Waggaa 30 ffaa..... Lak. 1/2014
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Finfinnee,...........Adoolessa 10 Bara 2013
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MAGALATA OROMIYAA
L µ E p ‰ Z Më ¦
MEGELETA OROMIA

Gatiin Tokkoo .... Qarshii 19.50 የአ¿«› ”¶ .... ብር 19.50 Unit Price .... Birr 19.50	To'annoo Caffee Mootummaa Naannoo Oromiyaatiin Kan Bahe በኦሮሚያ ብሔራዊ ክልላዊ መንግስት በጨፌ ኦሮሚያ ጠባቂነት የወጣ	Lak. S. Poostaa .... 21383-1000 የፖ.ሳ.ቁጥር ....21383-1000 P.O.Box 21383-1000

QABIYYEE	ማውጫ	CONTENT
Labsii Lak. 240/2013 Labsii Manneen Murtii Aadaa Naannoo Oromiyaa Hundeessuu fi Beekamtii Kennuuf Bahe, Lakkoofsa 240/2013..................................Fuula 1	**አዋጅ ቁጥር 240/2013** የኦሮሚያ ክልል የባህል ፍርድ ቤቶችን ለማቋቋምና እውቅና ለመስጠት የወጣ አዋጅ ቁጥር 240/2013 ....ገጽ 1	**Proclamation No. 240/2021** A Proclamation to Provide for the Establishment and Recognition of Oromia Region Customary Courts, No. 240/2021...............................Page 1

Labsii Manneen Murtii Aadaa Naannoo Oromiyaa Hundeessuu fi Beekamtii Kennuuf Bahe, Lakkoofsa 240/2013

Mootummaan naannichaa aadaalee mirgoota bu'uuraa fi namoomaa, dimokiraasii fi Heera Mootummaa hin faallessine akka gabbatanii fi guddatan gargaaruuf ittigaafatamummaa kan qabu waan ta'eef;

Walfalmitoonni dhimmi isaanii seera aadaatiin akka ilaalamuuf fedhii qaban bu'uura Heera Mootummaa Naannichaatiin Manneen Murtii Aadaa hundeeffaman yookiin beekamtiin kennameefitti keessummaa'uu kan danda'an ta'uun tumamee kan jiru waan ta'eef;

የኦሮሚያ ክልል የባህል ፍርድ ቤቶችን ለማቋቋምና እውቅና ለመስጠት የወጣ አዋጅ ቁጥር 240/2013

የክልሉ መንግስት መሰረታዊና ሰብዓዊ መብቶችን፣ ዲሞክራሲን እና ሕገ መንግስቱን የማይቃረኑ ባህሎች እንዲጎለብቱና እንዲያድጉ ለመርዳት ኃላፊነት ያለበት በመሆኑ፤

ጉዳያቸው በባህላዊ ስርዓት መሠረት እንዲታይላቸው የሚፈልጉ ተከራካሪዎች የክልሉ ሕገ መንግስት በሚፈቅደው መሠረት በሚቋቋሙና ዕውቅና በሚሰጣቸው የባህል ፍርድ ቤቶች መስተናገድ እንደሚችሉ የተደነገገ በመሆኑ፤

A Proclamation to Provide for the Establishment and Recognition of Oromia Region Customary Courts, No. 240/2021

WHEREAS, it is the duty of the region's government to support the growth and enrichment of cultures that are compatible with fundamental and human rights, democracy and the provisions of the constitution;

WHEREAS, it is provided that parties to a dispute may consent to the resolution of their case by Customary Courts established and recognized in accordance with the regional constitution;

Manneen Murtii Aadaa hawaasni tajaajila haqaa dhaqqabamaa ta'e akka argatu, dhugaa fi haqa baasuu irratti bu'a qabeessa ta'an, adeemsa salphaa hordofanii fi hariiroo hawaasaa cimsuu dandeessisan diriirsuun waan barbaachiseef;

Akkaataa Heera Mootummaa Naannoo Oromiyaa Fooyya'ee Bahe, Labsii Lakkoofsa 46/1994 Keewwata 49 (3) (a) tiin kan kanatti aanu labsameera.

Kutaa Tokko
Tumaalee Waliigalaa

1. Mata Duree Gabaabaa

Labsiin kun "Labsii Manneen Murtii Aadaa Naannoo Oromiyaa, Lakkoofsa 240/2013" jedhamee waamamuu ni danda'a.

2. Hiika

Akkaataan galumsa jechichaa hiika biroo kan kennisiisu yoo ta'e malee, Labsii kana keessatti:

1) "Barreessaa" jechuun ogeessa Jaarsolii Mana Murtii Aadaa gargaaree akka hojjetuuf ramadamu jechuudha.
2) "Gaaddisa" jechuun iddoo Manneen Murtii Aadaa hojii isaanii itti gaggeessan jechuudha.
3) "Gumaata" jechuun kennaa Mana Murtii Aadaatiif bifa maallaqaatiin yookiin akaakuun qaamolee adda addaa irraa walitti qabamu jechuudha.
4) "Heera" jechuun Heera Mootummaa Naannoo Oromiyaa Fooyya'ee Bahe, Labsii Lakkoofsa 46/1994 jechuudha.
5) "Jaarsa" jechuun aangoo fi hojii Labsii kanaan kennameef akka bahatuuf Mana Murtii Aadaa irratti nama filatamee ramadamu ta'ee, akkaataa seera aadaa naannootiin abbaa murtii, hayyuu, abbaa qe'ee, abbaa dhaddachaa yookiin kan biroo jedhamee waamamuu kan danda'u jechuudha.

ማህብረሰቡ ተደራሽ የፍትህ አገልግሎትን እንዲያገኝ፣ እውነትን በማውጣትና ፍትህን በማስፈን ውጤታማ የሆኑ፣ ቀለል ያለ ስነ-ስርዓትን የሚከተሉ እና ማህበራዊ መስተጋብርን በማጠናከር ውጤታማ የሆኑ የባህል ፍርድ ቤቶችን ለማደራጀት የሚረዳ ስርዓት መዘርጋት አስፈላጊ በመሆኑ፤

ተሻሽሎ በወጣው የክልሉ ሕገ መንግስት አዋጅ ቁጥር 46/1994 አንቀጽ 49(3) (ሀ) መሠረት የሚከተለው ታውጇል፡፡

ክፍል አንድ
ጠቅላላ ድንጋጌዎች

1. አጭር ርዕስ

ይህ አዋጅ "የኦሮሚያ ክልል የባህል ፍርድ ቤቶች አዋጅ ቁጥር 240/2013" ተብሎ ሊጠቀስ ይችላል፡፡

2. ትርጓሜ

የቃሉ አገባብ ሌላ ትርጉም የሚያሰጠው ካልሆነ በቀር በዚህ አዋጅ ውስጥ፡-:

1) "ፀሓፊ" ማለት የባህል ፍርድ ቤት ሽማግሌዎችን እንዲያግዝ የሚመደብ ባለሙያ ማለት ነው፡፡
2) "ጋዲሳ" ማለት የባህል ፍርድ ቤቶች ስራቸውን የሚያከናውኑበት ቦታ ነው
3) "ጉማታ" ማለት ለባህል ፍርድ ቤት ከተለያዩ አካላት የሚሰበሰብ የገንዘብ ወይም የዓይነት ስጦታ ማለት ነው፡፡
4) "ሕገ መንግስት" ማለት የተሻሻለው የኦሮሚያ ክልላዊ መንግስት ሕገ መንግስት አዋጅ ቁጥር 46/1994 ማለት ነው፡፡
5) "ሽማግሌ" ማለት በዚህ አዋጅ የተሰጡትን ስልጣንና ተግባራትን እንዲያከናውን ተመርጦ በባህል ፍርድ ቤት የሚመደብ ሰው ሆኖ እንደ አከባቢው የባህል ሕግ አባ ሙርቲ፣ ሀዩ፣ አባ ቁኤ፣ አባ ደደቻ ወይም በሌላ መልኩ ሊጠራ የሚችል ማለት ነው፡፡

WHEREAS, it has become necessary to establish and recognize customary courts that are accessible, effective in fact finding and dispensation of justice, follow simple and flexible procedures, and capable of strengthening social relationship;

NOW, THEREFORE, in accordance with Article 49 (3) (a) of the Revised Oromia Regional State Constitution, Proclamation Number 46/2001, it is hereby proclaimed as follows:

Part One
General Provisions

1. Short Title

This Proclamation may be cited as " Oromia Region Customary Courts Proclamation No. 240/2021".

2. Definitions

Unless the context requires otherwise, in this proclamation:

1) "Secretary" means an expert assigned to assist elders of a customary court.
2) "Gaaddisa" means a place where customary courts discharge their official duty.
3) "Gumaata" means a donation, in cash or kind, given by different bodies to the customary courts.
4) "Constitution" means the Revised Constitution of Oromia Regional State, Proclamation No. 46/1994.
5) "Elder" means a person selected and assigned on customary courts to discharge the powers and functions given by this proclamation who may also be called, according to local customary laws, abbaa murtii, hayyuu, abbaa qe'ee, abbaa dhaddachaa or other appropriate terms.

6) "Koree" jechuun Koree Mana Murtii Aanaatiin Jaarsolii Mana Murtii Aadaa filachiisuuf hundaa'u jechuudha.
7) "Mana Murtii Aadaa" jechuun Mana Murtii seera aadaa bu'uureffatee akka hojjetu Labsii kanaan hundaa'e yookin jaarmiyaa hawaasaa beekamtiin kennameef jechuudha.
8) "Mana Murtii" jechuun bu'uura Heera Mootummaa Naannoo Oromiyaa Fooyya'ee Bahe, Labsii Lakk.46/1994'tiin kan hundaa'e Mana Murtii Waliigalaa, Mana Murtii Ol'aanaa fi Mana Murtii Aanaa jechuudha.
9) "Mootummaa" jechuun Mootummaa Naannoo Oromiyaati.
10) "Naannoo" jechuun Naannoo Oromiyaa jechuudha.
11) "Nama" jechuun nama uumamaa yookiin qaama mirgi namummaa seeraan kennameef jechuudha.
12) "Sababa Quubsaa" jechuun sababa kamiyyuu Jaarsolii Mana Murtii Aadaatiin haala qabatama bakka Manni Murtii Aadichaa itti hojjetuutti akka sababa amansiisaatti fudhatamu jechuudha.
13) "Seera Aadaa" jechuun seera aadaa Oromoo bakka Manni Murtii Aadaa itti hojjetutti argamu ta'ee Heera Mootummaa, hamilee fi haqa uumamaa kan hin faallessine jechuudha.
14) "Walitti Qabaa" jechuun jaarsa Mana Murtii Aadaa ta'ee hojii fi ittigaafatamummaa Labsii kanaan kennamaniif dabalataan akka raawwatu kan filatame jechuu dha.

3. Ibsa Koorniyaa

Labsii kana keessatti jechi koorniyaa dhiiraatiin ibsame dubartiis ni dabalata.

6) "ኮሚቴ" ማለት የባህል ፍርድ ቤት ሽማግሌዎችን ለማስመረጥ በወረዳ ፍርድ ቤት የሚቋቋም አካል ማለት ነው፡፡
7) "የባህል ፍርድ ቤት" ማለት የባህል ሕግ ላይ ተመስርቶ እንዲሰራ በዚህ አዋጅ የተቋቋመ ወይም ዕውቅና የተሰጠው የህዝብ ተቋም ማለት ነው፡፡
8) "ፍርድ ቤት" ማለት በተሻሻለው የክልሉ ሕገ-መንግሥት አዋጅ ቁጥር 46/1994 መሠረት የተቋቋመ ጠቅላይ ፍርድ ቤት፣ ከፍተኛ ፍርድ ቤት እና የወረዳ ፍርድ ቤት ማለት ነው፡፡
9) "መንግስት" ማለት የኦሮሚያ ክልል መንግስት ማለት ነው፡፡
10) "ክልል" ማለት የኦሮሚያ ክልል ማለት ነው፡፡
11) "ሰው" ማለት የተፈጥሮ ሰው ወይም የሕግ ሰውነት የተሰጠው አካል ማለት ነው፡፡
12) "አጥጋቢ ምክንያት" ማለት የባህል ፍርድ ቤቱ የሚሰራበት አካባቢ ተጨባጭ ሁኔታ ላይ በመመርኮዝ በባህል ፍርድ ቤት ሽማግሌዎች እንደ አሳማኝ ምክንያት የሚወሰድ የትኛውንም ምክንያት ማለት ነው፡፡
13) "የባህል ሕግ" ማለት የባህል ፍርድ ቤቱ የሚሰራበት አካባቢ የሚገኝ የኦሮሞ የባህል ሕግ ሆኖ ሕገ መንግስትን፣ ሞራልንና የተፈጥሮ ፍትሕን የማይቃረን ሕግ ማለት ነው፡፡
14) "ሰብሳቢ" ማለት የባህል ፍርድ ቤት ሽማግሌ ሆኖ በዚህ አዋጅ ተጨማሪ ስራዎች እና ኃላፊነቶች የተሰጡት ሰው ነው፡፡

3. የፆታ አገላለጽ

በዚህ አዋጅ ውስጥ በወንድ ፆታ የተገለፀው የሴትንም ፆታ ያጠቃልላል፡፡

6) "Committee" means a committee to be organized by district courts to facilitate the selection of elders of customary courts.
7) "Customary Court" means a court established or social institution recognized in accordance with the provisions of this proclamation to adjudicate disputes based on customary laws.
8) "Court" means Supreme Court, High Court and District Court established in accordance with the Revised Constitution of Oromia Regional State, Proclamation No. 46/2001.
9) "Government" means Oromia Regional Government.
10) "Region" means Oromia region.
11) "Person" means a natural or juridical person.
12) "Satisfactory Reason" means any reason that elders of customary court consider as sufficient reason taking in to account the circumstances of the specific locality where the Customary Court operates.
13) "Customary Law" means A customary law of the Oromo People found in the specific locality where the customary court is situated that is not incompatible with the constitution, public morality and natural justice.
14) "Chairperson" means an elder of a customary court entrusted with additional functions and responsibilities provided under this proclamation.

3. Gender Reference

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

4. Daangaa Raawwatiinsaa

1) Labsiin kun nama dhimmi isaa akkaataa Labsii kanaatiin akka ilaalamuuf fedhii qabu hunda irratti raawwatiinsa ni qabaata.
2) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti ibsame akkuma jirutti ta'ee, dhimmoota isaan ilaallatuun walqabatee qaamolee gara garaa Labsii kana keessatti ibsaman irratti raawwatiinsa ni qabaata.

Kutaa Lama
Hundeeffama, Gurmaa'ina fi Aangoo Mana Murtii Aadaa

5. Hundeeffamaa fi Beekamtii Kennuu Manneen Murtii Aadaa

1) Manneen Murtii Aadaa Naannoo Oromiyaa seera aadaa bu'uureffatanii hojjetan Labsii kanaan hundaa'aniiru.
2) Jaarmiyaaleen hawaasaa akkaataa seera aadaatiin waldhabbii hiikan akka Mana Murtii Aadaatti gurmaa'insa qabaniif beekamtiin kennamuufii ni danda'a.Tarreeffamni haala raawwii isaa Dambii fi Qajeelfama bahuun kan murtaa'u ta'a.
3) Kan Keewwata kana Keewwata Xiqqaa 1 fi 2 jalatti tumame yoo jiraatellee, jaarmiyaaleen hawaasaa akkaataa seera aadaatiin waldhabbii hiikan akkaataa barameen hojii waldhabbii hiikuu hojjechuu kan dhorku miti.

6. Kaayyoo Mana Murtii Aadaa

Manni Murtii Aadaa kaayyoowwan armaan gadii ni qabaata:

1) Hawaasni naannichaa seera aadaa fi duudhaa bu'uureffachuun waldiddaa akka hiikkatu taasisuu;
2) Kenniinsa haqaa seera aadaa irratti hundaa'e, dhugaa fi haqa baasuu irratti fooyya'aa ta'e, hariiroo hawaasummaa wal dhabdootaa cimsuu danda'u hojiirra oolchuudhaan kabajamuu mirgoota lammiilee fi ol'aantummaa seeraatiif gumaachuu;

4. የተፈጻሚነት ወሰን

1) ይህ አዋጅ ጉዳዩ በዚህ አዋጅ መሠረት እንዲታይለት ፈቃደኝነቱን በሰጠ ሰው ሁሉ ላይ ተፈጻሚነት ይኖረዋል፡፡
2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 የተደነገገው እንደ ተጠበቀ ሆኖ በሚመለከታቸው ጉዳይ ላይ በዚህ አዋጅ በተጠቀሱት የተለያዩ አካላት ላይ ተፈጻሚነት ይኖረዋል፡፡

ክፍል ሁለት
ስለ ባህል ፍርድ ቤት መቋቋም፣ አደረጃጀት እና ስልጣን

5. የባህል ፍርድ ቤቶችን ማቋቋምና ዕውቅና መስጠት

1) የባህል ሕግን መሠረት አድርጎ የሚሰሩ የኦሮሚያ ክልል የባህል ፍርድ ቤቶች በዚህ አዋጅ ተቋቁሟል፡፡
2) የባህል ሕግን መሠረት አድርጎ አለመግባባትን የሚፈቱ የባህል ፍርድ ቤት አደረጃጀት ያላቸው የማህበረሰብ ተቋማት ዕውቅና ሊሰጣቸው ይችላል፡፡ አፈፃፀሙ በሚወጣው ደንብ እና መመሪያ የሚወሰን ይሆናል፡፡
3) በዚህ አንቀጽ ንዑስ አንቀጽ 1 እና 2 የተደነገገው ቢኖርም በባህል ሕግ መሠረት አለመግባባትን የሚፈታ ማንኛውንም የማህበረሰብ ተቋማት በተለመደዉ ሁኔታ ከመስራት የሚከለክሉ አይሆኑም፡፡

6. የባህል ፍርድ ቤት ዓላማ

የባህል ፍርድ ቤት የሚከተሉት ዓላማዎች ይኖሩታል፡-

1) የክልሉ ማህበረሰብ የባህል ሕግ እና እሴቶቹን መሠረት አድርጎ አለመግባባትን እንዲፈታ ማድረግ፡፡
2) የባህል ሕግ ላይ የተመሠረተ፤ እውነት እና ፍትህን በማስፈን ረገድ የተሻለ፤ የተከራካሪ ወገኖችን ማህበራዊ ግንኙነት ማጠናከር የሚችል የፍትህ አሰጣጥ ስርዓትን ስራ ላይ በማዋል የዜጎች ሰብዓዊ መብቶችና የሕግ የበላይነት እንዲከበር አስተዋፅኦ ማድረግ፡፡

4. Scope of Application

1) This proclamation shall apply to any person who gives his consent to the resolution of his case in accordance with this proclamation.
2) Without prejudice to sub-article 1 of this Article, the relevant provisions of this proclamation shall apply to the different bodies stated in this proclamation.

Part Two
Establishment, Structure And Power of Customary Court

5. Establishment of and Giving Recognition to Customary Courts

1) The Customary Courts of the Oromia region that adjudicate based on customary laws are hereby established by this Proclamation.
2) Recognition may be given to social institutions organized as customary courts and settle disputes based on customary laws. Particulars shall be determined by the regulation and directive to be issued.
3) Notwithstanding with the provisions of sub article 1 and 2 of this article, social institutions that have engaged in dispute resolution pursuant to customary laws are not prohibited by this proclamation to discharge their regular duty.

6. Objective of Customary Court

The Customary Court shall have the following objectives:

1) To enable the society of the region resolve disputes based on customary laws and societal values ;
2) To contribute to the observance of respect for human rights and the rule of law by dispensing justice based on customary law that is better in fact finding and justice, and strengthen the social relations of the disputants;

3) Hawaasni naannichaa tajaajila haqaa dhaqqabamaa, adeemsi isaa salphaa ta'e baasii xiqqaan akka argatu taasisuu;
4) Sirna seeraa fi haqaa guddina aadaa, duudhaa fi Afaan Oromootiif gumaachuu fi miirri abbummaa keessatti mirkanaa'e uumuu.

