# ØÁ‰L nU¶T Uz¤È FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

አሥራስድስተኛ ዓመት q<u>⊩</u>R \$1 አዲስ አበባ ሐምሌ 07 qN 2ሺ2 ዓ.ም bxþT×eà ØÁ‰§ê! ÄþäK‰sþÃê! ¶pBl þK የሕዝብ ተወካዮች ምክር ቤት ጠባቂነት የወጣ

16<sup>th</sup> Year No. 41 ADDIS ABABA 24<sup>th</sup> July, 2010

#### ¥WÅ

xêJ q<u>||</u>R 6)' 4/271,2 > .M

የተሻሻለው የፌዴራል ዳኞች አስተዳደር ጉባዔ ማቋቋሚያ አዋጅ ... ገጽ 5¹β3)! 2

xêJ q<u>ü</u>R 6)' 4/21 เ2

# <u>የተሻሻለው የፌዴራል ዳኞች አስተዳደር ጉባዔ</u> <u>ማቋቋሚያ አዋጅ</u>

በኢትዮጵያ ፌዴራሳዊ ዲሞክራሲያዊ ሪፐብሊክ ሕገ መንግሥት ነጻ የዳኝነት አካል የተቋቋመ በመሆኑ፤

ይህ ነፃ የዳኝነት አካል ነፃነቱ የሚረ*ጋ*ገጠው ተቋማዊ እና ዳኝነታዊ ነፃነቱን መጠበቅ ሲቻል በመሆኑ፤ ይህንንም ለማድረግ ፍርድ ቤቶች ከማናቸውም አካል ተፅዕኖ ነፃ ሆነው ራሳቸውን ማስተዳደር መቻል ያለባቸው በመሆኑ፤

የፌዴራል ፍርድ ቤቶች ዳኞችን ተጠያቂነት ማስፌንና የጉባዔውን አባላት ስብዋር ማስፋት በማስፌለጉ፤

ለዚህም አስፈላጊውን መዋቅር ያሟላና ሥልጣኑ በህግ እውቅና የተሰጠው የዳኝነት አስተዳደር አካል ማቋቋም አስፈላጊ ሆኖ ስለተገኘ፤

በኢትዮጵያ ፌዴራሳዊ ዲሞክራሲያዊ ሪፐብሊክ ሕገ መንግሥት አንቀጽ \$5 ንዑስ አንቀጽ /1/ መሠረት የሚከተለው ታውጇል።

### 1. <u>አጭር ርዕስ</u>

ይህ አዋጅ "የተሻሻለው የፌዴራል ዳኞች አስተዳደር ጉባዔ ማቋቋሚያ አዋጅ ቁጥር 6)' 4/2ሺ2" ተብሎ ሊጠቀስ ይችላል።

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PROCLAMATION NO. 684/2010.

# AMENDED FEDERAL JUDICIAL ADMINISTRATION COUNCIL ESTABLISHMENT PROCLAMATION

**WHEREAS,** an independent judiciary is established under the Constitution of the Federal Democratic Republic of Ethiopia;

WHEREAS, the independence of the judiciary can only be ensured if its institutional and judicial independence is protected; and in order to achieve this goal the judiciary should be able to administer itself in a way free from any influence;

**WHEREAS,** it is necessary to ensure the accountability of the judiciary and it is required to widen the composition of the members of the Council;

**WHEREAS**, it has become necessary to establish a judicial administration organ with all the necessary structures and legally recognized powers;

**NOW, THEREFORE,** in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

#### 1. Short Title

This Proclamation may be cited as the "Amended Federal Judicial Administration Council Establishment Proclamation No. 684/2010."

