴሞክራሲያዊ ሪፐብሊክ ሕዝብ ተወካዮች ምክር ቤት ወይም በክልሱ ሕዝብ ተወካዮች ምክር ቤት በወጣ አዋጅ መሠረት የተደነገገ የወንጀል ሕግ ሲሆን ልዩ የወንጀል አዋጆችንም ይጨምራል ማስት ነው፤
- መንግስቱ 7. "ሕፃ" ማለት በፌኤራል ወጥተው በክልሱ ውስጥ ተልጸማታት ያላቸው የሕግ ማክቀፎችን፣ በክልሱ ሕግ አካላት አዋጆችን፣ አውጨ የወጡ ደንቦችን እና *ሥ*ልጣን በተሰጣቸው የወጡ የክልሱ መንግስት አካላት *መመሪያዎችን ያጠቃል*ሳል፤

- 3. "Regional Council" means the Benshangul Gumuz Regional Government Council;
- 4. "Administrative Council" means the Benshangul Gumuz Regional Government council;
- 5. "The Regional Government Offices":

 Means the bodies governed completely or
 partly under the budget of the region
 having legal personality, it includes the
 public enterprises of the regional
 government
- 6. "Criminal Code" means the criminal code provided under the proclamation issued by the Federal Democratic Republic of Ethiopia house of people representative or of the regional house of people representatives, it includes special different criminal proclamations;
- 7. "Law" means the legal frameworks having effectiveness in the region after being issued by the federal government, proclamation, regulations issued by the regional legislative and directives issued by the regional government bodies vested with the power;

- 8. "ጠቅላይ ዐቃቤ-ሕግ" ማለት በዚህ አዋጅ አንቀጽ 3 ንዑስ አንቀጽ 1 ላይ የተመለከተዉ ተቋም ማለት ነዉ፤
- 9. "ዋና ጠቅላይ ዐቃቤ-ሕግ" ማስት በቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት በርዕሰ-መስተዳድሩ አቅራቢነት በክልል ምክር ቤት የተሾመ የክልሱ ጠቅላይ ዐቃቤ-ሕግ ኃላፊ ማስት ነው፤
- 10."ምክትል ጠቅላይ ዐቃቤ-ሕግ" ማለት በክልሉ ርዕሰ-መስተዳድር የተሾመ ወይም የሚሾሙ የክልሱ ጠቅላይ ዐቃቤ-ሕግ ምክትል ኃላፊ ማለት ነው፤
- 11."ዳይሬክተር" ማስት በጠቅሳይ ዐቃቤ-ሕግ ሥር በተቋቋሙ **ዳይሬክቶሬቶች** ዉስጥ በባለቤትነት ሥራዉን እንዲመራ በዐቃቤ-ሕግ የተመደበ ወይም የተሾመ ዐቃቤ-ሕግ ማስት ነዉ፤
- 12. "ዐቃቤ-ሕግ" ማስት በዋና ጠቅሳይ ዐቃቤ-ሕጉ ተሹሞ በዐቃቤያነ-ሕግ መተዳደሪያ ደንብ መሠረት የሚተዳደር የሕግ ባስሙያ ሲሆን በዚህ አዋጅ አንቀጽ 7 ንዑስ አንቀጽ 1 መሠረት የተሾሙ ጠቅሳይ ዐቃቤ-ሕጉን ፣ ምክትል ጠቅሳይ ዐቃቤ-ሕግ ፣ዳይሬክቶሬቶች እና በየደረጃዉ ባሉት የዐቃቤ-ሕግ መስሪያ ቤት ኃላፊዎችንም ይጨምራል፤

- 8. "Attorney General" means an institution indicated under Article 3 sub article 1 of this proclamation.
- 9. "The Principal Attorney General" means the regional attorney general head appointed by the regional council having seconded by Benshangul Gumuz Regional Government head of state;
- 10. "Deputy Attorney General" means the regional attorney general deputy heads appointed or to be appointed by the head of state;
- 11. "Director" means attorney appointed or placed to deposition of attorney to manage the work as an owner in the directorate establish under the attorney general;
- 12. "Attorney" means the legal attorney governed under the directive of attorneys having appointed by the principal attorney general; it includes the attorney general, deputy attorney general, directorate and the respective officials of attorney offices appointed under this proclamation Article 7 sub article 1;

- 13."ፖሊስ" ማለት ሥልጣን ያለው የፌዴራል ወይም የክልል ፖሊስ ማለት ነው፤
- 14."ሰው" ማስት የተልጥሮ ሰው ወይም በሕግ የሰውነት መብት የተሰጠው አካል ማስት ነው
- 15.ማንኛውም በወንድ ፆታ የተገለፀው አነ*ጋገር* ሴትንም ይጨምራል ፡

<u>ክፍል ሁለት</u> <u>መቋቋምና ተጠሪነት ፣ ዋና መስሪያ ቤት ፣</u> <u>ዓላማ ፣ ሕና ሥልጣንና ተግባር</u> <u>አንቀጽ 3</u> መቋቋምና ተጠሪነት

- 1. የቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት ጠቅላይ ዐቃቤ-ሕግ (ከዚህ በኋላ "ክልል ጠቅላይ ዐቃቤ-ሕግ") እየተባለ የሚጠራ፣ ራሱን የቻለ የሕግ ሰውነት ያለው የክልል መንግስት መስሪያ ቤት ሆኖ በዚህ አዋጅ ተቋቁሟል፤
- 2. የክልል ጠቅላይ ዐቃቤ-ሕግ ተጠሪነት ለርዕሰ-መስተዳድሩ እና ለክልሱ መስተዳድር ምክር ቤት ይሆናል፤
- 3. በዞን፣ በከተማ አስተዳደር፣ በልዩ ወረዳ እና በወረዳ አስተዳደር በሚቋቋሙ የዐቃቤ-ሕግ መስሪያ ቤቶች ተጠሪነታቸዉ ሰጠቅሳይ ዐቃቤ-ሕጉና ሰየአስተዳደር እርከጉ ሰሚገኙ ዋና አስተዳዳሪ ወይም ከንቲባ እና ካቢኔ ይሆናል፡፡

- 13. "Police" means the federal or regional police with vested authority.
- 14. "Person" means a body vested with the natural or juridical personally.
- 15. Provisions of this proclamation set out in the masculine gender shall also apply to the feminine gender.

Part Two Establishment and Responsibility, Head Office, Objective, and power and Duties Article 3

Establishment and Accountability

- 1. The Benshangul Gumuz Regional Government attorney general (to be referred herein-after as "regional attorney general") is hereby established under this proclamation as independent regional government office having legal personality;
- 2. The accountability of the regional attorney general shall be for the head of state and for regional administrative council
- 3. The attorney offices to be established at respective zonal, city administration, special Woreda and the Woreda administration level shall be accountable to the attorney general and the administration head or mayor and cabinet at respective administrative levels.

- 4. በክልሱ በየትኛዉም ደረጃ ሳስ ዐቃቤያነ-ሕግ የበሳይ ኃላፊ ጠቅሳይ ዐቃቤ-ሕጉ ይሆናል፤
- 5. በዚሁ አንቀፅ ንኡስ አንቀፅ 3 የተጠቀሰዉ አንደተጠበቀ ሆኖ በየትኛዉም ደረጃ ያለ ወቃቤ- ሕግ ለበሳይ ኃላፊያቸውና ለተመደቡበት የሥራ ዘርፍ /ሂደት/፣ መምሪያ ወይም ጽህፌት ቤት ኃላፊዎቻቸው ተጠሪ ይሆናሉ።

<u>ዋና መስሪያ ቤት ፣ መምሪያዎች እና</u> ጽህ**ፈ**ት ቤት

የክልል ጠቅላይ ዐቃቤ-ሕግ ዋና መስሪያ ቤት በአሶሳ ከተማ ሆኖ በተዋረድ በክልሱ ዞኖች ፣ በወረዳዎች/በከተማ አስተዳደሮች ወይም በልዩ ወረዳዎች መዋቅር የሚኖረዉ ሲሆን አንደአግባቡ የዐቃቤ-ሕግ መምሪያዎች ወይም ጽህፊት ቤቶች ይኖሩታል።

<u>አንቀጽ 5</u> <u>ዓላማዎች</u>

የክልል ጠቅሳይ ዐቃቤ-ሕግ የሚከተሉት ዓሳጣዎች ይኖሩታል፡-

1. ሕ*ገ-መን*ግስቱን እና ሕ*ገ-መንግ*ስታዊ ሥርዓቱን ማክበር እና ማስከበር፤

- 4. The supreme official of the attorneys at any respective level of the region shall be the principal attorney general;
- 5. Without produced to what is cited in this article sub article 3, attorney at any respective level shall be responsible to their superiors and the work sector (processor) division or office head where they placed to.

Article 4 Head office, Department and Office

The head office of regional attorney general shall be in Assosa city, it shall have structure extended in the ladder of hierarchy to regional zones, woredas/city administrations or special Woredas, and as the case may be its may have attorney departments or offices.

Article 5

Objectives

The regional attorney general shall have the following objective:

1. To observe and get the construction and constitution system observed;

- 2. የዜጎችን ሕና የህዝቦችን መሰረታዊ ሰብዓዊ ሕና ዴሞክራሲያዊ መብቶችና ነጻነቶች ማክበርና ማስከበር፤
- 3. የሕፃ የበላይነትን *ማሬጋገ*ጥ፤
- 4. የወንጀል ሕግን ማስከበር እና
- 5. የክልሱ *መንግስት እ*ና የክልሱ ሕዝብ የፍትሐብሔር ጥቅም ማስከበር፤
- 6. ተበታትኖ ሲከናወኑ የቆዩትን ሕፃ የማስከበር ተግባራት ወደ አንድ የተደራጀ ተቋማዊ ማዕቀፍና አስራር ማጠቃስል።

<u>ሥልጣንና ተግባራት</u>

የክልሱ ጠቅሳይ ዐቃቤ-ሕግ የሚከተሱት ሥልጣንና ተግባራት ይኖሩታል፡-

- 1. በሕግ *ጉዳ*ዮች የክልል መንግስት ዋና አማካሪ እና ተወካይ ሆኖ ይሰራል፤
- 2. በፌኤራል መንግስቱ ተዘ*ጋ*ጅቶ የጸደቀውን የወንጀል ፍትህ ፖሊሲ በክልሉ ውስጥ ተግባራዊ እንዲሆን ያስተባብራል፣ ይከታተሳል፣ ያፈጋግጣል **ሕንደ** የክልሱ የወንጀል ፍትህ **አስፈላ**ጊነቱም ፖሊሲ ያዘጋጃል ሲጸድቅም በክልሱ ተግባራዊ ያደርጋል፤
- 3. የወንጀል ፍትሕ መረጃዎችን መሰብሰብ፣ ማደራጀት፣ መተንተንና ማሰራጨት የሚያስችል ሥርዓት ይዘረ*ጋ*ል፣ ያስፊፅማል።

- 2. To observe and get citizens and peoples basic human and democratic rights and freedom observed;
- 3. Insure the law supremacy;
- 4. Get observed the criminal code and;
- 5. To get civil interest of regional; government and the regional peoples;
- 6. To include the fragmented law enforcement activities which has been carried out in to one organized institutional frame work

<u>Article 6</u>

Power and Duties

The regional attorney general shall reserve the following power and duties:

- 1.Shall act as general advisor and agent of the regional government concerns the legal affairs
- 2.Shall coordinate, follow, insure the implementation of the criminal justice policy as produced and approved by the federal government in the regional, as the case may be shall produced regional criminal justice policy and implement in the region when approved;
- 3.Shall install, get executed system which enable the collection, organization, canalization and distribution of the criminal justice evidences

