



**የቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት**  
**ልሳነ-ሕግ ጋዜጣ**  
 LISAN HIG GAZETA  
 OF THE BENISHANGUL — GUMUZ REGIONAL STATE  
**የቤኒሻንጉል ጉሙዝ ክልል መንግስት**  
**ም/ቤት ጠባቂነት የወጣ**

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**የቤኒሻንጉል-ጉሙዝ ክልላዊ መንግስት**  
**ሸሪዓ ፍርድ ቤቶችን ለማቋቋም የወጣ አዋጅ**  
**ቁጥር 39/1995**

በተሻሻለው የቤኒሻንጉል ጉሙዝ ክልላዊ መንግስት ሕገ-መንግስት አንቀጽ "35/5 መሠረት የግል፣ የቤተሰብና የጋብቻ ጉዳይን በተመለከተ በተከራካሪዎች ፍቃድ በሃይማኖት ወይም በባህል ሕግ መዳኘት የሚቻል በመሆኑ፣ በክልሉ ውስጥ ብዙ የሙስሊም ኅብረተሰብ የሚገኝ በመሆኑና ይህ የኅብረተሰብ ክፍል በግልፅ በሃይማኖታዊና ባህላዊ የዳኝነት አካላት ሕገ-መንግስቱ በሰጠው እውቅና መሠረት መዳኘት አስፈላጊ ሆኖ በመገኘቱ፣

ቀደም ሲል ተቋቁመውና በመንግስት ዕውቅና አግኝተው ሲሰራባቸው የቆዩ ተቋማት የማሻሻያ ለውጥ ሳይደረግበት የቆዩ በመሆኑ የሸሪዓ ፍርድ ቤቶች አቋም ማጠናከርና እንዲደራጅ ማድረግ፣ ባልተቋቋሙበት ማቋቋሙ አስፈላጊ በመሆኑ፣

በተሻሻለው የክልሉ ሕገ-መንግስት አንቀጽ 49/3/3/1 መሠረት የሚከተለው አዋጅ ወጥቷል፡፡

PROCLAMATION NO 39/2003  
 BENISHANGUL GUMUZ REGIONAL  
 STATE A PROCLAMATION TO PROVIDE  
 THE ESTABLISHMENT OF SHARIA  
 COURTS

WHEREAS, Pursuant to Article 35(5) of the Revised constitution of Benishangul Gumuz Regional State, Matters relating to personal, family and marriage are to be adjudicated in accordance with religious and customary laws with the consent of the parties thereof,

WHEREAS, given the large number of the Muslim community in the Region, and that it has become necessary to adjudicate cases of this community by official religions or customary dispute settlement organs, in accordance with the Precognition accorded by the constitution;

WHEREAS, the institutions which have been established and functioned with the state recognition were left without any change, and that it has become necessary to consolidate and organize sharia courts, and establish new ones if they don not exist;

THEREFORE, in accordance with Article 49(3)(3) (1) of the Revised constitution of the Region, the following proclamation is hereby enacted.

PART ONE

1. Short Title

This proclamation may be cited as the ‘Benishangul-Gumuz Regional State Sharia Courts Establishment proclamation No. 39/1995.

2. Definitions

In this Proclamation:

1. ‘‘Sharia’’ means Islamic law
2. ‘‘supreme court of sharia’’ means the court, which is established at Regions level and that has an appellate and final jurisdiction over cases that have been rendered by the High courts of sharia.
3. ‘‘High court of Sharia’’ means the court that has in an appellate jurisdiction over cases that have been decided by the woreda court of sharia and has the power to entertain matters that do not fall under the jurisdiction of the Woreda Court of Sharia.
- 4 ‘‘Woreda Court of Shatia’’ means the first instance selected Wordas and that are to be established hereby.
5. ‘‘Kadi’’ means a judge appointed and sitting at any level of courts of sharia.
6. ‘‘Chief kadi’’ means the Head or Chairman of each level of courts of sharia found in the Benishangul Gumuz Regional State.

**ክፍል አንድ**

**1 አጭር ርዕስ**

ይህ አዋጅ የቤኒሻንጉል ጉሙዝ ክልላዊ መንግሥት ሽሪዓ ፍርድ ቤቶችን ለማቋቋም የወጣ አዋጅ ቁጥር "39/1995 ተብሎ ሊጠቀስ ይችላል።