ÃNÇ êU Unit Price nU¶T UzªÈ ±.œ.q.Ü \* 1/1 Negarit G. P.O.Box 80001

# 2. <u>ትርጓሜ</u>

የቃሉ አገባብ ሌላ ትርጉም የሚያሰጠው ካልሆነ በስተቀር በዚህ አዋጅ ውስጥ፡-

- 1/ "ጉባዔ" ማስት የፌዴራል ዳኞች አስተዳ ደር ጉባዔ ነው፤
- 2/ "የፌዴራል ዳኛ" ማስት የፌዴራል ፍርድ ቤቶች ፕሬዚዳንቶችንና ምክትል ፕሬዚዳ ንቶችን ጨምሮ በፌዴራል ፍርድ ቤት ውስጥ በዳኝነት ተሹሞ የሚሰራ ሰው ነው፤
- 3/ "የዲሲፕሊን ጥፋት" ማለት በፌዴራል ፍርድ ቤቶች ዳኞች የሥነ-ምግባር ደንብ ውስጥ የተዘረዘሩትን ማናቸውንም ድንጋ ጌዎች የሚጥስ ተግባር ነው፤
- 4/ "ጉልህ የሆነ የሥራ ችሎታና ቅልጥፍና ማነስ" ማለት በፌዴራል ዳኞች የሥራ አሬጻጸም መመዘኛ ከተመለከተው የምዘና ውጤት በታች ማግኘት ነው፤
- 5/ "ሕገ መንግሥት" ማለት የኢትዮጵያ ፌዴራሳዊ ዲሞክራሲያዊ ሪፐብሊክ ሕገ መንግሥት ነው፤
- 6/ "ፕሬዚዳንት" ማለት የፌዴራል ጠቅሳይ ፍርድ ቤት ፕሬዚዳንት ነው፤
- 7/ "ሰው" **ማ**ለት የተ<mark>ፈጥ</mark>ሮ ሰው ወይም በሕፃ የሰውነት መብት የተሰጠው አካል ነው።

#### 3. የጸታ አገሳለፅ

በዚህ አዋጅ በወንድ ጸታ የተገለፀው የሴትንም ያካትታል።

# 4. <u>የዳኞች አስተዳደር ጉባ</u>ዔ *መ*ቋቋም

- 1/ የፌዴራል ዳኞች አስተዳደር ጉባዔ /ከዚህ በኋላ "ጉባዔው" እየተባለ የሚጠራ/በዚህ አዋጅ ተቋቁሟል።
- 2/ ጉባዔው የራሱ ጽሕፌት ቤት፣ ኃላፌ፣ በጀት እና አስፌላጊ የሆኑ ሥራተኞች ይኖሩታል። የጽሕፌት ቤቱ ኃላፊ የጉባዔው ፀሐፊ ሆኖ ያገለማላል።
- 3/ የጉባዔው ጽሕፌት ቤት ሕ*ጋ*ዊ ሰውነት አለው።

#### 2. Definitions

Unless the context requires otherwise, in this Proclamation:

- 1./ "Council" means the Federal Judicial Administration Council:
- 2/ "Federal Judge" means any person who is appointed to work as a judge in a federal court including the Presidents and Vice-Presidents of the Federal Courts;
- 3/ "Breach of Discipline" means any act that violates the rules in the Federal Courts Judges Code of Conduct;
- 4/ "Manifest Incompetence and Inefficiency" means getting a performance result lower than the one stated in the Federal Judges Performance Measurement Appraisal;
- 5/ "Constitution" means the constitution of the Federal Democratic Republic of Ethiopia;
- 6/ "President" means the President of the Federal Supreme Court;
- 7/ "Person" means a natural or juridical person.

#### 3. Gender Reference

In this Proclamation any expression in the masculine gender includes the feminine.

# 4. <u>Establishment of the Judicial Administration</u> Council

- 1/ The Federal Judicial Administration Council (hereinafter referred to as "the Council") is hereby established.
- 2/ The Council shall have its own secretariat, head of secretariat, budget and the necessary staff. The head of the secretariat shall serve as the Council's secretary.
- 3/ The office of the Council shall have legal personality.

# 5. <u>የጉባዔው አባሳት</u>

- 1/ ጉባዔው የሚከተሉት አባላት ይኖሩታል፡-
  - ሀ/ የፌዴራል ጠቅሳይ ፍርድ ቤት ፕሬዚ ዳንት ..... ሰብሳቢ
  - ለ/ የፌዴራል ጠቅሳይ ፍርድ ቤት ምክትል ፕሬዚዳንት..... አባል
  - ሐ/ የሕዝብ ተወካዮች ምክር ቤት ሦስት አባላት.....
  - መ/ የኢትዮጵያ ፌዴራሳዊ ዲሞክራሲ ያዊ ሪፐብሊክ የፍትህ ሚኒስትር.. "
  - w/ የፌዴራል ከፍተኛ ፍርድ ቤት ፕሬዚዳንት .....
  - ረ/ የፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት ፕሬዚዳንት......
  - ሰ/ በፌዴራል ዳኞች ጠቅሳሳ ስብሰባ የማመረጥ አንድ ዳኛ.....
  - ሽ/ የፌዴራል ፍርድ ቤቶች የጥብ ቅና ፌቃድ ካላቸው ጠበቆች መካ ከል በጉባዔው የ*ሚመረጥ አን*ድ **መ**በቃ .....
  - ቀ/ እውቅና ባለው የከፍተኛ ትምህርት ተቋም ሕግ ከሚያስተምሩ መምህ ራን መካከል በጉባዔው የሚመረጥ አንድ የሕግ መምህር.....
  - በ/ በጉባዔው የሚመረጥ አንድ ታዋቂ **ማለሰብ .....**
- 2/ በጉባዔው አባላት ስብ<del>ጥ</del>ር የሴቶችን ተዋጽኦ ለማረ*ጋ*ገጥ ጥረት ይደረ*ጋ*ል።
- 3/ ሰብሳቢው በማይኖርበት ጊዜ የጠቅሳይ ፍርድ ቤት ምክትል ፕሬዚዳንት ሰብሳቢ ውን ተክቶ ይሰራል።