4. የወንጀል *ጉዳ*ይን በተመለከተ፡-

- U) በሌሎች ሕጎች ለፖሊስ የተሰጠዉ ሥልጣን እንደተጠበቀ ሆኖ የሙስና እና የታክስ ሕጎችን በመጣስ 109.6.000 ወንጀሎች ጥቆጣ ሲደርሰዉ ምርመራ *እንዲጀመር ያደርጋ*ል፣ *እን*ደ አስፈላጊነቱ ምርመራ ከፖሊስ 2C 110018390 ያጣራል ፣ ይከሳል ፣ ሥልጣን ባለዉ ፍርድ ቤት ይከራከራል። *እንዲሁም* ሥልጣን በሌሎች በክልሉ ፍርድ ቤት P^oC. በሚወድቁ ጉዳዮች የወንጀል ምርመራ ሂደት ይከታተላል። የተጀመረ የወንጀል ምርመራ ሪፖርት እንዲቀርብ *እንዲሁ*ም ምርመራው በአማባቡ ተከናውኖ እንዲጠናቀቅ ያደርጋል፤
 - ለ) በሕዝብ ጥቅም መነሻ ወይም በወንጀል የማያስጠይቅ ሁኔታ መኖሩ በግልፅ ሲታወቅ የወንጀል ምርመራ *እንዲቋረ*ጥ ወይም የተቋረጠው የወንጀል ምርመራ *እንዲቀ*ጥል *ማ*ናቸዉም ያደርጋል፣ የወንጀል *ምርመራዎች* በሕፃ መስረት *መ*ከናወናቸዉን ያፈጋግጣል፣ አስፈላጊውን ትእዛዝ ይሰጣል፤

4) Concerning the criminal case:

- A. Without prejudice to the power vested to police under other laws, when ever whistle blow crimes committed breaching the corruption and tax laws shall insure the commencement investigation, shall the investigation together with verify police as the case may be, shall sue, shall litigate in the competent court. As well; shall follow the crime investigation process of matters fall under other regional court jurisdiction. Shall insure the lodgment of the pending criminal investigation report as well shall insure the investigations properly carried out and grounded up;
- B. Upon the consideration parentally of the presence of any condition which shall initial legal liability or accordingly to the public interest bases, shall insure the termination of the crime investigating or shall insure the sustenance of the crime investigation terminated, shall insure whether any crime investigations are carried out according to the law, shall, give the necessary order;

- ሐ) በወንጀል መዝንብ ላይ የተሰጠ የዐቃቤ-የፍርድ ቤት ውሳኔዎችን ለሚ.መለከተው ያሳውቃል፣ ፖለስ የወንጀል ምርመራ መዝገቦችን አስመልክቶ በየደረጃው ባሉ ዐቃቤያነ-ሕግ በተሰጡ ውሳኔዎች ላይ በፖሊስ የሚቀርቡ አቤቱታ ተቀብሎ ውሳኔ ይሰጣል፤ በተጀመረ የወንጀል ምርመራ ፖሊስ *አስመልክ*ቶ ሰዐቃቤ-ሕግ *ማ*ሳወቁን *ያፈጋ*ግጣል፤
- መ) የተጠናቀቁ የምርመራ መዝገቦችን ከሕግ ሕና ከማስረጃ አንፃር መርምሮ በወንጀል ሥነ-ሥርዓት ሕግ መሠረት የተቀመጡ መመዘኛዎች ሲሟሉ የአያስከስስም ወይም የተዘግቷል ውሳኔ ይሰጣል፤
- ሥ)የጥፋተኝነት ድርድር ይወስናል፣ ድርድር
 ይደር ጋል፣ አማራጭ የመፍትሄ ሕርምጃ
 ሕንዲወሰድ ይወስናል፣ ተግባራዊነቱን
 ይከታተላል፤

- C. Shall reveal the concerned police any decision passed by the attorney and the court under the crime file, shall passed decision receiving the application from the police over the decision is passed by the respective attorneys concerns the crime investigation files, shall insure whether police as notified the attorney concerns the pending crime investigation.
- D. Shall investigate the rounded up investigation files scrutinizing against the law and evidence up on fulfilling the requirements regarded in line with the criminal procedure law shall pass the decision of none alleging or closed.
- E. Shall decide the guilty offender negotiation, shall negotiate, shall decide passing alternative solution measures, follow its implementation;

- ረ) የክልል መንግስትን በመወከል የወንጀል ጉዳዮች ክስ ይመሰርታል፣ ይከራከራል፣ ለህዝብ ጥቅም አስፈላጊ ሆኖ ሲያገኘው በሕግ መሰረት ክስ ያነሳል፣ የተነሳ ክስ ሕንዲቀጥል ያደርጋል፤ ሆኖም ጉዳዩ ክልላዊ ይዘት የሚኖረው ሲሆን የክልሱን ርዕሰ-መስተዳድር በማማከር ክስ ስለሚያነሳበት አግባብ መመሪያ ያወጣል፤
- ሰ) ፍርድ ቤቶች በወንጀል ጉዳይ የሚሰጡዋቸው ውሳኔዎችና ትሕዛዞች መፈፀምና መከበራቸውን ይከታተሳል፣ ሳይፈፀሙ ከቀሩ ወይም አፈባፀማማቸው ሕግን ያልተከተለ ከሆነ በጉዳዩ ሳይ ውሳኔ ለሰጠው ፍርድ ቤት በማመልከት የእርምት እርምጃ እንዲወስድ ያደር ጋል፤
- ሽ) የወንጀል ድርጊት ጠቋሚዎችና ምስክሮች በሕግ መሰረት ጥበቃ ሕና ከሰላ ሕንዲያገኙ ያደር*ጋ*ል፤
- ቀ) በማረፊያ ቤትና በማረሚያ ቤት ቁጥጥር ሥር ያሉ ተጠርጣሪዎችንና ታራሚዎችን ይጎበኛል፣ አያያዛቸው እና ቆይታቸው በሕግ መሰረት መሬጸሙን ያረጋግጣል፣ ሕን ወጥ ተግባር ተፈፅሞ እንደሆነ እንዲታረም ያደርጋል።ሕግን ተሳልፈዋል በተባሉ ሰዎች ላይ በሕግ መስረት እርምጃ ይወስዳል ወይም እንዲወሰድ ያደርጋል፤

- F. Shall sue(file) the criminal matters representing regional government, shall litigate, shall leave to sue under the law when finding beneficiary to the interest of public, shall insure the court procedure last, when the case has regional status consulting the head of state shall issue directive touching relevance on house to lift the lawsuit;
- G. Shall follow whether decisions and orders are executed and observed the courts pass in the case of crime, shall insure corrective measures are taken indicating to the court passed decision on the matter if they pending without execution or the execution does not follow the law;
- H. Shall insure the criminal offence whistle blowers and witnesses served with protection and cover under the law;
- I. Shall visit suspects and prisoners in prisons and jails in custody, shall insure their handling and stay is performed under the law, shall insure the correction of commission of illegal acts. Shall take measures or insure taken according to the law to individuals claimed to violate the law.

- በ) በዕርቅ ሊያልቁ የሚችሉ የወንጀል ድርጊቶች በሕርቅ የሚጠናቀቁበትን ሁኔታ ያመቻቻል፣
- ተ) በፍርድ ቤት የሚወሰኑ የወንጀል ቅጣቶች በአግባቡ ሕንዲፈፀሙ ለማድረግ የሚያስችሉ ሥርዓቶችን ያደራጃል ወይም መደራጀታቸውን ያረጋግጣል፤
- 干) የሕጅ ተፍንጅ ወንጀሎች ተፈፅመው ሲገኙ በተፋጠነ ሥነ-ሥርዓት ውሳኔ የሚያገኙበትን መንገድ ያመቻቻል፣ ለዚህም ከፖሊስና ከሌሎች ጉዳዩ ከ*ሚ.*መ**ለ**ከታቸው አካላ*ት* 2C. ተባብሮ ይሥራል፤
- ጎ) ለወንጀል ጉዳይ ምስክሮች በወቅቱ መጥሪያ እንዲያደርስና ምስክሮችንም ወደ ፍርድ ቤት እንዲያቀርብ ለፖሊስ ትእዛዝ ይሰጣል ፤ አስራላጊ ሆኖ ሲያገኘውም የዐቃቤ-ሕግ ምስክሮች ተገቢውን ጥበቃ እንዲያገኙ ያደር ጋል ፤
 - ነ) የይግባኝ መብት የተጠናቀቀ የሞት ቅጣት ውሳኔን ለኢትዮጵያ ፌዴራሳዊ ዴሞክራሲያዊ ሪፐብሊክ ፕሬዚዳንት ያቀርባል፣ አፈባፀሙን ይከታተላል።

- J. Shall facilitate condition to reconcile criminal cases which can potentially be reconciled.
- K. Shall organize or insure their arrangements of systems enabling the proper implementation of crime penalties decided in the court.
- L. When crimes can be found performed on the spot (red handed) it shall facilitate ways to be decided as fast as possible (accelerated), shall work with polic and with other concerned members towards this.
- M. Shall order police, timely deliver summon to witnesses in the criminal affairs and bring witnesses to the court, shall insure the necessary protection towards the attorney witnesses when found necessary;
- N. Shall lodge the president of the federal democratic republic of Ethiopia, the death sentence which is just rounded up with the appeal right, shall follow the execution.

5. የፍትሐብሔር *ጉዳ*ዮችን በተመለከተ፡-

- ሀ) በክልል የመንግስት መሥሪያ ቤቶች የሕዝብ እና የክልል መንግስት መብትና ጥቅም ወኪል ሆኖ ይከራከራል፣ ያስከብራል፣ እንዲከበሩ ያደር ጋል፣ የሚከበሩበትን ሂደት ይከታተላል፣ ይቆጣጠራል፤
- በማዙፍ የመንግስት ፐሮጀክቶች V) ዝൗጅት ሕና የውል ድርድር ከሚመለከታቸው አካላት *ጋ*ር በመሆን ያደርጋል፣ የሕዝብና የክልል መንግስት መስሪያ ቤቶች ጥቅም ይጎዳል ሲያምን በሴሎች ጉዳዮች ውል ዝግጅትና ያደርጋል തലയ ድርድር የሚመለከታቸውን አካላት ያማክራል፤
- ሐ) የክልል መንግስት መስሪያ ቤትን በመወከል የፍትሐብሔር ክስ ይመሰርታል፤ በክስሱበት ወይም በተከሰሱበት የፍትሐብሔር ጉዳዮች ላይ ክርክር SSC2A: በተጀመረ ክርክር ተቋማትን ተክቶ በተናጠል ወይም በ*ጋራ* ይከራከራል፣ ወይም በክርክር አመራር ስመሥሪያ ቤቶች <u>አቅጣጫ</u> ላይ ይሰጣል፣ በሕፃ መሠረት ፍርድን ያስፈፅማል፤

5) Concerning civil matters:

- A) Shall litigate as an agent of the rights and benefits of the regional government and the regional government offices public, get observed, insure their observance, shall follow the process of their observance, control;
- B) Shall insure the contract preparation ad negotiations in the gigantic government projects together with the concerned bodies, when deems it shall prejudice the interest of the public and regional government shall insure contract preparation and negotiations towards other matters or consult the concerned bodies.
- C) Shall file civil sue representing the regional government offices, shall entertain litigation the civil issues sued or being sued, shall litigate severally or together in the place of institutions, or give directions to offices to the in the litigation management, execute judgment according to the law.