7. Gurmaa'ina Mana Murtii Aadaa

1) Manni Murtii Aadaa gurmaa'insa armaan gadii ni qabaata:
(a) Mana Murtii Aadaa Jalqabaa; fi
(b) Mana Murtii Aadaa Oldabarfataa.
2) Manni Murtii Aadaa Jalqabaa Bulchiinsa Gandaa hunda irratti hundaa'uu ni danda'a.
3) Kan Keewwata kana Keewwata Xiqqaa 2 jalatti tumame akkuma jirutti ta'ee, akkaataa fedhii jiruu fi barbaachisummaa isaatiin gandoota 2 fi isaa ol ta'aniif Manni Murtii Aadaa tokko hundaa'uu ni danda'a.
4) Manni Murtii Aadaa Oldabarfataa Aanaalee hundaa fi akka barbaachisummaa isaatti Magaalota irrattis kan hundaa'u ta'a.
5) Jaarsolii Mana Murtii Aadichaatiin haala addaatiin kan murtaa'u yoo jiraatellee, teessoon idilee Mana Murtii Aadaa Oldabarfataa Magaalaa teessoo Bulchiinsa Aanichaa, kan Magaalaa Magaalichumaa keessaa fi kan Mana Murtii Aadaa Jalqabaa Gandicha keessa ta'a.
6) Manni Murtii Aadaa Jalqabaa fi Oldabarfataa qaamolee armaan gadii kan hammatan ta'a:
(a) Walitti Qabaa Jaarsolii Mana Murtii Aadaa; fi
(b) Jaarsolii Mana Murtii Aadaa.
7) Manni Murtii Aadaa Barreessaa fi akka barbaachisummaa isaatti hojjetaa biraa qabaachuu ni danda'a.

3) የክልሉ ማህበረሰብ ተደራሽ የሆነ፣ ቀለል ያለ ስነ ስርዓትን የሚከተልና ወጪው አነስተኛ የሆነን የፍትህ አገልግሎት እንዲያገኝ ማድረግ፡፡
4) የባለቤትነት ስሜት የተረጋገጠበትና ለኦሮሞ ባህል፤ እሴትና ቋንቋ እድገት አስተዋፅኦ የሚያደርግ የሕግ እና የፍትህ ስርዓት መፍጠር፡፡

7. የባህል ፍርድ ቤት አደረጃጀት

1) የባህል ፍርድ ቤት የሚከተለው አደረጃጀት ይኖረዋል፡-
(ሀ) የመጀመሪያ ደረጃ የባህል ፍርድ ቤት፤ እና
(ለ) ይግባኝ ሰሚ የባህል ፍርድ ቤት:
2) የመጀመሪያ ደረጃ ባህል ፍርድ ቤት በሁሉም ቀበሌ መስተዳድሮች ላይ ሊቋቋም ይችላል፡፡
3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 ስር የተደነገገ እንደተጠበቀ ሆኖ፤ እንደ አስፈላጊነቱ ለሁለትና ከዚያ በላይ ለሆኑ ቀበሌዎች አንድ የባህል ፍርድ ቤት ሊቋቋም ይችላል፡፡
4) ይግባኝ ሰሚ የባህል ፍርድ ቤት በሁሉም ወረዳ እና እንደ አስፈላጊነቱ በከተማ መስተደድሮች ላይ የሚቋቋም ይሆናል፡፡
5) በባህል ፍርድ ቤት ሽማግሌዎች በልዩ ሁኔታ የሚወሰን ቢኖርም፤ የይግባኝ ሰሚ የባህል ፍርድ ቤት መቀመጫ የወረዳው መስተዳደር መቀመጫ ከተማ፤ የከተማ መስተዳደር የባህል ፍርድ ቤት መቀመጫ በከተማው ውስጥ እና የመጀመሪያ ደረጃ የባህል ፍርድ ቤት መቀመጫ በቀበሌው ውስጥ ይሆናል፡፡
6) የመጀመሪያ ደረጃና የይግባኝ ሰሚ የባህል ፍርድ ቤት የሚከተሉት አካላት ይኖራቸዋል፡-
ሀ) የፍርድ ቤቱ ሰብሳቢ ሽማግሌ እና
ለ) የፍርድ ቤቱ ሽማግሌዎች
7) የባህል ፍርድ ቤት የፍርድ ቤቱ ፀሓፊና እንደ አስፈላጊነቱ ሌሎች ሰራተኞች ሊኖሩት ይችላል፡፡

3) To enable the people of the region get accessible justice service , with simplified procedure and low cost;
4) To create a legal and justice system that contributes for the growth of the custom, values and language of the Oromo people and also within which sense of ownership is ensured.

7. Structure of the Customary Court

1) The Customary Court shall have the following structure:
(a) First Instance Customary Court; and
(b) The Appellate Customary Court.
2) The First Instance Customary Court may be constituted in all Kebeles.
3) Without prejudice to the provision of sub article 2 of this Article, a Customary Court may be constituted to serve two or more kebeles as may be necessary
4) The Appellate Customary Court shall be constituted at all district levels and towns as may be necessary.
5) Unless otherwise decided by the elders of the Customary Court, the regular seat of the Appellate Customary Court shall be the town serving as the seat of the administration of the district, of the town Customary Court be at the town, and of the First Instance Customary Court be in the Kebele.
6) The First Instance and the Appellate Customary Courts shall consist of the following organs:
(a) The chairperson of the Customary Court; and
(b) Elders of the Customary Court.
7) The Customary Court may have a secretary and other staffs as may be necessary.

8) Kan Keewwata kana Keewwata Xiqqaa 1-7 fi tumaaleen biroo Labsii kana keessatti tumaman yoo jiraatanillee, gurmaa'insi, moggaasnii fi teessoon Mana Murtii Aadaa akkaataa seera aadaa naannichaatiin jiruuf beekamtiin kennamuu ni danda'a.

8. Aangoo Mana Murtii Aadaa Jalqabaa fi Oldabarfataa

1) Manni Murtii Aadaa Jalqabaa dhimmoota armaan gadii simatee ilaaluuf aangoo ni qabaata:
(a) Dhimma maatii fi hariiroo hawaasaa;
(b) Gochoota dambii darbuu fi yakkoota himannaan isaanii iyyannaa nama dhuunfaatiin dhiyaatan;
(c) Aangoo seerota birootiin kennamuuf.
2) Manni Murti Aadaa dhimma waldhabdee dhiyaatuuf ilaaluu kan danda'u, gareeleen waldhabdee qaban dhimmi isaanii Mana Murtii Aadaatti akka ilaalamu fedhii kan qaban yoo ta'e qofaa dha.
3) Kan Keewwata kana Keewwata Xiqqaa 1 fi 2 jalatti tumame akkuma jirutti ta'ee, Manni Murtii Aadaa dhimma dhiyaateef ilaaluudhaaf ulaagaalee armaan gadii keessaa yoo xiqqaate tokko guutamuu qaba:
(a) Garee waldhabdootaa keessaa yoo xiqqaate tokko dhalataa yookiin jiraataa Ganda daangaa aangoo Mana Murtii Aadaa sana keessatti argamuu yoo ta'e; yookiin
(b) Qabeenyi dhaabbataan waldhabdeef sababa ta'e Ganda daangaa aangoo Mana Murtii Aadaa sanaa keessatti kan argamu yoo ta'e; yookiin
(c) Ka'umsi dubbichaa daangaa aangoo Mana Murtii Aadichaa keessatti kan eegale yookiin kan xumura argate yoo ta'e dha.

8) በዚህ አንቀጽ ንዑስ ከአንቀጽ 1-7 እና በአዋጁ ሌሎች አንቀፆች የተደነገገ ቢኖርም፤ በአከባቢው ባህል ሕግ መሠረት ለሚታወቅ የባህል ፍርድ ቤት አደረጃጀት፣ አሰያየምና ቋሚ መቀመጫ እውቅና ሊሰጠው ይችላል፡፡

8. የመጀመሪያ ደረጃ እና ይግባኝ ሰሚ የባህል ፍርድ ቤት ስልጣን

1) የመጀመሪያ ደረጃ የባህል ፍርድ ቤት ከዚህ በታች የተዘረዘሩትን ጉዳዮች ተቀብሎ የማየት ስልጣን ይኖረዋል፡፡
(ሀ) የቤተሰብና የፍትሐ ብሔር ጉዳይ፤
(ለ) የደንብ መተላለፍ ድርጊቶችና ክሳቸው በግል አቤቱታ የሚቀርቡ የወንጀል ጉዳዮች፤
(ሐ) በሌሎች ሕጎች የሚሰጠው ስልጣን ፡፡
2) የባህል ፍርድ ቤት የሚቀርብለትን ጉዳይ ማየት የሚችለው ተከራካሪ ወገኖች ጉዳያቸው በባህል ፍርድ ቤት እንዲታይ ፈቃዳቸውን ከሰጡ ብቻ ነው፡፡
3) በዚህ አንቀጽ ንዑስ አንቀጽ 1 እና 2 ላይ የተደነገገው እንደተጠበቀ ሆኖ የባህል ፍርድ ቤት የቀረበለትን ጉዳይ ለማየት ከሚከተሉት መስፈርቶች መካከል ቢያንስ አንዱ መሟላት አለበት፡፡
(ሀ) ከተከራካሪ ወገኖች ቢያንስ አንዱ የባህል ፍርድ ቤት ስልጣን ወሰን በሚገኝ ቀበሌ ውስጥ ነዋሪ ወይም ተወላጅ ከሆነ፤ ወይም
(ለ) ለክርክሩ መነሻ የሆነው ቋሚ ንብረት የባህል ፍርድ ቤቱ የስልጣን ወሰን በሆነው ቀበሌ ውስጥ የሚገኝ ከሆነ፤ ወይም
(ሐ) የጉዳዩ መነሻ በባህል ፍርድ ቤት የስልጣን ወሰን ውስጥ የተጀመረ ወይም ፍፃሜ ያገኛ ከሆነ ነው፡፡

8) Notwithstanding with the provisions of sub articles 1-7 of this article and other provisions of this Proclamation, recognition may be given to the structure, nomination and seat of a Customary Court in accordance with the customary law of the locality.

8. Jurisdiction of the First Instance and of the Appellate Customary Courts

1) The First Instance Customary Court Shall have a jurisdiction over the following matters:
(a) Family and civil matters;
(b) Petty offences and crimes punishable upon compliant;
(c) Other matters as may be authorized by other laws.
2) The Customary Court may assume jurisdiction only if the disputing parties give their consent.
3) Without prejudice to the provisions of sub-articles 1 and 2 of this Article, at least one of the following criteria must be fulfilled in order for the Customary Court to proceed with a case before it:
(a) At least one of the disputant parties is born in or resident of the local administrative unit falling under the jurisdiction of the Customary Court;
(b) The immovable property subject to the dispute is situated in the local administrative unit falling under the jurisdiction of the Customary Court; or
(c) The case leading to the dispute was initiated or finalized within the jurisdiction of the Customary Court.

4) Kan Keewwata kana Keewwata Xiqqaa 1(b) jalatti tumame yoo jiraatellee, Manni Murtii Aadaa dhimmoota yakkaa himannaan isaanii abbaa alangaatiin dhiyaatu ilaalchisee kanneen armaan gadii raawwachuuf aangoo ni qabaata:

(a) Garee waldhabdicha keessaa qooda qaban walitti araarsuu;

(b) Gumaa muruu fi gumaa nyaachisuu;

(c) Benyaa kanfalamu murteessuu;

(d) Baasii fi kisaaraa kanfalchiisuu.

5) Manni Murtii aangoo qabu dhimmi dhiyaateef gara Mana Murtii Aadaatiin furmaata argachuu qaba jedhee yoo amane yookiin seerri ajaju yeroo jiraatu fedhii walfalmitootaa irratti hundaa'ee dhimmicha ilaalee fala akka kennu Mana Murtii Aadaatti qajeelchuu ni danda'a.

6) Manni Murtii dhimma fedhii waldhabdootaatiin Mana Murtii Aadaatti ilaalamuu eegalame bu'uura Labsii kana Keewwata 33 Keewwata Xiqqaa 2tiin yoo ta'e malee, simatee ilaaluuf aangoo hin qabaatu.

7) Manni Murtii Aadaa Oldabarfataa dhimmoota Mana Murtii Aadaa Jalqabaatiin ilaalamanii murtii dhumaa argatan ilaalchisee komii dhiyaatu qofa ilaaluuf aangoo ni qabaata.

Kutaa Sadii
Waa'ee Jaarsolii Mana Murtii Aadaa

9. Ulaagaa Filannoo Jaarsolii Mana Murtii Aadaa

1) Namni Jaarsa Mana Murtii Aadaa ta'ee filatamu ulaagaalee armaan gadii kan guutu ta'uu qaba:

(a) Umriin isaa waggaa 40 hanga 72 kan ta'e;

(b) Seera aadaa fi safuu bakka Manni Murtii Aadichaa itti hojjetuu kan beekuu fi kabajuu;

(c) Hawaasa keessatti fudhatamummaa, gahumsaa fi muuxannoo araaraa buusuu kan qabu;

4) በዚህ አንቀጽ ንዑስ አንቀጽ 1(ለ) ስር የተደናገገ ቢኖርም የባህል ፍርድ ቤት በዓቃቤ ሕግ ክስ አቅራቢነት የሚቀርቡ የወንጀል ጉዳዮችን በተመለከተ የሚከተሉትን ለመፈፀም ስልጣን ይኖረዋል፡፡

(ሀ) በክርክሩ ድርሻ ያላቸውን ወገኖች ማስታረቅ፤

(ለ) ጉማ መወሰንና ጉማ ማስፈፀም፤

(ሐ) የሚከፈል ካሳን መወሰን፤

(መ) ወጪና ኪሰራን ማስከፈል፡፡

5) ስልጣን ያለው ፍርድ ቤት የቀረበለት ጉዳይ በባህል ፍርድ ቤት እልባት ማግኘት አለበት ብሎ ካመነ ወይም የምያዝ ሕግ ሲኖር በተከራካሪ ወገኖች ፈቃድ ጉዳዩን አይቶ መፍትሄ እንዲሰጥ ለባህል ፍርድ ቤት መምረት ይችላል፡፡

6) በተከራካሪ ወገኖች ፈቃድ በባህል ፍርድ ቤት መታየት የጀመረን ጉዳይ ፍርድ ቤት በዚህ አዋጅ አንቀጽ 33 ንዑስ አንቀጽ 2 መሠረት ካልሆነ በቀር ተቀብሎ የማየት ስልጣን የለውም፡፡

7) የባህል ይግባኝ ሰሚ ፍርድ ቤት በመጀመርያ ደረጃ ባህል ፍርድ ቤት ታይቶ ውሳኔ ያገኙ ጉዳዮችን በተመለከተ የሚቀርበውን ቅሬታ ብቻ የማየት ስልጠን አለው፡፡

ክፍል ሦስት
ስለ ባህል ፍርድ ቤት ሽማግሌዎች

9. የባህል ፍርድ ቤት ሽማግሌዎች የምርጫ መስፈርት

1) የባህል ፍርድ ቤት ሽማግሌ ሆኖ የሚመረጥ ሰው የሚከተሉትን መስፈርቶች ማሟላት አለበት፡፡

(ሀ) ዕድሜው ከ40 እስከ 72 የሆነ፤

(ለ) የባህል ፍርድ ቤቱ የሚሰራበትን አካባቢ የባህል ሕግ እና ዕሴቶች የሚያውቅና የሚያከብር፤

(ሐ) በህብረተሰቡ ዘንድ ተቀባይነት ያለው፣ ዕርቅ የማውረድ ብቃትና ልምድ ያለው፤

4) Notwithstanding with the provision of sub-article 1(b) of this Article, the Customary Court shall have the following powers in relation to criminal matters to be instituted by the Public Prosecutor:

(a) Reconciling parties having stake in the dispute;

(b) Determining 'Gumaa' and effecting it;

(c) Determining compensation to be paid;

(d) Ensuring the payment of costs.

5) When a court of jurisdiction seizing the matter believes that the case should be resolved by the Customary Court, or there is a law requiring so, it may refer the case to the Customary Court for its resolution based on the consent of the parties.

6) A court may not have a power to receive and deal with a matter pending before a Customary Court with the consent of the parties except in accordance with Article 33 sub-article 2 of this Proclamation.

7) The Appellate Customary Court shall have the jurisdiction only over appeals against the final determinations of the First Instance Customary Court.

Part Three
Elders of Customary Court

9. Criteria for Selection of Elders of Customary Court

1) A person must fulfill the following criteria to be selected as an elder of a Customary Court:

(a) He who is between 40 and 72 years old;

(b) He who is familiar with and has respect for the customary law and social norms of the place where the Customary Court operates;

(c) He has social acceptance, competence and experience in rendering traditional justice;

(d) Afaan Oromoo sirnaan kan beeku;
(e) Gandicha keessatti jiraataa ta'uudhaan kan beekamu;
(f) Jaarsa Mana Murtii Aadaa ta'ee tajaajiluuf fedhii kan qabu;
(g) Hawaasa keessatti diinagdeen of danda'aa kan ta'e;
(h) Hojjetaa mootummaa yookiin dhaabbilee biroo kan hin taane;
(i) Miseensa dhaaba siyaasaa kan hin taane;
(j) Rakkoo fayyaa qaamaa fi qalbii hojicha gahumsaan hojjechuu hin dandeessine kan hin qabne;
(k) Yakka cimaadhaan balleessaadha kan hin jedhamne yookiin adbamee kan moggaafame.

2) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti tumame akkuma jirutti ta'ee, ulaagaa Jaarsolii Mana Murtii Aadaa filachuuf barbaachisu dabalataa Dambii fi Qajeelfama bahuun murteessuun ni danda'ama.

10. Baay'ina Jaarsolii Mana Murtii Aadaa

1) Manni Murtii Aadaa Jalqabaa Walitti Qabaa dabalatee yoo xiqqaate Jaarsolii Mana Murtii Aadaa shan ni qabaata.
2) Manni Murtii Aadaa Oldabafataa Walitti Qabaa dabalatee yoo xiqqaate Jaarsolii Mana Murtii Aadaa shan ni qabaata.
3) Kan Keewwata kana Keewwata Xiqqaa 1 fi 2 jalatti tumame akka eegametti ta'ee, Jaarsolii Mana Murtii Aadaa keessaa yoo xiqqaate tokko (1) dubartii ta'uu qabdi.
4) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti tumame yoo jiraatellee, dhimmoonni akka gumaa muruu kanneen seera aadaa keessatti qaama addaatiin ilaallaman yeroo qunnaman, qaamoleen akkaataa aadaatiin gahee qaban akka Jaarsolii Mana Murtii Aadichaatti lakkaa'amanii dhimmicha ni ilaalu.

(መ) አፋን ኦሮሞን በሚገባ የሚችል፤
(ሠ) በቀበሌው ውስጥ ነዋሪ መሆኑ የሚታወቅ፤
(ረ) የባህል ፍርድ ቤት ሽማግሌ ሆኖ ለማገልገል ፈቃደኛ የሆነ፤
(ሰ) ለመተዳደሪያ በቂ ሃብት ወይንም ገቢ ያለው፤
(ሸ) የመንግስትም ሆነ የሌላ ተቋም ሰራተኛ ያልሆነ፤
(ቀ) የፖለቲካ ፓርቲ አባል ያልሆነ፤
(በ) የአዕምሮ ጤና እክል ወይም ግዴታውን ለመወጣት የማያስችል የአካል ጉድለት ወይም የጤና ችግር የሌለበት፤
(ተ) በከባድ ወንጀል የጥፋተኝነት ሪከርድ የሌለው ወይም ጥፋተኛ ተብሎ ከሆነ የተሰየመ፡፡

2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ስር የተደነገገው እንደ ተጠበቀ ሆኖ፣ የባህል ፍርድ ቤት ሽማግሌዎች ማሟላት ያለባቸው ተጨማሪ መስፈርቶች በሚወጣ ደንብ ወይም መመሪያ ሊወሰን ይችላል፡፡

10. የባህል ፍርድ ቤት ሽማግሌዎች ብዛት

1) የመጀመሪያ ደረጃ ባህል ፍርድ ቤት ሰብሳቢን ጨምሮ ቢያንስ አምስት ሽማግሌዎቸ ይኖሩታል፡፡
2) የይግባኝ ሰሚ ባህል ፍርድ ቤት ሰብሳቢን ጨምሮ ቢያንስ አምስት ሽማግሌዎቸ ይኖሩታል፡፡
3) በዚህ አንቀጽ ንዑስ አንቀጽ 1 እና 2 ስር የተደነገገው እንደ ተጠበቀ ሆኖ ከባህል ፍርድ ቤት ሽማግሌዎች ቢያንስ አንዷ ሴት መሆን አለባት፡፡
4) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ስር የተደነገገው ቢኖርም፣ ጉማ እና መሰል ጉዳዮችን የሚመለከቱ በባህል ህጉ የሚታወቁ አካላት እንደ ባህል ፍርድ ቤት ሽማግሌዎች ተቆጥረው ጉዳዩን ያስተናግዳሉ፡፡.