#### 6. <u>የጉባዔው ሥልጣንና ተግባር</u>

1/ ጉባዔው ከዚህ በታች የተዘረዘሩት ሥልጣ ንና ተግባራት ይኖሩታል፡-

### 5. Members of the Council

- 1/ The Council shall have the following members:
  - the President of the Federal Supreme Court......Chairperson
  - the Vice President of the Federal Supreme Court..... member
  - three members of the House of Peoples' Representatives......
  - the Minister of the Federal Ministry of Justice .....
  - e) the President of the Federal High Court .....
  - the President of the Federal First Instance Court .....
  - a judge selected by all the Federal Judges .....
  - a lawyer appointed by the Council from those practicing in the Federal Courts.....
  - law academic appointed by the Council from a recognized higher educational institution.....
  - a distinguished citizen appointed by the Council .....
- Efforts shall be made to ensure representations of women in the Council.
- The Vice President of the Federal Supreme Court shall chair the Council in the absence of the President.

# 6. Powers and Duties of the Council

The Council shall have the following powers and duties:

- ሀ/ በፕሬዚዳንቱ ዋያቄ ለፌዴራል ዳኝነት ቦታዎች ዕጩዎችን ለመለየት በዚህ አዋጅ አንቀጽ 01 የተዘረዘሩትን መስፈርቶች የያዘ ማስታወቂያ እንዲወጣ ይወስናል፣ ማስታወ ቂያው የትና እንዴት እንደሚሰራጭም **LOUGAI**
- ለ/ በዳኝነት ሥራ ለመሰማራት ካመለከቱ **ማለሰቦች መካከል በዚህ አዋጅ አንቀጽ** 01 መሠረት ለዳኝነት ብቁ የሆኑትን ዕሙ ዳኞች ይለያል፤
- ሐ/ ለፌዴራል ከፍተኛና መጀመሪያ ደረጃ ፍርድ ቤቶች ፕሬዚዳንትና ምክትል ፕሬዚዳንት የሚሆኑ እጩዎችን በፕሬ ዚዳንቱ ከሚቀርብ ዝርዝር ውስጥ POBAI
- መ/ የጉባዔውን ጽሕፈት ቤት ኃላፊ፣ የፌዴ ራል ፍርድ ቤቶች ሬጅስትራሮችን፣ ረዳት **ዳኞችን እና ሌሎች የፍርድ ቤቱ የሥራ** *ኃላፊዎችን በፕሬዚዳንቱ አቅራቢነት ይ*ሾ ማል፤ ደመወዛቸውን፣ አበሳቸውን እና ጥቅጣጥቅሞቻቸውን **እንዲሁም** ከሥራ የሚነሱበትን ሁኔታ ይወስናል፤
- w/ በሕገ መንግሥቱ አንቀጽ † 1/4/ መ**ሠ** ረት ከክልል ዳኞች አስተዳደር ጉባዔ ዎች በሚቀርቡለት የክልል ጠቅሳይና ከፍተኛ ፍርድ ቤቶች ዕጩ ዳኞች ላይ አስተያየቱን ይሰጣል፤
- ረ/ የፌዴራል ፍርድ ቤቶች ፕሬዚዳንቶችና ምክትል ፕሬዚዳንቶች እና የፌዴራል ዳኞች የሚመሩበትን የሥነ ምግባር ደንብ፣ የዲሲፕሊን ክስ ሥነ-ሥርዓት ደንብ እና የሥራ አፈጻጸም መመዘኛ መስፈርት ያወ ጣል፣ ተግባራዊነቱንም ይከታተሳል፤
- ሰ/ ስለ ፌዴራል ዳኞች ምደባ፣ ዝውውር፣ ደመወዝ፣ አበል፣ ሕክምና እና የደረጃ ዕድገት ይወሰናል፤
- ሽ/ በዚህ አዋጅ አንቀጽ 02 መሠረት የሚቀ ርቡ ጉዳዮችን ይወስናል፣ ውሳኔው በሕዝብ ተወካዮች ምክር ቤት እስከሚ ፀድቅ ድረስ ዳኛውን ከሥራ ማገድ ይችላል፣ ዝርዝሩ በፌዴራል ዳኞች የዲሲፕሊን ክስ ሥነ-ሥርዓት ደንብ LødsaI
- ቀ/ የጉባዔው ጽሕፌት ቤት የሚሰራበትን ያወጣል፣ መመሪያ አሌጻጸሙንም らわナナイム王