- መ) የክልል መንግስት መስሪያ ቤቶች ሕርስ በርሳቸዉ ያልተግባቡባቸው የፍትሐብሔር ጉዳዩች በፍርድ ቤት ወይም ከፍርድ ቤት ውጭ ባለ አማራጭ የክርክር መፍቻ መንገድ እንዲወሰን ውሳኔ ይሰጣል፤ በውሳኔው መሰረት መፈፀሙን ያረጋግጣል፤
 - የተመዘበረ የመንግስት W) **73**HA ቤት ሥልጣን ባለዉ ፍርድ ክስ በማቅረብ ያስመልሳል፤ የሙስና ወንጀል **ወ**ጤት የሆኑት እና በፍርድ ሂደት ላይ ያሉ ንብረቶችንና የፍትሐብሄር ጉዳዮችን ያስተዳድራል፤ *እንዲወ*ረስ የተሰጠባቸዉን ንብረቶችን ያስተዳድራል፤ የተሰጠባቸዉን ዉሳኔ *እንዲ*ወረስ **ለሚ***መ*ለከተዉ **ን**ብረቶች የመንግስት አካል ያስተሳልፋል፤
- ረ) በክልል ፍርድ ቤቶች የፍትሐብሔር ክስ ለመመሥረት የኢኮኖሚ አቅም የሴላቸውን ዜጎች በተለይም ሴቶችን፣ ሕፃናትን፣ አካል ጉዳተኞችን እና አረጋዊያንን ወክሎ ይከራከራል፤
- ሰ) የኢኮኖሚ አቅም የሌላቸው የወንጀል ተጎጂ : የሆኑ ተበዳዩች እንዲካሱ መልሰው *እንዲሁም እንዲቋቋሙ* ከጉዳቱ 2C. የተያያዙ የፍትሐብሔር **ጥቅጣቸውን** ስማስጠበቅ **እ**ነሱን በመወከል የፍትሐብሔር ክስ ያቀርባል ወይም ይደራደራል።

- D. Shall decide for the resolution of on the civil matters on which the regional government offices cannot reach at agreement to each other in the court or outside the court through alternative resolutions, insure their execution according to the decision;
- E. Shall get embezzled money of the government filing sue with the competent court; shall insure the management of properties which are the results of the crime of corraption and civil matters, shall properties manage decided their inheritance, shall transfer the concerned government bodies the properties decided being inherited; the for concerned members towards this
- F. Shall litigate on behalf of economically hurt citizens especially such as women, children, disables, and elderly to file sue civil court procedure in the regional courts;
 - G. Shall file civil charge or negotiate against the compensation of the economically hurt victims of the crime, rehabilitations, as well the observance of their civil rights in relation with the crime on behalf of them.

6. የሕግ ጥናት፣ ማርቀቅ፣ምክርና ሥልጠና ሥራን በተመለከተ፡-

- ሀ) በክልሱ *መንግሥት የሚ*ወጡ ሕጎ የሕግ ረቂቅ ዝግጅት ይሰራል፤ የመንግስት አካላት የሚያዘጋጁት ረቂቅ ሕፃ ከሕገ-መንግስቱና ከፌኤራል ሕጎች 20 መሆኑን የተጣጣመ *ያ*ረ*ጋ*ግጣል፣ለሚመለከታቸው ክፍሎችም አስተያየት ያቀርባል ፤ በክልሎች ጥያቄ ሲቀርብለት የሕግ ረቂቆችን በማዘጋጀት ይረዳል፤
- ፍትህ ሥርዓት V) የክልሱ የሚሻሻልበትን፣ አሰራሩ የሚታለብትበትን፣ **ዉጤታ**ማና ቀልጣፋ የሚሆንበትን የጥናትና የምርምር ሥራ ያካሂዳል፤ የወንጀል ፍትሕ መረጃዎችን መሰብሰብ፣ ጣደራጀት፣ መተንተንና ጣሰራጨት የሚያስችል ሥርዓት ይዘፈጋል፣ ያስፈፅማል ፤
- ሐ) የሕግ ማሻሻያ ጥናቶችን በማድረግ ሕግጋት እንዲሻሻሉ ሰዋና ጠቅላይ ዐቃቤ-ሕጉ የዉሳኔ ሃሳብ ያቀርባል፣ ሲደንፍም ስተባሉት ማሻሻያዎች ረቂቅን በማዘጋጀት ሰሚመስከታቸዉ አካላት ልኮ ያስጸድቃል፤

6) Concerning law study, drafting, counseling and training work:

- A) Shall do the law drafting concerns the laws to be promulgated in the regional government laws, insure whether the draft constitutions as promulgated by the government bodies are in observance of the federal laws, shall suggest the concerned departments, shall help preparing the law drafts when required by regions;
- B) Shall do the research and development activities on improving the justice procedure of the region, upgrade the system, be effective and efficient, collect the crime justice data, organize, analyze and dissimilate;
- C) Shall propose decision to the principal attorney general for the improvements of laws insuring law improvement surveys, shall get the drafts prepared for the said amendments approved when endorsed;

- መ) ስዐቃቤያነ-ሕግ አና አንዳስልላጊነቱ ስሌሎች ፍትህ አካስት ሥለሥራቸዉ ያላቸዉን አመለካከት ፣ ዕዉቀትና ክሕሎት በተከታታይና በየደረጃዉ ስማሳደግ ሥልጠና ይሠጣል ወይም ሥልጠና አና ትምህርት እንዲሠጣቸዉ ያደር ጋል፤
- ሠ) የሕግ የበላይነት ለማረ*ጋ*ገጥ ለክልሉ መንግስት ባለሥልጣናት ተሿሚዎች፣ ተመራጮች፣ ሠራተኞች ሕንዲሁም የግሎ ዘርፍ ተሳታፊዎች ሕንደአስፈላጊነቱ በክልላዊና አገራዊ ሕጎች ግንዛቤ ማስጨበጫ ሥልጠና ይሠጣል ወይም ሕንዲሠጥ ያደር*ጋ*ል፤
- ረ) የሕግ ጉዳዮችን በተመለከተ የክልሱን መንግሥት ተቋጣት ያጣክራል፤
- ሰ) ክልሱ ከሴሎች ክልሎች 2C. የሚፈርመዉን ክልሳዊ ሥምምነት ሌሎች ሕ*ገ-መንግ*ስቱንና የክልሱ ጥቅም ሕግ*ጋት ያገ*ናዘበና ከክልላዊ ተቀባይነት አንፃር ያስው መሆኑን ያረ ጋግጣል።
- 7) አስፈፃሚ የክልሱ መንግስት ሕፖች ተማባራዊ መደረ ጋቸውን ሕና አተንባበራቸውም ወጥነት ያስው ያፈጋግጣል ፤ መሆኑን እንዲሁም መንግስት መስሪያ ቤቶች የክልሱ ሥራቸውን መሠረት በሕፃ *መ*ከናወናቸውን *ያፈጋ*ግጣል፤

- D) Shall render training for the attorney s and as the case may be to other justice bodies so as to increase their attitude, knowledge and skills successively and to raise their status or shall insure training or lessons be given them;
- E) Shall give and insure given awareness creation training towards regional and national laws to insure the supremacy of the law to the regional government authority, officials, elects, employees as well the private sector participants;
- F) Shall consult the regional government institutions concerns the law matters;
- G) Shall insure the regional agreement signed with other regions taken in consideration with the regional constitution and other laws of the region;
- 7) Shall insure the executive regional government laws are implemented, and insure their implementation is uniform; as well shall insure the regional government offices are conducting their tasks in line with the law;

8) ሰብአዊ መብትን በተመለከተ፡-

- ሀ) ክልሳዊ የሰብአዊ መብት የድርጊት መርህ-ግብርን ከ**ሚ**መ**ለ**ከታቸው አካላ*ት* 2C. nour3 ያዘጋጃል፣ አፈባፀሙን ይከታተሳል፤ กกลล የሚመስከታቸውን ደረጃ አካላት ያስተባብራል፣ ለሚመለከታቸው አካላት ሪፖርት ያቀርባል፤
- ለ) በፖሊስ ማረፊያና በማረሚያ ቤት ቁጥጥር ሥር ያሉ ታራሚዎችን ይጎበኛል፣ አያያዛቸው እና ቆይታቸው መስረት በሕፃ መሬጸሙን ያፈጋግጣል፣ ተግባር ሕገ-ወፕ *እንዲታረ*ም *እንዲሁ*ም ሕፃን ተሳልፈዋል በተባሱ ሰዎች ሳይ በሕግ መሠረት ሕርምጃ ይወስዳል ወይም *እንዲወሰድ ያደርጋ*ል፤
- ሐ) የሰብአዊ መብት ትምህርት የንቃተ ዘዴዎች ሕግ-ለማዳበር በተለያዩ ከሌሎች ከ**ሚ**መ**ለ**ከታቸዉ 8106 ትምህርት በመተባበር ዘርፍ ኃር ይሰጣል፤ በዘርፉ የተሰማሩ የሚመለከታቸውን አካላት ያስተባብራል፤

8) Concerning human right:

- A. Shall prepare regional human right action plan with the concerned bodies, follow the execution, coordinate the concerned bodies in the regional level, shall report to the concerned bodies:
- B. Shall visit prisoners under the custody of police prison and prisons, shall insure their handling and stay is according to the law, shall take measures under the law or insure measures are taken for the correction of illegal acts as well to individuals said to violate the law.
- C. Shall deliver educations in collaboration with the concerned other sectors on different strategies so as to upgrade the human right education awareness, shall coordinate the concerned bodies engaged in the sector;

- መ) ኢትዮጵያ ያፀደቀቻቸውን ወይም የተቀበለቻቸውን *ዓ*ለም አቀፍና *አህጉራዊ* የሰብአዊ መብት ስምምነቶች በክልሱ አፈፃፀማቸውን ይከታተሳል፣ ለሚነሱ ጉዳዮች ሕንደ ከሚመለከታቸው አማባብነታቸው አካ**ሳ**ት 2C. በመመካከር ምላሽ የስምምነቶቹን ይሰጣል፤ ክልሳዊ የአፈፃፀም ሪፖርት ከሚመለከታቸው አካላት *ጋር* በመተባበር ያዘ*ጋጃ*ል፤
- 9) የሠነዶች፣ጠበቆችና *ማኅ*በራት ምዝገባ በተ*መ*ስከተ፡-
 - ሀ) አማባብ ባለዉ ሕግ መሰረት ሠነዶችን ያረጋግጣል፣ይመዘግባል፣ይሰርዛል፣ይ ሽራል፤
 - **ሰ**) በክልሱ የሚንቀሳቀሱ የኢትዮጵያውያን የበጎ አድራጎት ድርጅቶችን፣ ሲቪክ ማህበራትን ሕና የኃይማኖት ተቋማትን ይመዘማባል፣ የሕጋዊ ሰውነት ጣረጋገጫ ምስክር ወረቀት ይሰጣል፣ በሕፃ መሠረት ስራቸውንም ይሰርዛል፣ አካላት ከሚመስከታቸዉ ЭС. ይቆጣጠራል፣ በመተባበር ያፈጋግጣል፣

- D. Shall follow the regional implementation of international and continental human rights conventions Ethiopia has adopted or endorsed, shall respond cases raised as the case may be in consultation with the concerned bodies, shall prepare the regional execution report of the conventions in collaboration with the concerned bodies;
- 9) Concerning documents, advocates and civic societies registration:
 - A) Shall authenticate, register, cancel, revoke documents in line with the relevant laws;
 - B) Shall register Ethiopian non profitable organizations, Civic associations and religious institutions operating in the region, issues the legal personality confirmation certificate, cancels according to the law, control their work together with the concerned bodies, confirm it;