(d) He who is fluent in Afan Oromo;
(e) He who is a resident of the locality;
(f) He who is willing to serve as a Customary Court elder;
(g) He who is economically independent in the community where he resides;
(h) He is not a government or any other organ employee;
(i) He who is not a member to any political party;
(j) He doesn't have mental or physical impairment capable of hindering him from performing his duties;
(k) He is not convicted of a serious crime; or he is reinstated in case he had been previously convicted of such crime.

2) Without prejudice to sub-article 1 of this Article, additional criteria for selection of elders of the customary court may be provided in a regulation and directive to be issued .

10. The Number of Elders of Customary Court

1) First Instance customary courts shall have at least five elders including the chairperson.
2) Appellate Customary Courts shall have at least five elders including the chairperson.
3) Without prejudice to Sub-articles 1 and 2 of this Article, at least one of the elders of the customary court shall be female.
4) Notwithstanding with the provision of sub article 1 of this Article, persons who having the role , according to the customary law, to adjudicate specific cases like Guma, shall be considered as elders of the customary court and participate in the settlement of the case.

5) Kan Keewwata kana Keewwata Xiqqaa 1-4 jalatti tumame yoo jiraatellee, akkaataa seera aadaatiin baay'ina Jaarsolii Mana Murtii Aadaa haala addaatiin murteessuun yookiin beekamtii kennuun ni danda'ama.

11. Adeemsa Filannoo

1) Manni Murtii Aanaa Koree filannoo Jaarsolii Mana Murtii Aadaa qindeessuu fi gaggeessu ni hundeessa.
2) Korichi filannoo Jaarsolii Mana Murtii Aadaa yeroo gaggeessu bulchaan gandaa yaa'ii jiraattota gandaa akka waamu ni taasisa.
3) Yaa'ii jiraattota Gandaa gaggeeffamu irrattis Korichi ulaagaa Jaarsolii Mana Murtii Aadaa ittiin filatamuu danda'an Yaa'ichaaf ibsuun yoo xiqqaate kaadhimamtoota torba eeruu fuudhachuun, namoota eeraman keessaa ni filachiisa.
4) Koreen kun eeruu kaadhimamtootaa yemmuu fuudhu Abbootiin Gadaa, haadholiin siiqqee, bulchitoonni gosaa, jaarsoliin biyyaa fi hayyuuwwan akka hammataman gochuu qaba.
5) Namoota eeraman keessaa ulaagaa kan hin guunne jiraachuun yoo ibsame, Korichi akkaataa barbaachisummaa isaatti qulqulleessee kaadhimamtoonni ulaagaa guutan biroo akka eeraman ni taasisa.
6) Kenniinsi sagalee akkaataa aadaa naannichaatiin kan gaggeeffamu yoo ta'u, kaadhimamtoota sagalee olaanaa argatan keessaa Korichi kanneen ulaagaa barbaachisaa guutan ni filachiisa. Jaarsoliin filataman of keessaa Walitti Qabaa bakka ni buufatu.
7) Jaarsoliin Mana Murtii Aadaa Oldabarfataa adeemsa walfakkaataa hordofuudhaan Yaa'ii Jaarsolii Mana Murtii Aadaatiin kan filataman ta'a.

5) በዚህ አንቀጽ ንዑስ አንቀጽ 1-4 ስር የተደነገገው ቢኖርም በባህል ህጉ መሠረት የባህል ፍርድ ቤት ሽማግሌዎችን ብዛት በተለየ ሁኔታ መወሰን ወይም እውቅና መስጠት ይቻላል፡፡

11. የምርጫ ሂደት

1) የወረዳ ፍርድ ቤት የባህል ፍርድ ቤት ሽማግሌዎችን ምርጫ የሚያስተባብርና የሚመራ ኮሚቴ ያቋቁማል፡፡
2) ኮሚቴው የባህል ፍርድ ቤት ሽማግሌዎችን ለማስመረጥ የቀበሌው አስተዳዳሪ ነዋሪዎችን ስብሰባ እንዲጠራ ያደርጋል፡፡
3) በቀበሌ ነዋሪዎቹ ስብሰባ ላይ ኮሚቴው የሚመረጡ የባህል ፍርድ ቤት ሽማግሌዎች ማሟላት ያለባቸው መስፈርቶችን በመግለጽ ቢያንስ ሰባት 7 ዕጩዎችን ጥቆማ በመቀበል ድምጽ ያሰጣል፡፡
4) ኮሚቴው የዕጩዎችን ጥቆማ ሲቀበል አባገዳዎች፣ ሃደ ሲቄዎች፣ የጎሳ መሪዎች፣ የሀገር ሽማግሌዎችና ሀዩዎች እንዲካተቱ ማድረግ አለበት፡፡
5) ከተጠቆሙ ግለሰቦች መስፈርት የማያሟላ መኖሩ ከተገለጸ ኮሚቴው እንደአስፈላጊነቱ ማጣራት ካደረገ በኃላ ሌሎች ግለሰቦች በዕጩነት እንዲጠቆሙ ያደርጋል፡፡
6) የድምጽ አሰጣጡ በአካባቢው ባህል መሠረት የሚደረግ ሲሆን ኮሚቴው ከፍተኛ ድምጽ ያገኙ እና አስፈላጊ መስፈርቶችን ያሟሉትን ያስመርጣል፡፡ የተመረጡ የባህል ፍርድ ቤት ሽማግሌዎች ከመካከላቸው ሰብሳቢ ይመርጣሉ፡፡
7) የይግባኝ ሰሚ የባህል ፍርድ ቤት ሽማግሌዎች ተመሳሳይ ሂደትን በመከተል የሚመረጡ ሲሆን በባህል ፍርድ ቤት ሽማግሌዎች ጉባዔ የሚመረጡ ይሆናል፡፡

5) Notwithstanding with the provisions of sub-articles 1-4 of this Article, the number of elders of the Customary Courts may be determined or given recognition in accordance with the customary laws.

11. Selection Procedure

1) A district court establishes a committee that coordinates and leads the selection of the elders of Customary Courts.
2) The committee shall request the kebele administrator to convene the meeting of the Kebele residents.
3) The committee shall explain the criteria for the recruitment of the elders on the residents' meeting and take the nomination of at least seven candidates out of whom the elders shall be selected.
4) This committee, when receiving the nomination of the candidates, shall ensure the inclusion of 'Abbaa Gadaa', 'Hadha 'siiqqee', clan administrators, community elders and 'Hayyuu'.
5) If it is understood that there are nominees who do not fulfill the criteria, the committee may, as may be necessary, make the nomination of other persons qualifying the criteria.
6) While voting may be in accordance with the custom of the locality, the committee shall make the selection of those acquiring majority vote and qualifying the criteria. The selected elders shall elect the chairperson from among themselves.
7) Elders of the Appellate Customary Court shall be selected by the plenum of the elders of the Customary Court following the same procedure.

8) Kan Labsii kana Keewwata 9 fi 10 jalatti tumame akkuma jiruttі ta'ee, Jaarsoliin Mana Murtii Aadaa Oldabarfataa Jaarsolii Mana Murtii Aadaa Jalqabaa keessaa yookiin nama kamiyyuu ulaagaa guutu keessaa filatamuu ni danda'u.

9) Kan Keewwata kana Keewwaata xiqqaa 1-8 jalatti tumame yoo jiraatellee, bakka seerri aadaa sirna filannoo kana gaggeessuuf gargaaru jirutti filannoon Jaarsolii Mana Murtii Aadaa akkaataa seera aadaa naannichaatiin kan raawwatamu ta'a.

12. Kakuu Jaarsolii Mana Murtii Aadaa

Jaarsoliin Mana Murtii Aadaatiif filataman yeruma bu'aan filannoo isaanii ibsamu akkaataa aadaa bakka Manni Murtii Aadichaa itti hojjetuutti kara Abbaa Gadaa, Qaalluu, Hayyuu, Wayyuu, yookiin Jaarsa Biyyaatiin kakuu akka raawwatan ni taasifama.

13. Bara Tajaajila Jaarsolii Mana Murtii Aadaa

1) Barri tajaajila Jaarsa Mana Murtii Aadaa bara hojii Abbaa Gadaa yookiin waggaa saddeet ta'a.

2) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti tumame yoo jiraatellee, walakkaa saddeeta Gadaatti yookiin waggaa afrafaatti Koreen Mana Murtii Aanaatiin hundaa'u Yaa'ii jiraattoota Gandaa akkasumas Yaa'ii Jaarsolii Mana Murtii Aadaa waamuun naamusaa fi dandeettii Jaarsolii Mana Murtii Aadaa irratti yaada qaban akka kennan ni taasisa.

3) Jaarsi Mana Murtii Aadaa hirmattota yaa'ichaa irraa sababa hanqina dandeettii fi naamusaatiin komiin irratti dhiyaatee fi akkaataa aadaa naannichaatiin sagalee deeggarsaa hojicha itti fufuuf isa dandeessisu hin arganne hojicha irraa ni gaggeeffama.

8) በዚህ አዋጅ አንቀጽ 9 እና 10 የተደነገገው እንደተጠበቀ ሆኖ የይግባኝ ሰሚ የባህል ፍርድ ቤት ሽማግሌዎች ከመጀመሪያ ደረጃ የባህል ፍርድ ቤት ሽማግሌዎች ወይም ማንኛውንም መስፈርት ከሚያሟላ ሰው ሊመረጡ ይችላሉ፡፡

9) በዚህ አንቀጽ ንዑስ አንቀጽ 1-8 የተደነገገው ቢኖርም የሽማግሌዎችን ምርጫ ለማካሄድ የሚረዳ የባህል ሕግ በሚኖርበት ጊዜ ምርጫው በባህል ህጉ መሠረት የሚከናወን ይሆናል፡፡

12. የባህል ፍርድ ቤት ሽማግሌዎች ቃለ መኃላ

ለባህል ፍርድ ቤት ሽማግሌነት የተመረጡ ሽማግሌዎች የምርጫ ውጤት ከታወቀ በኂላ የአካባቢው ባህል በሚፈቅደው መሠረት በአባ ገዳ፣ በቃሉ፣ በሀዩ፣ በወዩ ወይም በሀገር ሽማግሌዎች አማካኝነት ቃለ መኃላ እንዲፈጽሙ ይደረጋል፡፡

13. የባህል ፍርድ ቤት ሽማግሌዎች የስራ ዘመን

1) የባህል ፍርድ ቤት ሽማግሌ የስራ ዘመን የአባ ገዳ የስራ ዘመን ወይም ስምንት ዓመት ይሆናል፡፡

2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 የተደነገገ ቢኖርም፤ በአንድ የገዳ ዘመን አጋማሽ ወይም በአራተኛው ዓመት በወረዳ ፍርድ ቤት የሚቋቋመው ኮሚቴ የአካባቢ ነዋሪዎችን ስብሰባ በመጥራት እንዲሁም የባህል ፍርድ ቤት ሽማግሌዎችን ጉባዔ በመጥራት በባህል ፍርድ ቤት ሽማግሌዎች ስነ ምግባርና ብቃት ላይ ያላቸውን ሀሳብ እንዲሰጡ ያደርጋል፡፡

3) በብቃትና በስነምግባር ጉድለት ቅሬታ የቀረበበት የባህል ፍርድ ቤት ሽማግሌ በአካባቢው ባህል መሠረት ስራውን ለመቀጠል የሚያስችል የድጋፍ ድምፅ ካላገኘ ከስራው ይሰናበታል፡፡

8) Without prejudice the provisions of Articles 9 and 10 of this Proclamation, elders of the Appellate Customary Court may be elected from among the elders of the First Instance Customary Court or from among those persons qualifying the criteria.

9) Notwithstanding the provisions of sub-articles 1-8 of this Article, selection of elders shall be conducted in accordance with the customary law of the locality where there exists a custom helpful to hold such election .

12. Oath of the Elders of the Customary Court

Elders elected for the Customary Court shall be made take oath by the 'Abbaa Gadaa', 'Qaalluu', 'Hayyuu', 'Wayyuu', or elder of the community in accordance with the custom of the place where the Customary Court operates upon the announcement of the selection result.

13. Term of Office of the Elders of the Customary Court

1) Term of Office of the elder of the Customary Court shall be the year of service of Aba Gada or eight years.

2) Notwithstanding the Provision of sub-article 1 of this Article, the Committee to be established by the District Court may organize the meeting of the residents of Kebeles and convene the plenum of the elders of the Customary Courts and give their opinions on the ethics and capacity of the elders of Customary Courts after their four years of service.

3) An elder of a Customary Court against whom complaint is made due to capacity or ethical limitation and failed to get the voice of support of the participants of the plenum in accordance with the custom of the locality to continue with the service shall be removed from his duty.

4) Kan Keewwata kana Keewwata Xiqqaa 3 jalatti tumame akkuma jirutti ta'ee, walakkaa saddeetaa eeguun osoo hin barbaachisin Jaarsi Mana Murtii Aadaa hanqina dandeettii yookiin naamusaa qabaachuu eeruun yookiin komiin irratti dhiyaachuu ni danda'a. Komii dhiyaatus yaa'ii jiraattota gandaa waamamuun irratti qulqulleessuun yoo mirkanaa'e yeroo kamittuu hojiirraa kaasuun ni danda'ama.

14. Sababa Naamusaa fi Dandeettiin Ala Haala Jaarsii Mana Murtii Aadaa Hojiirraa Itti Ka'u

Labsii kana Keewwata 13 jalatti kan ibsame akkuma jirutti ta'ee, Jaarsi Mana Murtii Aadaa sababoota armaan gadiitiin hojiirraa ka'uu ni danda'a:

1) Fedhii isaatiin;
2) Du'aan, miidhaa qaamaatiin yookiin rakkoo fayyaa kan birootiin hojii isaa kan itti fufuu hin dandeenye yoo ta'e;
3) Sababa bakka jireenyaa isaa jijjiirrateen hojii isaa itti fufuu kan hin dandeenye yoo ta'e;
4) Abbaa seeraa Mana Murtii Aadaa Oldabarfataa ta'ee kan filatame yoo ta'e;
5) Ulaagaalee Filannoo Jaarsolii Mana Murtii Aadaa Labsii kana Keewwata 9 Keewwata Xiqqaa 1 jalatti tarreeffaman keessaa tokko kan hin guunne yoo ta'e, yookiin hir'isee yoo argame.

15. Hojii Gadi Lakkisuu Beeksisuu fi Filannoo Itti Guutiinsaa

1) Jaarsi Mana Murtii Aadaa akkaataa Labsii kana Keewwata 14 Keewwata Xiqqaa 1 fi 3 tiin hojii gadi lakkisuu barbaade ji'a tokko dursee Walitti Qabaa Jaarsolii Mana Murtii Aadaatiif beeksisuu qaba.

4) በዚህ አንቀጽ ንዑስ አንቀጽ 3 የተደነገገው እንደተጠበቀ ሆኖ የአንድ የገዳ ዘመን አጋማሽ ወይም አራት ዓመት መጠበቅ ሳያስፈልግ አንድ የባህል ፍርድ ቤት ሽማግሌ የብቃት ወይም የስነምግባር ጉድለት ያለው እንደሆነ ጥቆማ ወይም ቅሬታ ሊቀርብበት ይችላል፡፡ የሚቀርበውንም ቅሬታ የአካባቢውን ነዋሪ ስብሰባ በመጥራት አጣርቶ ከተረጋገጠበት በየትኛውም ጊዜ ከሀላፊነቱ ማንሳት ይቻላል፡፡

14. ከስነምግባር እና ብቃት ማጣት ምክንያት ውጭ የባህል ፍርድ ቤት ሽማግሌ ከስራው የሚነሳበት አግባብ

በዚህ አዋጅ አንቀጽ 13 ስር የተደነገገው እንደተጠበቀ ሆኖ፣ የባህል ፍርድ ቤት ሽማግሌ በሚከተሉት ምክንያቶች ከስራው ሊነሳ ይችላል፡፡

1) በፍላጎቱ፤
2) በሞት፣ በአካል ጉዳት ወይም ስራውን መቀጠል በማያስችሉ ሌሎች የጤና እክሎች፤
3) መኖሪያ አድራሻን በመቀየሩ ምክንያት ስራውን መቀጠል ካልቻለ፤
4) የይግባኝ ሰሚ ባህል ፍርድ ቤት ሽማግሌ ሆኖ ከተመረጠ፤
5) በዚህ አዋጅ አንቀጽ 9(1) ስር የተዘረዘሩት የባህል ፍርድ ቤት ሽማግሌዎች ማሟላት ያለባቸው መስፈርቶች ውስጥ ቢያንስ አንዱን ያላሟላ ከሆነ ወይም አጉድሎ ከተገኘ፡፡

15. ስራ መልቀቅን ስለማሳወቅ እና የማሟያ ምርጫ

1) የባህል ፍርድ ቤት ሽማግሌ በዚህ አዋጅ አንቀጽ 14 ንዑስ አንቀጽ 1 እና 3 መሠረት ስራውን መልቀቅ ከፈለገ አንድ ወር አስቀድሞ ለባህል ፍርድ ቤቱ ሰብሳቢ ሽማግሌ ማሳወቅ አለበት፡፡

4) Without prejudice to the Provision of sub-article 3 of this Article, a complaint or accusation regarding capacity or ethical limitations may be made against an elder of a Customary Court without waiting for the lapse of four years. If the complaint made against him can be attested by the meeting of the residents of Kebele to be convened, he may be removed at any time.

14. Reasons other than Ethical Problems and Capacity Limitations for Removal of the Elder of the Customary Court

without prejudice to the provision of Article 13 of this Proclamation, an elder of a Customary Court may be removed from his duty based on the following grounds:

1) Of his own will;
2) By death, physical injury or health issue leading to inability to continue to discharge his duty;
3) Inability to continue discharging his duty by reason of change of his residence;
4) If he elected as an Appellate Customary Court elder;
5) If he failed to fulfill or unable to maintain the criteria stated under Article 9 Sub-article 1 of this Proclamation.

15. Notification of Resignation and Selection for Replacement

1) Where an elder of the Customary Court is to resign in accordance with Article 14 sub-articles 1 and 3 of this Proclamation, he shall give a one month prior notice to the chairperson of the Customary Court.

2) Walitti Qabaan sababa Keewwata 14 Keewwata Xiqqaa 1 fi 3 tiin hojii gadi lakkisuu barbaade Mana Murtii Aanaaf beeksisuu qaba.
3) Walitti Qabaan sababoota Keewwata 14 jalatti tarreeffamaniin Jaarsi Mana Murtii Aadaa yeroo hir'atu Mana Murtii Aanaa beeksisuu qaba.
4) Manni Murtii Aanaas Koreen Jaarsolii Mana Murtii Aadaa filachiisuuf hundaa'e miseensa hir'ate adeemsa Labsii kana Keewwata 11 jalatti ibsame hordofuun akka bakka buufamu ni taasisa.

16. Bilisummaa Hojii

1) Manneen Murtii Aadaa dhiibbaa siyaasaa, amantaa, ilaalcha dhuunfaa fi qaama kamiiyyuu irraa bilisa ta'anii seera aadaa fi duudhaa Oromoo qofa irratti hundaa'uun hojii isaanii haqaa fi haqaan ni gaggeessu.
2) Jaarsoliin Mana Murtii Aadaa sammuu isaanii, seera aadaa fi duudhaa hawaasichaa qofaan kan qajeelfaman ta'a.
3) Jaarsoliin Mana Murtii Aadaa dhimma aangoo isaanii ta'erratti yookiin fayyaalummaadhaan aangoo akka qaban yaadanii murtii fi ajaja akkaataa seera aadaatiin kennaniif itti gaafatamummaa yakkaa fi hariiroo hawaasaa hin qabaatan.
4) Jaarsoliin Mana Murtii Aadaa hanqina naamusaa yookiin dandeettii qabaachuun yoo mirkanaa'e malee bara tajaajilaa isaanii osoo hin xumurin hojiirraa hin kaafaman.