**ትርጉም**

በዚህ አዋጅ ውስጥ

- 1 ‘‘ሽሪዓ’’ ማለት የእስልምና ሕግ ነው።
- 2 ‘‘ የጠቅላይ ሽሪዓ ፍርድ ቤት’’ ማለት በክልል ደረጃ የሚቋቋም ሆኖ ከከፍተኛ የሽሪዓ ፍርድ ቤት ውሳኔ ያገኙትን ክርክሮች በይግባኝ አይቶ የሚወስን የመጨረሻው የሽሪዓ ፍርድ ቤት ነው።
- 3 ‘‘ ከፍተኛ ሽሪዓ ፍርድ ቤት’’ ማለት በወረዳ ሽሪዓ ፍ/ቤቶች የታዩ ጉዳዮችን በይግባኝ የማየት ሥልጣን ያለው እና ከወረዳ ሽሪዓ ፍ/ቤት ሥልጣን በላይ የሆኑ ጉዳዮችን በቀጥታ የሚያስተናግድ ማለት ነው።
- 4 ‘‘ወረዳ ሽሪዓ ፍርድ ቤት’’ ማለት በክልሉ የተመረጡ ወረዳዎች ውስጥ የነበሩና የሚቋቋሙ የመጀመሪያና የበታች የሽሪዓ ፍርድ ቤት ማለት ነው።
- 5 ‘‘ ዋና ቃዲ’’ ማለት የቤኒሻንጉል ጉሙዝ ክልላዊ መንግሥት በየደረጃው የሚገኙ የሽሪዓ ፍርድ ቤቶች የበላይ ወይም ሰብሳቢ ቃዲ ነው።

**ክፍል ሁለት**

**3 መቋቋም**

ተጠሪነታቸው ለክልሉ የደኞች አስተዳደር ጉባኤ የሆኑ የጠቅላይ ሽሪዓ ጸርድ ቤት ከፍተኛ ሽሪዓ ፍርድ ቤትና የወረዳ ሽሪዓ ፍርድ ቤቶች ተቋቁመዋል።

**አንቀጽ 4**

**የጠቅላይ ሽሪዓ ፍርድ ቤት ዋናው ቃዲ ሥልጣንና ተግባር**

1 ዋናው ቃዲ የክልሉን ሽሪዓ ፍርድ ቤቶች በላይነት ያስተዳድራል። እንዲሁም የችሎት ሰብሳቢ ሆኖ ሊሠራ ይችላል።

2 የዚህ አንቀጽ ንዑስ አንቀጽ /1/ አጠቃላይ አነጋገር እንደተጠበቀ ሆኖ ዋናው ቃዲ፣

ሀ/ በየደረጃው የሚደራጁ የሽሪዓ ፍርድ ቤቶችን መዋቅር አዘጋጅቶ ለክልሉ ጠቅላይ ፍርድ ቤት ኘሬዚዳንት ያቀርባል። ሲፈቀድለትም በሥራ ላይ ያውላል።

ለ/ ተሹመው የሚቀርቡትን ቃዲዎች በክልሉ ሽሪዓ ፍርድ ቤቶች ውስጥ በመደልደል ያሠራል።

ሐ/ የጠቅላይ ፍርድ ቤቱ ዋና ቃዲያ ለሥራው አስፈላጊ የሆኑ ሠራተኞችን ከክልሉ ጠቅላይ ፍርድ ቤት ኘሬዚዳንት ጋር በመመካከር ይቀጥራል።

PART TWO

3. Establishment

The supreme Court of Sharia, High Court of Sharia and Woreda Court of sharia are hereby eablished, the accountability which are to the Regional Judicial Administration Commission.

4. Powers and Duties of the Chief Kadi of the Supreme court of Sharia Chief kadi:

1. shall as the supremen authority, administer the Regional Courts of Sharia. In addition, he may preside over a division.

2. without prejudice to the generally stated under sub-Article 1 of this Article, the Chief Kadi shall:

a) prepare and submit, to the president of the Regional Supreme Court, the Organizational structure of the sharia courts to be organized at any level, and placement to Kadis appointed for the Regional courts of sharia

b) Give job placement to Kadis appointed for the Regional courts of sharia

c) employ the necessary staff in consultation with the president of the Regional Supreme court, and give them job placements.

በየሥራውም ደልድሎ ያሠራል።

መ/ የሽሪዓ ፍርድ ቤቶች ስለአከናወኑት ሥራዎች ለክልሉ ጠቅላይ ፍ/ቤት ሪፖርት ያቀርባል።

ሠ/ የፍርድ ቤቶች ዕቅድና በጀት እንዲዘጋጅ በማድረግ በክልሉ ጠቅላይ ፍርድ ቤት ነገረ-ሰነድ በኩል ለክልሉ ምክር ቤት ያቀርባል። ሲፈቀድለትም ሥራ ላይ ውላል።