- ሐ) ከክልሱ ማኅበራት ማደራጃና ማስፋፊያ ተቋም ከሚያደራጃቸዉና ከሚመዘግባቸዉ ዉጭ ያሉት የንግድ ማኅበራት ይመዘግባል፤
- መ) በክልል ፍርድ ቤቶች ደረጃ የጥብቅና አንልግሎት **ስ**ማ.ሰጡ ጠበቆች በሕፃ መሠረት *ልቃ*ድ ይሳጣል፣ ያድሳል፣ ያግዳል ፣ የጠበቆችን ይሰርዛል፤ የዳሲፒሲን ጉዳይ በሕግ መሰረት አይቶ ይወስናል፤ጠበቆችን ሕና የጥብቅና አገልግሎትን ያስተዳድራል፣ ይቆጣጠራል፤ይሕን በሚመለከት በሌሎች የተመለከቱትን ሕጎች ላይ ተግባራዊ 92C28 !
 - ሥ) ነጻ የሕግ ድጋፍን አሰጣጥ ስትራቴጂዎችን ይቀርጻል፣ አፈጻጸሙን
 ይከታተላል፣ በመስኩ የሚሰማሩ አካላትን
 ያስተባብራል፤ ይቆጣጠራል።
- 10) የዐቃቤ-ሕግ የውሳኔ አሰጣጥ እና የፍቅድ ሥልጣን አጠቃቀም ወጥነትን ሰጣረ*ጋገ*ጥ በጠቅሳይ ዐቃቤ-ሕግ የዐደቀ መመሪያ ተግባራዊ መደረጉን ያረ*ጋግ*ጣል፤
- 11) በዐቃቤያነ-ሕግ የሚሰጡ ውሳኔዎች በሕግ መሠረት *መ*ከናወናቸውን የሚያፈጋግጥ የኢንስፔክሽን ክፍል ያደራጃል፣ ጉድሰቶችን በጥናት አስደግፎ ይለያል፤ በማኝቱ መሠፈትም ሕንዲታረሙ ያደር ጋል፣ አስፈላጊ ሲሆን ሕርምጃ ይወስዳል ወይም *እንዲ*ወሰድ ያደር ጋል፣ መልካም ተሞክሮዎችን ያስፋፋል፤

- C) Shall register the business associations execpt organized and registered with the regional associations organizing and expansion institutions;
- D) Shall give license according to the law for the advocates rendering their services in the level of the regional court, renew, inject, cancel, decide on the discipline case of the advocates scrutinizing in line with the law, shall manage advocates and advocacy services, control, shall implement such acts concerns other laws concerns this;
- E) Shall draft free legal support rendering strategies, follow the execution, coordinate bodies engage to the sector, control them;
- 10) Attorney shall insure the implementation of the approved directives by the attorney general so as to insure the uniform nature of attorney decision making and license power uniformity;
- 11) Shall organize inspection department insuring decisions passed by the attorneys are executed under the law, shall identify the defects in line with the study conducted, shall insure their correction in line with the findings, shall take measures when found necessary or insure measures are taken, expand better experiences;

- 12) የክልሱን ጣረሚያ ኮሚሽን የታራሚዎች አያያዝ ይከታተላል ፣ የሕግ ታራሚዎች ይቅርታና ምህረት የሚያገኙበትን ሁኔታ ያመቻቻል ፣ ሥርዓት ይዘረጋል፤
- 13) የፍትሕ አካላት ማስልጠኛ እና የሕግ ምርምር ተቋም እንዲቋቋም ያደር*ጋ*ል፤
- 14) የቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት አስፌጻሚ አካላትን ሥልጣንና ተግባር መወሰኛ አዋጅ የተመስከተውን የአስፌጻሚ አካላት የወል ሥልጣንና ተግባርን ሥራ ላይ ያውላል፤
- 15) የንብረት ባለቤት ሕና የይዞታ ባለመብት ይሆናል፣ ውል ይዋዋላል፣ በራሱ ሥም ይከሳል፣ ይከሰሳል፤
- 16) በሕግ የተሰጡትን ሥልጣንና ተግባራት ወይም ዓሳማውን ስማስፈፀም የሚረዱ ሴሎች ተግባራትን ያከናውናል።

ሹ*መት እ*ና የክልል ጠቅላይ *ዐቃ*ቤ-ሕግ አቋም

- 1. ክልል ጠቅሳይ ዐቃቤ-ሕግ ሹመት፡-
 - ሀ) በርዕሰ-መስተዳድር አቅራቢነት በክልል ምክር ቤት የሚጸድቅ አንድ ዋና ጠቅላይ ዐቃቤ-ሕግ፤
 - ሰ) በር*ዕ*ሰ-መስተዳድር የሚሾሙ ምክትል ጠቅሳይ *ዐቃ*ቤያነ-ሕግ፤

- 12) Shall follow how to handle prisoners of the regional prisons, Shall facilitate conditions how the prisoners can access pardon and amnesty;
- 13) Shall insure the establishment of justice bodies training center and law research institutions;
- 14) Shall implement all rounded power and duties of the executive bodies indicated in the proclamation deciding the duties of Benishangul Gumuz regional government executive bodies power;
- 15) Shall be the owner of properties and rightful towards possessions, conclude contracts, sue in his name, be sued;
- 16) Shall carry out duties and responsibilities vested by the law or other activities help the execution of other activities help the execution of the objective.

Article 7 Appointment and Regional Attorney General Status

- 1. Appointment of regional attorney general:
 - A) One principal attorney general to be approved by the regional council seconded by the head of state;
 - B) Deputy Attorney generals to be appointed by the head of state;

- ሐ) ከተማ አስተዳደር ፣ ልዩ ወረዳ እና ወረዳ ሳይ ያሉ የዐቃቤ-ሕግ መስሪያ ቤት ኃላፊዎች በየአስተዳደሩ ዋና አስተዳዳሪ ወይም ከንቲባ አቅራቢነት በአስተዳደር ምክር ቤቶች ይሾማሉ ፤
- መ) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ፊደል ተራ "ሐ" ላይ የተመለከተዉ የዞን መምሪያ ኃላፊዎችን የማይጨምር ሲሆን የዞን መምሪያ ኃላፊዎች በዞን አስተዳዳሪ አቅራቢነት በክልሉ መስተዳድር ምክር ቤት ይሾማሉ፤
- ሥ) በዚሁ አንቀፅ ንዑስ አንቀስ 1 ፊደል ተራ
 "ሐ" እና "መ" የተጠቀሰዉ እንደተጠበቀ
 ሆኖ ዕጩ ኃላፊዎቹ ከመሾማቸዉ በፊት ስለ
 ዕጩ ተሿሚዎች ጠቅላይ ዐቃቤ-ሕጉ
 አስተያየት እንዲሰጥ መደረግ አለበት፤
- ረ) በሁሉም ደረጃ የሚሾም የዐቃቤ-ሕግ መስሪያ ቤት ኃላፊ በሕግ በቂ የሥራ ልምድና ክህሎት ያለዉ መሆን አለበት፡፡

2. የክልል ጠቅሳይ ዐቃቤ-ሕግ አቋም፡-

- ሀ) አንድ ዋና ጠቅሳይ ዐቃቤ-ሕፃ እና ምክትል ጠቅሳይ ዐቃቤያነ-ሕፃ፤

- C) Attorney office heads in the City administrations, special woreda and woreda shall be appointed with the respective administrative councils having recommended by the administrator of the administrative or mayor;
- D) What is indicated under this article sub article 1 letter number `C` shall not include Zonal division heads, Zonal division heads shall be appointed by the regional administration council seconded by the Zonal Administrator;
- E) Without prejudice to what is mentioned under this article sub article 1 letter no. `C` and `D`, the candidate official before being appointed the attorney general should be made suggest;
- F) Office head of the attorney general to be appointed at respective levels should be the one having well adequate experience per law and skills;

2. Position of the regional attorney general:

- A) One Principal attorney general and deputy attorney generals;
- B) Different directorates and other coordinators;

- ሐ) የማኔጅመንት ኮሚቴ፤
- መ) የክልል ዐቃቤያነ-ሕግ አስተዳደር ጉባኤ፤
- ሥ) በዐቃቤ-ሕግ አስተዳደር ጉባዔ አቅራቢነት በጠቅላይ ዐቃቤ-ሕጉ በተዋረድ ባሎ መዋቅር በየደረጃዉ የሚሾሙ ዐቃቤነ-ሕግ፤ ሕና
- ረ) አስፈላጊ ሠራተኞች ይኖሩታል።

የዋና ጠቅሳይ ዐቃቤ-ሕግ ሥልጣንና ተግባር

- 1. ዋና ጠቅሳይ ዐቃቤ-ሕጉ የክልሱ ጠቅሳይ ዐቃቤ-ሕግ የበሳይ ኃሳፊ በመሆን፣ በሙያውና በሕግ መሠረት ክልል ጠቅሳይ ዐቃቤ-ሕግን ይመራል፣ ያስተዳድራል፤
- 2. በዚህ አንቀጽ ንዑስ አንቀጽ 1 የተመለከተው አጠቃላይ አካጋገር ሕንዴተጠበቀ ሆኖ ጠቅላይ ዐቃቤ-ሕጉ የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል፤
 - ሀ) በዚህ አዋጅ አንቀጽ 6 የተመለከቱትን የክልል ጠቅሳይ ዐቃቤ-ሕግ ሥልጣንና ተግባራት በሥራ ሳይ ያውሳል፤

- C) Management committee;
- D) Regional attorney administrative council;
- E) Attorneys to be appointed at respective hierarchies of the attorney general recomended by the attorney administrative council, and
- F) It shall have necessary employees.

Article 8

Power and duties of the the principal Attorney general

- The principal attorney general being the senior official of the attorney general of the region, shall lead and shall manage the regional attorney general under the law,;
- Without prejudice to the generality of intent indicated under this article sub article 1; the principal attorney general shall have the following power and duties:
 - A) Shall implement the power and duties of regional attorney general indicated under this proclamation of article 6

- V) กกลล የሥነ-ምግባርና የፀረ-ሙስና ኮ**ሚ**ሽን *ማቋቋሚያ አዋ*ጅ 133/2008 ዓ.ም የፌዴራል የተሻሻለው የፀረ- ሙስና ልዩ የሥነ-ሥርዓትና የማስረጃ አዋጅ 434/97 ዓ.ም (በአዋጅ ቁጥር 882/2007 ዓ.ም እንደተሻሻለ) እንዲሁም በሌሎች ሕጎች ለኮሚሽነሩ ተሰጥተው የነበሩ እና በክልሱ *ገ*ቢዎች ባለሥልጣን በቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት አስፈጻማ. ተማባር አካላ*ትን ሥ*ልጣንና መወሰኛ ተሰጥተው የነበሩ ሰባለስልጣን መስሪያ ቤቱ *ዐቃቤያነ-ሕግ* የማደራጀት ሕና የወንጀል or or Corc: መክሰስ ሕና የተመዘበረን PHY ሕና የመንግሥት ሀብትና ንብረት ማስመለስ የተመለከቱ ተማባራትን ሥልጣንና Polo ላይ ያውሳል፤
- ሐ) የክልል ዐቃቤያነ-ሕግ አስተዳደርን በተመሰከተ በክልል ዐቃቤያነ-ሕግ አስተዳደር ጉባኤ የተዘጋጀውን ሬቂቅ ደንብ ለክልል መስተዳድር ምክር ቤት ያቀርባል፤ ሲፀድቅም ተግባራዊ ያደርጋል፤
- መ) ዐቃቤያነ-ሕግ በክልል መስተዳድር ምክር ቤት በሚወጣ ደንብ መሰረት ይሾጣል፣ ያስተዳድራል፣ ያሰናብታል፤

- B. Shall implement the power and duties which were vested to the commissioner under the regional ethics and antiestablishment proclamation corruption 133/2016 the federal revised anti corruption special procedural and 434/2005 evidential proclamation (Proclamation No. 882/2015 as revised) as well other laws and power and duties which were vested by the regional revenues authority Benishangul Gumuz Regional Government executive bodies power and duties determining towards arranging the authority attorney and crime investigation, filing sue and getting the public embezzled and government financial resources back;
 - C. Shall submit draft rules as prepared by the regional attorneys administration concerns the regional attorney administration to the regional administrative council, shall implement when approved;
 - D. Shall appoint attorneys under the decree issued by the regional administrative council, shall run, dismiss;