- a) order a notice to be issued outlining the criteria set under Article 11 of this Proclamation upon the request of the President and decide how and where such notice shall be publicized;
- b) to nominate candidates who qualify for judgeship from among persons who applied for judicial positions per Article 11 of this Proclamation;
- to nominate candidates for President and Vice-President of the Federal High Court and First Instance Court from a list presented by the President;
- d) to appoint head of the secretariat of the Council, registrars of federal courts, assistant judges and other court officials upon presentation by the President and decide on their salaries, allowances, other benefits and the conditions upon which they may be removed from their positions;
- e) to forward its opinion on the list of Regional Supreme and High Court candidate judges, submitted to it by a Regional Judicial Administration Councils pursuant to Article 81(4) of the Constitution;
- to issue a Code of Conduct, Rules of Disciplinary Procedure and Performance Appraisal criteria for presidents and vice presidents of federal courts and federal judges and to follow up implementation;
- g) to decide on the placement, transfer, salary, allowance, medical benefits and promotion of federal judges;
- h) to decide on matters presented to it pursuant to Article 12 of Proclamation; it may suspend a judge until the decision is approved by the House of Peoples' Representatives: the details shall be determined in the Rules of Disciplinary Procedure for Federal Judges;
- shall issue work directive for the secretariat of the Council and supervise its implementation;

- ተ/ የፌዴራል ፍርድ ቤቶችንና የፌዴራል ዳኞችን የዳኝነት ሥራ በየወቅቱ ይገመ ግማል።
- 2/ በዚህ አንቀፅ በንዑስ አንቀጽ /1/ /መ/ በተደነገገው መሠረት በጉባዔው የሚሾሙ ትን ግለሰቦች በተመለከተ በዚህ አዋጅ ተለ ይተው ለጉባዔው ሥልጣን ከተሰጠባቸው ጉዳዮች ውጭ አግባብነት ያለው የሲቪል ሰርቪስ ሕግ ተፊዳሚ ይሆናል።

#### 7. የጉባዔው ስብሰባ

- 1/ ጉባዔው በወር አንድ ጊዜ መደበኛ ስብሰባ ያደር*ጋ*ል፤ ሆኖም አስፈላጊ ሆኖ ሲገኝ በማናቸውም ጊዜ ሊሰበሰብ ይችላል።
- 2/ ከጉባዔው አባላት ከግግሽ በላይ የሚሆኑት ከተገኙ ምልዓተ ጉባኤ ይሆናል።
- 3/ የጉባዔው ውሳኔዎች በድምፅ ብልጫ ያልፋሉ፤ ሆኖም ድምፁ እኩል በእኩል የተከፈለ እንደሆነ ሰብሳቢው ወሣኝ ድምጽ ይኖረዋል።
- 4/ የዲሲፕሊን ክስ የቀረበበት ማንኛውም የጉባዔው አባል የሆነ ዳኛ ጉዳዩ በሚታይበት ጊዜ በጉባዔው ስብሰባ ላይ በአባልነት መቀመዋ አይችልም።
- 5/ የዚህ አንቀጽ ንዑስ አንቀጽ /1/፣ /2/፣ /3/ እና /4/ ድን*ጋጌዎ*ች እንደተጠበቁ ሆነው፣ ጉባዔው የራሱን የስብሰባ ሥነ ሥርዓት ደንብ ማውጣት ይችሳል።

# 8. <u>የጉባዔው ሰብሳቢ ሥልጣንና ተግባር</u>

የጉባዔው ሰብሳቢ የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል፡-

- 1/ የጉባዔውን ጽሕፈት ቤት በበሳይነት ይመራል፤ ይቆጣጠራል፤
- 2/ የጉባዔውን ስብሰባ ይጠራል፤

- j) to delegate presidents of federal courts to decide on disciplinary matters selected by the Council. An appeal can be made to the Council against any decision given by the presidents of federal courts; the details shall be determined in the Rules of Disciplinary Procedure for Federal Judges;
- k) to conduct periodic evaluation of the judicial activities of federal courts and judges.
- 2/ The conditions of service of persons to be appointed by the Council pursuant to subarticle (1) (d) of this Article, except on matters specifically stated as powers of the Council, shall be in accordance with the appropriate civil service laws.

# 7. Meeting of the Council

- 1/ The Council shall hold a regular meeting once in a month; however, it may meet at any time where found necessary.
- 2/ There shall be a quorum where more than half of the members of the Council are present.
- 3/ Decisions of the Council shall be passed by a majority vote; in case of a tie, however, the chairperson shall have a casting vote.
- 4/ A judge who is a member of the Council, and against whom disciplinary proceedings are instituted, may not sit in meetings of the Council while his case is under investigation.
- 5/ Without prejudice to the provisions of subarticle (1), (2), (3) and (4) of this Article, the Council may draw up its own rules of procedure of meeting.