17. Dirqama Jaarsa Mana Murtii Aadaa

Jaarsi Mana Murtii Aadaa kamiyyuu dirqamoota armaan gadii ni qabaata:

1) Naamusa hojichi barbaadu kabajuu;

2) የባህል ፍርድ ቤት ሰብሳቢ ሽማግሌ በዚህ አዋጅ አንቀጽ 14 ንዑስ አንቀጽ 1 እና 3 ምክንያት ስራ ለመልቀቅ ከፈለገ ለወረዳ ፍርድ ቤት ማሳወቅ አለበት፡፡
3) በዚህ አዋጅ አንቀጽ 14 ስር በተዘረዘሩት ምክንያቶች የባህል ፍርድ ቤት ሽማግሌ ቁጥር ከጎደለ የባህል ፍርድ ቤቱ ሰብሳቢ ሽማግሌ ለወረዳ ፍርድ ቤት ማሳወቅ አለበት፡፡
4) የወረዳ ፍርድ ቤት የባህል ፍርድ ቤት ሽማግሌን ለማስመረጥ በተቋቋመው ኮሚቴ መሠረት በጎደለው ሽማግሌ ቦታ በዚህ አዋጅ አንቀጽ 11 የተገለፀውን ስነ ስርዓት በመከተል ምትክ ሽማግሌ እንዲመረጥ ያደርጋል፡፡

16. የስራ ነፃነት

1) የባህል ፍርድ ቤቶች ከፖለቲካ፣ ከሀይማኖት፣ ከግል አመለካከት እና ከማንኛውም አካል ተፅዕኖ ነፃ ሆኖ በባህል ሕግና በኦሮሞ እሴቶች ላይ ብቻ ተመስርተው በፍትህ እና በፍትህ ስራቸውን ይመራሉ፡፡
2) የባህል ፍርድ ቤት ሽማግሌዎች በህሊናቸው፣ በባህል ሕግና በማህበረሰቡ እሴቶች ብቻ የሚመሩ ይሆናል፡፡
3) የባህል ፍርድ ቤት ሽማግሌዎች ስልጣናቸው በሆነ ጉዳይ ላይ ወይም በቅን ልቦና ስልጣን እንዳላቸው አስበው በባህል ሕግ መሠረት በሰጡት ውሳኔና ትዕዛዝ ምክንያት የወንጀል እና የፍትሐብሔር ተጠያቂነት የለባቸውም፡፡
4) የባህል ፍርድ ቤት ሽማግሌዎች የስነ ምግባር ጉድለት ወይም የብቃት ማነስ ያለበት መሆኑ ካልተረጋገጠ በስተቀር የስራ ዘመኑን ሳይጨርስ ከስራው አይነሳም፡፡

17. የባህል ፍርድ ቤት ሽማግሌ ግዴታ

ማንኛውም የባህል ፍርድ ቤት ሽማግሌ የሚከተሉት ግዴታዎች ይኖሩታል፡-

1) ስራው የሚፈልገውን ስነምግባር ማክበር፤

2) A chairperson who decided to resign pursuant Article 14 sub-articles 1 and 3, shall give a prior notice to the District Court.
3) A chairperson Customary Court elder shall notify the District Court where an elder of a Customary Court is missing pursuant to Article 14 of this Proclamation.
4) The District Court shall ensure that the Committee established for the election of the elder of the Customary Court replace the missing member following the procedure provided for under Article 11 of this Proclamation.

16. Functional Independence

1) Customary Courts exercise their function based on Oromo values and customary law guided only by sense of justice independently of pressures coming from politics, religion, personal outlook and any organ.
2) Elders of the Customary Court shall be guided by their own conscience, customary law and the values of the society.
3) Elders of the Customary Court may not be subjected to civil and criminal liability for their decisions and orders they render, pursuant to the customary law, on matters falling under their power or matters which they deem, in good faith, fall within their power.
4) Elders of Customary Court may not be removed from their duty before the lapse of their term of office unless proven to have shown capacity or ethical limitations.

17. Duties of the Customary Court Elder

Any Customary Court elder shall have the following duties:

1) Respecting the required code of conduct;

2) Koornayaa, amantaa, gosa, umurii, haala diinagdee, ilaalcha siyaasaa fi haala kamiyyuu bu'uura godhachuun loogii raawwachuu irraa of qusachuu;
3) Faayidaan hojjechuu irraa bilisa ta'uu;
4) Amala fakkeenyummaa qabuu fi jireenyaa dhuunfaa maqaa gaarii Mana Murtii Aadaa ijaaru qabaachuu;
5) Iccitii eeguu;
6) Miseensa dhaaba siyaasaa kamuu ta'uu dhabuu;
7) Murtii Mana Murtii Aadichaatiin kennamu mara akka kan ofiitti fudhachuu;
8) Dhimmi dantaa dhuunfaa keessaa qabu yoo dhiyaate gaaddisa irraa of kaasuu.

18. Hojii fi Ittigaafatamummaa Walitti Qabaa

Walitti Qabaan Mana Murtii Aadaa dirqamoota Jaarsolii Mana Murtii Aadaatiif Labsii kana Keewwata 17 jalatti ibsaman kan qabaatu ta'ee, dabalataan ittigaafatamummaawwan armaan gadii ni qabaata:

1) Guyyaa gaaddisaa murteessuun Jaarsolii Mana Murtii Aadaa fi qaama ilaallatu beeksisuu;
2) Gabaasa Mana Murtii Aadaa qaama ilaallatuuf erguu;
3) Waldhabdootaa fi ragaalee kaksiisuu yookiin akka kakatan taasisuu.

19. Barreessaa Mana Murtii Aadaa

1) Manni Murtii Aadaa barreessaa tokko ni qabaata.
2) Barreessaa Mana Murtii Aadaa ta'ee namni ramadamu ulaagaa Labsii kana Keewwata 9 Keewwata Xiqqaa 1 (b), (c) fi (d) jalatti tumaman guutuu qaba. Ulaagaaleen dabalataa Dambii fi Qajeelfama bahuun kan murtaa'u ta'a.
3) Barreessaa Mana Murtii Aadaa dorgomsiisee kan ramadu Mana Murtii Aanaa ta'a. Tarreeffamni isaa Dambii fi Qajeelfama bahuun kan murtaa'u ta'a.

2) ፆታን፣ ሀይማኖትን፣ ጎሳን፣ ዕድሜን፣ የኢኮኖሚ ሁኔታን፣ የፖሊቲካ አመለካከትንና ማንኛውንም ሁኔታ መሠረት በማድረግ አድልዎ ከመፈፀም መቆጠብ፤
3) በጥቅም ከመስራት ነፃ መሆን፤
4) ምሳሌ መሆን የሚችል፣ መልካም ፀባይ እና የፍርድ ቤቱን መልካም ስም መገንባት የሚችል የግል ህይወት ያለው፤
5) ሚስጢር መጠበቅ፤
6) የማንኛውም ፖለቲካ ድርጅት አባል አለመሆን፤
7) ፍርድ ቤቱ የሚሰጠውን ማንኛውንም ውሳኔ የራሱ አድርጎ መውሰድ፤
8) የግል ጥቅሙ ያለበት ጉዳይ ከቀረበ ከጋዲሳ እራሱን ማንሳት፡፡

18. የሰብሳቢ ስራ እና ሃላፊነት

የባህል ፍርድ ቤት ሰብሳቢ ሽማግሌ በዚህ አዋጅ አንቀጽ 17 ስር ከተዘረዘሩት የሽማግሌዎች ግዴታዎች በተጨማሪ የሚከተሉትን ግዴታዎች ይኖሩታል፡-

1) ጋዲሳ የሚቀመጥበት ቀን ወስኖ ሽማግሌዎች እና ሌሎች የሚመለከታቸው አካላትን ማሳወቅ፤
2) የባህል ፍርድ ቤቱን የስራ ክንውን ሪፖርት ለሚመለከተው አካል መላክ፤
3) ተከራካሪዎችንና ምስክሮችን ቃለ መኃላ ማስፈፀም ወይም እንዲፈፅሙ ማድረግ፡፡

19. የባህል ፍርድ ቤት ፀሓፊ

1) የባህል ፍርድ ቤት አንድ ፀሓፊ ይኖረዋል፡፡
2) የባህል ፍርድ ቤት ፀሓፊ ሆኖ የሚመደብ ሰው በዚህ አዋጅ አንቀጽ 9 ንዑስ አንቀጽ 1(ለ) (ሐ) እና (መ) ስር የተደነገጉትን መስፈርቶች ማሟላት አለበት፡፡ ተጨማሪ መስፈርቶች በሚወጣ ደንብ እና መመሪያ የሚወሰን ይሆናል ፡፡
3) የባህል ፍርድ ቤት ፀሓፊን አወዳድሮ የሚመድበው የወረዳ ፍርድ ቤት ይሆናል፡ ፡ ዝርዝሩ በሚወጣ ደንብና መመሪያ የሚወሰን ይሆናል፡፡

2) Refraining from discrimination based on gender, religion, race, age, economic status, political attitude and any other ground;
3) Being free from working for personal gain;
4) Possession of exemplary behavior and a personal life that builds the good will of the Customary Court;
5) Keeping confidentiality;
6) Refraining from becoming a member of any political party;
7) Taking all decisions of the Customary Court as that of his own;
8) Withdrawal from 'Gaaddisa' where there is conflict of interest.

18. Powers and Duties of the Chairperson

A chairperson of a Customary Court shall have the following responsibilities in addition to those duties listed under Article 17 of this Proclamation:

1) Fixing a day for 'Gaaddisa' and notifying other elders and concerned organs;
2) Submitting the report of Customary Court to the concerned organ;
3) Making the disputants or witnesses take oath or ensuring same.

19. Customary Court Secretary

1) A Customary Court shall have a secretary.
2) A person to be assigned as a Customary Court secretariat shall fulfill the criteria specified under Article 9 Sub-article (1) (b), (c) and (d) of this Proclamation. Additional criteria may be determined by the regulation and directive to be issued.
3) The District Court shall assign the Customary Court secretariat based on competition.The detailed shall be determined by the regulation and directive to be issued

4) Barri tajaajila Barreessaa kan Jaarsa Mana Murtii Aadaa ilaalchisee Labsii kana Keewwata 13 jalatti tumameen walfakkaataa ta'a.

20. Hojii fi Dirqama Barreessaa Mana Murtii Aadaa

1) Barreessaan Mana Murtii Aadaa hojiiwwan armaan gadii ni qabaata:
(a) Iyyataa fi deebii afaaniin kennamu, falmii afaanii, jecha ragoolee, murtii fi ajaja kennamu gaaddisarratti argamuun barreessuu;
(b) Ajajaa fi murtii Jaarsoliin Mana Murtii Aadaa kennan irratti mallatteessisuu;
(c) Beellama guyyaa dhagaha duraa qabuun himataaf beeksisuu;
(d) Ragaalee dhiyaatan fuudhuu fi sirnaan qabuu; galmee gurmeessuu fi lakkoofsa kennuu;
(e) Garagalcha murtii kennuu;
(f) Gabaasa qindeessuu.
2) Barreessaan Mana Murtii Aadaa dirqamoota armaan gadii ni qabaata:
(a) Labsii kana Keewwata 17 Keewwata Xiqqaa 1-5 jalatti Jaarsolii Mana Murtii Aadaa ilaalchisee tarreeffaman;
(b) Iyyataa fi deebii gareelee waldhabaniif barreessuu irraa of qusachuu;
(c) Hojii gaaddisaa kamiyyuu Walitti Qabaan yookiin Jaarsolii Mana Murtii Aadaatiin itti kennamu raawwachuu.

21. Ittigaafatamummaa

Walitti Qabaan Jaarsolii, Jaarsolii fi Barreessaan Mana Murtii Aadaa dirqamoota Labsii kana keessatti ibsamee fi ittigafatamummaawwan seerota birootiin qaban osoo hin bahatin hafan, akkaataa seera aadaatiin yookiin bu'uura Dambii bahuu fi seerota rogummaa qaban birootiin kan ittigaafataman ta'a.

4) የፀሓፊው የስራ ዘመን በዚህ አዋጅ አንቀጽ 13 ስር ከተደነገገው የሽማግሌ የስራ ዘመን ጋር ተመሳሳይ ይሆናል፡፡

20. የባህል ፍርድ ቤት ፀሓፊ ስራና ግዴታ

1) የባህል ፍርድ ቤት ፀሓፊ የሚከተሉት ስራዎች ይኖሩታል፡-
ሀ) ጋዲሳ ላይ በመገኘት በቃል የሚሰጡ አቤቱታና መልስ፣ የቃል ክርክር፣ የምስክሮች ቃል፣የሚሰጡ ውሳኔዎች እና ትዕዛዞችን መፃፍ፤
ለ) የባህል ፍርድ ቤት ሽማግሌዎች በሚሰጡት ውሳኔ እና ትዕዛዝ ላይ ፊርማቸውን ማስፈረም፤
ሐ) ክስ የሚሰማበት የመጀመሪያ ቀን ቀጠሮ በመያዝ ለከሳሽ ማሳወቅ፤
መ) የሚቀርቡትን ማስረጃዎች መቀበልና በስርዓት መያዝ፣ መዝገብ ማደራጀት እና ቁጥር መስጠት፤
ሠ) የውሳኔ ግልባጭ መስጠት፤
ረ) የስራ ክንውን ሪፖርትን ማደራጀት፡፡
2) የባህል ፍርድ ቤት ፀሓፊ የሚከተሉት ግዴታዎች ይኖሩታል፡-
ሀ) በዚህ አዋጅ አንቀጽ 17 (1-5) ስር ስለ ሽማግሌዎች ግዴታ የተዘረዘሩት፤
ለ) ባለመግባባት ውስጥ ላሉ ግራ ቀኝ ወገኖች ክስ፣ አቤቱታና መልስ አለማዘጋጀት፤
ሐ) በሰብሳቢ ወይም በሽማግሌዎች የሚሰጠውን ማንኛውንም የጋዲሳ ስራ ማከናወን፡፡

21. ተጠያቂነት

የሽማግሌዎች ሰብሳቢ፣ ሽማግሌዎችና ፀሓፊው በዚህ አዋጅ የተጠቀሱት ግዴታዎችና በሌሎች ህጎች ያላቸውን ኃላፊነቶችን ሳይወጡ ከቀሩ፣ በባህል ሕግ መሠረት ወይም በሚወጣ ደንብ እና አግባብነት ባላቸው ሌሎች ሕጎች መሠረት የሚጠየቁ ይሆናል፡፡

4) The term of office of the Customary Court secretary shall be the same with that of an elder of the Customary Court as specified under Article 13 of this Proclamation.

20. Functions and Duties of the Customary Court Secretary

1) The Customary Court secretary shall have the following functions:
(a) Be present on Gadisa and record applications and defenses given orally, oral litigation, testimony of the witnesses, judgments and orders to be given;
(b) Make the orders and judgments of the elders to be signed;
(c) Fixing the date for the first hearing and notifying same to the plaintiff;
(d) Receiving adduced evidences and handling them properly; organizing files and numbering them;
(e) Giving copy of a judgement;
(f) Organizing a report.
2) A Customary Court Secretary shall have the following duties:
(a) Those duties enumerated under Article 17 (1-5) of this Proclamation in relation to the elder of the Customary Court;
(b) Refraining from preparing statements of claims and of defenses for the disputant parties;
(c) Performing any task of the Gadisa assigned to him by the presiding or elders of the Customary Court.

21. Accountability

A chairperson, elders and secretary of the Customary Court who fail to discharge duties entrusted to them in accordance with this proclamation or other relevant laws shall be made accountable in accordance with the customary law or a regulation to be issued and other relevant laws.

22. Faayidaa

Fayidaalee fi kanfaltiiwwan Barreessaa Mana Murtii Aadaa ilaallatan akka barbaachisummaa isaatti Dambii fi Qajeelfama bahuun kan murtaa'u ta'a.

Kutaa Afur
Haala Gaaddisaa

23. Yeroo fi Bakka Gaaddisni Itti Gaggeeffamu

1) Manni Murtii Aadaa bakka ummataaf ifa ta'etti gaaddisa kan gaggeessuu ta'a.
2) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti tumame akkuma jirutti ta'ee, jireenya dhuunfaa waldhabdootaa, hamilee fi nageenya ummataa eeguudhaaf yookiin sababa seerri aadaa hayyamuu birootiin dhimmichi kophaatti akka dhaga'amu gochuun ni danda'ama;
3) Bakki Manni Murtii Aadaa gaaddisa itti gaggeessu akkaataa gosa dhimma ilaallamuutiin kan murtaa'u ta'ee, kanneen armaan gadii ta'uu ni danda'a:
(a) Gaaddisa mukaa jalatti;
(b) Galma addatti kaayyoo kanaaf ijaarame yookiin kenname keessatti;
(c) Bakkeewwan biroo akkaataa seerri aadaa hayyamuun filataman.
4) Yeroon Manni Murtii Aadaa dhaabbiidhaan gaaddisa itti gaggeessu torbeetti guyyaa tokko ni ta'a.
5) Kan Keewwata kana Keewwata Xiqqaa 4 jalatti tumame yoo jiraatellee, akkaataa baay'ina yookiin xiqqeenya dhimmoota dhiyaataniitiin Manni Murtii Aadaa yeroo gaaddisni dhaabbiidhaan itti gaggeeffamu murteessuu ni danda'a.
6) Guyyaan gaaddisni dhaabbiin taa'u gaaddisaan kan murtaa'u ta'ee, Manni Murtii Aanaa fi hawaasni bakka Manni Murtii Aadichaa itti hojjetuu beeksifamuu qabu.

22. ጥቅማጥቅም

የባህል ፍርድ ቤት ፀሓፊን የሚመለከቱ ጥቅማጥቅሞች እና ክፍያዎች እንደ አስፈላጊነቱ በሚወጣ ደንብ እና መመሪያ የሚወሰን ይሆናል፡፡

ክፍል አራት
ስለ ጋዲሳ

23. ጋዲሳ የሚካሄድበት ጊዜ እና ቦታ

1) የባህል ፍርድ ቤት ለህዝብ ግልፅ በሆነ ቦታ ላይ ጋዲሳን የሚያከሄድ ይሆናል፡፡
2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 የተደነገገው እንደተጠበቀ ሆኖ፣ የተከራካሪ ወገኖችን የግል ህይወት፣ የህዝብ ሞራልና ደኅንነትን ለመጠበቅ ወይም የባህል ሕጉ ለሚፈቅደው ሌላ ምክንያት ጉዳዩ ለብቻ እንዲሰማ ማድረግ ይችላል፡፡
3) የባህል ፍርድ ቤት ጋዲሳን የሚያከሄድበት ቦታ እንደ ጉዳዩ አይነት የሚወሰን ሆኖ፣ ከሚከተሉት በአንዱ ሊሆን ይችላል፡-
(ሀ) በዛፍ ጥላ ስር፤
(ለ) ለዚህ አላማ በተዘጋጀ ወይም በተሰጠ አዳራሽ ውስጥ፤
(ሐ) የባህል ሕጉ በሚፈቅደው መሠረት የተመረጡ ሌሎች ቦታዎች፡፡
4) የባህል ፍርድ ቤት በቋሚነት ጋዲሳን የሚያከሄደው በሳምንት አንድ ቀን ይሆናል፡፡
5) በዚህ አንቀጽ ንዑስ አንቀጽ 4 ስር የተደነገገ ቢኖርም፤ የባህል ፍርድ ቤቱ በሚቀርበው ጉዳይ ብዛት መሠረት በቋሚነት ጋዲሳን የሚያከሄድበትን ጊዜ መወሰን ይችላል፡፡
6) ጋዲሳው በቋሚነት የሚሰበራበት ቀን በጋዲሳ የሚወሰን ሆኖ፣ የወረዳ ፍርድ ቤት እና የባህል ፍርድ ቤቱ የሚሰራበት አካባቢ ያለ ማህበረሰብ እንዲያውቅ ማድረግ አለበት፡፡

22. Benefit

Benefits and other payments concerning the Customary Court Secretary may be determined by a regulation or directive to be issued as may be necessary.