- ሥ) የክልል ጠቅላይ ዐቃቤ-ሕግ ድጋፍ ሰጪ ሥራተኞችን በፐብሊክ ሰርቪስ ሕና በሰዉ ዛብት ልጣት ሕግ መሠረት ይቀጥራል፣ያስተዳድራል፣ያሰናብታል፤
- ረ) የክልል ጠቅላይ ዐቃቤ-ሕግ ዓላማዎችን ለማሳካት የሚረዱ በቂ ዕውቀትና ልምድ ያላቸው ያለክፍያ የሚሰሩ አማካሪዎችን በሚያወጣው መመሪያ መሰረት እንዲሳተፉ ያደር ጋል፤
- ሰ)የክልል ጠቅላይ *ዐቃ*ቤ-ሕግን ስትራቴጂክ ዕቅድና በጀት ያዘ*ጋ*ጃል፣ ሲፈቀድም በሥራ ላይ ያውሳል፤
- ሽ) ለክልል ጠቅላይ ዐቃቤ-ሕግ በተፈቀደለት በጀት እና የሥራ ፕሮግራም መሰረት ገንዘብ ወጪ ያደር*ጋ*ል፤
- ቀ) ከሶስተኛ ወገኖች *ጋ*ር በሚደር*ጉ ግንኙ*ነቶች የክልል ጠቅሳይ ዐቃቤ-ሕግን ይወክሳል፤
- በ) የክልል ጠቅሳይ ዐቃቤ-ሕግን የሥራ አፈጻጸም እና የሂሳብ ሪፖርት አዘ*ጋ*ጅቶ ለመንግስት ያቀርባል፤
- ተ) በሕግ የሚሰጡትን ሌሎች ተግባራት ያከናውናል።

- E. Shall employ, manage, dismiss regional attorney general support provider workers under the law of public service human resource development;
- F. Shall insure the participation of consultants engaged free of charge having adequate knowledge and experience who can help meet the regional attorney general objectives under the directive it issues;
- G. Shall prepare the strategic plan and budget of the regional attorney general, shall implement when approved;
- H. Shall incur money under the budget permitted and the work scheduled to the region attorney general;
- I. In the relationship sustained with the third parties shall represent regional attorney general;
- J. Shall submit to the government performance of the attorney general of the region and account report preparing;
- K. Shall carry out other tasks as given by the law.

3. ዋና ጠቅሳይ ዐቃቤ-ሕጉ፡-

- ሀ) ለሥራ ቅልጥፍና ሕና ውጤታጣነት በሚያስፈልግ መጠን ከሥልጣንና ተግባሩ በከፊል ለምክትል ጠቅላይ ዐቃቤያነ-ሕግ፣ ዐቃቤያነ-ሕግ ሕና ሠራተኞች በውክልና ሊያስተላልፍ ይችላል፤
- ሰ) በፍትሐብሄርም ሆነ በወንጀል ጉዳዮች በሚመስከቱ መዝንቦች በምክትል ጠቅሳይ ዐቃቤያኔ-ሕጉና በሴሎች ዐቃቤያነ-ሕግ የተሰጡ ውሳኔዎችን ይሽራል፣ ይሰውጣል፣ ያሻሽሳል፣ ያጸናል ወይም ጉዳዩ እንዲጣራ ወይም ውሳኔውን በሰጠው አካል እንደገና እንዲታይ ያደር ጋል፤
- ሐ) አስፈላጊ ሆኖ ሲ*ገ*ኝ ከሥልጣንና ተግባሩ ለሴሎች አካላት አስቀድሞ በሚዘረ*ጋ* የአፈባፀም፣ የክትትልና ድ*ጋ*ፍ ሥርዓት መሠረት በውክልና ሊያስተላልፍ ይችላል።

አንቀጽ 9

<u>የምክትል ጠቅሳይ ዐቃቤያነ-ሕግ ሥልጣንና</u> ተግባር

ምክትል ጠቅሳይ ዐቃቤያነ-ሕግ፡-

- 1. ስዋና ጠቅሳይ ዐቃቤ-ሕጉ የተሰጡትን
 ሥልጣንና ተግባራት በማቀድ፣
 በማደራጀት፤ በመምራትና በማስተባበር
 ጠቅሳይ ዐቃቤ-ሕጉን ያግዛሉ፤
- 2. የሚመደቡባቸውን ዘርፎች ይመራሉ፣ ያስተዳድራሉ፤

3. Principal attorney General:

- A. To the extent important to the speed and effectiveness of the work, might partly delegate its power and duties to the deputy attorney general, attorneys and employees;
- B. Touching the civil and criminal cases shall revoke, change, revise, establish decisions passed by the deputy Attorney general and other attorneys or shall insure the verification of the case or reviewed by the body passed the decision;
- C. When found necessary can delegate his/her power and duties to other bodies as per the execution, follow up and support established in advance.

Article 9

Power and duties of Deputy Attorney

<u>Generals</u>

Deputy Attorney Generals:

- 1. Shall assist the attorney general planning, arranging, leading and coordinating the power and duties given to the principal attorney general;
- 2. Shall run, manage the sector they are placed;

- 3. በጠቅሳይ *ዐቃ*ቤ-ሕ*ጉ* ተሰይተው የሚሰጡዋቸውን ተግባራት ያከናውናሉ፤
- 4. ዋና ጠቅላይ ዐቃቤ-ሕጉ በማይኖርበት ወይም ስራዉም ማከናወን በማይችልበት ጊዜ ተክቶ ይሰራል፤
- 5. ለሥራ ቅልጥፍና እና ውጤታማነት በሚያስፈልግ መጠን ከሥልጣንና ተግባራቸው በከፊል ለዐቃቤያነ-ሕግ እና ሠራተኞች በውክልና ሊያስተላልፉ ይችላሉ፡፡

ከሹመት ስለመነሳት

- 1. ዋና ጠቅላይ ዐቃቤ-ሕጉ ፣ ምክትል ጠቅላይ ዐቃቤያነ-ሕጉ ሕና ዞን መምሪያ ኃላፊዎች በመስተዳድር ምክር ቤት ውሳኔ ከሹመታቸው ሲነሱ ይችላሉ፤
- 2. በከተማ አስተዳደር ፣ በልዩ ወረዳ እና ወረዳ ላይ ያሉ የዐቃቤያነ-ሕግ መስሪያ ቤት ኃላፊዎች በየአስተዳደሩ ካቢኔ ዉሳኔ ከሹመታቸዉ ሲነሱ ይችላሉ።

- 3. Shall carry out duties they are given identified by the attorney general;
- 4. Upon the absence of the principal attorney general or when he/she is impossible to carry out the task he/she shall engage replacing;
- 5. To extent necessary for the work speed and efficiency they might transfer through delegation to the attorneys and workers partly of the power and duties;

Article 10

Being recalled from appointment

- 1. The principal attorney general, Deputy attorney general and zonal department heads can be recalled from their appointments by the decision of the administrative council officials;
- Attorney office officials at respective city administration, special woreda and woreda can be recalled by the decision of the administrative cabinet decision.

- 1. የዐቃቤያነ-ሕግ አስተደደር በመስተዳድር ምክር ቤት በሚወጣ ደንብ ይወሰናል፤
- 2. የዐቃቤያነ-ሕግ ሹመት በሚከተሉት መሠረታዊ መርሆዎች ሳይ የተመሠረተ ይሆናል፤
- ለ) ኢትዮጵያዊ ዜግነት ያለው፤
- ሐ) ለሕገ-መንግሥቱ ፣ ለሕገ-መንግሥታዊ ሥርዓቱ ሕና ለሕግ የበላይነት ታማኝና ተገገር የሆነ፤ መ) ለህዝብ አገል ኃይነት የቆመ፤
- ሥ) በሥነ-ምግባሩ የተመሰገነና በሚኖርበት አካባቢ በህብረተሰቡ ዘንድ መልካም ሥም ያተረል፤
- ረ) ለስራው አስፌላጊ የሆነ የትምህርት ዝግጅት ያለውና በሙያው በቂ ክህሎት ያዳበረ ሆኖ ዝርዝሩ በደንብ ይወሰናል፤

Article 11

Attorney administration and attorneys appointment requirements

- 1. Administration of the attorney shall be determined by the regulations issued by the administrative council;
- 2. The appointment of the attorneys shall be based upon the following basic principles:
- A) Being at the age of 20 and more, not exceeding the age limits as indicated to other laws;
- B) Being the Ethiopian national;
- C) Loyal and submissive to the constitution, constitutional system and supremacy of the law;
- D) Stood for the servant hood of the public;
- E) Commendable towards his/her ethics and achieved good will within the community of the surrounding;
- F) Having the necessary qualification to the work and upgraded adequate skills towards the work, the details shall be decided in the rules;

- ሽ) የዐቃቤ-ሕግ አገልግሎት የሚጠይቀውን ኃላፊነት የመወጣት ቁርጠኝነት ያስውና፤ ቀ) ዐቃቤ-ሕግ በሚሰጣቸው ውሳኔዎች ላይ አሱታዊ ተጽእኖ ከሚያሳድሩ ሁኔታዎች ገለልተኛ የሆነ።
- 3. የዐቃቤያነ-ሕግ ውስጣዊ አስተዳደር በሚከተሉት መርሆዎች ላይ የተመሠረተ ይሆናል፤
 - ሀ) ዐቃቤያነ-ሕግነት የሚመደቡበት የሥራ መደብ ፣ የሥራውን ዓይነት፣ ሥራው የሚመራበት ሥርዓት ሕና የሚያስፈልገው አደረጃጀት፣ የሚጠበቀውን ዉጤት በግልጽ ባስቀመጠና ለሕዝብ ተጠያቂ መሆንን መሠረት አድርገው በተዘረጉ ሥርዓቶች ላይ የተመሠረተ፤
 - ለ) የዐቃቤያነ-ሕግ የሥራ አፈፃፀም፤ ተለክቶ የተሰጠ ተማባር መኖርን፣ የሥራ ቅልጥፍናን ሕና ውጤ*ታማነትን*፣ እንዲሁም በጎ ተፅዕኖ ፈጣሪነት እና በሕዝብ ዘንድ ተአማኒነት እና ሌሎች በዐቃቢያነ-ሕግ አስተዳደር ንባኤ የሚወሰኑ መመዘኛዎችን መሠረት የሚዘረጉ ሥርአቶች አድርገው ላይ የተመሠረተ፤

- G) Having the determination of carrying out the responsibility required by the attorney services;
- H) Being independent from the conditions which can bring negative impact over the decision attorney extends;
- 3. The internal administration of attorneys shall be based upon the following principles:
 - A) Based upon systems installed under the platform of clearly regarded Job position attorneys shall be placed, type of work, procedure of running the work and arrangement required, result required and being accountable;
 - B) Based upon systems installed based upon requirements to be attorneys decided by other administrative council and Attorney execution, the availabilities of the activities identified when giving, job speed, and effectiveness and efficiency as well positive impacting and liability within the community;

- ሐ) የዐቃቤያነ-ሕግ የሥነ-ምግባር ሁኔታ፤
 ሕገ-መንግስታዊነትን፣ ሕግ
 አክባሪነትን፣ ገለልተኝነትን፣
 ተጠያቂነትን ታሳቢ አድርን
 የተዘረጉ ሥርዓቶችን የተከተለ፤
 - *ዐቃቤያነ-*ሕግ በበታችና በበላይ Ø₽) መካከል ያለው የሥራ 93517: ትብብርንና መተ*ጋገ*ዝን፣ የሥራው ሕ*ጋ*ዊነትን፣ቅልጥፍና ማረጋገጥን፣ *እንዲሁም* የዕውቀትና ክህሎት ሽግግርን ታሳቢ አድርገው የተዘረጉ ሥርዓቶችን የተከተለ፤
 - ሥ) የዐቃቤያነ-ሕግ ዕድገት፣ ከደረጃ ዝቅ ማድረግ ሕንዲሁም የደመወዝና ጥቅጣ ጥቅም አሰጣጥ፤በሥራ አፈባፀማቸዉ፣በውጤታማነታቸው ሕና በሥነ-ምግባራቸው ሁኔታ ላይ የተመሠረተ፤
 - ረ) የዐቃቤያነ-ሕግ የውስጥ ዝውውር፤ ሥራን፣ የዐቃቤ-ሕጉን የግል ሁኔታዎች፣ ገለልተኝነቱን፣ ሕንዲሁም የግል ምርጫን ታሳቢ አድርገው በተዘረጉ ሥርዓቶች ላይ የተመሰረተ፤