ረ/ ፍርድ ቤቱን በመወከል አስፈላጊ ቦታዎች ላይ ይገኛል፤ መግለጫዎችንም ይሰጣል።

ሰ/ ሌሎች በሕግ የተሰጡ ተግባራትን ያከናውናል።

ሸ/ ዋናው ቃዲ በማይኖርበት ጊዜ አንዱን ቃዲ ወክሎ ሊሠራ ይችላል።

**አንቀጽ 5**

የወረዳ ሽሪዓ ፍ/ቤት ዋና ቃዲ ሥልጣንና

ተግባር

1 ፍ/ቤቱን በበላይነት ያስተዳድራል፤ ሠራተኛውንም ይመራል፤

2 በየጊዜው ስለተከናወነው ሥራ ዕቅድና በጀት አዘጋጅቶ ለከፍተኛው ሽሪዓ ፍ/ቤት ያቀርባል።

**አንቀጽ 7**

d) submit report to the Regional supermen court on the performance of the courts of sharia.

e) cause the preparation of the work plan and budget of the courts of sharia and submit it to the Regional Council through the president of the Regional Council through the president of the Regional supreme court, and implement same upon approval.

f) attend necessary events and five statements on behalf of the courts

g) discharge duties entrusted to him by other laws

3. The Chief Kadi might delegate his power to a kali in his absence

5. Powers and Dutes of the Chief Kadi of the High Court of sharia

1. The Chief Kadi of the High Court of sharia shall as the supremen authority, lead and administer the personnel of the court.

2. submit regular report to the supermen court of sharia.

3. shall prepare and submit work plan and budget of the court to the supreme court of sharia.

6. Powers and duties of the Chief Kadi of the

**የፍርድ ቤቶች የወል ዳኝነት ሥልጣን**

1 የሽሪዓ ፍርድ ቤቶች ከዚህ በታች በተዘረዘሩት ጉዳዮች ላይ የጋራ ሥልጣን ይኖራቸዋል፤

ሀ/ በጋብቻ ጊዜ በእስልምና ሃይማኖት ሥነ-ሥርዓት ተጋብተው ያሉትን ባለጉዳዮች ወይም ስለጋብቻ፣ ስለፍቺ፣ ስለቀለብ መቁረጥ፣ ስለሞግዚትና ስለቤተሰብ በሚነሱ ጭብጦች ላይ አከራክሮ መወሰን፤

ለ/ ስጦታ ሰጪው ወይም ተናዛገፍ ሙስሊም የነበረ እንደሆነ ወይም በሞተበት ጊዜ ሙስሊም ሆኖ የሞተ ከሆነ ወይም በስጦታ፣ በነብዛና በውርስ ዙሪያ በሚነሱ ጥያቄዎች ላይ አከራክሮ የመወሰን፤

ሐ/ ከላይ ለተጠቀሱት ጉዳዮች ስለሚወጣው የዳኝነት ወይም የሙግት ወጪ ገንዘብ የሚነሱ ክርክሮች መወሰን ይሆናል።

**አንቀጽ 8**

**የሽሪዓ ፍርድ ቤቶች የዳኝነት ሥልጣን**

1 የወረዳ የሽሪዓ ፍርድ ቤት የዳኝነት ሥልጣን

በወረዳ የሽሪዓ ፍ/ቤት ግምታቸው እስከ

woreda court of sharia

The chief kadi of the woreda court of sharia shall:

1. administer and lead, as the supreme authority. The personnel of court.
2. prepare and submit regular report to the supreme court of sharia on activities undertaken, and work plan and budget.

7. Common Jurisdiction of the sharia courts

1. The sharia courts shall have common jurisdiction over the following specified matters:
  - a) The power to hear and decide when issues relating to marriage, divorce, maintenance, guardian, and family affairs arise, provided that the parties marriage to which the question relates was concluded in accordance with the procedures of Islamic law.
  - b) The power to hear and decide when issues relating to gift, wills and succession arise; provided that the donor or endower is a Muslim or the deceased was a Muslim at the time of his death.
  - c) The power to decide on question regarding the payment of court fee or costs incurred in suits relating to the aforementioned matters.

8. The Jurisdiction of the Woreda court of sharia.

1. jurisdiction of the woreda court of sharia.

The woreda court of sharia shall have first instance jurisdiction over cases involving

25000 /ሃያ አምስት ሺ ብር/ የሚሆኑ ጉዳዮችን ወይም ግምታቸው በገንዘብ ሊተመን በማይችሉ ጉዳዮች ላይ የመጀመሪያ ደረጃ የዳኝነት ሥልጣን ይኖረዋል።

2 የከፍተኛ የሽሪዓ ፍ/ቤት የዳኝነት ሥልጣን

1 የከፍተኛው ሽሪዓ ፍርድ ቤት በመጀመሪያ ደረጃ ፍርድ ቤት የዳኝነት ሥልጣኑ ውሳኔ በሰጠባቸው ጉዳዮች ላይ ይግባኝ የማየት ሥልጣን ይኖረዋል።