Part Four
About 'Gaaddisa'

23. Time and Place to Conduct Gaddisa

1) Customary Court shall conduct its Gaddisa at a place open to the public.
2) Without prejudice the provision of sub-article 1 of this Article, the Customary Court shall hear the case in camera where it is required to protect the privacy of the disputing parties, morality and security of the public or another ground as may be provided under customary laws.
3) The place of conducting 'Gaaddisa' shall be decided based on the circumstance of the case; and which may include the following:
(a) Under the shade of the tree;
(b) In a hall built or given for this purpose;
(c) Other places selected based on customary laws.
4) The Customary Court shall conduct Gadisa once a week on regular bases.
5) Notwithstanding the provision of sub-article 4 of this Article, the Customary Court shall decide the time of conducting Gaddisa regularly based on the number of cases coming to the Customary Court.
6) While the day of conducting 'Gaaddisa' shall be decided by 'Gaadisa', the District Court and the public at which the Customary Court carries out its functions shall be notified.

7) Kan Keewwata kana Keewwata Xiqqaa 4-6 jalatti tumame yoo jiraatellee, Walitti Qabaan dhimma bulfame yookiin dhimma ariifachiisaa ilaaluuf guyyaa gaaddisni jiraatu dabalataa murteessuu ni danda'a. Kanas Jaarsolii Mana Murtii Aadaa fi qaamolee dhimmichi ilaallatu beeksisuu qaba.

24. Afaan Hojii

1) Afaan hojii Mana Murtii Aadaa Afaan Oromooti.
2) Namni Afaan Oromoo hin dandeenye yoo qunname, Manni Murtii Aadaa hawaasicha keessaa nama Afaan hiikuu danda'u deeggarsa akka kennu ni taasisa.

25. Haala Fedhiin Itti Mirkanaa'u

1) Namni Mana Murtii Aadaatti himata yookiin iyyata isaa dhiyeeffate Mana Murtichaatiin keessummaa'uuf fedhii akka kennetti fudhatama.
2) Himatamaan waamichi dhaqqabee erga dhiyaatee booda himata irratti dhiyaateef deebii akka kennu taasisuun dura, dhimmi isaa Mana Murtii Aadaatiin akka ilaalamu fedhii qabaachuun isaa gaafatamee mirkanaa'uu qaba.
3) Himataan yookiin himatamaan dhimmi isaa Mana Murtii Aadaatti akka ilaalamuuf fedhii erga kenne booda fedhii isaa kaasuu hin danda'u.

26. Seera Hojiirra Oolu

1) Seerri Manni Murtii Aadaa hojiirra oolchu seera aadaa bakka Manni Murtii Aadichaa itti hojjetu ta'a.
2) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti tumame yoo jiraatellee, seerri aadaa hanqinaalee armaan gadii keessaa tokko kan qabu yoo ta'e, raawwatiinsa hin qabaatu:

7) በዚህ አንቀጽ ከንዑስ አንቀጽ 4-6 ስር የተደነገገ ቢኖርም፤ ሰብሳቢ ሽማግሌ ያደረን ወይም አስቸኳይ ጉዳይን ለማየት ጋዲሳ የሚኖርበት ተጨማሪ ቀን ሊወስን ይችላል፡፡ ይህንንም የባህል ፍርድ ቤት ሽማግሌዎችን እና ጉዳዩ የሚመለከታቸው አካላትን ማሳወቅ አለበት፡፡

24. የስራ ቋንቋ

1) የባህል ፍርድ ቤቱ የስራ ቋንቋ አፋን ኦሮሞ ነው፡፡
2) አፋን ኦሮሞን የማይችል ሰው ካጋጠመ የባህል ፍርድ ቤቱ ከአከባቢው ማህበረሰብ ቋንቋውን መተርጎም የሚችል ሰው እንዲያግዝ ያደርጋል፡፡

25. ፈቃደኝነት የሚረጋገጥበት ሁኔታ

1) ለባህል ፍርድ ቤት ክስ ወይም አቤቱታ ያቀረበ ሰው በባህል ፍርድ ቤቱ ለመስተናገድ ፈቃዱን እንደ ሰጠ ይቆጠራል፡፡
2) ተከሳሽ መጥርያ ደርሶት ከቀረበ በኃላ ለቀረበበት ክስ መልስ እንዲሰጥ ከመደረጉ በፊት ጉዳዩ በባህል ፍርድ ቤት እንዲታይ ፈቃደኛ መሆኑ ተጠይቆ መረጋገጥ አለበት፡፡
3) ከሳሽ ወይም ተከሳሽ ጉዳዩ በባህል ፍርድ ቤት እንዲታይ ፈቃዱን ከሰጠ በኃላ ማንሳት አይችልም፡፡

26. ስራ ላይ የሚውል ሕግ

1) የባህል ፍርድ ቤት ስራ ላይ የሚያውለው ሕግ ፍርድ ቤቱ የሚሰራበት አካባቢ ያለን የባሕል ሕግ ነው፡፡
2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ስር የተደነገገው ቢኖርም የባህል ሕጉ ከሚከተሉት ጉድለቶች ውስጥ አንዱን ቢኖረው ተፈፃሚነት አይኖረውም ፡፡

7) Notwithstanding with the provisions of sub-articles (4-6) of this Article, the chairperson may fix another day of Gaddisa to entertain ongoing or emergency cases. He shall notify this decision to elders of the Customary Court and other concerned bodies.

24. Working Language

1) The working language of the Customary Court shall be Afan Oromo.
2) The Customary Court shall assign an interpreter from among the public to give assistance in case where a person who does not understand Afan Oromo is a party to the proceeding.

25. Proof of Consent

1) A person who filed his suit or application to a Customary Court shall be presumed to have given his consent to the jurisdiction of the Court.
2) The defendant who appeared after the summon is duly served upon him shall be asked his consent to verify whether he desires his case be adjudicated by a Customary Court before letting him present his statement of defense.
3) A plaintiff or a defendant who gave his consent to the jurisdiction of the Customary Court may not revoke it.

26. Applicable Law

1) The law which the Customary Court ought to apply shall be the customary law of the place where it carries out its function.
2) Notwithstanding with the provision of sub-article 1 of this Article, the customary law shall not be applicable where it has anyone of the following shortcomings:

(a) Haqa uumaa uumamaa kan faallessu; yookiin
(b) Haqummaa namummaa kan hin kabajne; yookiin
(c) Safuu fi safeeffannaa kan hin kabajne; yookiin
(d) Amantaan, koornayaan, bifaan, umuriin, miidhaa qaamaatiin, gosaan, ilaalcha siyaasaatiin, qabeenyaan, yookiin sababa birootiin namoota jidduutti loogii kan uumu; yookiin
(e) Mirgoota namoomaa kamiyyuu kan mulqu.

3) Kan Keewwata kana Keewwata Xiqqaa 2 jalatti tumame akkuma jirutti ta'ee, Manneen Murtii Aadaa seera aadaa fi hojimaata dubartoota, daa'imman, qaama miidhamtootaa fi kutaalee hawaasaa miidhaaf saaxilamoo ta'an jajjabeessuu danda'an hojiirra oolchuu ni danda'u.

27. Adeemsa Dhimmi Ittiin Dhiyaatu

1) Namni dhimmi isaa gara Mana Murtii Aadaatiin akka ilaalamuuf barbaadu Barreessaa Mana Murtii Aadaa dubbisuudhaan dhagaha dhimmichaaf beellama ni qabsiifata.
2) Manni Murtii Aadaa dhagaha dhimmaa eegaluun dura akkaataa seera aadaatiin baay'inni Jaarsolii Mana Murtii Aadaa argamuu qabanii guuttamuu qaba.
3) Himataan guyyaa dhagaha dhimmaaf beellamametti argamee dhimmicha gaaddisa irratti dhiyeeffachuu qaba.
4) Manni Murtii Aadaa himanni yookiin iyyanni dhiyaate aangoo Mana Murtichaa kan hin taane yoo ta'e, yookiin himataan akkaataa seera aadaatiin himannicha dhiyeessuuf nama dantaa hin qabne yoo ta'e, yookiin sababni himannoo hin jiru jedhee yoo amane, himatamaa waamuun osoo hin barbaachisin dhimmicha addaan kutee himataa gaggeessuu ni danda'a.

(ሀ) የተፈጥሮ ፍትህን የሚቃረን ከሆነ፤ ወይም
(ለ) ርትዕን የሚቃረን ከሆነ፤ ወይም
(ሐ) የማህበረሰቡን ሞራልና ግብረ-ገብ የማያከብር ከሆነ፤ ወይም
(መ) በሰዎች መካከል በእምነት፤ በጾታ፣ በመልክ፣ በእድሜ፣ በአካል ጉዳት፣ በብሔር፣ በፖለትካ አመለካከት፣ በሃብት ወይም በሌላ ምክንያት አድልዎን የሚፈጥር ከሆነ፤ ወይም
(ሠ) ሰብዓዊ መብትን የሚፃረር ከሆነ፡፡

3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 ስር የተደነገገው እንደተጠበቀ ሆኖ የባህል ፍርድ ቤቶች ሴቶችን፣ ህፃናትን፣ አካል ጉዳተኞችን እና ለጥቃት ተጋላጭ የሆኑ የህበረተሰብ ክፍሎችን የሚያበረታቱ የባሕል ሕጎችንና አሰራሮችን ስራ ለይ ማዋል ይችላሉ፡፡

27. የጉዳይ አቀራረብ ስነ ስርዓት

1) ጉዳዩ በባህል ፍርድ ቤት እንዲታይለት የሚፈልግ ሰው የባህል ፍርድ ቤቱን ፀሐፊ በማናገር ጉዳዩ የሚሰማበትን ቀነ ቀጠሮ ያስይዛል፡፡
2) የባህል ፍርድ ቤት ጉዳይን መስማት ከመጀመሩ በፊት በባህል ህጉ መሠረት መገኘት ያለባቸው ሽማግሌዎች መሟላት አለበት፡፡
3) ጉዳዩ ለመሰማት በተቀጠረበት ቀን ከሳሹ ጋዲሳ ፊት ቀርቦ ጉዳዩን ማቅረብ አለበት፡፡
4) የባህል ፍርድ ቤት የቀረበውን ክስ ወይም አቤቱታ ለማየት ስልጣን የሌለው ከሆነ ወይም ከሳሽ በባህል ሕጉ መሠረት ከጉዳዩ ጥቅም የሌለው ከሆነ ወይም የክስ ምክንያት የለውም ብሎ ያመነ እንደ ሆነ ተከሳሽን መጥራት ሳያስፈልግ ጉዳዩን ዘግቶ ከሳሽን ማሰናበት ይችላል፡፡

(a) Where it contravenes natural justice; or
(b) Where it doesn't respect equity of human justice; or
(c) Where it negates moral and morality; or
(d) Where it discriminates between people based on religion, sex, appearance, age, disability, race, political attitude, wealth, or any other grounds; or
(e) Where it violates any human rights.

3) Without prejudice to the provision of sub-article 2 of this Article, Customary Courts may apply customary laws and practices, which may favor the rights of women, children, people with disability and other vulnerable segments of the society.

27. Applicable Procedure

1) A person who desires his case to be adjudicated by Customary Court shall contact the Secretary of Customary Court, who sets the day for the hearing.
2) The required number of elders of the Customary Court need to be fulfilled in accordance with customary law before the commencement of hearing of the case.
3) The plaintiff shall appear and present his case on 'Gaaddisa' on the day of appointment.
4) The Customary Court shall dismiss the case without the need to call the defendant where the suit or application so brought does not fall under its jurisdiction, or the plaintiff has no vested interest to institute the suit in accordance with customary law, or where it believes that there is no cause of action.

5) Namni himannaan yookiin iyyanni irratti dhiyaate Mana Murtii Aadaatti dhiyaatee deebii akka kennu nama Jaarsoliin Mana Murtii Aadaa itti amananiin waamichi akka isa dhaqqabu ni taasiifama.

6) Namni waamichi bu'uura Keewwata kana Keewwata Xiqqaa 5 tiin dhaqqabee hafe ajajni wamichaa yeroo lammaffaaf ni taasifamaaf.

7) Akkaataa Keewwata kana Keewwta Xiqqaa 6 jalatti tumameen namni waamichi taasifameefii dhiyaachuu kan hin dandeenye yoo ta'e, bu'uura seera aadaa naannichaatiin tarkaanfii barbaachisaan kan fudhatamu ta'a.

8) Himatamaan waamichi dhaqqabee guyyaa beellamaatti kan dhiyaate yoo ta'e, himannaan yookiin iyyanni isa irratti dhiyaate Gaaddisa irratti ibsamuufii qaba.

9) Himatamaan himannaa yookiin iyyata irratti dhiyaate erga dhagahe booda Mana Murtii Aadichaatti dhimmichi akka ilaalamuuf fedhii qabaachuun isaa yoo mirkanaa'e, Manni Murtii Aadaa himata dhiyaate irratti deebii akka kennu ajajuu yookiin tarkaanfii biraa fudhachuu ni danda'a.

10) Himatamaan iyyata yookiin himannaa irratti dhiyaate yoo amane, Manni Murtii Aadaa akkaataa aadaa bakka Manni Murtii Aadichaa itti hojjetuutiin murtii yookiin ajaja barbaachisaa kennuu ni danda'a.

11) Himatamaan himannaa irratti dhiyaate kan waakkate yoo ta'e, Manni Murtii Aadaa akkaataa barbaachisaa ta'ee argameen qulqulleeffatee murtii kennuu ni danda'a.

12) Gareeleen waldhabdee qaban adeemsi dhagaha dhimmaa erga eegalee booda dhiyaachuu yoo hin dandeenye, Manni Murtii Aadaa bu'uura seera aadaatiin tarkaanfii barbaachisaa fudhachuu ni danda'a.

5) ክስ ወይም አቤቱታ የቀረበበት ሰው በባህል ፍርድ ቤት ቀርቦ መልስ እንዲሰጥ ሽማግሌዎች ባመኑበት ሰው አማካኝነት መጥርያ እንዲደርሰው ይደረጋል፡፡

6) በዚህ አንቀጽ ንዑስ አንቀጽ 5 መሠረት መጥሪያ ደርሶት የቀረ ሰው ለሁለተኛ ጊዜ ጥሪ ይደረግለታል፡፡

7) በዚህ አንቀጽ ንዑስ አንቀጽ 6 ስር በተደነገገው መሠረት ጥሪ የተደረገለት ሰው መቅረብ ካልቻለ፣ በአከባቢው የባህል ሕግ መሠረት አስፈላጊው እርምጃ የሚወሰድ ይሆናል፡፡

8) ተከሳሽ በጥሪው መሠረት በቀነ ቀጠሮ ከቀረበ፣ የቀረበበት ክስ ወይም አቤቱታ በጋዲሳ ሊገለፅለት ይገባል፡፡

9) ተከሳሽ የቀረበበትን ክስ ወይም አቤቱታ ከሰማ በኋላ፤ በባህል ፍርድ ቤቱ ጉዳዩ እንዲታይለት ፈቃደኝነቱ ከተረጋገጠ፤ የባህል ፍርድ ቤቱ የቀረበበት ክስ ላይ መልስ እንዲሰጥ ማዘዝ ወይም ሌላ እርምጃ መውሰድ ይችላል፡፡

10) ተከሳሽ የቀረበበትን ክስ ወይም አቤቱታ ያመነ እንደ ሆነ፣ የባህል ፍርድ ቤቱ በሚሰራበት አከባቢ ባለው የባህል ሕግ መሠረት ውሳኔ ወይም አስፈላጊውን ትዕዛዝ መስጠት ይችላል፡፡

11) ተከሳሽ የቀረበበትን ክስ የካደ እንደ ሆነ፣ የባህል ፍርድ ቤቱ አስፈላጊ ሆኖ በተገኘ መንገድ አጣርቶ ውሳኔ መስጠት ይችላል፡፡

12) ባለመግባባት ውስጥ ያሉ ወገኖች የጉዳዩ መሰማት ሂደት ተጀምሮ ከቀጠለ በኋላ ሳይቀርቡ የቀሩ እነደሆነ፣ የባህል ፍርድ ቤቱ በባህል ህጉ መሠረት አስፈላጊውን እርምጃ መውሰድ ይችላል፡፡

5) The summon shall be sent to a person against whom the suit or application is instituted through a person trusted by elders of the Customary Court to appear with his statement of defense.

6) Where a person failed to appear after the summon was duly served upon him in accordance with sub-article 5 of this Article, he shall be served for a second time.

7) Necessary measure shall be taken in accordance with local customary law against a person who failed to appear after duly summoned according to sub-article 6 of this Article.

8) The suit or application shall be explained on 'Gaaddisa' to the defendant who appeared after duly served the summon.

9) The Customary Court shall order the defendant to present his defense or shall take necessary measure after ensuring his consent to the jurisdiction of the Court.

10) Where the defendant admits the suit or application against him, the Customary Court shall give judgment or necessary order in accordance with the customary law of the place where the Customary Court carries out its function.

11) Where the defendant denies the suit against him, the Customary Court may give decision after ascertaining the matter in a manner deemed necessary.

12) Where the disputing parties failed to appear after the hearing of the case has commenced, the Customary Court shall take an appropriate measure in accordance with customary law.

13) Kan Keewwata kana Keewwata Xiqqaa 1-11 jalatti tumame jiraatullee, Manni Murtii Aadaa yeroo dhimma dhiyaateef ilaalu seera deemsa falmii aadaa bakka Manni Murtii Aadichaa itti hojjetu biroo hordofuu ni danda'a.
14) Himannaan yookiin iyyannaa himataan dhiyeeffatus ta'e, deebiin himatamaan dhiyeeffatu kamiyyuu fedhii nama falmicha dhiyeeffatuu irratti hundaa'ee barreeffamaan yookiin afaaniin ta'uu ni danda'a.
15) Dhimma Mana Murtii Aadaatiin ilaallamu irratti gareen kamiyyuu abukaatoo bakka buufachuun falmii dhiyeeffachuu hin danda'u.
16) Kan Keewwata kana Keewwata Xiqqaa 15 jalatti tumame akkuma jirutti ta'ee, miseensa maatii yookiin nama biroo seera aadaa bakka Manni Murtii Aadichaa itti hojjetuutiin hayyamamuufiin bakka bu'amuu ni danda'u.

28. Ragaa Dhagahuu

1) Manni Murtii Aadaa nama kamiyyuu dhimma harkaa qabu ni ibsa jedhee yoo amane yookiin namni gareelee waldhabaniin akka ragaatti eerame akka dhiyaatu waamicha ni taasisaaf.
2) Namni ragaa akka bahuuf waamichi Mana Murtii Aadaa isa dhaqqabee sababa quubsaa malee dhiyaachuuf fedhii kan hin qabne ta'uun yoo hubatame, Manni Murtii Aadaa dirqamee akka dhiyaatu akkaataa seera aadaatiin tarkaanfii barbaachisaa fudhachuu yookiin karaa Bulchiinsa Gandaatiin to'atamee akka dhiyaatu ajajuu ni danda'a.

29. Kakuu

1) Manni Murtii Aadaa himannaa, iyyata, deebii akkasumas ragaa dhagahuun dura gareeleen waldhaban yookiin ragaan akkaataa aadaa bakka Manni Murtii Aadichaa itti hojjetuutiin yookin akkaataa amantaa dhuunfaa isaatiin kakuu akka raawwatu ni taasisa.