- C. Following procedures installed in consideration of attorneys ethical condition, the constitutionalism, law observance, cooperation and independence, accountability;
- D. Following the procedures installed in considerations of job relations between the lower and the higher attorneys, cooperation and helping each other, the legality of the job, confirmation of speed, as well knowledge and skill transfer;
- E. Based upon procedures installed in consideration of attorneys growth, demotion as well salary and benefit giving, job execution, performance and ethics conditions;
- F. Based up on systems installed inconsideration of the internal transfer of attorneys, work, attorney personal status, his /her independence as well the personal choice;

- የዐቃቤያነ-ሕግ የሕግ ትምህርት ሰ) ሕና ሥልጠና ዕድል እንዲሁም የስብሰባ ተሳታፊነት፤ ዐቃቤ-ሕጉ የተመደበበት ሕና የሚሰራው ከጕዳዩ PG 2C ያስውን ቅርበት፣ የሥራ አፈባፀም፣የፆታን እና የአካል ጉዳተኞችን ተዋጽኦ፣ የክልል ጠቅላይ ዐቃቤ-ሕፃን ሥልጣንና ተማባር ስማስፈጸም የጣኖረው አስተዋጽዖ፣ ውጤታጣና ፈጣን ለመስጠት የሚያስችሉ፣ አንልግሎት ዕውቀትን ስሠልጣኙ ወይም ክህሎትን የሚጨምሩ መሆናቸው ሌሎች *እንዲሁም* አማባብነት ያሳቸው ሁኔታዎች ማምት በማስንባት የተዘረጉ ሥርዓቶች ላይ የተከተለ፤
 - ሽ) ዐቃቤያነ-ሕግ ነፃነት፤ ሥራቸውን በማከናወናቸው ምክንያት ሲደርስባቸው ከሚችል ቀጥተኛና ቀጥተኛ ካልሆነ ጥቃት በቂ ጥበቃ መሰጠቱን በሚያፈጋግጡ ሥርአቶች ላይ የተመሰረተ፤
- ቀ) የዐቃቤ-ሕግ ስንብት፤ የሥራ አፈፃፀም ዝቅተኛነትን፤ የሙና የሥነ-ምግባር ጉድስትን፤ የጤና ሁኔታን እና ፌቃደኝነትን እንዲሁም ጡሬታን ታሳቢ አድርጎ በተዘረጋ ሥርዓት ላይ የተመሠረተ ይሆናል።

- G. Following systems installed taking into consideration the law qualification of attorneys and training opportunities as well meeting participation, the close attachment of the position the attorney is pleased to and the work he/she were engaged with the case, the work performance, the gender and disables distribution, the contribution of it to execute the power and duties of regional attorney general, being able to render efficient and fast services, adding up knowledge or skills to the trainee, as well considering other relevant condition;
- H. Based up on procedures certifying that adequate protection is rendered for any possible direct and indirect attack might happen to the attorneys for the cause they are conducting their business with freedom,
- I. It shall be based up on the rules issued by the administration council towards the council members, procedures and other details having regional attorney administrative council whose accountability is to the attorney general is hereby established under this proclamation;

የክልል ዐቃቤያነ-ሕግ አስተዳደር ጉባኤ

- 1. ተጠሪነቱ ሰዋና ጠቅሳይ ዐቃቤ-ሕጉ የሆነ የክልል ዐቃቤያነ-ሕግ አስተዳደር ጉባኤ መሰረት NHLV አዋጅ ተቋቁማል፤ የጉባኤውን አባላት፣ የአሥራር ሥርዓትና ሌሎች НСНС ጉዳዮች ቤት በማያወጣው የመስተዳድር ምክር ደንብ ይወሰናል፤
- 2. የክልል ወቃቤ-ሕግ አስተዳደር ጉባኤ የራሱ ጽህፌት ቤት እና ጠቅላይ ወቃቤ-ሕጉ የሚሾም በክልል ደረጃ የሚያሟላ ይህን አዋጅ ተከትሎ በሚወጣዉ ደንብ ላይ የተመለከቱትን መስፈርት የሚያሟላ ጽህፌት ቤት ኃላፊ እና ሌሎች አስፈላጊ ሠራተኞች ይኖረዋል፤
- 3. የክልል ዐቃቤያነ-ሕግ አስተዳደር ጉባኤ የዐቃቤያነ-ሕግ *ዅመት* ፣ ዝውውር፣ የዕረፍት 2H. : የአንልግሎት 11007: ደረጃ፣ ሥነ-ምግባር፣ አደረጃጀት፣ መዋቅር፣ ደመወዝ፣ ጥቅማ ጥቅም እና የመሳሰሉ ጉዳዩችን ያካተተ ከሚመስከተዉ ከጠቅሳይ 0ቃቤ-ሕግ የሥራ ክፍል ጋር በመተባበር ረቂቅ ደንብ አዘ*ጋ*ጅቶ **ለ**ጠቅሳይ *ዐቃ*ቤ-ሕ*ጉ የጣ*ቅረብ *ኃ*ላፊነት ይኖርበታል።

Article 12

The Administrative Council of Regional Attorney

- 1. Regional administrative council of attorney which shall be answerable to the principal attorney general is hereby estabilished under this proclamation, details of members of the the council, working procrdure and other details shall be determined under the rules issued by regional administrative council.
- 2. The regional attorney administrative council shall have it own office head who shall fulfilled the conditions indicated under the rules issued following this proclamation fulfilling in the regional level as well to be appointed by the attorney general and other necessary staff;
- 3. Responsible for the preparation of draft regulation in collaboration with the concerned attorney general department including the appointment, transfer, leave, tenure, level, conduct, arrangement, structure, salary, benefit, and the likes of the regional attorney administrative council attorneys and submitting to the attorney general.

ሕዝባዊ ተጠያቂነት

- 1. የክልል ጠቅሳይ ወቃቤ-ሕግ ሥልጣንና ተግባሩን በሚያከናውንበት ወቅት ሕዝባዊ ተጠያቂነት እና የሕዝብ ተሳትፎን ማረ*ጋገ*ጥ አለበት፤
- 2. የክልል ጠቅላይ ዐቃቤ-ሕግ የሚከተሉት የኅብረተሰብ ክፍሎች የሚሳተፉበት የሕዝብ መድረክ በየሩብ ዓመቱ ያመቻቻል፤
 - *ሀ*) በጠቅሳይ *ዐቃ*ቤ-ሕ*ጉ* የተመረጡ ሕዝባዊ አደረጃጀቶች፤
 - ስ) በጠቅሳይ *ዐቃ*ቤ-ሕ*ጉ* የተመረጡ የንግድ ማኅበራትና የበጎ አድራጎት ድርጅቶችና ማኅበራት፤
 - ሐ) በጠቅሳይ ዐቃቤ-ሕጉ የተመረጡ ከፍተኛ የትምህርት ተቋጣት የሕግ ትምህርት ቤቶች፤
 - *መ*) ከባለድርሻ አካላት፣
- 3. ሕዝባዊ መድረኩ በክልል ጠቅላይ ዐቃቤ-ሕግ የሥራ አሬባፀም ላይ የሚታዩ ችግሮች እና ክፍተቶች፣ የሥነ-ምግባር ጉድስቶች፣ስትራቴጂካዊና ዓመታዊ ዕቅዶች እንዲሁም የዕቅድ አሬባፀም ሪፖርቶች ላይ ውይይት ይደረጋል፤

Article 13 Public Accountability

- 1. The regional attorney general while to performing its power and duties should confirm the public accountability and participation;
- 2. The regional attorney general shall every quarter facilitate the public gathering plat form where the following part of the community shall take part
 - A. Public arrangement elected by the attorney general
 - B. The trade associations and charitable associations and societies elected by the attorney general
 - C. The higher educational institutions law schools elected by the attorney general
 - D. The stakeholders
 - E. Individuals who shall represent other individuals or bodies having legal personality reliable by the regional attorney general how important they are.
- 3. Deliberations in the public gathering shall be conducted on performance issues of the regional attorney general and gaps, electrical defect, strategic and annual plans as well as plan performance report.

4. የክልል ጠቅሳይ 0ቃቤ-ሕግ ከሕዝባዊ በሚሰጡ *አስተያ*የቶች መድረኩ ሕና **ግብ**አቶች መሠረት **ጣጣ**ራት ያደር*ጋ*ል፤ የሕርምት ወይም የማስተካከያ *እርምጃዎችን* ይወስዳል ፤ የደረሰበትን ደረጃ ለሕዝባዊ መድረኩ ያሳውቃል።

አንቀጽ 14

በጀት

የክልል ጠቅሳይ ዐቃቤ-ሕግ ከመንግስት በሚመደብሰት በጀት ይተዳደራል።

አንቀጽ 15

የሂሳብ መዛግብት

- 1. የክልል ጠቅላይ *ዐቃ*ቤ-ሕግ የተ*ሟ*ላና ትክክለኛ የሂሳብ መዛግብት ይይዛል፤
- 2. የክልል ጠቅላይ ዐቃቤ-ሕግ የሂሳብ መዛግብትና ገንዘብ ነክ ሠነዶች በክልል ዋና አዲተር ወይም በዋና አዲተር በሚሰየም አዲተር በየዓመቱ ይመረመራሉ።

<u>ክፍል ሦስት</u> <u>ነፃነትና ተጠያቂነት</u> አንቀጽ 16

የዕቃቤያነ-ሕግ የሙያ ነፃነትና ተጠያቂነት
1. የክልሱ ጠቅሳይ ዕቃቤ-ሕግ ይህንን አዋጅ
ተከትሎ ወደፊት የሚያወጣው የአሠራር
መመሪያ ሕንደተጠበቀ ሆኖ ዐቃቤያነ-ሕግ
ከጣናቸውም የፖስቲካ ድርጅት ነፃና
ገለልተኛ በመሆን ሥራቸውን በሙሱ ነፃነት

4. Regional attorney general shall ensure investigations according to suggestions in impute forwarded from the public gathering, shall take corrective or receptivity measures, shall declare the wider public the pending status it reaches to.

<u>Article 14</u>

Budget

The regional attorney general shall be run from the budget allocated by the government.

Article 15

Financial Archives

- 1. Regional attorney general shall maintain complete and correct Financial archives;
- 2. Regional attorney general finical archive and finance related document shall be administered every year by an auditor to be appointed by the regional auditor general for auditor general.

Part Three Liberty and Accountability Article 16 The Professional Liberty and Accountability

1. Without procedure to the procedural guideline the regional attorney general shall issue following this proclamation, the attorney generals shall carry out their tasks with complete liberty independent of any political organizations.