# 8. Powers and Duties of the Chairperson of the Council

The chairperson of the Council shall have the following powers and duties:

- 1/ to direct and supervise the secretariat of the Council:
- 2/ to convene the meetings of the Council;

- 3/ የጉባዔውን ስብሰባ በሊቀመንበርነት ይመራል፤
- 4/ በዚህ አዋጅ አንቀጽ 6 /1/ /ሀ/ መሠረት በወጣው ማስታወቂያ ተወዳድረው የተመ ረጡ ግለሰቦችን አጭር የህይወት ታሪክ መግለጫ አዘጋጅቶ ለጉባዔው ያቀርባል፤ በጉባዔው የተመረጡት እሴዬ ዳኞች በሕዝብ ተወካዮች ምክር ቤት እንዲሾሙ ለጠቀላይ ሚኒስትሩ ያቀርባል፤
- 5/ ክፍት ለሆኑ የፌዴራል ክፍተኛና የመጀመሪያ ደረጃ ፍርድ ቤቶች የፕሬዚዳንትነትና የምክ ትል ፕሬዚዳንትነት ቦታዎች የሚሆኑ እሴቴዎ ችን ለጉባዔው ያቀርባል፤ በጉባዔው የተመረ ጡትን ኢፌቴዎችም በህዝብ ተወካዮች ምክር ቤት እንዲሾሙ ለጠቅላይ ሚኒስትሩ ያቀርባል፤
- 6/ በዚህ አዋጅ አንቀጽ 6 /1/ /ሐ/ እና /መ/ መሠረት የሚሾሙ ግለሰቦችን አቄር የህይወት ታሪክ መግለጫ አዘ*ጋ*ጅቶ ለጉባዔው ያቀርባል፤
- 7/ ለጉባዔው የሚያስፈልገውን በጀት ለሕዝብ ተወካዮች ምክር ቤት ያቀርባል፣ ሲፀድቅም በጀቱን ያስተዳድራል።

#### 9. <u>የጉባዔው ጽሕፈት ቤት ሥልጣንና ተግባር</u>

የጉባዔው ጽሕፌት ቤት ከዚህ በታች የተዘረዘሩት ሥልጣንና ተግባራት ይኖሩታል፡-

- 1/ የጉባዔውን ዓመታዊ የሥራ ዕቅድና በጀት ያዘ*ጋ*ጃል፤
- 2/ በዚህ አዋጅ አንቀጽ 03 መሥረት በፌዴ ራል ዳኞች ላይ የሚቀርቡ አቤቱታዎችን ይቀበላል፤ በአቤቱታዎች ላይ ጉባዔው የሚሰጣቸውን ውሳኔዎች በአግባቡ ለሚመ ለከታቸው ሰዎችና አካላት እንዲደርስ ያደር ጋል፤
- 3/ የፌዴራል ዳኞችን የግል ማህደር ያደራ ጃል፤ አስፈላጊ መረጃዎች በማህደሮች መግባታቸውን ይከታተላል፤
- 4/ የፌዴራል ዳኞችን አስተዳደራዊ ጉዳዮች አፌጻጸም ይከታተላል፤
- 5/ የጉባዔውን የስብሰባ ቃለጉባዔዎችና ሌሎች ሰነዶች በአማባቡ ይይዛል፤

- 3/ to preside over the meetings of the Council;
- 4/ to prepare and present to the Council the profiles of persons who qualified pursuant to Article 6(1)(a) of this Proclamation; present to the Prime Minister candidate judges selected by the Council to be appointed by the House of Peoples' Representatives;
- 5/ to present candidates for president and vice president positions of the Federal High Court and First Instance Court; present to the Prime Minister the candidates selected by the Council to be appointed by the House of Peoples' Representatives;
- 6/ to prepare and present to the Council the profile of persons to be appointed pursuant to Article 6(1)(c) and (d) of this Proclamation;
- 7/ to present the budget requirement of the Council to the House of Peoples' Representatives; to administer the budget when approved.