13) በዚህ አንቀጽ ከንዑስ አንቀጽ 1-11 የተደነገገው ቢኖርም፣ የባህል ፍርድ ቤት የቀረበለትን ጉዳይ ሲመለከት የባህል ፍርድ ቤቱ የሚሰራበት አከባቢ ያለውን ሌላ የባህል ስነ ስርዓት ሕግን መከተል ይችላል፡፡
14) ከሳሽ የሚያቀርበው ማንኛውም ክስ ወይም አቤቱታ፤ ወይም ተከሳሽ የሚያቀርበው ማንኛውም መልስ በአቅራቢው ፍላጎት ላይ ተመሥርቶ በፅሑፍ ወይም በቃል ሊሆን ይችላል፡፡
15) በባህል ፍርድ ቤት የሚታየው ጉዳይ ላይ ማንኛውም ወገን በሕግ ጠበቃ ክርክር ማቅረብ አይችልም፡፡
16) በዚህ አንቀጽ ንዑስ አንቀጽ 15 የተደነገገው እንደተጠበቀ ሆኖ፤ ተከራካሪ ወገኖች በቤተሰብ አባል ወይም ፍርድ ቤቱ የሚሰራበት አከባቢ ባለው የባህል ሕግ መሠረት ለሚፈቀድለት ሰው መወከል ይችላሉ፡፡

28. ምስክር መስማት

1) የባህል ፍርድ ቤት የያዘውን ጉዳይ ያብራራል ብሎ ያመነን ወይም በተከራካሪ ወገኖች የተጠቆመን ማንኛውንም ሰው እንዲቀርብ ጥሪ ያደርግለታል፡፡
2) ምስክር እንዲሆን በባህል ፍርድ ቤት ጥሪ የደረሰው ሰው በቂ ባልሆነ ምክንያት ለመቅረብ ፈቃደኛ ካልሆነ የባህል ፍርድ ቤቱ በባህል ሕግ መሰረት እንዲቀርብ አስፈላጊውን እርምጃ መውሰድ ወይም በቀበሌ አስተዳደር በኩል ቁጥጥር ስር ውሎ እንዲቀርብ ማዘዝ ይችላል፡፡

29. መኃላ

1) የባህል ፍርድ ቤት ክስ፣ አቤቱታ፣ መልስ እንዲሁም ምስክር ከመስማቱ በፊት ተከራካሪ ወገኖች ወይም ምስክሮች የባህል ፍርድ ቤቱ በሚገኝበት አካባቢ ባህል መሠረት ወይም በግለሰቡ እምነት መሠረት መኃላ እንዲፈፅም ያደርጋል፡፡

13) Notwithstanding the provisions of sub-article 1-11 of this Article, the Customary Court may follow any other procedure of customary law of the place where it carries out its functions.
14) The suit or application instituted by the plaintiff or the defense presented by the defendant could be in writing or orally based on the interest of the party presenting his case.
15) No party may be represented by legal attorney on any case proceeding before the Customary Court.
16) Without prejudice to the provision of sub-article 15 of this Article, he may be represented by a member of his family or by another person who is allowed by the customary law of the place where the Court carries out its function.

28. Hearing of Witness

1) A Customary Court shall summon any person who it considers as in a position to explain about the case at hand or persons mentioned by litigants as witness.
2) Where it is understood that a person called to testify failed to show interest to appear without good cause, the Customary Court shall take necessary measure to compel the attendance of such person in accordance with the customary law or issue arrest warrant so that Kebele administrator shall secure his attendance.

29. Oath

1) Before hearing a suit, defense or witness, the Customary Court shall make the parties and witnesses take oath in accordance with the custom of the place where the Customary Court is located or based on his own religion.

2) Namni kamiyyuu namni biraa gochaa adda bahee iyyata keessatti ibsame kan raawwate yookiin kan hin raawwanne ta'uu kakuu raawwachuun akka amanamuuf Mana Murtii Aadaatti iyyata dhiyeeffachuu ni danda'a.
3) Manni Murtii Aadaa iyyanni bu'uura Keewwata kana Keewwata Xiqqaa 2 tiin yeroo dhiyaatuuf qaamoleen dhimmichi ilaallatu akka dhiyaatan erga godhee booda akkaataa aadaa naannichaatiin kakatanii akka amanaman ni taasisa.
4) Namni bu'uura Keewwata kana Keewwata Xiqqaa 2 fi 3 tiin iyyata irratti dhiyaateetiin kakuu raawwatee amanamuuf fedhii hin qabne gochaa itti shakkame akka raawwateetti fudhatamee Manni Murtii Aadaas akkaataa seera aadaatiin ajajaa fi murtii barbaachisaa ni dabarsa.

30. Qaamaan Argamuun Dhimmoota Ilaaluu

Jaarsoliin Mana Murtii Aadaa waldhabdeewwan daangaa lafaa, mirga daandii irra deeman argachuu, itti fayyadama bishaan lagaatiin walqabatanii fi kanneen biroo barbaachisoo ta'anii argaman ilaalchisee iddoo waldhabdeef sababa ta'eetti qaamaan argamuun qulqulleessuu ni danda'u.

31. Adeemsa Kenna Murtii

1) Manni Murtii Aadaa dhimma dhiyaateef waliigaltee araaraa gareewwan waldhabaniitiin akka xumuramuuf tattaaffii ni taasisa.
2) Bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin dhimmichi yoo waliigalteen xumurame gaaddisni qabiyyee araaraa galmeessee waldhabdoota ni gaggeessa.
3) Waliigalteen araaraa bu'uura Keewwata kana Keewwata Xiqqaa 2 tiin irra gahame akka murtii Mana Murtii Aadaatiin kennameetti fudhatamee qaama murticha kenneen ni raawwachiifama.

2) ማንኛውም ሰው ሌላ ሰው ተለይቶ በአቤቱታ ውስጥ የተገለፀን ድርጊት መፈጸሙን ወይም አለመፈፀሙን መኃላ ፈፅሞ እንዲታመንለት ለባህል ፍርድ ቤት አቤቱታ ማቅረብ ይችላል፡፡
3) የባህል ፍርድ ቤት በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሠረት አቤቱታ ሲቀርብለት ጉዳዩ የሚመለከታቸው አካላት እንዲቀርቡ ካደረገ በኋላ በአከባቢው ባህል መሠረት መኃላ ፈፅመው እንዲታመኑ ያደርጋል፡፡
4) በዚህ አንቀጽ ንዑስ አንቀጽ 2 እና 3 መሠረት ማመልከቻ ቀርቦበት መሃላ ፈጽሞ ለመታመን ፍላጎት የሌለው ሰው የተጠረጠረበትን ድርጊት እንደፈጸመ ተቆጥሮ የባህል ፍርድ ቤት አስፈላጊውን ትእዛዝና ውሳኔ ይሰጣል፡፡

30. በአካል ተገኝቶ ጉዳዮችን ማየት

የባህል ፍርድ ቤት ሽማግሌዎች የመሬት ድንበር አለመግባባት፣ በመንገድ የመጠቀም መብት የማግኘት፣ ከወንዝ ውሃ አጠቃቀም ጋር የተያያዘ እና አስፈላጊ ሆኖ የተገኙ ሌሎች ጉዳዮችን በተመለከተ ለግጭቱ ምክንያት የሆነ ቦታ ላይ ተገኝቶ ማጠራት ይችላሉ፡፡

31. የውሳኔ አሰጣጥ ሂደት

1) የባህል ፍርድ ቤት የቀረበለት ጉዳይ በተከራካሪ ወገኖች እርቀ ስምምነት እንዲያልቅ ጥረት ያደርጋል፡፡
2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሠረት ጉዳዩ በእርቀ ስምምነት ከተጠናቀቀ ጋዲሳ የስምምነቱን ይዘት መዝግቦ ተከራካሪዎችን ያሰናብታል፡፡
3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሠረት የዕርቀ ስምምነት ላይ ከተደረሰ ስምምነቱ በባህል ፍርድ ቤቱ እንደተሰጠ ውሳኔ ተቆጥሮ እንዲፈፀም ይደረጋል፡፡

2) Any person may apply to the Customary Court and request that a person shall take oath as to whether he committed or omitted the act he is suspected of as specified in the application and thereby be trusted.
3) Where the application is lodged in accordance with sub-article 2 of this Article, the Customary Court shall call concerned bodies and make them take oath to be trusted.
4) Where a person failed to give his consent to take oath to be trusted in accordance with sub-article 2 and 3 of this Article, he shall be presumed to have committed the act and the Customary shall take necessary measure against him based on the customary law.

30. Ascertaining Cases by Observation

Elders of the Customary Court may physically present at a place to observe and ascertain disputes relating to boundary of land, right of way, use of river water and other cases deemed necessary.

31. Procedure of Giving Judgement

1) The Customary Court shall exert efforts to settle the dispute before it by compromise agreement of the disputing parties.
2) The 'Gaaddisa' shall dismiss the case after recording the agreement where the parties to the dispute reach an agreement in accordance with Article 1 of this Article.
3) The agreement reached at in accordance with sub-article 2 of this Article shall be considered as the decision given by Customary Court and will be executed accordingly.

4) Bu'uura Keewwata kana Keewwata Xiqqaa 1-3 tiin dhimmicha waliigaltee araaraa gareewwan waldhaban gidduutti taasifamuun xumuruun yoo hin danda'amne, Jaarsoliin Mana Murtii Aadaa dhimmicha qulqulleessuun adeemsa seerri aadaa naannichaa hayyamu hordofuudhaan ajaja yookiin murtii araaraa ni kennu.
5) Jaarsoliin murtii yookiin ajaja araaraa kennaniif seera aadaa fi sababa murtichaaf bu'uura godhatan ifatti ibsuun murtiin araaraa kenname gaaddisa irratti waldhabdootaaf beeksisuu qabu.
6) Jaarsoliin murtii araaraa bu'uura Keewwata kana Keewwata Xiqqaa 4 fi 5 tiin kenname irratti gareeleen waldhaban akka waliigalanii fi waan irratti waliigalanis akka raawwatan waliigalchuuf tattaaffii ni taasisu.
7) Bu'uura Keewwata kana Keewwata Xiqqaa 6 tiin gareelee waldhaban murtii araaraa kenname irratti waliigalchuun kan hin danda'amne yoo ta'e, garee komii isaa qaama ilaallatutti dhiyeeffachuu barbaaduuf mirgi oldabarfataa ni eegama.

32. Gosa Murtii Araaraa

1) Manni Murtii Aadaa gosoota murtii araaraa armaan gadii keessaa tokko filachuun yookiin tokkoo ol walirratti kennuu ni danda'a:
(a) Nama badii qabaachuu isaa mirkaneeffate gorsuu fi akeekkachiisuu;
(b) Beenyaa, qabeenya deebisiisuu, gatii muruu yookiin tilmaama qabeenyaa kaffalchiisuu, gaaffii miidhaa diinagdeen walqabatee dhiyaatu kamiyyuu kabachiisuu;
(c) Gumaa muruu;
(d) Qaamni himatame gochaa tokko akka itti deebi'ee hin raawwanne yookiin akka raawwatu gochuu;
(e) Baasii fi kasaaraa;
(f) Hojii humnaa;

4) በዚህ አንቀጽ ንዑስ አንቀጽ 1-3 መሠረት ጉዳዩ በተከራካሪ ወገኖች መካከል በሚደረግ የዕርቀ ስምምነት መፍትሄ መስጠት ካልተቻለ የባህል ፍርድ ቤት ሽማግሌዎች ጉዳዩን በማጣራት የአከባቢው የባህል ሕግ የሚፈቅደውን አካሄድ በመከተል የዕርቀ ውሳኔ ወይም ትእዛዝ ይሰጣሉ፡፡
5) ሽማግሌዎች ለሰጡት የዕርቅ ውሳኔ ወይም ትዕዛዝ መነሻ ያዳረጉትን የባህል ሕግ እና ምክንያት በግልፅ ለተከራካሪ ወገኖች ጋዲሳ ላይ ማሳወቅ አለባቸው ፡፡
6) ሽማግሌዎች በዚህ አንቀጽ ንዑስ አንቀጽ 4 እና 5 መሠረት በሰጡት የዕርቅ ውሳኔ ላይ ተከራካሪ ወገኖች እንዲስማሙ እና የተስማሙበትን እንዲፈፅሙ ለማስማማት ጥረት ያደርጋሉ፡፡
7) በዚህ አንቀጽ ንዑስ አንቀጽ 6 መሠረት ተከራካሪ ወገኖችን ማስማማት ካልተቻለ ለሚመለከተው አካል ቅሬታውን ማቅረብ ለሚፈልግ ወገን የይግባኝ መብት ይጠበቃል፡፡

32. የእርቅ ውሳኔ አይነት

1) የባህል ፍርድ ቤት ከሚከተሉት የውሳኔ አይነቶች ውስጥ አንዱን ወይም ከአንድ በላይ አጣምሮ መስጠት ይችላል፡-
(ሀ) ጥፋተኛ መሆኑን ያረጋገጠን ሰው መምከር እና ማስጠንቀቅ፤
(ለ) ካሳ፣ ንብረት ማስመለስ፣ ዋጋ መወሰን፣ ወይም የንብረትን ግምት ማስከፈል፣ ከኢኮኖሚ ጉዳት ጋር ተያይዞ የሚቀርቡ የትኛውንም ጥያቄ ማስከበር፤
(ሐ) ጉማ መወሰን፤
(መ) የተከሰሰ ወገን አንድን ድርጊት ተመልሶ እንዳይፈፅም ወይም እንዲፈፅም ማድረግ፤
(ሠ) ወጪ እና ኪሳራ፤
(ረ) የጉልበት ስራ፤

4) Where the case is not settled by agreement reached between the disputing parties in accordance with Sub-Articles 1-3 of this Article, the elders of the Customary Court shall give a mediated judgment or order in accordance with the customary law.
5) The elders shall explain for the parties on 'Gaaddisa' the customary law and the reason on which they relied to reach mediated judgment or order.
6) The elders should endeavor to enable the disputing parties to reach agreement on the decisions given in accordance with sub-article 4 and 5 of this Article and implement the same.
7) Where the parties to the dispute fail to reach agreement in accordance with sub-article 6 of this Article, the right of appeal should be respected for the aggrieved party.

32. Types of Judgment

1) The Customary Court may give one or more of the following judgements.
(a) Advising and giving admonition to the person at fault;
(b) Compensation, returning property, deciding the value or amount of the property, upholding any request concerning damage to economic rights;
(c) Awarding 'Gumaa';
(d) Making the person sued do or refrain from doing a specific act;
(e) Costs;
(f) Compulsory labor;

(g) Adabbii maallaqaa;
(h) Murtiiwwan biroo seera aadaa bakka Manni Murtii Aadichaa itti hojjetuutiin fudhatama qaban.
2) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti tumame akkuma jirutti ta'ee, Manni Murtii Aadaa gosoota murtii armaan olitti ibsaman yeroo kennu akkaataa seera aadaa naannichaatiin akaakuun yookiin gosaan akka raawwatamu murteessuu ni danda'a.

33. Oldabarfata

1) Namni Murtii Mana Murtii Aadaa Jalqabaa irraa komii qabu, komii isaa Mana Murtii Aadaa Oldabarfataatti dhiyeeffachuu ni danda'a.
2) Namni Mana Murtii Aadaa Oldabarfataa irraa komii qabu, komiin isaa kanneen armaan gadii keessaa tokko yoo ta'e, Mana Murtii Aanaatti dhiyeeffachuu ni danda'a:
(a) Seera aadaa mirga walqixxummaa gareewwan waldhabanii hin kabajne hojiirra oolchuu;
(b) Mirga dhagahamuu yookiin ragaa falmii dhiyaate mirkaneessuuf murteessaa ta'e garee tokkoon dhiyaate bira darbuu;
(c) Seera aadaa yookiin hojimaata mirgoota namoomaa fi bilisummaawwan bu'uuraa Heera Mootummaa fi sanadoota idil-addunyaa biyyi keenya fudhatte keessatti ibsaman cabsu kamiyyuu hojiirra oolchuu.
3) Namni murtii araaraa yookiin ajaja Mana Murtii Aadaatiin kennamu irraa komii qabu guyyaa murtiin kenname irraa eegalee guyyoota 15 keessatti garagalcha murtii gaafachuu qaba.
4) Manni Murtii Aadaa guyyaa garagalchi gaafatame irraa kaasee guyyoota 15 keessatti garagalcha murtii garee gaafateef kennuu qaba.

(ሰ) የገንዘብ ቅጣት፤
(ሸ) የባህል ፍርድ ቤቱ በሚሰራበት አካባቢ ባሉ የባህል ሕጎች ተቀባይነት ያላቸው ሌሎች ውሳኔዎች።
2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ስር የተደነገገው እንደተጠበቀ ሆኖ የባህል ፍርድ ቤት ከዚህ በላይ የተዘረዘሩትን የውሳኔ አይነቶች ሲሰጥ በአካባቢው የባህል ህግ መሰረት በገንዘብ ወይም በዓይነት እንዲፈፀም መወሰን ይችላል።

33. ይግባኝ

1) ከመጀመሪያ ደረጃ ባህል ፍርድ ቤት ውሳኔ ቅሬታ ያለው ሰው ቅሬታውን ለይግባኝ ሰሚ ባህል ፍርድ ቤት ማቅረብ ይችላል።
2) ከይግባኝ ሰሚ ባህል ፍርድ ቤት ውሳኔ ቅሬታ ያለው ሰው ቅሬታው ከሚከተሉት ውስጥ አንዱ ከሆነ ለወረዳ ፍርድ ቤት ማቅረብ ይችላል።
(ሀ) የተከራካሪ ወገኖችን የእኩልነት መብት የማያከብር የባህል ህግ ስራ ላይ ማዋል፤
(ለ) የመሰማት መብት ወይም የቀረበውን ክርክር ለማረጋገጥ በአንድ ወገን የቀረበ ወሳኝ የሆነ ማስረጃን አለመቀበል፤
(ሐ) በሕገ መንግስት እና አገራችን በተቀበለቻቸው ዓለም አቀፍ ሰነዶች ውስጥ የተገለፁ ሰብዓዊ መብቶችና መሰረታዊ ነፃነቶችን የሚጥስ የባህል ሕጎች እና አሰራሮችን ስራ ላይ ማዋል።
3) የባህል ፍርድ ቤት በሚሰጠው የእርቅ ውሳኔ ወይም ትእዛዝ ላይ ቅሬታ ያለው ሰው ውሳኔው ከተሰጠ ቀን ጀምሮ በ15 ቀናት ውስጥ የውሳኔውን ግልባጭ መጠየቅ አለበት።
4) የባህል ፍርድ ቤት የውሳኔው ግልባጭ ከተጠየቀበት ቀን ጀምሮ በ15 ቀናት ውስጥ የውሳኔውን ግልባጭ ለጠየቀው ወገን መስጠት አለበት።

(g) Fine;
(h) Any other order acceptable under customary laws of the place at which the Customary Court carries out is function.
2) Without prejudice to the provisions of sub-article 1 of this Article, the Customary Court may make orders under Sub-Article 1 of this Article be executed in cash or in kind.

33. Appeal

1) A person who is aggrieved by the decision of the First Instance Customary Court may take his appeal to the Customary Court of Appeal.
2) A person who is aggrieved by the decision of the Customary Court of Appeal may take his appeal to district Court if his grievance is related to one of the following:
(a) Applying customary law which undermines the right to equality of disputing parties;
(b) Overlooking the rights to be heard or important evidence presented by a disputing party;
(c) Applying customary law or practice which violates human rights and basic freedoms recognized under the Constitution and international human rights instruments ratified by our country.
3) A person who has grievance on the decision of a Customary Court shall request copy of the decision within 15 days from the date of the decision.
4) A Customary Court shall give a copy of its decision to a person requesting the same within 15 days from the date the request is made.

5) Namni murtii Mana Murtii Aadaa irraa komii qabu guyyaa garagalcha fudhate irraa eegalee guyyoota 30 keessatti qaama aangoo qabutti dhiyeeffachuu qaba.

6) Keewwata kana Keewwata Xiqqaa 3-5 jalatti kan tumame jiraatus, Manni Murtii Aadaa yookiin Manni Murtii Aanaa sababni quubsaan dhiyaachuu isaa yoo mirkaneeffate guyyaa olitti ibsameen osoo hin daanga'iin garagalcha murtii kennuu yookiin komii dhiyaate keessummeessuu ni danda'a.

7) Manni Murtii Aadaa Oldabarfataa komiin dhiyaate qulqullaa'uu akka qabu yoo amane deebii kennaan akka argamu waamicha ni dhaqqabsiisa.

8) Bu'uura Keewwata kana Keewwata Xiqqaa 7 tiin deebii kennaan waamichi dhaqqabee kan hafe yoo ta'e, bakka hin jirretti dhimmicha qulqulleessee murtii yookiin ajaja barbaachisaa ni kenna.