- 2. በዚህ አንቀጽ ንዑስ አንቀጽ 1 ላይ የተመስከተዉ ዋና ጠቅላይ ዐቃቤ-ሕግ ፣ ምክትል ጠቅላይ ዐቃቤያነ-ሕግ ፣የዞን/ከተጣ አስተዳደር መምሪያ ኃላፊዎች ፣ ወረዳ/ከተጣ አስተዳደር ፣ ልዩ ወረዳ ጽህፌት ቤት ኃላፊዎችን አይጨምርም፤
- 3. የክልል ጠቅሳይ ዐቃቤ-ሕግ ሥልጣትንና ተግባሩን ሲያከናውን ከማንኛውም ሰው ወይም አካል ጣልቃ ንብነት ነፃ ሆኖ በሕግ መሠረት ይፈፅማል፤
- 4. የክልል ጠቅሳይ ዐቃቤ-ሕግ የሚያወጣው የአሠራር መመሪያ ሕንደተጠበቀ ሆኖ ዐቃቤያነ-ሕግ ሥራቸዉን በሕግ መሠረት በነፃነት ያከናውናሉ፤
- 5. AHLV አዋጅ ወይም በሌላ ሕግ የዐቃቤ-ሕግ ተጠያቂነትን አስመልክቶ የተደነገገው ሕንደተጠበቀ ሆኖ የክልል ጠቅሳይ *እንዲሁም* 0ቃቤ-ሕግ 0ቃቢያነ-ሕግ በሕፃ መሠረት የተሰጣቸውን ሥልጣንና ተማባር በማከናወናቸው ምክንያት ስሚደርስ ጉዳት ተጠያቂነት የሕፃ አይኖርባቸውም።

- 2) Under this article sub article 1 it shall never include the principal attorney general, deputy attorney generals, zonal, city administration departmental heads, Woreda/city administration, special Woreda office heads;
- 3. The regional attorney general shall carry out its power and duties according to the law free from the intervention of any individuals or bodies;
- 4. Without prejudice for the procedural guideline issued by the regional attorney general attorneys shall carry out their tasks freely according to the law;
- 5. Without prejudice to what is provided under this proclamation or other law concerned the accountability of the attorney, the regional attorney general as well attorney shall not be legally liable for any damage sustained for the cause of carrying out their power and duties given under the law.

<u>አንቀጽ 17</u> ተጠሪነትና ተጠያቂነት

- 1. የዐቃቤያነ-ሕግ የበሳይ *ኃ*ሳፊ ዋና ጠቅሳይ ዐቃቤ-ሕጉ ይሆናል፤
- 2. ዐቃቤያነ-ሕግ ለበሳይ ኃላፊያቸውና **ስ**ዘርፍ ኃላፊዎቻቸው ተጠሪ ይሆናሉ፤

አንቀጽ 18

አቤቱታ የማቅረብ መብት

- 1. ዐቃቤ-ሕግ በሚሰጠው ዉሳኔ ላይ ቅሬታ ያለው ማንኛዉም ሰው በየደረጃው ለሚገኙ የዐቃቤ-ሕግ ኃላፊዎች አቤቱታ የማቅረብ መብት ይኖረዋል፤ አቤቱታ የቀረበለት ኃላፊ ጉዳዩን በአፋጣኝ አጣርቶ ውሳኔ መስጠት አለበት፤
- 2. አቤቱታ የቀረበለት ኃላፊ ጉዳዩን ለማጣራት አማባብ ያላቸውን ባለሙያዎች የሚያካትት ኮሚቴ ሲያቋቁም ይችላል፤
- 3. አቤቱታውን የመረመረው ኃላፊ የሕግና የማስረጃ ምክንያቱን በመጥቀስ በበታች ወቃቤ- ሕግ የተሰጠውን ዉሳኔ ሰማገድ፣ ለመሰወጥ፣ ለማሻሻል፣ለመሻር፣ ለማጽደቅ ወይም ጉዳዩን አስቀድሞ ወዳየው ክፍል ለመመለስ ይችላል።

Article 17 Responsibility and Accountability

- 1. The superior of the attorneys shall be the principal attorney general;
- 2. The attorneys shall be responsible to their supervisors and sector heads;
- 3. Attorneys shall be accountable by law for any defect consider towards the performance and ethics of them

Article 18

Right to Lodge petition

- Any individuals having grieved by the decision passed by the attorney reserves the right to petition the respective attorney officials, the official appealed is responsible to decide verifying the matter immediately;
- 2. The official appealed might establish committee including relevant experts to verify the matter;
- 3. The official investigated the appeal sitting the reason of the evidence can restrict the decision passed by the lower attorney, change improve, revoke, approve or return to the department scrutinized the case before.

<u>አንቀጽ 19</u> <u>ጥቆጣ ወይም አስተያየት የጣቅረብ</u> መብት

- 1. ማንኛውም ሰው በክልል ጠቅላይ ዐቃቤ-ሕግ ሥልጣንና ተግባር ውስጥ የሚወድቅ ማንኛውም መታረምና መስተካከል አለበት የሚለውን ጉዳይ ወይም ተፈጽሟል የሚለውን የሥነ-ምግባርና የሕግ ጥሰት በማናቸውም መንገድ ለክልል ጠቅላይ ዐቃቤ- ሕግ ጥቆጣ ወይም አስተያየት ለማቅረብ ይችላል፤
- 2. የክልል ጠቅላይ ዐቃቤ-ሕግ ጥቆጣ፣ አስተያየትና ቅሬታዎችን የሚቀበልበት፣ የሚያጣራበትና የመፍትሄ ሕርምጃ የሚወስድበት ሕና ለሕብረተሰቡ የሚገለጽበትን የአሠራር ሥርዓት ይዘረ ጋል።

አንቀጽ 20

1. በቤኒሻ*ንጉል ጉሙዝ ክ*ልሳዊ መንግስት አስፈባሚ አካ**ሳ**ት ሥልጣንና ተግባር ስመወሰን አዋጅ በወጣው ቁጥር 155/2010 ዓ.ም እና በሌሎች ሕጎች ሰፍትህ ቢሮ ተሰጥተው የነበሩ ሥልጣንና ተግባራት በዚህ አዋጅ መሠረት ለክልል ጠቅሳይ ዐቃቤ-ሕግ ተሳልፈዋል፤

Article 19 The right whistle blow and suggest

- 1. Any individuals can whistle blow or suggest the regional attorney general any way towards the ethical and law breaches its deems committed or any cases it labels should be corrected and amended which falls under the power and duties of the regional at attorney general;
- 2. The regional attorney general shall install the procedural guideline on which it receives whistle blow, suggestions and petitions, where it receives them and taking solutions and declaring the community;

Article 20

Conveyance of Rights and Obligations

1. The power and duties which were granted to the justice bureau under the Benishangul Gumuz Regional Government executive bodies power and duties determine proclamation No. 155/2018 and other laws, they are transferred to regional attorney general under this proclamation;

- 2. Nhaa የሥነ ምግባርና የፀረ-ሙስና ኮ**ሚ**ሽን *ጣቋቋሚያ አዋ*ጅ 133/2008 ዓ.ም ሕና የተሻሻለው የፌዴራል የፀረ-ሙስና ልዩ የሥነ-ሥርዓትና የማስረጃ አዋጅ 434/97 9.9° (በአዋጅ ቁጥC 882/2007 ዓ.ም ሕንደተሻሻለ) ሕንዲሁም በሌሎች ሕጎች ለክልል ሥነ-ምግባርና ፀረ-*ኮሚሽ*ኑ ውስና ተሰጥተው የነበፈዉ የዐቃቤ ሕግነት ሥልጣን ለክልል ጠቅላይ ዐቃቤ-ሕግ ተ**ሳ**ልፏል፤
- የሥነ-ምግባርና 3. Nhaa ፀረ-ሙስና *ኮሚሽን ማቋቋሚያ* አዋጅ ቁጥር 9.90 ሕና የተሻሻለው 133/2008 የፌኤራል የወረ-ሙስና ልዩ የሥነ-ሥርዓትና የጣስፈጃ አዋጅ 434/97 ዓ.ም (በአዋጅ ቁጥር 882/2007 9.90 **እንደተሻሻለ) እንዲ**ሁም በሌሎች ሕጎች ስኮሚሽታ ተሰጥቶ የነበረዉ የወንጀል ምርመራ የማድረግ ሥልጣን ለክልል ፖሊስ ኮሚሽን ተሳልፏል፤
- 4. በቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት አስፈባሚ አካላት ሥልጣንና ተማባር ስመወሰን በወጣው አዋጅ ቁጥC 155/2010 ዓ.ም *ለገ*ቢዎች ባለሥልጣን ተሰጥቶ የነበረው የራሱን 0ቃቤ-ሕግ የማደራጀትና የዐቃቤ-ሕግነት ሥልጣን ለክልል ጠቅላይ ዐቃቤ-ሕግ ተላልፏል፤

- 2) The power of the attorney which were granted to the regional ethics and anti corruption commission under the regional ethical and anti corporation commission establishing proclamation 133/2014 and the revised federal anti corruption special procedural and evidence proclamation 434 /2014 (proclamation No. 882/2015 as revised) as well other laws is herby transferred to the regional attorney general.
- 3) The power to undertake the crime investigating which was granted to the commission under the regional ethics and anti corruption commission establishing proclamation 133/2014 and the revised Federal Anti Corruption special procedural and evidence proclamation 434 /2005 (proclamation No. 882/2015 as revised) as well other laws is herby transferred to the regional police commission;
- 4) The power of arranging its own attorney which was vested to the revenues authority under the proclamation No. 155/2018 issued to determine the power and duties of executive bodies of Benishangul Gumuz Regional Government and the power and attorneys to the attorney general;

- መንግስት 5. በቤኒሻ*ንጉል ጉሙዝ ክል*ሳዊ አካሳ*ት* አስፈባሚ ሥልጣንና ተግባር ስመወሰን በወጣው አዋጅ ቁጥር 155/2010 9.90 በሌሎች ሕጎች ሰባለሥልጣት ተሰጥቶ የነበረው የታክስ ምርመራ የማድረግ ወንጀል ሥልጣን ለክልሱ ፖሊስ ኮሚሽን ተላልፏል፤
- 6. በንማድ ውድድርና የሽማቾች ጥበቃ አዋጅ ቁጥር 813/2006 ዓ.ም እንዲሁም በሴሎች ሕጎች ለንማድ ውድድርና ሽማቾች ጥበቃ ባለሥልጣን ተስጥቶ የነበረው የዐቃቤ ሕግነት ሥልጣን ለክልል ጠቅላይ ዐቃቤ-ሕግ ተላልፏል፤
- 7. በንግድ ውድድርና የሽማቾች ጥበቃ አዋጅ ቁጥር 813/2006 9.90 *እንዲሁም* በሌሎች ሕጎች ለንግድ ውድድርና ሸጣቾች ጥበቃ ባለሥልጣን ተሰጥቶ የነበፈው የወንጀል ምርመራ የማድረግ ሥልጣን ለክልል ፖሊስ ኮሚሽን ተሳልፏል።

<u>አንቀጽ 21</u> የመተባበር እና የመፈጸም **ግ**ዴታ

1. የክልል ጠቅላይ ዐቃቤ-ሕግና ዐቃቤያነ-ሕግ በሕግ የተሰጣቸውን ሥልጣንና ተግባር ለመወጣት ትብብር የተጠየቀ ጣንኛውም ሰው ከአቅም በላይ ያልሆነ ሕና አደጋ የጣያስከትልበት ከሆነ የመተባበር ግኤታ አለበት፤

- 5) The power of investigating the tax prime which was vested to the authority by other laws under the proclamation No. 155/2018 issues to determine the power and duties of executive bodies of Benishangul Gumuz Regional Government to the regional police commission;
- 6) The power of attorney which was vested to the trade completion and consumers protection authority under the trade competition and consumers protection proclamation No. 813/2014 as well other laws is transferred to the regional attorney general;
- 7) The crime investigating power which was vested to the trade competition and consumers protection authority under the trade competition and consumers protection proclamation No. 813/2014 as well other laws is trended to the regional police commission.