#### 9. Powers and Duties of the Council's Secretariat

The Council's secretariat shall have the following powers and duties:

- 1/ to prepare annual work plan and budget of the Council:
- 2/ to receive complaints on federal judges presented pursuant to Article 13 of this Proclamation; to notify decisions passed on such complaints by the Council to the concerned persons and organs;
- 3/ to organize personal files of federal judges; follow-up that the files are updated with necessary information;
- 4/ to follow-up implementation of administrative matters regarding federal judges;
- 5/ to keep minutes and other documents of the Council in an appropriate manner;

- 6/ የፌዴራል ዳኞች የሥራ አፌጻጸም ምዝና ጉባዔው በሚያወጣው መመሪያ መሠረት እንዲካሄድ ያደርጋል፤ የምዝና ውጤቶች በዳኞች የግል ማህደር እንዲገቡ ያደር ጋል፤
- 7/ ሌሎች በጉባዔው የሚሰጡትን ተግባራት ያከናውናል።

# 0. የጉባዔው ጽሕፈት ቤት *ኃላፊ ሥልጣንና* ተግባር

የጉባዔው ጽሕፈት ቤት ኃላፊ የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል፡-

- 1/ በጉባዔው ስብሰባዎች ላይ በፀሐፊነት ይገ ኛል፤ ቃለጉባዔ ይይዛል፤ ቃለጉባዔዎች በጉባዔው አባላት መፈረማቸውን ይከታ ተሳል፤
- 2/ የጉባዔውን ዓመታዊ የሥራ ዕቅድና በጀት ለጉባዔው ሰብሳቢ ያቀርባል፤
- 3/ ስለጉባዔው ዕቅድ አ<mark>ፈጻጸም</mark> በጉባዔው በተጠየቀ ጊዜ ሪፖርት ያቀርባል፤
- 4/ በፌዴራል ዳኞች ላይ የሚቀርቡ አቤቱታ ዎችን ለጉባዔው ያቀርባል፤ የተሰጡ ውሳኔዎች መፈፀማቸውን ይከታተላል፤
- 5/ የጽሕፌት ቤቱን ሥራተኞች ያስተዳ ድራል፤
- 6/ ሌሎች በጉባዔው ሰብሳቢ የሚሰጡትን ተግባራት ያከናውናል።

### 01. <u>ለዳኝነት ለመሾም የሚያበቁ ሁኔታዎች</u>

- 1/ የሚከተሉትን ሁኔታዎች የሚያሟሳ ማንኛ ውም ኢትዮጵያዊ የፌዴራል ፍርድ ቤቶች ዳኛ ሆኖ ሲሾም ይችሳል፡-
  - ሀ/ በዳኝነት ሙያ ለመሰጣራት ፌቃደኛ የሆነ፤
  - ለ/ ዕድሜው ለፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት ከ! 5 ዓመት ያላ ነሰ፤ ለፌዴራል ከፍተኛ እና ጠቅላይ ፍርድ ቤት ከ" ዓመት ያላነሰ፤
  - ሐ/ እውቅና ካለው የከፍተኛ ትምህርት ተቋም በሕግ ትምህርት ቢያንስ በመጀመሪያ ዲግሪ በከፍተኛ ውጤት የተመረቀ ሆኖ ዝርዝር አፈፃፀሙ ጉባዔው በሚያወጣው መመሪያ ይወሰናል፤

- 6/ to conduct appraisal of federal judges in accordance with the directive to be issued by the Council; enter results of the appraisal in the judges personal file;
- 7/ to perform other duties assigned to it by the Council.

# 10. <u>Powers and Duties of the Head of the Secretariat</u> of the Council

The Head of the Secretariat of the Council shall have the following powers and duties:

- 1/ to serve as secretary on meetings of the Council, keep minutes of the Council; follow-up that minutes are signed by members of the Council;
- 2/ to present annual work plan and budget of the Council to the chairperson of the Council;
- 3/ to present a report on the implementation of the work plan when requested by the Council;
- 4/ to present to the Council complaints lodged on federal judges; follow-up implementation of decisions on the complaints;
- 5/ to administer staff of the secretariat;
- 6/ to perform other duties assigned by the chairperson of the Council.

#### 11. Criteria for Appointment of Judgeship

- 1/ Any Ethiopian who fulfills the following criteria may be appointed as a federal judge:
  - a) consents to assume judgeship;
  - b) is not under 25 years of age for a position in the Federal First Instance Court and not under 30 years of age for a position in the Federal High and Supreme Courts;
  - c) acquired at least a first degree in law with good results from a recognized higher education institution; such particulars shall be determined by the directive to be issued by the Council;