2 የከፍተኛው የሽሪዓ ፍ/ቤት በይግባኝ ሰሚነት ሥልጣን በሰጠው በማንኛውም ውሳኔ በሚቀርቡ ጉዳዮች በይግባኝ የማየት ሥልጣን ይኖረዋል።

3 ክልሉ በሰው ኃይል እስኪጠናከር ድረስ የሰበር ጉዳዮች በፌዴራል ጠቅላይ ሽሪዓ ፍ/ቤት ሊስተገገዱ ይችላሉ።

4 አንድን ጉዳይ ከአንድ ሽሪዓ ፍርድ ቤት ወደ ሌላ ሽሪዓ ፍርድ ቤት ወይም ወደ ራሱ ተዛውሮ እንዲታይ የሚቀርብን ጥያቄ አይቶ የመወሰን ሥልጣን ይኖረዋል።

an amount not in excess of 25, 000 (Twenty five thousand )birr or cases the value of which cannot be expressed in money.

2. jurisdiction of the High court of sharia

1. It shall have first instance jurisdiction over cases involving an amount in excess of 25,00 (Twenty five thousand) birr or cases the value of which can not be expressed in money.

2. It shall have appellate jurisdiction over cases decided by the woreda court of sharia.

3. jurisdiction of the Supreme court of sharia

1. It shall have appellate jurisdiction over cases decided by the High court of sharaia in its first instance jurisdiction

2. It shall have appellate jurisdiction over cases decided by the High court in its appellate jurisdiction.

3. Matters for review by cassation can be handled by the federal supreme court until the Region is reinforced by skilled man power

4. It shall have jurisdiction over application for change of venue from one sharia cour to another or to itself.

9. Determination of Consent or Objection

1. Where one part brings a case or petition to a court of sharia, such court shall issue

ፍቃደኝነትን ወይም ተቃውሞን ስለመወሰን፤

- 1 አንድ ባለጉዳይ እንዲታይለት ወደ ሸሪዓ ፍ/ቤት ሲያመለክት ወይም አቤቱታውን ሲያቀርብ ጉዳዩ የቀረበለት የሸሪዓ ፍ/ቤት ሌላኛው ተከራካሪ በፍ/ቤቱ ለመዳኘት ፍቃደኛ መሆኑን እንዲያረጋግጥና የተሟላ መልሱን፤ ፍቃደኛ ካልሆነ ደግሞ ተቃውሞውን ይዞ እንዲቀርብ መጥሪያ ይላክለታል
- 2 በዚህ አንቀጽ ንዑስ አንቀጽ 1 በተገለጸው አኳኋን የፍ/ቤት መጥሪያ በአግባቡ የደረሰው ተከራካሪ ተቃውሞውን ካላቀረበ ተቋውሞውን ለማቅረብ እንዳልፈለገ ተቆጥሮ ጉዳዩ በሌለበት እንዲታይ ይደረጋል።
- 3 ተከራካሪዎቹ በፍ/ቤቱ ለመዳኘት በግልጽ ካልተስማሙ ፍ/ቤቱ ለዳኝነት የተከፈለ ገንዘብ ካለ እንዲመለስ አዞ መዘገቡን በመዘጋት ተከራካሪዎችን ያሰናብታል።
- 4 በተከራካሪ ወገኖች ፍቃድ ላይ ተመሥርቶ በሸሪዓ ፍ/ቤት በመታየት ላይ የሚገኝ ጉዳይን በተመለከተ በማንኛውም ምክንያት ወደ መደበኛው ፍ/ቤት ወይም በመደበኛ ፍ/ቤት በመታየት ላይ የሚገኝ ጉዳይ ወደ ሸሪዓ ፍ/ቤት ማዛወር ወይም ተዛውሮ እንዲታይ ማድረግ አይቻልም።

አንቀጽ ፬

ፍርድ ቤቶቹ የሚሠሩባቸው ሕጎች

- 1 የሸሪዓ ፍርድ ቤቶች በስልጣናቸው ሥር የሚወድቁትን ጉዳዮች የሚያዩት በሸሪዓው ህግ መሠረት ይሆናል።

summons to the other party to demand him to present his all defence if he consents to its jurisdiction; or to produce his objection of he objects to its jurisdiction.

- 2. Where a party duly served with summons, pursuant to sub. Article 1 of this Article, failed to produce his objection his objection and the case shall be heard expert.
- 3. In the absence of express consent of the parties for the case to be adjudicated by the court, the court fee, if any was already paid.
- 4. 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. Laws to be Applied by the sharia Courts

- 1. The sharia courts shall consider cases Falling under their jurisdiction in accordance with Islamic law .
- 3. in conducting proceedings properly on matters referred to them, the courts

2 ፍርድ ቤቶቹ የያዙባቸውን ጉዳዮች ሥርዓት ባለው ሁኔታ ለመምራት እንዲያስችላቸው በሥራ ላይ ያሉትን የፍትሐ-ብሔር ሥነ ሥርዓት ሕግን ተከትለው ይሠራሉ።

**አንቀጽ 01**

**ስለ ሽሪዓ ፍ/ቤቶች ውሳኔዎች ትእዛዞች**

1 ማናቸውም ሽሪዓ ፍ/ቤት የሚሰጣቸው ውሳኔዎች ትእዛዞች በማንኛውም አካላት እንዲፈጽሙ የማዘዝ ስልጣን አላቸው።

2 ማናቸውም ሽሪዓ ፍ/ቤት ውሳኔም ሆነ ትእዛዝ የደረሳቸው አስፈጻሚ አካላት ሆነ ግለሰቦች የመፈጸምና የማስፈጸም ግዴታ አለባቸው።

**ክፍል ሶስት**

**አንቀጽ 02**

**የሽሪዓ ፍ/ቤቶች ችሎትና የማስቻያ ስፍራ**

1 በወረዳና ክፍተኛ ሽሪዓ ፍ/ቤት ችሎቶች በአንዳንድ ቃዲ ያስችላሉ።

2 በጠቅላይ ሽሪዓ ፍ/ቤት ችሎት አንድ ሰብሳቢና ሁለት ቃዲዎች ተሰይመው በክልሉ ዋና ከተማ ያስችላሉ።

3 ክፍተኛ ፍ/ቤቶችና የወረዳ ሽሪዓ ፍርድ ቤቶች እንደ አስፈላጊነቱ በሚቋቋሙበት ቦታ ያስችላሉ።

4 የሽሪዓ ፍ/ቤቶች ድጋፍ ሰጪ ሠራተኞች እንደአስፈላጊነቱ ሊኖራቸው ይችላል።

shall apply the civil producer code in force.

11. Decisions and Orders of sharia Courts

1. Any level of sharia court may order any organ to enforce its decisions or orders

2. Any executive organ as well as individual who receives the decisions or orders of any level of sharia court shall execute or cause the execution of same

PART THREE

12. Decisions and Sitzings of Courts of Sharia

1. There shall sit a single kadi in each division of the woreda and High Courts of sharia.

2. There shall sit a presiding kadi and two kadis in the division of the Supreme Couurt of sharia, which shall sit in the capital of the Region.

3. The High and Woreda Courts of Sharia sit in the plaxe where they are to be established, as may be necessary

4. the courts of sharia shall have the necessary support personnel.

13. Recruitment and Appointment of kadis



**አንቀጽ 02**

**ስለቃዲዎች አመላመልና አሻሻያ**

- 1 የክልሉ የእስልምና ጉዳዮች ከፍተኛ ጉባኤ ከክልሉ የዳኞች አስተዳደር ጉባኤ ጥያቄ ሲቀርብለት የቃዲዎችን ምልመላ ያከናውናል።
- 2 የእስልምና ጉባኤው ሰብሳቢ በጉባኤው የተጠቀሙትንና በተለያዩ ደረጃ እንዲመደቡ የድምጽ ብልጫ ድጋፍ ያገኙትን የሽሪዓ ፍ/ቤት እጩ ቃዲዎች አጭር የሕይወት ታሪክ መግለጫ አዘጋጅቶ ለክልሉ ዳኞች አስተዳደር ጉባኤ ሰብሳቢ ያቀርባል።
- 3 የጠቅላይ ሽሪዓ ፍ/ቤት ዋና ቃዲና አንድ የከፍተኛ ሽሪዓ ፍ/ቤት ቃዲ የሽሪዓ ፍ/ቤቶች ወይም የቃዲዎች ጉዳይ በሚታይበት ወቅት በዳኞች አስተዳደር ጉባኤ ላይ ይገኛሉ።
- 4 የተመረጡት ቃዲዎች በጠቅላይ ፍ/ቤቱ ኘሬዚዳንት አቅራቢነት በክልሉ የዳኞች አስተዳደር ጉባኤ ከታየ በኋላ እንዲፀድቅ ለክልሉ ምክር ቤት ጠቅላላ ጉባኤ ይላካል።

**አንቀጽ 04**

**ስለነፃ ዳኝነት**

ቃዲዎች ሥራቸውን በነፃነት ያከናውናሉ ከህግ በስተቀር በሌላ አይመሩም።

**አንቀጽ 05**

1. The Supreme Council for the Islamic Affairs in the Region shall, upon request by the Region’s Judicial Administration commission, carry out the recruitment of kadis.
2. The Chairman of the Supreme Islamic Council shall submit, to the Chairman of the Regional Judicial Administration Commission, a short profile of nominee kadis that are to be assigned at different levels of the sharia court and that received the majority support of the council.
3. The Chief kaid of the supreme court of sharia and one kadi of the High court of sharia shall take part in a meeting of the Judicial Administration Commission that considers matters related to sharia courts of kadis.
4. The recruitment of kadis, who are to be assigned at different levels , shall be considered by the Region’s Judicial Administration commission and then submitted to the General meetings of the Regional Council by the president of the suprme court for the purpose of appointment.