Article 21 Obligation of Cooperation and Execution

1. Any one require to cooperate so as to carry out the power and duties vested to under the law to the regional attorney general and attorneys, obliged to cooperate except it can potentially cause accident and for be forced measure;

- 2. ይህ አዋጅ ከመውጣቱ በፊት በሥራ ላይ የነበሩ የዐቃቤ-ሕግ ተቋማት አመራር እና ሠራተኞች በዚህ አዋጅ መሠረት የሚደረገውን ሽግግር የመተባበርና የመደገፍ ግዴታ አለባቸው፤
- 3. ማንኛውም የፖሊስ አባል የዐቃቤ-ሕግን የመጨረሻ ሕና ሕጋዊ ውሳኔ ፣ ትዕዛዝ ወይም መመሪያ የማክበር ሕና መፈጸም ግዴታ አለበት።

የወንጀል ተጠያቂነት

- 1. የክልል ጠቅላይ ዐቃቤ-ሕግ ሕና ዐቃቤያነ-ሕግ ሥራቸውን በነፃነት ሕንዳያከናውኑ ጣልቃ የሚገባ ማንኛውም ሰው ከአንድ ዓመት እስከ አምስት ዓመት በሚደርስ ጽጉ እስራት ይቀጣል፤
- 2. የክልል ጠቅላይ ዐቃቤ-ሕግ አና ዐቃቤያነ-ሕግ የሚሰጡትን ውሳኔ የማያከብርና የማያስፈጽም ሕንዲሁም የመተባበር ግኤታውን የማይወጣ ማንኛውም ሰው ከአንድ ዓመት በማይበልጥ ቀሳል አስራት ወይም ከብር ሶስት ሽ በማይበልጥ መቀጮ ይቀጣል፤
- 3. ማንኛውም የፖሊስ አባል የዐቃቤ-ሕግን የመጨረሻ ሕና ሕጋዊ ውሳኔ በመቃወም ያልታዘዘ ሕንደሆነ አግባብ ባሰው ሕግ ይጠየቃል።

- 2. The attorney institutions leader ship and staff who were engaged in such work before this proclamation promulgated obliged to cooperate and support the transition carried out under this proclamation.
- 3. Any police member is obliged to observe and execute the final and legal decision, order or directive of the prosecutor.

Article 22

Liability under the Crime

- 1. Any individual intervene in to the normal operations of the Regional attorney general and attorneys lest them operate frilly shall be sentenced from one to five years rigorous imprisonment;
- 2. Any one observing not and execute the decision passed by regional attorney general and attorneys as well any one fail to carry out its obligation to cooperate shall be penalized in simple not more than one year or fine not more than 3,000;
- 3. If any police member is not ordered objecting the final and a legal decision of the attorney shall be liable under the relevant law.

<u>አንቀጽ 23</u> የመሽ*ጋገሪያ ድንጋጌዎች*

- 1. በመስተዳድር ምክር ቤት የወጡ ደንቦች፣ በፍትህ ቢሮ፣ ክልሉ ገቢዎች ባለሥልጣን እና ሥነ-ምግባርና ፀረ-ሙስና በክልሱ ኮሚሽን የጠቅሳይ 0ቃቤ-ሕግ ሥልጣንና ተማባር ለማስፈፀም አግባብነት ያላቸው መመሪያዎች ሕና ማኑዋሎች ደንቦች፣ በሌሎች መመሪያዎች ወይም ማኑዋሎች እስከሚታኩ ድረስ ተፈፃሚነታቸው ይቀጥሳል፤
- 2. አማባብነት ያሳቸዉ የተሻሻሰው የፌኤራል የፀረ- ሙስና ልዩ የሥነ-ሥርዓትና የማስረጃ አዋጅ 434/97 9.90 (በአዋጅ ቁጥር 882/2007 ሕንደሻሻለ)፣ የተሻሻለዉ የፌዴራል ሥነ-ምግባርና ፀረ ሙስና ከሚሽን ማቋቋሚያ አዋጅን ስማሻሻል የወጣ አዋጅ ቁጥ**ር** 883/2007 ዓ.ም አንቀፆች በሌሎች ክልሳዊ ወይም የፌዴራል ሕጎች ሕስከሚተኩ በክልሱ 109.6.00m ወንጀሎች የሙስና *እንደየአግባብነቱ ተፈፃሚ ይሆና*ሉ፤
- 3. በክልል የሥነ-ምግባርና የፀረ-ሙስና ኮሚሽን፣ በክልሱ ገቢዎች ባለሥልጣን እና በፍትህ ቢሮ ተቀጥረው በሥራ ላይ የሚገኙና ተፈላጊዉን መሥፈርት አሟልተው ወደ ክልል ጠቅላይ ዐቃቤ-ሕግ የሚዛወሩ ዐቃቤያነ-ሕግ በዚህ አዋጅ መሠረት በዐቃቤ-ሕግነት እንደተሾሙ ተቆጥረው ሥራቸውን ይቀጥላሉ፤ተፈላጊ መሥፈርትን በተመለከተ በደንብ ይወሰናል፤

Article 23

Transitional Provisions

- 1. The relevant decrees towards the power and duties of the rules issued by the administrative council, justice bureau, the regional revenue authority, the regional ethical and anti corruption as well attorney general as soon as replaced by other rules, regulations and manuals shall go effective;
- 2. The relevant revised federal anti corruption special ethics and evidence proclamation No. 434/2005 (proclamation No. 882/2015), the revised federal ethics and anti corruption commission establishment proclamation revising proclamation No. 883/2015 articles as soon as being replaced by other regional or federal laws the corruption crimes controlling rules of the region shall as the case may be effective;
- 3. Those engaged working being employed in the regional ethics and anti corruption commission, the regional revenues authority and justice office who fulfill the required conditions and transferred to the regional attorney general under this proclamation deemed appointed as attorneys continue working, concerns the required conditions they shall be determined under the decree.

- 4. በክልል የሥነ-ምግባርና የፀረ-ሙስና <u>ኮሚሽን፣ በፍትህ በፍትህ ቢሮ እና በክልሎ</u> *ገ*ቢ*ዎች* ባለሥልጣን ለዐቃቤ-ሕግ የሥራ ክፍሎች ሰጨነት በድጋፍ ላይ የሚገኙና በክልል ጠቅላይ ዐቃቤ-ሕግ ውሳኔ ወደ ክልል ጠቅላይ ዐቃቤ-ሕግ የሚዛወሩ የመንግስት ሠራተኞች NHLV አዋጅ መሠረት ጠቅሳይ የክልል 0ቃቤ-ሕግ *ሠራተኞች ሆነው ሥራቸውን ይቀጥ*ሳሉ፤
- 5. በክልል ጠቅሳይ ዐቃቤ-ሕግ ሥልጣን ሥር የሚወድቁ ሆነው ነገር ግን በተለያዩ የክልል መንግሥት መሥሪያ ቤቶች ወይም በክልል *ዐቃ*ቤ ተይዘው በመታየት **ላ**ይ የሚገኙ የፍተሐብሄርና የወንጀል ጉዳዮች ጠቅሳይ ዐቃቤ-ሕግ በሶስት ወር ውስጥ እስኪረከባቸው እና **ለ**መሽ*ጋገሪያ ጊ*ዜ ይሆን ዘንድ በተጀመሩበት **ለ**ሷ ጎ ን መታየት *እንዲሁ*ም የዐቃቤያነ-ሕግ ይቀጥሳሉ፤ አስተዳደር በነበረበት ሁኔታ ይቀጥላል፤
- 6. በዲሲፕሊን ኮሚቴዎች ወይም በሌሎች የዐቃቤ-ሕግ አስተዳደር ጉባኤዎች በመታየት ሳይ ያሉ የዐቃቤ-ሕግ ጉዳዮች በዚህ አዋጅ መሠረት ስተቋቋመው የዐቃቤያነ-ሕግ አስተዳደር ጉባኤ ተላልፌዋል፤

- 4. Civil servant transferred to the regional attorney general by the decision of the regional attorney general having engaged to the departments of the regional ethics and anti corruption commission, justice bureau and regional revenues authority as support providers to the attorney department under this proclamation shall continue as the staff of regional attorney general;
- 5. Civil and criminal cases pending in the process of the court procedure having taken hold by the regional attorney or the deferent regional government offices having fall under the regional attorney general jurisdiction as soon as the regional attorney general takes them over in three months time and to be for the sake of transition they shall continue to be scrutinized accordingly when commenced, as well the administration of attorney shall continue as it was;
- 6. The attorney cases pending on scrutiny with the discipline committee of other attorney administrative council are transferred to the attorney administration established under this proclamation;

- 7. ሌሎች በክልል የሥነ-ምግባርና የፀረ-ሙስና ኮሚሽን እና በክልሱ ገቢዎች ባለስልጣን የሚገኙ የዐቃቤ-ሕግ መዛግብትና ሠነዶች እንዲሁም የተያዙና በክርክር ላይ ያሉ ንብረቶች ወደ ክልል ጠቅላይ ዐቃቤ-ሕግ ይዛወራሉ፤
- 8. የክልል ፖሊስ ኮሚሽን የሙስና ሕና የታክስ ሕጎችን በመተሳሰፍ የሚልፀሙትን ወንጀሎች ከዐቃቢያነ-ሕግ ጋር ሆኖ የሚመረምር በሙያ ብቃቱ፣ በሥነ-ምግባሩና በሕዝባዊ አገልጋይነቱ የተመሰከረሳቸዉን መርጣሪ ፖሊሶችንና

አንጽ 24

ደንብና መመሪያ የጣዉጣት ሥልጣን

- መስተዳድር ምክር ቤት ይህን አዋጅ ለማስፈጸም የሚያስፈልጉ ደንቦችን ሊያወጣ ይችላል፤
- 2. የክልል ጠቅላይ ዐቃቤ-ሕግ ይህን አዋጅ ሕና በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሠረት የወጡ ደንቦችን ለማስፈፀም የሚያስፈልጉ መመሪያዎችን ሊያወጣ ይችላል፤
- 3. በሕግ መሰረት ለሕዝብ ይፋ እንዳይደረጉ ከተከለከሱ ሚስጥራዊ ሠነዶች በስተቀር የሚያወጣቸውን መመሪያዎች በማናቸውም መንገድ እንዲታተሙ እና እንዲሰራጩ ይደረጋል።

- 7. Other archives and documents of the attorney in the regional ethics and anti corruption commission and regional revenues authority as well properties on the process of court procedure shall be transferred to the regional attorney general;
- 8. The regional police commission shall arrange the inspector polices and department approved for being servitude to the public as well as approved of their conduct, professional skills which shall inspect the crimes committed together with the attorneys.

Article 24 Power to issue regulations and directives

- 1. The administrative council can issue regulations necessary to execute this proclamation;
- 2. The regional attorney general can issue regulations necessary to execute this proclamation and rules issued under this article sub article 1;
- 3. Except the confidential documents restricted from being publicized under, the any directive they issue shall be made to be published and disseminated any way;

ተሬፃሚነት የማይኖራቸው ሕጎች

ከዚህ አዋጅ *ጋር የሚቃረ*ት ማናቸውም ሕጎች በዚህ አዋጅ ውስጥ በተሸፈት *ጉዳ*ዩች ሳይ ተፈፃሚት አይኖራቸውም፡፡

<u>አንቀጽ 26</u> አዋጆ *የሚፅ*ናበት *ጊ*ዜ

ይህ አዋጅ በክልሉ ምክር ቤት ከጸደቀበት ቀን ጀምሮ የፀና ይሆናል። አሶሳ ታህሳስ 20 ቀን 2011 ዓ.ም አሻደሊ ሀሰን አልአጀብ የቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት ፕሬዚዳንት

<u>Article 25</u> None effective laws

Any laws in contradiction with this proclamation shall not be effective over the cases under this proclamation.

Article 26 Effective date of the Proclamation

This proclamation shall be effective since the date approved by the regional council.

Assosa, 29/12/2018

Ashadeli Hassen Alajeb

Benishangul Gumuz Regional

Government President