9) Manni Murtii Aadaa Oldabarfataa seera aadaa bu'uureffachuun komii dhiyaate ilaalchisee murtii jalaa fooyyeessuu yookiin cimsuu yookiin diiguu yookiin barbaachisaadha jedhee yoo amane seeraa fi firii dubbii jiru irra deebi'ee qulqulleeffachuun murtii fi ajaja barbaachisaa kennuu ni danda'a. Murtiin haala kanaan kennamu isa dhumaa ta'a.

10) Manni Murtii Aanaa komii bu'uura Keewwata kana Keewwata Xiqqaa 2 tiin dhiyaataniif ilaaluun qajeeltoowwan mirgoota namoomaa Heera Mootummaa fi sanadoota idil-addunyaa biyyi keenya fudhatte keessatti hammataman bu'uureffachuun murtii yookiin ajaja barbaachisaa ta'e kennuu ni danda'a.

11) Bu'uura Keewwata kana Keewwata Xiqqaa 10 tiin murtii yookiin ajaja kenname irratti namni komii qabu Mana Murtii aangoo qabuuf dhiyeeffachuu ni danda'a.

5) ከባህል ፍርድ ቤት ውሳኔ ላይ ቅሬታ ያለበት ሰው ግልባጩን ከወሰደ ቀን ጀምሮ በ30 ቀናት ውስጥ ስልጣን ላለው አካል ማቅረብ አለበት፡፡

6) በዚህ አንቀጽ ንዑስ አንቀጽ 3-5 ስር የተደነገገው ቢኖርም የወረዳ ፍርድ ቤት ወይም የባህል ፍርድ ቤት አሳማኝ ምክንያት መቅረቡን ካረጋገጠ ከላይ በተጠቀሰው ቀነ ገደብ ሳይገደብ የውሳኔ ግልባጭ መስጠት ወይም የቀረበውን ቅሬታ ማስተናገድ ይችላል፡፡

7) የይግባኝ ሰሚ ባህል ፍርድ ቤት የቀረበው ቅሬታ መጣራት እንዳለበት ካመነ መልስ ሰጪ እንዲገኝ መጥሪያ ያደርሰዋል፡፡

8) በዚህ አንቀጽ ንዑስ አንቀጽ 7 መሠረት መልስ ሰጭ መጥሪያ ደርሶት የቀረ እንደሆነ በሌለበት ጉዳዩን አጣርቶ አስፈላጊውን ውሰኔ ወይም ትእዛዝ ይሰጣል፡፡

9) የይግባኝ ሰሚ ባህል ፍርድ ቤት የባህል ሕጎችን መሰረት በማድረግ የቀረበውን ቅሬታ በማስመልከት የስር ውሰኔ ማሻሻል ወይም ማፅናት ወይም መሻር ወይም አስፈላጊ ነው ብሎ ካመነ ያለውን ሕግ እና ፍሬ ነገር በድጋሚ በማጠራት አስፈላጊውን ውሳኔ እና ትእዛዝ መስጠት ይችላል ፡፡ በዚህ መልኩ የተሰጠ ውሳኔ የመጨረሻ ይሆናል፡፡

10) የወረዳ ፍርድ ቤት በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሠረት የቀረበለትን ቅሬታ በማየት በሕገ መንግስቱ እና አገራችን በተቀበለቻቸው ዓለም አቀፍ ሰነዶች ወስጥ የተካተቱ ሰብዓዊ መብቶችን መሠረት በማድረግ አስፈላጊ ውሳኔ ወይም ትእዛዝ መስጠት ይችላል፡፡

11) በዚህ አንቀጽ ንዑስ አንቀጽ 10 መሠረት በተሰጠ ውሳኔ ወይም ትእዛዝ ላይ ቅሬታ ያለው ሰው ስልጣን ላለው ፍርድ ቤት ይግባኝ ማቅረብ ይችላል፡፡

5) A party aggrieved by the decision of a Customary Court shall file his appeal to a body having jurisdiction within 30 days of accepting the copy of the decision.

6) Notwithstanding the provisions of sub-article 3-5 of this Article, the Customary Court or District Court may give copy of the decision or accept an application for appeal without being bounded by the above time limit where it ascertains the existence of good cause.

7) The Customary Court of Appeal may summon the defendant when it believes that there is an issue to be clarified.

8) Where the defendant fails to appear after duly summoned in accordance with sub-article 7 of this Article, the Customary Court of Appeal shall proceed to hear the appeal ex-parte and give the judgment or order it deems appropriate.

9) The Customary Court of Appeal may vary, confirm or reverse the judgement appealed from or where it thinks fit, review the legal and factual issue of the case and give necessary decision or order in connection with the application based on the customary law. The decision given accordingly shall be final.

10) The District Court may decide application brought to it in accordance with sub-article 2 of this Article after considering it in accordance with human rights principles incorporated in the Constitution and international documents accepted by the Country.

11) Any person aggrieved by the decision or order of the District Court given in accordance with sub-article 10 of this Article may file his complaint to a Court having jurisdiction.

34. Murtii Araaraa yookiin Ajaja Mana Murtii Aadaatiin Kenname Raawwachiisuu

1) Manni Murtii Aadaa ajaja waamichaa himatamaan yookiin ragaan akka dhiyaatu dabarsu yookiin ajaja namni shakkame dhiyaatee kakatee akka amanamu kennu akkasumas dhimma dhiyaateef erga quulqulleesse booda murtii araaraa kennu bu'uura seera aadaa naannichaatiin raawwachiisuuf aangoo ni qabaata.

2) Namni ajaja yookiin murtii Mana Murtii Aadaa raawwachuuf dirqama qabu ajaja yookiin murtii kenname dhiyaatee akka raawwatu Mana Murtii Aadaatiin ni ajajama. Fedhii kan hin qabne ta'uu Manni Murtii Aadaa yoo hubate:

(a) Waamee sababa isaa ni gaafata; akka raawwatu ni akeekkachiisa;

(b) Bu'uura Keewwata kana Keewwata Xiqqaa 2(a) tiin akeekkachiisa kennameef kan hin fudhanne yoo ta'e, akkaataa haala qabatamaa dhimmichaa fi aadaa bakka Manni Murtii Aadichaa itti hojjetuutiin qoqqobbii diinagdee yookiin hawaasummaa irratti ni dabarsa;

(c) Qoqqobbiin bu'uura Keewwata kana Keewwata Xiqqaa 2 (b) tiin himatamaa irra kaa'amu akkuma jirutti ta'ee, barbaachisaa ta'ee yoo argame Manni Murtii Aadaa akkaataa seera aadaatiin murtee isaa dirqisiisee raawwachiisuuf yookiin caasaalee sirna gadaa keessa jiran kan akka foollee, makkalaa, jaallaba yookiin jal-kaawaa fa'a gargaaramuun yookiin Bulchiinsa Gandaa ajajuun murtii kenne raawwachiisuu ni danda'a;

(d) Bu'uura Keewwata kana Keewwata Xiqqaa 2 (a - c) tti jiraniin murtii araaraa yookiin ajaja kenname raawwachiisuuf yaalamee yoo hin danda'amne, Manni Murtii Aadaa sababa raawwachiisuun dadhabameef ibsuun murticha akka raawwachiisu Mana Murtii Aanaatiif ni beeksisa;

34. በባህል ፍርድ ቤት የተሰጠውን እርቀ ውሳኔ ወይም ትዕዛዝ ስለ ማስፈፀም

1) የባህል ፍርድ ቤት ተከሳሽ ወይም ምስክር እንዲቀርብ ያስተላለፈውን ትዕዛዝ ወይም የተጠረጠረ ሰው ቀርቦ በመሃላ እንድታመን የሚሰጠው ትዕዛዝ፣ እንድሁም የቀረበለትን ጉዳይ ካጣራ በኋላ የሚሰጠውን ዕርቀ ውሳኔ በአከባቢ ባህል ሕግ መሠረት ለማስፈፀም ስልጣን አለው፡፡

2) በባህል ፍርድ ቤት የተሰጠውን ውሳኔ ወይም ትዕዛዝ ለመፈፀም ግዴታ ያለበት ሰው ቀርቦ እንዲፈጸም በባህል ፍርድ ቤቱ ይታዘዛል፡፡ፍርድ ቤቱ የታዘዘው ሰው ለመፈፀም ፍላጎት እንደሌለው ከተረዳ፡-

ሀ) ጠርቶ ምክንያቱን ይጠይቃል፤ እንዲፈፅም ያስጠነቅቃል፤

ለ) በዚህ አንቀጽ ንዑስ አንቀጽ 2(ሀ) የተሰጠውን ማስጠንቀቂያ የማይቀበል ከሆነ፣ እንደ ጉዳዩ ተጨባጭ ሁኔታ እና የባህል ፍርድ ቤቱ በሚሰራበት አከባቢ ባለው የባህል ሕግ መሠረት የኢኮኖሚ ወይም የማህበራዊ ማዕቀብ ይጣልበታል፤

ሐ) በዚህ አንቀጽ ንዑስ አንቀጽ 2(ለ) መሠረት በተከሳሽ ላይ የሚጣለው ማዕቀብ እንደተጠበቀ ሆኖ፤ በባህል ፍርድ ቤቱ አስፈላጊ ሆኖ ከተገኘ በባህል ሕግ መሠረት ውሳኔውን አስገድዶ ማስፈፀም ወይም በገዳ ስርዓት ውስጥ ያሉትን እንደ ፎሌ፣ መከላ፣ ጀለባ ወይም ጃል ካዋ… ወዘተ አደረጃጀቶችን ተጠቅሞ ወይም የቀበሌ መስተዳደርን በማዘዝ ማስፈፀም ይችላል፤

መ) በዚህ አንቀጽ ንዑስ አንቀጽ 2(ሀ-ሐ) ባሉት የዕርቅ ውሳኔ ወይም ትዕዛዝ ለማስፈፀም ጥረት ተደርጎ ካልተቻለ፣ የባህል ፍርድ ቤቱ ማስፈጸም ያልቻለበትን ምክንያት በመጥቀስ እንዲያስፈፅም ለወረዳ ፍርድ ቤት ያሳውቃል፤

34. Executing Judgement or Order Given by the Customary Court

1) The Customary Court shall have the power to enforce the order it has given for the appearance of a defendant or a witness, or order given for the suspect to appear and take oath, or its judgement or order given in accordance with the customary law of the area.

2) A person bound to execute the order or decision of a Customary Court shall be ordered to appear and execute the decision or order of the court. Where the Customary Court understand that the person so summoned has no will or interest:

(a) It shall ask him to show cause why it should not be executed where he has no sufficient cause; warn him to execute;

(b) Where the person failed to comply with the warning given in accordance with Sub-Article 2 (a) this Article, the Customary Court shall impose economic or social sanction in accordance with the circumstance of the case and in accordance with the customary law of the area;

(c) Without prejudice to the sanction imposed in accordance with Article 2 (b) of this Article, the Customary Court may, where deemed necessary, enforce its decision by using structures in Gada System such as 'Foollee', 'Nakkala', 'Jaallaba' or 'jal-kaawaa' or through kebele administration;

(d) Where the attempt to execute the judgment or order in accordance with Sub-Article 2 (a –c) of this Article failed, the Customary Court shall notify the District court the reason why it failed on its side to execute the judgment;

(e) Manni Murtii Aanaas murtii araaraa yookiin ajaja Mana Murtii Aadaa bu'uura Keewwata kana Keewwata Xiqqaa 2 (d) tiin dhiyaateef akka murtii ofii kenneetti fudhachuun ni raawwachiisa.

3) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti tumame yoo jiraatellee, Manni Murtii Aadaa Jalqabaa murtii Mana Murtii Aadaa Oldabarfataan kennamu akka raawwachiisu ajajamuu ni danda'a.

4) Manni Murtii Aadaa yeroo murtii adabbii maallaqaa, beenyaa, gumaa ilaallatu raawwachiisu akkaataa aadaa bakka itti hojjetuutiin hirphatee akka kaffalu gochuu fi haala biroo murtichi ittiin raawwatamu ajajuu yookiin murteessuu ni danda'a.

5) Gareen tokko murtii araaraa yookiin ajaja Mana Murtii Aadaatiin kenname irratti oldabarfata kan gaafate yoo ta'e, hanga furmaanni kennamutti raawwiin murtii akkaataa seera aadaatiin dhorkamee akka turu ajajamuu ni danda'a.

Kutaa Shan
Tumaalee Adda Addaa

35. Madda Galii

1) Manni Murtii Aadaa maddoota galii armaan gadii ni qabaata:

(a) Buusii ummata bakka Manni Murtii Aadichaa itti hojjetu irraa walitti qabamu;

(b) Adabbii maallaqaa bu'uura Labsii kana Keewwata 42 tiin murtaa'u;

(c) Gumaata qaamolee mootummaa fi miti-mootummaa irraa walitti qabamu.

2) Haalli raawwii Keewwata kana Keewwata Xiqqaa 1 Dambii bahuun kan murtaa'u ta'a.

ሰ) በዚህ አንቀጽ ንዑስ አንቀጽ 2(መ) መሠረት የቀረበለትን የዕርቅ ውሳኔ ወይም ትዕዛዝ የወረዳው ፍርድ ቤት በራሱ እንደሰጠ ውሳኔ ወይም ትዕዛዝ ወስዶ ያስፈፅማል፡፡

3) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ስር የተደነገገው ቢኖርም፣ የመጀመሪያ ደረጃ ባህል ፍርድ ቤት በይግባኝ ሰሚ ባህል ፍርድ ቤት የሚሰጠውን ውሳኔ እንዲያስፈፅም ሊታዘዝ ይችላል፡፡

4) የባህል ፍርድ ቤት የገንዘብ ቅጣትን፣ካሳን፣ጉማን የተመለከቱ ውሳኔዎችን ስያስፈጽም በሚሰራበት አከባቢ ባህል ሕግ መሠረት የሚፈፅም ሰው በሂርጳ እንዲከፍል ማድረግ እንዲሁም ውሳኔውን የሚያስፈፅምበት ሌላ ሁኔታን ማዘዝ ወይም መወሰን ይችላል፡፡

5) አንድ ወገን በተሰጠው የዕርቅ ውሳኔ ወይም ትዕዛዝ ላይ ወደ ይግባኝ ሰሚ ባህል ፍርድ ቤት ይግባኝ ጠይቆ ከሆነ፣ ዕልባት እስኪሰጠው ድረስ አፈፃፀሙ በባህል ሕግ መሠረት ታግዶ እንዲቆይ ፍርድ ቤቱ ማዘዝ ይችላል፡፡

ክፍል አምስት
ልዩ ልዩ ድንጋጌዎች

35. የገቢ ምንጭ

1) የባህል ፍርድ ቤት የሚከተሉት የገቢ ምንጮች ይኖሩታል፡-

(ሀ) በባህል ፍርድ ቤቱ የስልጣን ወሰን ውስጥ ከሚኖር ህዝብ የሚሰበሰብ መዋጮ፤

(ለ) በዚህ አዋጅ አንቀጽ 42 መሠረት የሚወሰን የገንዘብ ቅጣት፤

(ሐ) መንግስታዊ እና መንግስታዊ ካልሆኑ ተቋማት የሚሰበሰብ ጉማታ፡፡

2) የዚህ አንቀጽ ንዑስ አንቀጽ 1 አፈፃፀም ሁኔታ በሚወጣ ደንብ ይወሰናል፡፡

(e) The District Court shall execute the decision referred to it by the Customary Court by taking it as its decision.

3) Notwithstanding the provision of sub-article 1 of this Article, the First Instance Customary Court may be ordered to execute the decision given by the Customary Court of Appeal.

4) When enforcing decisions concerning fine, compensation, 'Gumaa' the Customary Court may give decision or order it to be paid in the form of 'hirpha' or other way of executing the decision based on the customary law of the area in which it carries out its function.

5) When one party takes appeal from judgement or order of a Customary Court, stay of execution may be ordered until the case is resolved by the appellate court.

Part Five
Miscellaneous Provisions

35. Source of Income

1) The customary court shall have the following sources of income:

(a) The contributions collected from local community under the jurisdiction of the court;

(b) Fine imposed and collected pursuant to article 42 of this proclamation;

(c) 'Gumaata' to be collected from government and non-governmental bodies.

2) Particulars for the enforcement of this Article sub article 1 shall be determined by the regulation to be issued.

36. Haala Itti Fayyadama Galii

Galiin bu'uura Labsii kana Keewwata 35 tiin walitti qabamu kaayyoowwan armaan gadiitiif kan oolfamu ta'a:

1) Kenna tajaajila Mana Murtii Aadaa fooyyessuuf;
2) Fayidaalee fi kanfaltiiwwan Dambii fi Qajeelfama bahuun Barreessaa fi hojjettoota biroo Manneen Murtii Aadaatiif murtaa'an raawwachuuf.

37. Dirqama Manneen Murtii

1) Dambii fi Qajeelfama Labsii kana raawwachiisuuf bahuun kan murtaa'u akkuma jirutti ta'ee, Manni Murtii Waliigala Oromiyaa dirqamoota armaan gadii ni qabaata:
(a) Dhimmoonni karaa Mana Murtii Aadaatiin akka xumuraman ni jajjabeessa;
(b) Lojistiksii fi humna namaa qabu irraa deeggarsa ni taasisa;
(c) Mirgoota namoomaa, duudhaalee naamusaa fi dhimmoota biroo barbaachisaa ta'an irratti Jaarsolii Mana Murtii Aadaatiif leenjii ni kenna; akka kennamu ni taasisa;
(d) Gabaasa isaa Caffee Naannichaaf dhiyeessu keessatti raawwii hojii Manneen Murtii Aadaa Naannichaa ni hammachiisa.
2) Dambii fi Qajeelfama Labsii kana raawwachiisuuf bahuun kan murtaa'u akkuma jirutti ta'ee, Manni Murtii Aanaa dirqamoota armaan gadii ni qabaata:
(a) Akkaataa Labsii kana keessatti tumameen Manneen Murtii Aadaa akka hundaa'an ni taasisa;
(b) Jaarmiyaalee hawaasaa hojii waldhabdee hiikaa turaniif akka Mana Murtii Aadaatti beekamtii ni kenna; deeggarsa isaan barbaachisu ni taasisa;
(c) Manneen Murtii Oldabarfataa hundaa'an humna namaa fi lojistikiidhaan ni deeggara;

36. የገቢ አጠቃቀም ሁኔታ

በዚህ አዋጅ አንቀጽ 35 መሠረት የሚሰባሰብ ገቢ ለሚከተሉት አላማዎች የሚውል ይሆናል ፡፡

1) የባህል ፍርድ ቤት አገልግሎት አሰጣጥን ለማሻሻል፤
2) ለፀሓፊና ለሌሎች የባህል ፍርድ ቤት ሰራተኞች በደንብ እና በመመርያ የሚወሰኑ ጥቅማ ጥቅሞችና ክፍያዎችን ለመፈፀም፡፡

37. የፍርድ ቤቶች ግዴታ

1) ይህንን አዋጅ ስራ ላይ ለማዋል በሚወጡ ደንብና መመርያዎች የሚወሰን እንደተጠበቀ ሆኖ የኦሮሚያ ጠቅላይ ፍርድቤት የሚከተሉትን ግዴታዎች ይኖሩታል፡-
(ሀ) ጉዳዮች በባህል ፍርድ ቤት እልባት እንዲያገኙ ያበረታታል፤
(ለ) ካለው የሰው ኃይልና ሎጂስቲክ እገዛ ያደርጋል፤
(ሐ) ሰብዓዊ መብት፣ የስነምግባር መርሆዎች እና አስፈላጊ በሆኑ ሌሎች ጉዳዮች ላይ ለባህል ፍርድ ቤት ሽማግሌዎች ስልጠና ይሰጣል፤ እንዲሰጥ ያደርጋል፤
(መ) ለክልሉ ጨፌ በሚያቀርበው የስራ ክንውን ሪፖርት ውስጥ የባህል ፍርድ ቤቶች የስራ ክንውንን ያካትታል፡፡
2) ይህንን አዋጅ ለማስፈፀም በሚወጣ ደንብና መመሪያ የሚወሰን እንደተጠበቀ ሆኖ የወረዳ ፍርድ ቤት የሚከተሉት ግዴታዎች ይኖሩታል፡-
(ሀ) በዚህ አዋጅ ውስጥ በተደነገገው መሠረት የባህል ፍርድ ቤቶች እንዲቋቋሙ ያደርጋል፤
(ለ) ግጭቶችን ሲፈቱ ለቆዩ የማህበረሰብ ተቋማት እንደ ባህል ፍርድ ቤት እውቅና ይሰጣል፤ አስፈላጊውን እገዛ ያደርጋል፤
(ሐ) ለተቋቋሙ የባህል ይግባኝ ሰሚ ፍርድ ቤቶች በሰው ኃይልና በሎጂስቲክ እንዲጠናከሩ ያግዛል፤

36. Utilization of the Income

The income collected in accordance with Article 35 of this proclamation shall be used for the following purposes:

1) To improve service delivery of the Customary Court;
2) To effect payments and benefits of the Secretariat and other employees of the Customary Court as may be determined by the regulation and directives to be enacted.