- ሥ/ ጉባዔው በሚያደርግለት ቃለ መጠየቅ፣ የማጣሪያ ፌተናና ሌሎች የባህርይ ምርመ ራዎች በእውቀቱ፣ በታታሪነቱ፣ በሥነ-ምግሩ፣ በፍትሃዊነቱና በሕግ አክባሪነቱ መልካም ስም ያለው ሆኖ የሚገኝ፤
- ረ/ በጉባዔው ለሚወሰን ጊዜ፣ ቀድሞ ሥል ጠና ያልወሰደ በጉባዔው በተመረጠ የሥ ልጠና ቦታ የሚሰጠውን የቅድመ ዕሬቬነት ሥልጠና በአግባቡ የሚያጠናቅቅና በሚሰ ጠው የማጠቃለያ ፌተናም ከአማካይ በሳይ ነጥብ የሚያገኝ፤
- ሰ/ በፅኑ እስራት ተቀጥቶ የማያውቅ ስለመሆኑ ማረ*ጋገጫ* የሚሰጥ።
- 2/ ማንኛውም ሰው በመንግሥት ሕግ አውጭ ወይም አስፌጻሚ ውስዋ ወይም በማንኛ ውም የፖለቲካ ድርጅት በአባልነት በሚያ ገለግልበት ጊዜ አጣምሮ የዳኝነት ሥራ ሲሰራ አይችልም።

# 02. የዳኞች ከሥራ መሰናበት

- 1/ ማንኛውም የፌዴራል ዳኛ ከሥራ የሚሰና በተው በሚከተሉት ምክንያቶች ይሆናል፡-
  - ሀ/ ሥራውን ለመልቀቅ ሲፌልግ የሁለት ወር የጽሁፍ ማስጠንቀቂያ በመስጠት፤
  - ለ/ ዕድሜው ስድሳ /%/ ዓመት ሲሞሳው፤
  - ሐ/ በሕመም ምክንያት ተግባሩን በተገቢው ሁኔታ ማከናወን አይችልም ተብሎ ሲወሰን፤
  - መ/ በፌዴራል ዳኞች ስነምግባር ደንብ መሠረት ከሥራ የሚያሰናብት የዲሲፕ ሊን ጥፋት ሬጽሞ ሲገኝ፤
  - ש/ ጉልህ የሆነ የሥራ ችሎታና ቅልዋፍና አንሶታል ተብሎ ሲወሰን።
- 2/ በዚህ አንቀጽ ንዑስ አንቀጽ /1//ሀ/ የተደ ነገገው እንደተጠበቀ ሆኖ ጉባዔው ሥራውን ለመልቀቅ ማስታወቂያ የሰጠ የፌዴራል ዳኛ ሥራውን የሚለቅበትን የመጨረሻ ቀን የማስ ታወቂያው ጊዜ ካበቃበት ቀን ጀምሮ ክሦስት ወራት ለማይበልጥ ተጨማሪ ጊዜ ሊያራዝመው ይችላል።

- d) is loyal to the Constitution; confirms in writing that he is loyal to the Constitution and has never participated directly or indirectly in activities that violate the Constitution;
- e) is found to be of good reputation in his knowledge, diligence, conduct and sense of justice upon interviews, examinations and other character tests conducted by the Council;
- f) completes a pre-candidacy training for a period and at the place determined by the Council and scores above average points in the final examination;
- g) confirms that he has never been punished with rigorous imprisonment.
- 2/ No person may simultaneously assume judgeship while serving in the legislative or executive branches of government or while a member of any political organization.

#### 12. <u>Termination of Tenure</u>

- 1/ The tenure of any federal judge may be terminated on the following grounds:
  - upon resignation, subject to a two-month prior notice;
  - b) where he has attained the age of sixty;
  - where it is decided that he is incapable of properly discharging his duties due to illness;
  - d) where he has committed a breach of discipline resulting in dismissal in accordance with the Code of Conduct of Federal Courts' Judges;
  - e) where it is decided that he is of manifest incompetence and inefficiency.
- 2/ Without prejudice to sub-article (1)(a) of this Article the Council may extend the last day of work of a judge who has given notice of resignation for a period not exceeding three months from the last date of the notice.

- 3/ በዚህ አንቀፅ በንዑስ አንቀጽ /2/ በተደነገ ገው መሠረት ጉባዔው ጊዜውን ለጣራዘም ከወሰን ይህንኑ ውሳኔውን ዳኛው የሰጠው የማስጠንቀቂያ ጊዜ ከማለቁ በፊት ለዳ ኛው በጽሁፍ *ማ*ሳወቅ አለበት። ዳኛው የሰጠው የማስጠንቀቂያ ጊዜ ካለፌ በኋላ በጉባዔው የሚሰጥ የጊዜ ማራዘሚያ ውሳኔ በዳኛው ላይ አስገዳጅነት አይኖረውም።
- 4/ በዲሲፕሊን ጥፋት ምክንያት ከሥራው የተሰናበተ የፌዴራል ዳኛ ከሥራ ከመሰ ናበት *ጋ*ር በተያያዘ ለፌዴራል ዳኞች በሕገ የተፈቀዱ ጥቅጣጥቅሞችን አያገ *ኝ*ም።
- 5/ ስለጠበቆች ፌቃድ አሰጣዋ የሚደነግጉ ሌሎች *ሕጎች እን*ደተጠበቁ ሆነው ከሥራው የተሰናበተ የፌዴራል ዳኛ ሥራውን ካቆመበት የመጨረሻ ቀን ጀምሮ ለሁለት ዓመታት አስቀድሞ ይሰራበት በነበረው የፌዴራል ፍርድ ቤት በሚገኝ ማናቸውም ችሎት ፊት በጠበቃነት ተከራካሪዎችን ወክሎ መቅረብ አይችልም።