**14. Independence**

Kaidis shall carry out their functions indepently and shall be guided by noting except law.

**15. Suspension**

**እግድ ስለሚሰጥበት ሁኔታ**

1 የቃዲው በሥራ ላይ መቆየት የዳኝነት ሥነ ምግባርን የሚቃረን ከሆነ የክልሉ የዳኞች አስተዳደር ጉባኤ ሰብሳቢ በየትኛውም ደረጃ የሚገኝ ቃዲን ዋና ቃዲው አሳሳቢነት በራሱ አሳሽነት ከሥራ ሊያግደው ይችላል።

2 የክልሉ ዳኞች አስተዳደር ጉባኤ እግዱ ከተሰጠበት ጊዜ አንስቶ በሶስት ወር ጊዜ ውስጥ ውሳኔ መስጠት ይኖርበታል።

**አንቀጽ 06**

**ቃዲ ሆኖ ለመመረጥ የሚቃበቁ ሁኔታዎች**

- 1 ዜግነቱ ኢትዮጵያዊ የሆነ፡-
- 2 ለሕገ መንግሥቱ ተገኝቶ የሆነ፡-
- 3 እድሜው ከ5 ዓመት በላይ የሆነ፡-
- 4 በእስልምና ትምህርት ተቋማት በሽሪዓ ህግ የሰለጠነ ወይም በሽሪዓ ሕግ በቂ የሆነ ልምድና እውቀት ያለው፡-
- 5 መልካም ሥነ ምግባር ያለውና ለመሥራት ፈቃደኛ የሆነ፡-
- 6 የፖለቲካ ድርጅት አባል ያልሆነ፡-
- 7 የአእምሮ በሽተኛ ያልሆነ፡-

**አንቀጽ 07**

**ስለመተዳደሪያ ደንቦች**

1 የቤኒሻንጉል ጉሙዝ ክልላዊ መንግሥት የዳኞች መተዳደሪያና የዲስፒሊን

1. The chairmen of the Judicial Administration commission may, by his own motion or upon the recommendation of the chief kadis, order the suspension of and kadi at any level; provided that his stay at work contravenes judicial code of conduct.

2. The Region’s Judicial Administration commission shall make a decision on the suspension within three months after the suspension is ordered.

16. Criteria for the Appointment of kadi Any person who:

- 1. is an Ethiopian
- 2. loyal to the constitution
- 3. over 25 years of age
- 4. has received training in Islamic law from Islamic academic institution or possesses an adequate experience and knowledge of Islamic law.
- 5. is reputed for good conduct and consents to serve as kadi
- 6. is not a member of political party, and
- 7. not insane

May be appointed as a kadi

17. Administration Regulation

1. The Benishangul-Gumuz Regional State’s Regulation on the Administration and Dicipline of Judges

አፈጻጸም ደንቦች በሽሪያ ፍ/ቤት  
ቃዲዎች ላይ ተፈጻሚ ይሆናሉ።

**አንቀጽ 08**

**ቃዲዎች ከሥራ የሚሰናበቱበት ሁኔታ**

ማንኛውም ቃዲ ከስራው የሚሰናበተው  
በሚከተሉት ምክንያቶች ይሆናል።

ሀ/ ስራውን ለመልቀቅ ሲፈልግ የሁለት  
ወር የጽሁፍ ማስጠንቀቂያ  
በመስጠት፤

ለ/ እድሜው % ዓመት ሞልቶት በጡረታ  
ሲገለል፤

ሐ/ በህመም ምክንያት ተግባሩን በተገቢው  
ሁኔታ ማከናወን አይችልም ተብሎ  
ሲወሰን፤

መ/ የዲሲፕሊን ጥፋት ፈጽሞ ሲገኝ፤

ሠ/ ጉልህ የሆነ የሥራ ችሎታና  
ጥልጥፍና አንሶታል ተብሎ ሲወሰን፤

**አንቀጽ 09**

**በግልጽ ችሎት ስለመታየትና ስለቃዲያዎች**

**ከችሎት መነሳት**

1 የሽሪያ ፍ/ቤቶች የሚሰችሉት ለሕዝብ  
ግልጽ በሆነ ችሎት ነው።

2 የዚህ አንቀጽ ንዑስ አንቀጽ /1//  
እንደተጠበቀ ሆኖ ለፍትሕ አስተዳደሩና  
ለተከራካሪዎቹ የግል ሕይወት ሲባል  
ጉዳዩ በዝግ ችሎት ሊታይ ይነሳል።

3 አንድ ቃዲ ከዚህ ቀጥሎ ከተመለከቱት  
ምክንያቶች በአንዱ ከችሎት ይነሳል፤

shall apply to kadis of sharia courts

2. The Judicial Administration  
commission may issue additional  
regulation, whenever necessary, for the  
implementation of this proclamation.

18. Termination of kadis from Duties

Any kadi may be terminated on the basis of  
one of the following grounds:

- a) If he resigns, upon fiving a two months  
prior written notice;
- b) If he has attained 60 years of age and  
retired;
- c) If it is decided that he is incapable of  
discharging duty properly owing to  
illness;
- d) If he is found to have committed  
disciplinary fault; or,
- e) If it is decided that he is manifestly  
incompetent or inefficient

19. Open Hearing and Withdrawal of kadis

- 1. The sharia courts shall hear in open court
- 2. Without prejudice to sub-Article 1 of this  
Article, cases may be heard in camera  
in consideration of the interest of the  
administration of justice and privacy of  
parties involved.
- 3. A kadi may be removed from a division  
on the basis of one of the following  
reasons:

ሀ/ ቃዲው ከተከራካሪዎቹ ከአንደኛው ወገን ወይም ከጠበቃው ጋር የሥጋ ወይም የጋብቻ ዝምድና ያለው እንደሆነ፤

ለ/ ቃዲው ከተከራካሪዎቹ የአንደኛው ወገን ሞግዚት፣ ነገረፈጅ ወይም ጠበቃ በሆነበት ጉዳይ ላይ የተነሣ ክርክር የሆነ እንደሆነ፤

ሐ/ ቃዲው ክርክር የተነሳበትን ጉዳይ አስቀድሞ በዳኝነት ወይም በእርቅ መንገድ ያየው እንደሆነ፤

መ/ ቃዲው ከተከራካሪዎቹ ወገኖች ከአንደኛው ወይም ከጠበቃው ጋር በፍርድ ቤት የተያዘ ክርክር ወይም መግት ያለው እንደሆነ፤

ሠ/ ከዚህ በላይ ከ/ሀ/ እስከ /መ/ ከተመለከቱት ምክንያቶች ውጭ ትክክለኛ ፍትሕ አይሰጥም የሚያሰኝ ሌላ በቂ ምክንያት ሲኖር፤

4 በዚህ አንቀጽ ንዑስ አንቀጽ መሠረት ቃዲው በችሎት ላይ ሊቀመጥ የማይገባው መሆኑን ሲያውቅ ምክንያቱን በመዝገብ ላይ በማስፈር ከችሎት ተነስቶ ጉዳዩ በሌላ ቃዲ እንዲታይ አስፈላጊውን ማድረግ አለበት።

**አንቀጽ !**

**ቃዲ ከችሎት እንዲነሳ ስለማመልከት፤**

1 ከተከራካሪዎች አንደኛው በአንቀጽ § ንዑስ

- a) If the kadi is related to one of the parties or his advocate by consanguinity or affinity
  - b) If the dispute related to matter in which one of the parties is person for whom he acted as tutor, legal representative, or advocate
  - c) If the kadi has previously considered the matter subject to dispute by way of arbitration or compromise
  - d) If the kadi has a case pending in a court with one of the parties of his advocate
  - e) If there is sufficient reason, other than the ones specified under (a-d) hereof to conclude that no fair justice may be done
4. If the kadi is aware, in accordance of sub-article 3 of this Article, that he shall withdraw himself from the division, he shall state the reason and make necessary arrangement for his withdraw and for the consideration of the matter by another kadi.

20. Application for the Withdrawal of kadi

- 1. Where a party to a case is of the opinion that a kadi shall be withdrawal from the division on the basis of one of the reasons specified in Article 19(3), HE may apply to a court to request his

አንቀጽ 3 ላይ በተዘረዘሩት ምክንያቶች መሠረት አንድ ቃዲ ከችሎት መነሳት የሚገባው መስሎ የታየው እንደሆነ እንዲነሳ ለፍርድ ቤቱ ማመልከቻ ማቅረብ ይችላል።

2 ማመልከቻ የሚቀርበው ክርክሩ ከመጀመሩ በፊት ወይም ማመልከቻ ለማቅረብ ምክንያት መኖሩን አመልካቹ እንዳወቀ ወዲያውኑ መሆን አለበት።

3 አንድ ቃዲ ብቻውን የሚያስችል ከሆነ ከችሎት ስለመነሳት የሚቀርብለትን ማመልከቻ ተመልክቶ ጥያቄውን የተቀበለ ከሆነ ይነሳል። ያልተቀበለ ከሆነ ግን በኪያው ፍ/ቤት በሚገኙ ሌላ ችሎት ወይም ቃዲ አቤቱታውን እንዲወስን ማስተላለፍ አለበት።

4 ከችሎት እንዲነሳ ማመልከቻ የቀረበበት ቃዲ ከሌሎች ዳኞች ጋር በሚያስችሉበት ጊዜ ከሆነ ማመልከቻ የቀረበበት ዳኛ በሌላ ቃዲ ወይም ቃዲዎች ማመልከቻው ውሳኔ ያገኛል።

5 በዚህ አንቀጽ ንዑስ አንቀጽ እና መሠረት የሚሰጠው ውሳኔ የመጨረሻና ይግባኝ የማይባልበት ነው።

6 የሚሰጠውን ማናቸውንም ውሳኔ ቃዲው ወዲያውኑ መፈጸም አለበት።

**አንቀጽ 11**

**በቂ ምክንያት ሳይኖር የሚቀርብ ማመልከቻ**

**ስለሚያስከትለው ቅጣት**

1 ከተከራካሪዎች አንደኛው ወገን ደኛው

withdrawal.

2. The application shall be submitted before the trial opens or immediately after the applicant is aware of the reason for submitting such application.

3. Where the kadi is sitting alone, he shall withdraw himself if he considers and agrees with the application requesting his withdrawal. If he does not accept it, he shall refer the application for decision to another division or kadi in the same court. If he is alone, he shall refer it to the court which hears the appeal from his court.

4. Where the kadi against whom the application for withdrawal is submitted is sitting with other kadis, the decision on such application shall be made by another kadi or kadis.

5. The decision made under sub-article 3 and 4 of this Article shall be final and subject to no appeal.

6. penalty for Application without sufficient Reason.

**21. Penalty for Application With**

1. Where the application submitted by one of the parties to request the

ከችሎት እንዲነሳለት ያቀረበው ማመልከቻ በቂ ምክንያት ሳይኖረው የቀረ እንደሆነ ፍርድ ቤቱ ውድቅ ያደርገዋል።

2 ከተከራካሪዎች አንደኛው ወገን ቃዲው ከችሎት እንዲነሳለት ያቀረበው ማመልከቻ ሀሰት ሆኖ ከተገኘ በአመልካቹ ላይ ፍ/ቤቱ እስከ ብር 3) //ሶሶት መቶ ብር/ መቀጫ ሊጥልበት ይችላል።

**አንቀጽ !2**

**ሰለበጀት**

**የሽሪዓ ፍርድ ቤቶች በጀት**

1 ከመንግሥት ከሚመደብለት በጀትና፤

2 ከሌሎች ምንጮች የሚገኝ ድጋፍ

ይሆናል።

**አንቀጽ !3**

**በክርክር ላይ ስላሉ ጉዳዮች**

ይህ አዋጅ ከመውጣቱ በፊት በሽሪዓ ፍ/ቤት በክርክር ላይ የነበሩ ጉዳዮች በዚህ አዋጅ መሠረት ስልጣን ባለው ሽሪዓ ፍርድ ቤት ይታያሉ

**አንቀጽ !4**

**የተሻሩና ተፈጻሚነት የማይኖራቸው ሕጎች**

ይህን አዋጅ የሚቃረን ማንኛውም ህግና አሠራር በዚህ አዋጅ በተሸፈኑ ጉዳዮች

removal of a kadi is found to be without good cause, the court shall dismiss it.

2. Where the application submitted by one of the parties to request the removal of a kadi is found to be false, the court may impose a fine up to 300 (three hundred) birr.

**22. Budget**

The budget of sharia court shall be:

1. the budget allocated to it by the government
2. the assistance obtained from other sources

**23. Pending Cases**

Cases pending in the shaia court prior to the coming into force of this proclamation, shall be heard by the sharia court having jurisdiction pursuant to this proclamation

**24. Repealed and Inapplicable Laws**

Any law and practice inconsistent with this proclamation shall be inapplicable to

ላይ ተፈሚነት አይኖረውም።

አንቀጽ 15

አዋጁ የሚፀናበት ጊዜ

ይህ አዋጅ በልሣነ ሕግ ጋዜጣ ታትመ  
ከወጣበት ጊዜ ጀምሮ የፀና ይሆናል።

ያረጋል አይሸሽም ብርሃኔ

የቤኒሻንጉል ጉሙዝ ክልላዊ መንግሥት  
ንሬዚዳንት

ሐምሌ 9/95

አሰሳ፣

matters covered by this proclamation

## 25. Effective Date

This proclamation shall enter into force upon its publication in the Negarit Gazeta

Yaregal Aysheshim Birhane

President of the Benishangul Gumuz State

28<sup>th</sup> Day of Hamle 1995 E.C.

Assosa