37. Obligation of Courts

1) Without prejudice to what may be determined by the regulation and directive to be issued, the Supreme Court of Oromia has the following obligations:
(a) Encourages disputes to be resolved by Customary Courts;
(b) Support through logistics and human resources;
(c) Give trainings or cause the training to be given for elders of Customary Court on human rights, ethical values and other necessary matters;
(d) Shall include the works done by Customary Courts in its report to the Caffee.
2) Without prejudice to what may be determined by the regulation and directive to be issued, the District Court shall have the following obligations:
(a) Realizes the establishment of Customary Courts in accordance with the provisions of this Proclamation;
(b) Give recognition to social organizations engaged in resolving disputes as Customary Courts and render them the necessary support;
(c) Support the established Customary Court of Appeal through human resource and logistic;

(d) Jaarsoliin Mana Murtii Aadaa akka filatamanii fi Barreessaan akka ramadamu ni taasisa;

(e) Komiiwwan naamusaa gareelee waldhaban yookiin qaama biroo ilaallatu irraa Jaarsolii Mana Murtii Aadaa ilaalchisee dhiyaatan simachuun Koree hundeessuun qulqullaa'ee murtii akka argatu ni taasisa;

(f) Manneen Murtii Aadaa raawwii hojii isaanii ilaalchisee gabaasa akka dhiyeessan ni taasisa; ni gamaggama; bu'a qabeessummaa isaanii fooyyessuudhaaf deeggarsa barbaachisaa ni kenna;

(g) Raawwii adabbii Manneen Murtii Aadaatiin darbu ni hordofa; iddoo hanqinni jirutti sirreeffamni barbaachisaan akka kennamu ni taasisa;

(h) Murtiiwwan Manneen Murtii Aadaatiin kennaman raawwatamuu isaanii ni hordofa; deeggarsa gaafatamu irratti hundaa'uun ni raawwachiisa.

38. Dirqama Bulchiinsa Gandaa

Dambii Labsii kana raawwachiisuuf bahuun kan murtaa'u akkuma jirutti ta'ee, Bulchiinsi Gandaa Mana Murtii Aadaatiin yammuu gaafatamu dirqamoota armaan gadii ni qabaata:

1) Nageenya gaaddisaa eegsisuu;
2) Ajaja Manni Murtii Aadaa kennu raawwachuu yookiin raawwachiisuu;
3) Adabbii maallaqaa fi hojii humnaa raawwachiisuu;
4) Iddoo gaaddisni itti gaggeeffamu mijeessuu.

39. Dirqama Biiroo Aadaa fi Turizimii

Dambii Labsii kana raawwachiisuuf bahuun kan murtaa'u akkuma jirutti ta'ee, Biiroon Aadaa fi Tuurizimii fi caasaaleen isaa sadarkaan jiran dirqamoota armaan gadii ni qabaata:

(መ) የባህል ፍርድ ቤት ሽማግሌዎች እንዲመረጡ እና ፀሓፊ እንዲመደብ ያደርጋል፤

(ሠ) ከተካራካሪ ወገኖች ወይም ከሚመለከተው ሌላ አካል በባህል ፍርድ ቤት ሽማግሌዎች ላይ የሚቀርብን የስነ ምግባር ቅሬታ በማስተናገድ ኮሚቴ አቋቁሞ ተጣርቶ ውሳኔ እንዲያገኝ ያደርጋል፤

(ረ) የባህል ፍርድ ቤቶችን ስራ አፈፀፃም በማስመልከት ሪፖርት እንዲያቀርቡ ያደርጋል፣ ይገመግማል፤ ውጤታማነታችውን ለማሻሻል አስፈላጊውን እገዛ ያደርጋል፤

(ሰ) በባህል ፍርድ ቤቶች የሚተላለፈውን የቅጣት አፈፃፀም ይከታተላል፣ ጉድለት ባለበት ቦታ አስፈላጊ የእርምት እርምጃ እንዲወሰድ ያደርጋል፤

(ሸ) በባህል ፍርድ ቤቶች የሚሰጡ ውሳኔዎችን አፈፃፀም ይከታተላል፤ ድጋፍ እንዲያደርግ ሲጠየቅም ያስፈፅማል፡፡

38. የቀበሌ አስተዳደር ግዴታ

ይህንን አዋጅ ለማስፈፀም በሚወጣ ደንብ የሚወሰን እንደተጠበቀ ሆኖ የቀበሌ አስተዳደር በባህል ፍርድ ቤት ሲጠየቅ የሚከተሉት ግዴታዎች ይኖሩታል፡-

1) የጋዲሳን ደህንነት ማስጠበቅ፤
2) የባህል ፍርድ ቤት የሚሰጠውን ትእዛዝ መፈፀም ወይም ማስፈፀም፤
3) የገንዘብ ቅጣትንና የጉልበት ስራን ማስፈፀም፤
4) ጋዲሳ የሚካሄድበትን ቦታ ማመቻቸት፡፡

39. የባህል እና ቱሪዝም ቢሮ ግዴታ

ይህንን አዋጅ ለማስፈፀም በሚወጣ ደንብ የሚወሰን አንደተጠበቀ ሆኖ፣ የባህል እና ቱሪዝም ቢሮ እና በየደረጃው የሚገኙ መዋቅሮቹ የሚከተሉት ግዴታዎች ይኖሩታል፡-

(d) Cause elders of the Customary Court selected and the secretariat be recruited and assigned;

(e) Receive complaints and establish Committee to entertain and decide on disciplinary complaints lodged against elders of Customary Court;

(f) Cause Customary Courts to present their report; evaluate and support them to improve their effectiveness;

(g) Follows up the enforcement of penalties imposed by Customary Courts and gives necessary directions;

(h) Follows up execution of decisions given by Customary Courts; executes when its support is requested.

38. Obligations of Kebele Administration

Without prejudice to what may be determined by the regulation and directive to be issued, the Kebele Administration has the following obligations when requested by Customary Court:

1) Ensuring the security of 'Gaaddisa';
2) Executing or causing the execution of orders of the Customary Court;
3) Execution of fines and compulsory labor;
4) Arranging a place where the 'Gaaddisa' carries out its function.

39. Obligations of Culture and Tourism Bureau

Without prejudice to what may be determined by the regulation and directive to be issued, Culture and Tourism Bureau and its subordinates have the following obligations:

1) Seerri aadaa akka guddatu qorannoo gaggeessuun bu'aan isaa akka hojiirra oolu qaama dhimmi ilaalu wajjin ni hojjeta;
2) Hojii koodifikeeshinii seerota aadaa naannichaa qaamolee dhimmi ilaalu waliin ni hojjeta;
3) Jaarsolii Mana Murtii Aadaatiif seera aadaa irratti leenjii akka argatan haala ni mijeessa;
4) Seerri aadaa dhalootaa dhalootatti akka ce'aa deemuuf hojiilee barbaachisoo ni hojjeta;
5) Manneen Murtii Aadaa fooyya'aa akka deeman hojii gargaaru kamiyyuu ni hojjeta;
6) Mana Murtii Aanaa waliin ta'uun gumaata galii Manneen Murtii Aadaa cimsuuf oolu walitti ni qaba.

40. Dirqama Deeggarsa Kennuu

1) Qaamni dhimmi ilaalu kamiiyyuu dhimmoota Labsii kana keessatti hammataman hojiirra oolchuuf dirqama deeggarsa kennuu ni qabaata.
2) Murtii qoqqobbii fi ajajoota biroo Manneen Murtii Aadaatiin kennaman namoonni dhuunfaa, afooshaaleen akkasumas qaamoleen mootummaa fi miti-mootummaa biroo kabajuuf dirqama qabu.

41. Waa'ee Yaa'ii Jaarsolii Mana Murtii Aadaa

1) Yaa'iin Jaarsolii Mana Murtii Aadaa sadarkaa Aanaatti waggaatti altokko ni gaggeeffama.
2) Jaarsoliin Mana Murtii Aadaa Jalqabaa fi Oldabarfataa Aanichaa hundi yaa'icha irratti ni hirmaatu.
3) Pirezidaantiin Mana Murtii Aanaa Walitti Qabaa Yaa'ichaa, Ittigaafatamaan Waajjira Aadaa fi Tuurizimii Aanichaa Itti Aanaa Walitti Qabaa Yaa'ichaa ni ta'u.
4) Yaa'ichi ajandaa hirmaattota, Walitti Qabaa fi Itti Aanaa Walitti Qabaa Yaa'ichaa irraa dhiyaatan irratti ni mari'ata.

1) የባህል ሕግ እንዲያድግ ጉዳዩ ከሚመለከተው አካል ጋር ምርምሮችን በማካሄድ ውጤቱ ስራ ላይ እንዲውል ይሰራል፤
2) የክልሉን የባህል ሕጎች የኮዲፍኬሽን ስራዎችን ከሚመለከተው አካል ጋር በመሆን ይሰራል፤
3) የባህል ፍርድ ቤት ሽማግሌዎች የባህል ሕግ ላይ ስልጠና እንዲያገኙ ሁኔታዎችን ያመቻቻል፤
4) የባህል ሕግ ከትውልድ ትውልድ እየተሻገረ እንዲሄድ አስፈላጊውን ስራ ይሰራል፤
5) የባህል ፍርድ ቤቶች እየተሻሻሉ እንዲሄዱ የሚያስችሉ የትኛውንም ስራዎች ይሰራል፤
6) ከወረዳ ፍርድ ቤት ጋር በመሆን የባህል ፍርድ ቤቶችን ገቢ ለማሳዳግ የሚረዳ ጉማታን ይሰበስባል፤

40. ድጋፍ የመስጠት ግዴታ

1) ማንኛውም የሚመለከተው አካል በዚህ አዋጅ ውስጥ የተካተቱትን ጉዳዮች ስራ ላይ ለማዋል ድጋፍ የመስጠት ግዴታ አለበት፡፡
2) ግለሰቦች፣ መረዳጃ እድሮች፣ እንዲሁም መንግስትና መንግስታዊ ያልሆኑ አካላት በባህል ፍርድ ቤት የተሰጡ የማዕቀብ ውሳኔዎች ና ሌሎች ትዕዛዞችን የማክበር ግዴታ አለባቸው፡፡

41. ስለ ባህል ፍርድ ቤት ሽማግሌዎች ጉባኤ

1) የባህል ፍርድ ቤት ሽማግሌዎች ጉባኤ በወረዳ ደረጃ በዓመት አንድ ጊዜ ይካሄዳል፡፡
2) የወረዳው የመጀመሪያ ደረጃ እና ይግባኝ ሰሚ ባህል ፍርድ ቤት ሽማግሌዎች ጉባኤው ላይ ይሳተፋሉ፡፡
3) የወራዳ ፍርድ ቤት ፕሬዝደንት የጉባኤው ሰብሳቢ፤ የወረዳ ባህል እና ቱሪዝም ፅህፈት ቤት ሃላፊ የጉበኤው ምክትል ሰብሳቢ ይሆናሉ፡፡
4) ጉባኤው ከተሳታፊዎች፣ ከጉባኤው ሰብሳቢና ምክትል ሰብሳቢ በቀረቡ አጀንዳዎች ላይ ይወያያል፡፡

1) Collaborating with other concerned bodies to conduct research aimed at the development of customary law and implementing its findings;
2) Working with concerned bodies to realize the codification customary laws of the region;
3) Facilitating trainings for elders of Customary Court on customary laws;
4) Undertake activities which will enable customary laws to transfer from generation to generation;
5) Undertake activities that helps Customary Courts to flourish;
6) In collaboration with District Courts, collecting 'Gumaata' needed to strengthen Customary Courts.

40. The Duty to Give Support

1) Any concerned body shall have the duty to give support in implementing matters covered under this proclamation.
2) Private persons, social organizations, governmental and other non-governmental bodies are duty bound to uphold decisions given by Customary Courts related to sanctions and other orders given by Customary Courts.

41. Plenum of Elders of Customary Court

1) The plenum of elders of Customary Court shall be convened once a year at District level.
2) Elders of First Instance Customary Court and Appellate Customary Court shall take part at the plenum.
3) The president of District Court shall be the Chairman of the Plenum; Head of District Culture and Tourism Office shall be vice chairman of the plenum.
4) The plenum shall discuss on agendas presented from the participants, the Chairman and the Vice-Chairman.

5) Yaa'ichi bu'uura Labsii kana Keewwata 11'tiin Jaarsolii Mana Murtii Aadaa Oldabarfataa ni fila; kanneen hanqina dandeettii fi naamusaa qabaachuu mirkaneeffate hojiirraa ni kaasa.

42. Adabbiiwwan

1) Manni Murtii Aadaa nama adeemsa falmii seera aadaa naannichaa hin kabajne adabuu ni danda'a.
2) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti tumame akkuma jirutti ta'ee, gochawwan armaan gaditti ibsaman bu'uura seera aadaa naannootiin adabbii jiru kan hordofsiisan ta'a:
(a) Nama Mana Murtii Aadaatiin akka himatamaatti akka dhiyaatu waamichi dhaqqabee sababa quubsaa malee argamuu dhabe;
(b) Nama Manni Murtii Aadaa hojii isaa yeroo raawwataa jiru dogongorsiise, jeeqe, yookiin gaaddisa irratti Jaarsa Mana Murtii Aadaa, Barreessaa, abbaa dhimmaa, yookiin ragoolee arrabse, doorsise, sodaachise yookiin bifa kamiiniyyuu hojii gaaddisaa gufachiise.
3) Manni Murtii Aadaa qaama kamiyyuu ajaja isaa kabajuu dide yookiin hojii isaa gidduu lixuun dhiibbaa hin malle uume akkaataa seera aadaatiin tarkaanfii barbaachisaa irratti fudhachuu ni danda'a.

43. Aangoo Dambii fi Qajeelfama Baasuu

1) Gumiin Bulchiinsa Abbootii Seeraa Oromiyaa Labsii kana hojii irraa oolchuuf Dambii barbaachisu baasuu ni danda'a.
2) Manni Murtii Waliigalaa Oromiyaa Labsii kanaa fi Dambii Labsii kana raawwachiisuuf bahu hojiirra oolchuuf Qajeelfama baasuu ni danda'a.

5) ጉባኤው በዚህ አዋጅ አንቀጽ 11 መሠረት ይግባኝ ሰሚ ባህል ፍርድ ቤት ሽማግሌዎችን ይመርጣል፤ የብቃት ማነስ እና የስነ ምግባር ጉድለት እንዳለባቸው የተረጋገጠን ከስራ ላይ ያነሳል፡፡

42. ቅጣቶች

1) የባህል ፍርድ ቤት የአከባቢውን ባህላዊ የክርክር ስነ ስርዓት ሕግ የማያከብርን ሰው መቅጣት ይችላል፡፡
2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ስር የተደነገገው እንደተጠበቀ ሆኖ ከዚህ ቀጥሎ የተዘረዘሩት ድርጊቶች በአካባቢው የባህል ሕግ መሠረት ያሉትን ቅጣቶች የሚያስቀጡ ይሆናሉ፡-
(ሀ) በባህል ፍርድ ቤት ተከሳሽ ሆኖ እንዲቀርብ መጥሪያ ደርሶት ያለ በቂ ምክንያት ሳይቀርብ የቀረ፤
(ለ) የባህል ፍርድ ቤት ስራውን እያከናወነ ባለበት ጊዜ ያሳሳተ፣ የረበሸ ወይም ጋዲሳ ላይ የባህል ፍርድ ቤት ሽማግሌን፣ ፀሐፊን፣ ባለጉዳይን ወይም ምስክሮችን የሰደበ፣ የዛተባቸው፣ ያስፈራራ ወይም በማንኛውም አይነት ሁኔታ የጋዲሳን ስራ ያስተጓጎለ ፤
3) የባህል ፍርድ ቤት የትኛውም ትእዛዙን የላከበረ ወይም ስራው መሃል ጣልቃ በመግባት አላስፈላጊ ተፅእኖ የፈጠረ አካል ላይ በባህል ሕግ መሠረት አስፈላጊውን እርምጃ ሊወስድ ይችላል፤

43. ደንብ እና መመሪያ የማውጣት ሥልጣን

1) የኦሮሚያ ዳኞች አስተዳደር ጉባኤ አዋጁን ሥራ ላይ ለማዋል የሚያስፈልግ ደንብ ማውጣት ይችላል፡፡
2) የኦሮሚያ ጠቅላይ ፍርድ ቤት ይህንን አዋጅ እና አዋጁን ለማስፈፀም የሚወጣን ደንብ ተግባራዊ ለማድረግ መመሪያ ሊያወጣ ይችላል፡፡

5) The Plenum shall elect elders of Customary Court of Appeal in accordance with Article 11 of this Proclamation and dismiss those having capacity as well as ethical problems.

42. Penalties

1) The Customary Court may penalize a person who fails to comply with the customary law procedure.
2) Notwithstanding with sub-article 1 of this Article, the following acts shall be penalized in accordance with customary law of the area.
(a) A person who failed to appear without good cause after duly summoned to appear as a difendent;
(b) A person who misleads, disturb the Customary Court while it carries out its functions or who insults, threats, coerces elders of Customary Court, Secretary, party or witnesses on 'Gaaddisa' or in any manner disturbs the proceeding of 'Gaaddisa'.
3) The Customary Court may take necessary measure against anyone who failed to obey its order or intervenes in its activities in accordance with customary law.

43. Power to Issue Regulation and Directive

1) Oromia Judicial Administration Commission may enact necessary regulation needed to enforce this Proclamation.
2) The Supreme Court of Oromia may enact directive to enforce this proclamation and the regulation issued to enforce this proclamation.

44. Seerota Raawwatiinsa Hin Qabaanne
Labsiin, Dambiin, Qajeelfamni yookiin murtiin tumaalee Labsii kanaan wal faallessan kamiiyyuu dhimmoota Labsii kanaan hammataman irratti raawwatiinsa hin qabaatan.

45. Yeroo Labsichi Hojirra Itti Oolu
Labsiin kun guyyaa Magalata Oromiyaa irratti maxxanfamee bahe irraa eegalee hojiirra kan oolu ta'a.

Finfinnee
Adoolessa 10 Bara 2013
Shimallis Abdiisaa
Pirezidaantii Mootummaa Naannoo Oromiyaa

44. ተፈፃሚነት የሌላቸው ሕጎች
በዚህ አዋጅ ውስጥ የተካተቱት ጉዳዮችን አስመልክቶ የአዋጁን ድንጋጌዎች የሚቃረን አዋጅ፣ ደንብ፣ መመሪያ ወይም ውሳኔ ተፈፃሚነት የለውም፡፡

45. አዋጁ ስራ ላይ የሚውልበት ጊዜ
ይህ አዋጅ መገለተ ኦሮሚያ ላይ ታትሞ ከወጣበት ቀን ጀምሮ ስራ ላይ የሚውል ይሆናል፡፡

ፊንፊኔ
ሐምሌ 10 ቀን 2013 ዓ.ም
ሽመልስ አብዲሳ
የኦሮሚያ ክልላዊ መንግስት ፕሬዝደንት

44. Inapplicable Laws
Any proclamation, regulation, directive or decision inconsistent with this proclamation shall be inapplicable with respect to matters provided for in this Proclamation.

45. Effective Date
This proclamation shall come in to force as of the date of its publication on Megelete Oromia.

Finfinne
July 17, 2021
Shimelis Abdisa
President of Oromia Regional State

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