# 03. አቤቱታ ስለማቅረብ

- 1/ *ማን*ኛውም ጥፋት ሰው የዲስፕሊን ሬጽሟል በሚለው የፌዴራል ዳኛ ላይ ለጉባዔው አቤቱታ ማቅረብ ይችላል።
- 2/ ጉባዔው አስፈላጊ ሆኖ ሲያገኘው አቤቱታ የቀረበባቸውን ጉዳዮች ለማጣራት ኮሚቴ ሊያቋቁም ይችላል። ኮሚቴው የሚዋቀር በት ሁኔታና የሚከተለው ሥርዓት ጉባ ዔው በሚያወጣው *መመሪያ* ይወሰናል።

# 04. ደንብ እና መመሪያ የማውጣት ሥልጣን

ጉባዔው ይህን አዋጅ ለማስፈፀም ደንብ ወይም መመሪያዎችን ሲያወጣ ይችላል።

#### 05. *ቃ*ስ መሐሳ

ዳኞች ሥራቸውን ከመጀመራቸው በፊት የሚከተለውን ቃለ መሐሳ ይፈጽጣሉ፡-

> በዛሬው ..... ዕለት .....ፍርድ ቤት ዳኛ በመሆን ተሹሜ ስራዬን ስጀምር የተጣለብኝን በታማኝነት ከፍተኛ *う*へんりき ለመፈፀም ቃል እገባለሁ።"

- If the Council decides to extend the period pursuant to sub article /2/ of this Article, it shall notify such decision to the concerned judge in writing before the period of notice of resignation lapses. Any decision of period of extension by the Council made after the lapse of the period of notice of resignation shall have no effect.
- A federal judge whose tenure is terminated on grounds of breach of discipline shall not get benefits payable by law upon termination of tenure of judges.
- Without prejudice to other laws regarding licensing of attorneys, a federal judge whose tenure is terminated shall not appear before any bench in a federal court in which he served as a judge representing litigants for a period of two years starting from the last date of termination of office.

#### 13. Lodging of Complaints

- Any person may lodge a complaint with the Council against a federal judge who is said to have committed a breach of discipline.
- The Council may, if necessary, set up a committee to investigate matters on which a complaint is lodged. The structure of the committee and its working procedures shall be determined by the directive to be issued by the Council.

# 14. Power to Issue Regulation and Directive

The Council may issue regulations or directives necessary for the implementation of this Proclamation.

#### 15. **Oath**

Judges shall take the following oath prior to assuming their duties:

"I	, upon my
appointment and	assumption of duty as judge
of	court, on this day
pledge to discharge with dedication the heavy	
responsibility entrusted to me."	

# 06. <u>የተሻሩ ሕጎች</u>

የፌዴራል *ዳኞች አስተዳደር ጉባዔ ማቋቋሚያ* አዋጅ ቁዋር ! 4/09)' 8 በዚህ አዋጅ ተሽሯል።

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በአዋጅ ቁጥር ! 4/09)' 8 የተቋቋመው የዳ ኞች አስተዳደር ጉባዔ መብትና ግዴታ በዚህ አዋጅ ለተቋቋመው ጉባዔ ተላልፏል።

# 08. <u>አዋጁ የሚፅናበት ጊዜ</u>

ይህ አዋጅ በሕዝብ ተወካዮች ምክር ቤት ከፀደቀበት ከሰኔ ! 2 ቀን 2ሺ2 ዓ.ም ጀምሮ የጸና ይሆናል።

አ**ዲስ አበባ ሐምሌ 07 ቀን** 2ሺ2 **ዓ.ም** 

GR¥ wLdglxRglS

yxþT×eà ØÁ‰§ê! ÄþäK‰sþÃê! ¶pBI þK PÊzþÄNT

### 16. Repealed Laws

The Federal Judicial Administration Council Establishment Proclamation No.24/1996 is hereby repealed.

#### 17. Transfer of Rights and Obligations

The rights and obligations of the Judicial Administration Council established under Proclamation No. 24/1996 are hereby transferred to the Council established by this Proclamation.

#### 18. Effective Date

This Proclamation shall enter into force up on the date of its approval by the House of Peoples' Representatives on the 29<sup>th</sup> day of June 2010.

Done at Addis Ababa, this 24th day of July, 2010

#### GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA