Fooyya'iinsa Sirna Haqaaf (ILQSO)

BAGA NAGAYAAN DHUFTAN

Aangoo, Gahee fi Naamusa Ogummaa Oofisara Seeraa

Leenjii Hojii Irraa

leenjisaan:

Abdi Asaffaa

ILQSO: 2008



Seensa waliigalaaa

- **Kenniinsi tajaajila A/seerummaa SDFHH fi SDFY kan bu’uureffate waan ta’eef seerotni kunniin adeemsa falmii qajeelchuuf akka dhagaa bu’uuraatti ilaalamuu qabu.**
- **Kaayyoon seerota deemsaa kunis KTAS baasii xiqqaa, yeroo gabaabaa keessatti haala haqaa fi walqixxummaa falmitootaa mirkaneessuu danda’uun kan keessumeessamu ta’uu isaa mul’isuun barbaachisaadha.**
- **Gurmaa’iinsa manneen murtii fi qaamolee manneen murtii keessatti hundeeffaman ilaalchise seerotni jiran maal akka jedhanii fi walitti dhufeenya isaan seerota deemsaa duraan turan waliin qaban maal akka ta’e adda baafachuun gara hojiitti geeddaruun…**

Itti fufee…

- **Qaamolee mana murtii keessatti hundeeffaman keessaa tokko Oofiseera seeraa yommu ta’u maalummaa fi aangoo qaama kanaaf kennamee fi dirqama qaamni kun qabu hubachuun barbaachisaadha.**
- **Gurmaa’insa manneen murtii keessa turan kanneen akka rejistraaraa seerota mana murtii bifa haaraan hundeessuuf bahan kanneen akka 25/88 akka federaalaatti akkasumas seerota labsii kana fooyyessuuf bahan biroo haala akkamiin akka fooyyessanii gahee isaanii jijjiiran ilaalchisee deebii gahaa kan argachuun hin dandaa’amne ta’uu isaa…**

Itti fufee…

- **Dhimmootni gurmaa’insa caasefama keessoo m/m heeraan ta’a jedhamees kan hin yaadamne waan ta’eef seerota biroon bahuun dirqama ta’uu isaa…**
- **Rifoormiiwwan m/m keessatti geggeeffaman kanneen akka BPR; BSC fi kkf akkaataa kenniinsa tajaajila A/seerummaa si’awaa, ququlluu fi dhaqqabamaa ta’e fiduuf kan kaayyeeffatan waan ta’eef jijjiirama adeemsaa fi caaseffamaa isaan fidan illee kaayyoo kana galma keessa kan galchate ta’uu isaa hubachuun barbaachisaadha.**
- **Manneen murtii Oromiyaa ilaalchisee KTAS fooyyesuuf jecha sagantaalee jijjiiramaa hojiirra oola turan bu’ureeffachuun manneen murtii Oromiyaa bifa haaraan irra deebi’anii hundeessuuf labsiin lakk. 141/2000 baheera.**

Itti fufee…

- **Labsiin kunis caasefamma manneen murtii keessa ture hojii isaanii fi ijaarasa isaanii fooyyesseera. Kanneen duraan hin turres bifa haaraan hundeesseera. (fkn O/seeraa)…**
- **Qoodinnsa aangoo labsii Kanaan raawwatame keessaa kan O/seeraa kun hagam kaayyoo seerota deemsaa fi heera keenyaa ilaalcha keessa galche ta’uu isaa kan ilaallu ta’a jechuudha.**
- **Dabalees O/s kun aangoo isaanii kana yero hojiirra oolchaan naamusa akkamii qabaatanii argamuu akka qaban ilaalchisee kan ilaallu ta’a…**

Postulates

- **Rights, privileges, and duties that exist under substantive law *will, for all intents and purposes, be meaningless unless they can be enforced.***
  - **Procedural law is just as important as the substantive law, indeed if not more so.**
  - **Procedure is but a means to an end and is not an end in it self.**
  - **It has utility only in so far as it enables the court to make a fair and proper disposition of a case before it.**

Himannoon H/Hawwaassaa

1. **himannoo osoo hin dhiheessin dura wantoonni ilaalamuu qaban…(Pre-action substantive matters.}**
   - ***Once you contemplate an action the 1st question is" In which country / Region/ court should proceeding be commenced? "***
   - **Tracks (Procedures to be followed)**

2. Himannoo eegaluuf…

- Dandeettii himachuu fi himatamuu…
  - **Who can or must join as a plaintiff and be joined as a defendant.**
  - **What claims may be joined as against a party or parties.**

SDFHH falmii dhiheessuu geggeessuu keessatti

- Determination of court of jurisdiction
- The form & contents of pleadings
- The hearing of parties and their evidences
- The form & contents of judgments & decrees
- Reviews of decisions
- Execution of decrees, etc.

- **Himannoo saaquu fi waaraqaa waamichaa dhaqqabsiisuu…**
- **Qabiyyee himannoon tokko qabaachuu danda'u (Legal components of an action)**
  - ***Liability and amount of claim, and***
  - ***Remedies (whose aim is to establish status, or determine legal rights and duties)***
    - ***Damages ,***
    - ***Delivery of goods,***
    - ***Restitution ,***
    - ***Injunctions,***
    - ***Declaration,***
    - ***Specific performance,***
    - ***Rectification***

Documents needed to commence

- Claim form with information to be included in with sufficient copies
- Court fee
- Certificate of representation

4. Sadarkaa durdhagahaatti (Pre-trial proceedings)

A. Sadarkaa dur dhagahaatti keessaa himannoo fi deebii ilaalchisee (Pleading Stage)

- **Statement of claim**
  - ✓ Technical Sufficiency
  - ✓ Legal Sufficiency- Examination of Jurisdiction and cause of action

himannoof deebii kenuu ilaalchisee (Responding to claim

- haaluun (denial)
- Amanuun /admission
- iyyannoowwan /applications
  - ✓ “ for security for costs
  - ✓ “ for joinder of third parties
  - ✓ Counterclaim
- Defenses and objection (mormiileen)

- **Adeemsa waamichaa waraqaa ittiin dhaqqabsiifamu…**
  - What methods of service are available?
  - Effects of non service?

B. **First hearing**

- ✓ Appearance and Non-appearance of parties,
- ✓ Examination of parties
- ✓ Ruling on preliminary objection
- ✓ Early judgments
- ✓ Frame issues

6. Trial

- ✓ How do the parties present the merit of their case to the court?
- ✓ Production and examination of witnesses and
- ✓ Examination of documentary evidences
- ✓ How does the court decide who shall prevail?

6. Judgment and Decree

- Form and pronouncement of judgment
- Framing and contents of decree
- Expenses and costs of litigation



7. Interim Application

- Applications for dismissal
- setting aside dismissal,
- Adjournment and Time limit,
- striking out and exparte order,
- Amendment of pleadings,
- Costs & expense,
- Provisional Remedies ,
- Interventions, addition, & substitutions.

8. Review of judgments

- **By court of Rendition**
  - ✓ Opposition
  - ✓ Procedural irregularities Art.201, 208
  - ✓ Discovery of new matter Art. 6
- **By appeal**
  - ✓ Admission and hearing of appeals
- **By cassation (Revision)**
  - ✓ Application procedure for hearing of cassation .

9. Execution of decrees

- If the judgment is for the plaintiff, how does he/she obtain satisfaction?
- courts executing Decrees
- Application and process of execution
- Modes of execution
  - ✓Attachment of property
  - ✓Investigating claims & objection
  - ✓Sale of property



10. Eerga galmeen murteen cufamee booddee bu’aan murtiin qbu ilaalchisee gaaffiileen tokko tokko ka’uun ni danda’u.

- **Resjudicata, and**
- **Splitting of claims.**

Adeemsa falmii yakkaa ilaalchisee

- **Sadarkaa qorannoo irra utuu jiruu hojiilee raawwataman**
  1. **Iyyannoo mirga wabii**
  2. **Galmee jecha SDFY kwt. 35 kennamuu**
  3. **Iyyata ajaja sakatta’iinsaa fi qabiinsaa dhihaatu keessummeessuu**
  4. **Ciiraa dhihaatuuf eegumsa kennuufi galmeessuu**

- **himannoo yakkaa dhihaate ulaagaa ilaaluun saaquu**
- **Himatamaa himannoo dhaqqabsiisuu fi akka dhihaatuuf ajaja kennuu (tarree ragaa isaas qabatee akka dhihaatuuf ajajuu)**
- **Ragooliif waamicha dabarsuu**
- **Qarshii mirga wabii waliin walqabatee jiru qabuu fi fuuchuu**
- **Gara mana sirreessaatti ajaja barreessuu (akka adabbii raawwataniif ykn akka to’annoo baasaniif)**
- **Galagalcha oliyyannoo kennuuf fi mirkaneessuun gara m/m oliyyannoo dhagahuutti dabarsuu**

Kaayyoowwan Leenjichaa:

- Maalummaa oofiisara seeraa fi walitti dhufeenya hojii A/S waliin qabu addaan ni baafatu,
- Lab.L.141/2000 seerota deemsa falmii waliin hariiroo inni qabu maal akka ta’e ni hubatu.
- Aangoo O/S (oofisara seeraa) Dhimma Hariiroo fi Yakkaa irratti qaban ni tarreessuu.
- Rakkoowwan qabatamaan mul’atan addaan baasuun seera qofa hojiirra ni oolchu,
- Hojiiwwan seeraan O/Sf kennaman kanneen biroo ilaalchisee hubannoo qaban ni gabbifatu.
- Naamusa Ogummaa Oofiisara seeraa ni hubatu.

Boqonnaa Tokkoffaa

Seenaa Dhufaatii Labsii lakk. 141/2000

- **Caaseffama MM Biyya keenyaa**
  - ✓ **Heera, fi Labsii 25/88**
- **Naannoo Oromiyaa:**
  - ✓ **jalqabaatiif Labsii Lakk. 3/1985 n dhaabate.**
  - ✓ **sagantaa fooyya'iinsa sirna haqaa fi fooyya'iinsa bulchiinsa MM**
  - ✓ **jijjirama ajaa'ibsiisaa fiduuf qorannoo JBAH akka gaggeeffamee fi Labsiin lakk. 141/2000**
  - ✓ **Labsiin kunis wantoota haaraa baay'ee hammatee jira.**

Dhimmoota Haraya Labsichaa

Gurmaa’ina Manneen murtii

- **O/S, Gaggeessaa dhimmaa, Abbaa adeemsa hojii fi gareewwan raawwattoota hojii adda addaa.**
- **Gahee hojii isaanii walduraa duubaan kwt.25, 24, 23, fi 12 fi 13 jalatti taa’ee jira.**

Aangoo Manneen Murtii

- **kwt. lakk. 26(1) (a), 27(1), fi 28(1) (a) jalatti aangoo HD hanga maallaqaa fi gosa dhimmaa SDFHH jalatti tumamee fooyyessee jira.**
- **SDFY immoo aangoo HD MMO ilaalchisee kwt. 27(2) jalatti kan tumameen wanti haarofni**

Sirna Ol’iyyannoo

- ✓ **falmiin bakka tokko gahee cituu waan qabuuf Labsii Lakk. 141/ 2000 kwt. 29 tiin murtiin dhimma HH m/murtii gadiitiin kenname cimee jennaan yeroo lammaffaaf ol’iyyannoo fudhachuu dhoorkameera.**

Aangoo Oofiisara Seeraa

- ✓ **SDFHH jalatti aangoo rejistiraarri hin qabne ulaagaa seeraa iyyata, himata, fi ol’iyyannoo ilaaluu,**
- ✓ **SDFY jalatti aangoo duraan ifaan hin kennamin garuu qabatamaan rijistiraarri hojjatu bu’uuraa seeraa godhateera.**

Maalummaa Oofiisara Seeraa

- **Labsiin Lakk. 141/2000 kwt. 2(10)**
  - ✓ **oofiisarri seeraa rejistraara ykn hogganaa mana galmee jedhamee seera deemsa falmii keessatti caqafame kan bakka bu'uu dha,**
  - ✓ **Muudamtoota Gumiiti,**
  - ✓ **namoota hojii kenninsa tajaajila abbaa seerummaa (KTAS) akka raawwatan aangoon laatameefii dha.**
    - **KTAS baniinsa galmee iraa jalqabee hanga kenniinsa murtii kan hammatu hogguu ta'u garagalcha galmee kennuu fi hojiiwwan sanaan walqabatan kan hammatuu dha. (I2(9)**

MARII

- **Hojiiwwan KTAS isaan kamitu abbaa seeraan ,isaan kamitu oofiisara seeraatiin hojjatama? Akkamitti addaan baafna?**
- **labsichaa kwt. 8(2), 6(1) irraa A/S *hojiin abbaa seerummaa* akka hojjatan wanti akeeku ni jira. Hojii abbaa seerummaa jechuun maal jechuu dha?**
- ***Qabatamaan walitti dhufeenyi hojii A/S fi O/S maal fakkaata?***
- **Kallattiin fuulduraa hoo maal ta’uu qaba jettu?**

Maalummaa O/seeraa

- o/seeraa ogeessa seeraa A/seeraa gargaaran
- Sanadoota himannoo fi deebii waliin dhihaatan gurmeessan
- Himannoo fi deebii fudhan
- Galmee saaqan
- Waamichaa fi ajaja dabarsan
- Beellama kennan
- o/seeraa jechuun bu’uura labsii 141/2000tiin namoota rejistraara fi itti gaafatamaa mana galmee jedhamuun SDFHH fi SDFY keessatti beekaman bakka bu’an ykn aangoo isaanii kennameef

Walitti dhufeenya O/seeraa fi A/seeraa

- **O/seeraa jechuun ogeessota KTASf haala mijeessuudhaaf yeroo galmeen banamuu kaasee hanga galmeen cufamuutti kallattiinn hojii abbaa seerummaa deeggaranii fi manneen murtii keessa tajaajilanidha.**
- **o/seeraa fi hojjetaa deggersaa biroo jidduu garaagarummaa jiru adda baafachuun barbaachisaadha.**
- **O/seeraa kallattiin addatti gumiin muudamee aangoo fi gahee hojii lbsichaan addatti kennameefii itti gaafatamummaan qaama itti kennamedha.**
- **Akka gaaffiitti asitti kan ilaalamuu qabu O/seeraa addatti gumiin akka muudamu taasisuun maaliif barbaachisee???**
- **Garaagarummaan O/s fi hojjetoota deggersaa biroo jidduu jiru maalidha jechuu dandeenya?**

Itti fufee...

- **O/s fi A/s hojii KTAS akka hojjataniif aangoon labsichaan kan isaaniif laatame ta’uu isaati.**
- **Hojiin isaan hojjetan garaagara ta’uu isaas dagachuun nurra hin jiraatu. (O/s hojii KTAS hundumaa hojeta jechuullee akka hin taane hubachuun barbaachisaadha.)**
- **Akka gaaffiitti hojii A/s ykn O/s hojjetaman isaan kam akka ta’an maaliin akka adda baasuu dandeenyu hubachuun barbaachisaadha.**
- **Hojiin O/seeraa baayyeen isaa hojii A/seeraaf ykn dhaddachaaf haala mijeessuu fi KTAS haala si’ataa, dhaqqabamaa fi rakkoo furuu haala danda’uun akka kennamuuf haala mijeessuu akka ta’es hubachuun barbaachisaadha.**

Itti fufee…

- **Waanti hubatamuu qabu O/s fi A/seeraa hojii KTAS akka hojjatan aangoon kan isaaniif laatame haa ta’u malee hojiin isaan hojjetan garaagara ta’uu isaa hubachuun baayyee barbaachisadha.**
- **Gaaffiin itti aanee ka’u hojiiwwan KTAS keessaa isa kamitu kan A/s tti ykn kan O/s isa jedhu adda baasuundha.**
- **O/s hojii KTAS hundumaa ni hojjeta jechuu illee miti.**
- **O/s hojiiwwan duraan rejistraarri akka hojjetu seeronni deemsa falmii yakkaa fi hariiroo kennaniifitt dabalataan labsii 141/2001 kwt. 25 (a) fi (b) jalatti kan caqafaman dabalataan akka kennameef tumaa seerichaa irraa hubachuun ni dandaa’ama.**

Itti fufee...

- **Labsii 141/2000 kana kwt. 8(2), 6(1) irraa akka hubatamuutti A/seeraa hojii A/seerummaa akka hojjatan ni akeeka.**
- **Hojiin A/seerummaas hojii KTAS keessatti akka haammatama. Kana jechuun garuu hojii A/seerummaa O/seeraa hojjeta jechuu miti.**
- **Hojii A/seerummaa jechuun (Judicial function) jechuun**
  - ✓ ***Hojiiwwan hiikkoo seeraa (interpretation of laws)***
  - ✓ ***Raawwii seeraa (application of laws)***
  - ✓ ***Bulchiinsaa fi raawwatamummaa seeraa (administration and enforcement of laws)***

Walumaa galatti...

- **Abbootiin seeraa hojiiwwwan seera hiikuun hojiirra oolchuun walqabatan kan akka ajaja ykn murtii kennuu akka hojjatan ifaan ni hubatama.**
- **Kun immoo garaagarummaa guddaa hojii O/seeraa hojjetu irraa akka qabu hubachuun ni dandaa'ama.**
- **Labsicha kwt. 12 fi 24 jalatti walbira qabuun hogguu ilaallu geggeessan dhimmaa raawwattoota garee hojii isaan kan ta'an O/seerotaa fi A/seeraatiif hojii akka qoodu ni ibsa.**
- **Kun kan agarsiisu hojii isaan hojjetan kan galma tokkoof ta'u illee addaa adda ta'uu isaa hubachuun ni dandaa'ama.**

Boqonnaa Lammaffaa

Aangoo O/seeraa

- **Hojiin O/seeraa hojii A/seeraa wajjin walitti dhufeenya cimaa kan qabuu waan ta’eef Aangoo fi gahee O/seeraa haala gaafa ilaallu wantoonni tilamaama keessa galuu qaban**
  - **Haala hojiin A/seerummaa si’ataa fi haqa qabeessta ta’uu dandeessuun hojjechuun aangoo O/Seeraaf kenname ta’uu isaa hubachuun ni dandaa’am.**
  - **O/seeraa hojii KTAS keessatti hojii isaaniif kenname A/seeraa wajjin gareedhan gurmaa’uudhan qindoominaan hojjachuun kan qaban ta’uu isaa hubachuun barbaachisaadha.**

Itti fufee..

- Labsiin 141/2000 kun KTAS keessatti O/seeraa ulaagaa Teeknikaa fi Seeraa iyyaannoo himannoo fi oliyyannoo guutamuu isaanii ilaaluu akka dandaa'an fi yeroo ulaagaa kan hin guutaminitti tarkaanfii seeraan kaa'aman fudhachuu akka dandaa'an kan kaa'udha.
- Tarreeffaman keessatti kan caqasamanii jiran yoo ilaalle iyyannoo, himannoo fi oliyyannoo jechuun qofa kan tarreeffame ta'uu isaa hubachuun ni dandaa'ama haa ta'u malee deebii qorachuu ilaalchisee callisee kan darbe ta'uu isaa hubachuun ni dandaa'ama.
  - Kana jechuun O/seeraa ulaagaa teeknikaa fi seeraa deebii sadarkaa duraattis ta'e oliyyannoo irratti

Itti fufee…

- gama tokkoon iyyannoon, himannii fi oliyyannoon dhihaatu tokko ulaagaa maal maal guutee dhihaachuu qaba kan jedhu ilaalchisee O/seeraa hubannoo gahaa qabaachuun dirqama.
- Qajeeltowwanii fi ulaagaawwan iyyannoon kamiyyuu hordufuu fi guutuu qabu ilaalchisee seeraa fi qabatamaa walbira qabuun hubannoo argachuu
- Tarkaafniiwwan guutamuu dhabuu qajeeltoowwanii fi ulaagaawwan irratti O/seeraa fudhachuu qabuu fi bu’aa isaanii addaan baasuun hubachuu gara hojiitti haala akkamiin geeddaruu dandaa’ama.
- Qajeeltoowwan fi ulaagwwan teeknikaa fi seeraa himannoo, iyyata fi komiin oliyyannoo dhimmi yakkaa seeraa fi qabatamaa walbira qabuun kallaatti gara fuulduraa akeekuu…

Itti fufee...

- → Tarkaanfiiwwan guutamuu dhabuu qajeeltowwanii fu ulaagaawwan irraatti O/seeraa fudhachuu qabuu fi bu’aa isaanii addaan baasuu fi hubachuu,
- → Dhimmoota kanfaltii A/seerummaa fi baniinsa galmeetiin walqabatanii jiran xiinxaluu fi hubachuu
- → Ajaj waamichaa dabarsu fi beellama kennuu
- → Galmee socho’aa bulchuu ilaalchisee hojiiwwan hojjatamuu qaban addaan ni baasu, seeraa fi raawwii jidduu gargaarummaa jiru irratti

Qajeelcha Falmii Dhimmoota Hariiroo Hawaasaa Jalatti Aangoowwan Oofiisara Seeraa

Iyyannoowwan Qorachuu

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- ¾õƒNwN?` ¡e ¾T>ËS[¨< Ÿdi ¾¡e TSMŸ ‰¨<” ¸¡`¡\” KSÇ–ƒ YM×” vK¨< õ/u?ƒ S´Ñw u?ƒ c=ÁeÑv ’¨<::
- ¾¡e TSMŸ‰¨< ¾Ÿdi” ¾¡e U¡”Á„‹“ Ÿdi ¾T>ÖÃk¨<” Ç˜’ƒ uÓMî ”Ç=ÁSK¡ƒ ÃÖunM::

- ¾¡e TSMŸ‰¨< u}KÃU ›SM"‡ Sw~” ¾T>Öwpuƒ” õ_ ’Ñ` u›ß\ ¾Á²“ uõ/Y/Y/QÓ lØ` 222 Y` □ ”Å}Å’ÑÑ¨< ¡c< ¾T>k`wKƒ” õ`É u?ƒ eU“ ¾T>Áe‹Muƒ” x□ ‘ ¾¡c<” ›`°eƒ'
- ¾Ydg<” eU' M¿ SÓKÝ¨<”' ¾T>•`uƒ” x□ “ SØ]Á¨< ¾T>cØuƒ” ›É^h'
- Ydi ¨ÃU }Ydi uIÓ ‹KA□ ℘K¨<U ¾}vK c=J” ÃI”’< õ_ ’Ñ`'
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- õ/u?~ Ñ<Ç¿” KSkuM YM×” ÁK¨< eKSJ’< ¾T>Áe[Ç¨<” G<’@□ ‘
- }Ÿdg< K¡c< }ÖÁm ¨ÃU □ Lò ¾T>J”uƒ” U¡”Áƒ'
- K¡c< U¡”Áƒ ¾J’¨<” ’Ñ` ÓUƒ □ “ ¾T>Ö¾k¨<” Ç˜’ƒ Á"}} SJ” Ã•`u□ M (¾õ/Y/Y/QÓ IØ` 80'222 □ “ 224)::

- **Ÿdi Ÿ¡e TSMŸ‰¨< Ò` ¾Ue¡a‹” eU ´` ´` Ÿ’›É^ht¨< ¾T>Ö\uƒ” U¡”Áƒ**
- **¾c’É Te[Í‹”' Te[Í‡ u Ì ¾TÃÑ–< ŸJ’U ¾T>Ñ–<uƒ” Yõ^“ uT” ሕጅ ሕንድመገኙ uSÓKî ›ÁÃµ "k[u¨< ´` uk` K?L Te[Í ¾K?K¨< SJ’<” ›[ÒÓÙ Tp[w Ã•`u M (¾õ/I/Y/Y/lØ` 223 ይመልከቱ)::**

- በአንቀጽ 80 (1) ድንጋጌ አበቱታ (pleading) ለምለዉ የተሰጠ ፍቺ አበቱታዉ የሚያካትታቸዉን ዝርዝር የሰጠ ነዉ እንጅ ቀጥተኛ የሆነ ፍች አላስቀመጠም... ይዘቱም
  - ክስ፣ መልስ፣counter claim፣
  - ይግባኝ፣ አበቱታ (application of petition)
  - የተከሳሽ ከሳሽ ማመልከቻ
  - ለክስመነሻ ልሆን ይሚችል ማናችዉም ማመልከቻ...

Frame of Suit

- **Suits should be framed, as far as practicable:**
- **as to afford all grounds for final decision up on subject in dispute and to prevent further litigation concerning it.**
- **Correct joinder of cause of action (217),**
- **Adequate inclusion of reliefs (224).**
  - **The penalties are:**
  - **Resjudicata (Art.5) and**
  - **Splitting of claims(Art.216).**



የተክንካዊ መስፈርቶች

- አንዲ ክስ/አቤቱታ እንደ አጣቃላይ በአንቀጽ 80 ስር የተመለከቱትን መስፈርቶች አማልቶ መቅረብ አለበት...እንድሁም በአንቀጽ 222,fi 223 የተጠቀሱትንም ማሞላት አለበት.
- ረጂስትራር የተክንካል ጉድለቶችን በአንቀጽ 229-23 መሠረት የምቀርበዉን አበቱታ ያያል...
- መስፈርቱን ካማለ ያዳኝነት አስከፍሎ መዝገቡን ይከፍታል.(214-215 ና 230)
  - ✓ የምቀርብ አበቱታ ፍሬ ነገሮችን ብቻ አጠር ባለ ማልኩ (concise form) ና በአንደኛ ሰንጠርዝ መሰረት መቅረቡን ማይት አለበት።
  - ✓ የሚቀርበዉ ፍሬ ነገር አግባብነት ያለዉ (relevant issue must be presented)
  - ✓ የተጠየቀ ዳኝነት (224), ና ወዘተ…

- **Art. 229.- *Rejection of statement of claim by registrar***

The statement of claim shall be rejected by the registrar where:

- **(a) it is not in the form provided for by Art. 222;**
- **(b) it is not accompanied by the annexes provided for by Art. 223**
- **(c) it is not verified in the manner provided for by Art. 91.**

- **Art. 231.- *Rejection of statement of claim by court***

(I) The court shall reject any statement of claim submitted under Art. 230 where:

(a) it does not disclose any cause of action; or

(b) the suit appears from the particulars in the statement of claim to be outside the jurisdiction of the court.

(2) A claim for recovery shall be rejected where the plaintiff fails to produce the securities required by Art.1403 of the Civil

መልስ

- አንቀጽ 234-238 ያሉትን ድንጋጌዎችን ይመለከታል.
  - ✓produce documents up on which relief is claimed, (234(2)
  - ✓Facts showing that the suit is not maintainable (kwt.234(1)(c)
  - ✓Facts showing that the transaction is /void/voidable ,(234(1)(d)
  - ✓Specific denial,(234(1)(e)
  - ✓If not or evasively, it shall be taken as be admitted (ቁ. 235)
  - ✓Particulars of set-off,(kwt.236)
  - ✓Counter claim,(kwt.234(1)(f)

የህግ መስፈርቶች

- በአንቀጽ 231 መሠረት ፍ/ቤቱ ጉዳዩን ለማየት ስልጣን ያለዉ መሆኑን ማረጋገጥ ...
- የክስ ምክንያት (couse of action) ያለዉ መሆኑን ማረጋገጥ ...
- የፍ/ቤት ስልጣን
- የተከራካርዎችን ማንነት ና ከጉዳዩ ጋር ያላቸዉን ግንኙት (real party interest) መኖሩን ማረጋገጥ...
- አንቀጽ 33 (1) (2) & (3)
  - ከምቀርበዉ ጉዳይ ላይ ያለዉ መብት
    - ✓ Actual existing interest in the subject matter.
    - ✓ በህግ ፊት ችሎታ ያለዉ መሆን...

- የምቀርበው ክስ በተከሳሽ ላይ መቅረብ አለበት...
- Defendant’s interest and liability to be shown,
- Relief to be specifically stated (Art.224)

Iyyannoo: Maalummaa

- Iyyannoo ykn “Pleadings” jechuun “***formal written statements made to the court by the parties to a suit of their respective claims and defences as to the suit.***
- SDFHH kwt. 80 (1) jalatti iyyannoon:
  - *himannoo,*
  - *deebii ittisaa,*
  - *himannoo himatamummaa (counterclaim),*
  - *komii ol’iyyannoo,*
- Kan haammatu ta’uu isaa ibsee jira...

- ***iyyata (application or petition) fi***
- ***sanada falmii hundeessu (organizing proceedings) ykn***
- ***deebii sanaaf MM dhiyaatu kamiiyyuu* jechuun hiikamuu danda'a.**

- **Iyyannoon maaliif barbaachise? Ykn faaydaan isaa maali jettu?**

Iyyannoo: Barbaachisummaa

- **Beeksisa:**
  - ✓ **himatamaan himannoo irratti dhiyaate beeke ittisa isaa akka dhiyeeffatu taasisuuf,**
  - ✓ **himataanis deebii beekee falmiif akka qophaa'uu taasiisuuf;**
  - ✓ **M/M himannoo fi deebii xiinxalee ijoo dubbii falmichaa sirrii ta'e akka baasu dandeessisuuf**



- **Ijoo Dubbii**
  - ✓ Baasuuf fi
  - ✓ dhiphisuu
- **Falmii Qajeelchuu**
  - falmii qajeelchuun si’oomina falmii mirkaneessuu;
  - Daangaa Falmii falmitoota jidduu jiru murteessuudhaan ragaa falmitoonni fayyadamuu qaban akeekuu;
  - Ijoon falmii kan bahu himannoon gaaffii dhihaatuu fi deebii ittisaan deebii dhihaatu, qorannoo mana murtiin falmii sadarkaa duraa irratti taasifamuun(SDFHH kwt. 241) fi ragaalee dhihaatan irraa ta’uu danda’a kun hunduu kan rarra’u himannoo fi deebiin qulqulluu fi ulaagaa isaa eeggate dhihaachuu danda’uu isaa irratti.

- Manni murtii ijoo mataa ofii baasuun murtii kennuu hin danda’u; kana jechuunis falmiin geggeeffamu guutumaan guutuutti iyyannoo falmitootaan dhihaatu irratti kan daangahe ta’a...
- Iyyannoon daangaa falmii falmitoota jidduu jiru murteessuudhaan raga falmitoonni fayyadamuu qaban akeekkuun ijoo dubbii murtiin irratti kennamu qabu hundeeessuuf gahee guddaa qaba.
- Kanaaf qajeeltoowwan iyyannoo ilaallatan hundinuu hojiirra akka oolan taasisuun si’oominaa fi qulqullina falmii m/m keessatti geggeeffamuuf gumaacha guddaa qaba.
- Qajeeltoowwan kunniin sirnaan hojiirra kan oolle yoo ta’e mirga falmitoonni seera muummeetiin argatan

Iyyannoo / pleading jechuun…

- **Formal written statement made to the court by the parties to a suit of their respective claims and defenses as to the suit…**
- **Sdfhh kwt. 80 (1) jalatti ammo qabiyyee himannoo tarreessuun yommuu hiiku; himannoo, deebii ittisaa, himannoo himatamummaa (counter claim), komii oliyyannoo, iyyata (appilication of petition) fi sanada falmii hundeessuu (organizing proceedings) ykn deebii sanaaf mana murtii dhihayaatu kamiyyuu dha jechuun tarreessee agarsiisee jira.**
- **Gaaffiin itti aanee ka'uu malu iyyannoowwan kunniin ulaagaa akkamii guutanii yoo dhihaatan m/mtti fudhatama argatu isa jedhu adda baasuun barbaachisaadha.**

Qajeeltoowwan Bu’uuraa Iyyannoo(pleading Rules)

- Qajeeltoowwan kunniin gosoota iyyannoo kwt.80(2) jalatti ibsaman hundumaa ni

(፪) ማንኛውም ፡ የአቤቱታ ፡ ጽሑፍ ፡ ሁሉ ፡ በቀለም ፡ የተጻፈ ፡ ወይም ፡ በታተመ ፡ ፎርሞች ፡ በቀለም ፡ ጽሕፈት ፡ የተሞላ ፡ ወይም ፡ በጽሕፈት ፡ መኪና ፡ የተመታ ፡ መሆን ፡ አለበት ። የሚጸፈው ፡ ለአቤቱታ ፡ ማቅረቢያ ፡ በተዘጋጀ ፡ የፎርም ፡ ወረቀት ፡ ላይ ፡ ሆኖ ፡ የሚገለጽበትም ፡ ፍሬ ፡ ነገር ፡ አመልካቹ ፡ መብቱን ፡ የሚጠብቅበትን ፡ ምክንያት ፡ በአጭሩ ፡ የያዘ ፡ ወይም ፡ ተከሳሹ ፡ ስለመከላከያው ፡ የሚሰጠውን ፡ መልስ ፡ በአጭሩ ፡ የሚገልጽ ፡ ሆኖ ፡ ፎርሙም ፡ በዚህ ፡ ሕግ ፡ አንደኛ ፡ ሰንጠረዥ ፡ በመሆን ፡ በአባሪነት ፡ ከታተመው ፡ ጽሑፍ ፡ ጋር ፡ ተመሳሳይ ፡ መሆን ፡ አለበት ።

- SDFHH kwt. 80(2) hoguu dubbifnu qajeeltoowwan bu’uuraa iyyannoo hubannu maal fa’a?
- Faaydaan qajeeltoowwan kanaa maal isinitti fakkaata?
- Qabatamaan hubannoon gama kanaan jiru maal fakkaata?
- Oofiisarri seeraa qajeeltoowwan kanneen beekee hojirra yoo hin

ፈ3(ሠ)

(ሰ) የአቤቱታ ፡ ጽሑፍ ፡ ማለት ፤ ከሳሽ ፡ የሚጠይቀውን ፡ ሁሉ ፡ ዘርዝሮ ፡ የሚገልጽ ፡ ጽሑፍ ፤ ተከሳሽ ፡ የሚሰጠው ፡ የመከላከያ ፡ ጽሑፍ ፤ የተከሳሽ ፡ ከሳሽ ፡ ያሚያቀርበው ፡ የክስ ፡ ጽሑፍ ፤ የይግባኝ ፡ ማቅረቢያ ፡ ጽሑፍ ፤ ወይም ፡ በሌላ ፡ ዓይነት ፡ ተጽፎ ፡ ለፍርድ ፡ ቤት ፡ የሚቀርብ ፡ የክስ ፡ መነሻ ፡ ወይም ፡ ለዚሁ ፡ የሚሰጠውን ፡ መልስ ፡ የሚመለከት ፡ ማናቸውም ፡ የጽሑፍ ፡ ማመልከቻ ፡ ማለት ፡ ነው ።

(ሸ) ማንኛውም ፡ የአቤቱታ ፡ ጽሑፍ ፡ ሁሉ ፡ በቀለም ፡ የተጻፈ ፡ ወይም ፡ በታተመ ፡ ፎርሞች ፡ በቀለም ፡ ጽሕፈት ፡ የተሞላ ፡ ወይም ፡ በጽሕፈት ፡ መኪና ፡ የተመታ ፡ መሆን ፡ አለበት ። የሚጸፈው ፡ ለአቤቱታ ፡ ማቅረቢያ ፡ በተዘጋጀ ፡ የፎርም ፡ ወረቀት ፡ ላይ ፡ ሆኖ ፡ የሚገለጽበትም ፡ ፍሬ ፡ ነገር ፡ አመልካቹ ፡ መብቱን ፡ የሚጠብቅበትን ፡ ምክንያት ፡ በአጭሩ ፡ የያዘ ፡ ወይም ፡ ተከሳሹ ፡ ስለመከላከያው ፡ የሚሰጠውን ፡ መልስ ፡ በአጭሩ ፡ የሚገልጽ ፡ ሆኖ ፡ ፎርሙም ፡ በዚህ ፡ ሕግ ፡ አንደኛ ፡ ሰንጠረዥ ፡ በመሆን ፡ በአባሪነት ፡ ከታተመው ፡ ጽሑፍ ፡ ጋር ፡ ተመሳሳይ ፡ መሆን ፡ አለበት ።

(ቸ) በፎርሙ ፡ ላይ ፡ ከተመለከቱት ፡ ጉዳዮች ፡ በቀር ፡ በተጨማሪነት ፡ መግለጽ ፡ የሚገባቸው ፡ ሌሎች ፡ ጉዳዮች ፡ ያሉ ፡ እንደሆነ ፡ የተጸፉበትን ፡ ቀንና ፡ ዓመተ ፡ ምሕረት ፡ በመግለጽ ፡ በአባሪነት ፡ ተጽፈው ፡ ከፎርሙ ፡ ጋር ፡ አያይዞ ፡ ለማቅረብ ፡ ይቻላል ።

(ፀ) በሚቀርበው ፡ የማመልከቻ ፡ ጽሑፍ ፡ ላይ ፡ ቁጥር ፡ ወይም ፡

የገንዘብ ፡ ልክ ፡ መግለጽ ፡ አስፈላጊ ፡ በሆነ ፡ ጊዜ ፡ ቍጥሩ ፡ በአሐዝና ፡ በፊደል ፡ መጻፍ ፡ አለበት ። እንዲሁም ፡ የውጭ ፡ አገርን ፡ ገንዘብ ፡ የሚመለከት ፡ ነገር ፡ ሲያጋጥም ፡ የምንዛሪው ፡ ልክ ፡ በኢትዮጵያ ፡ ብር ፡ መገለጽ ፡ ይገባዋል ።

(ፁ) እንደ ፡ ኤውሮጳ ፡ አቆጣጠር ፡ የሚጸፍ ፡ ቀንና ፡ ዓመተ ፡ ምሕረት ፡ በኢትዮጵያ ፡ ቀን ፡ አቆጣጠር ፡ ተተርጉሞ ፡ መቅረብ ፡ አለበት ።

Qajeeltoo Tokkoffaa

- **Iyyannoon kamiiyyuu qalaman ykn Taayippiin ykn Kompiitaraan kan barreeffame ta’uu qaba;**

Qajeeltoo Lammaffaa

- ***Iyyannoon tokko firiiwwan dubbii bu'uuraa falmitoonni himannoo ykn deebii isaaniitiif bu'uura godhatan qofa hammachuu qaba;***

  - ✓ **Firii dubbii???**
  - ✓ **Firii Dubbii Bu'uuraa???**

Firii dubbii jechuun:

- wanta jiraachuun isaa mirkanaa’e jechuudha.
  - wanta (things),
  - gocha raawwatame (actual occurance),
  - walittidhufeenya (relationships)…
  - Haala sammuu (state of mind)
- Firiin dubbii dhimma ragaadhaan mirkanaa’uu ykn fashalaa’uu danda’uudha.

Firiiwwan Dubbii Bu’uuraa:

- Firiiwwan dubbii falmitoonni himannoo ykn deebii isaaniitiif bu’uura godhatan (material facts which the party relies for his claim or defence)
- akkuma madda himannoo firiiwwan dubbii himannoo keessatti caqasamanis hanga tokkollee taanaan garaagara ta’uu ni danda’u;
- Mirgi fi himannoon waliigaltee ykn seera irraa kan maddu ta’uu ni danda’a; firiin dubbii bu’uuraa gareewwan dhiheessanis kana kan agarsiisu ta’uu qaba jechuudha.
- Firiin dubbii gam tokkoon ulaagaawwan bu’uuraa seera muummeen mirga tokko namichi argachuuf guutuu qaba jechuun taarreesse guutuu kan agarsiisu ta’uu mala.

ቊ ፡ ፪፻፵፮ ፡- የነገርን ፡ ጭብጥ ፡ ስለመያዝ ፡ ወይም ፡ ስለማስያዝ ፤

(፩) የመጀመሪያ ፡ ደረጃ ፡ መቃወሚያ ፡ /እንዳለ/ ከተወሰነ ፡ በኋላ ፤ ፍርድ ፡ ቤቱ ፡ ባለጉዳዮቹን ፡ የሚከራከረው ፤ የተለያዩበት ፡ የሕግ፡ ወይም ፡ የፍሬ ፡ ነገር ፡ አግባብ ፡ ምን ፡ እንደሆነ ፡ በማረጋገጥ ፡ ለጉዳዩ ፡ ትክክለኛ ፡ ውሳኔ ፡ ለመስጠት ፡ የሚያስችለውን ፡ ጭብጥ ፡ በመያዝ ፡ ነው ።

(፪) ነገሩ ፡ በመጀመሪያ ፡ በሚሰማበት ፡ ቀን ፡ ተከሳሹ ፡ የመከላከያ ፡ መልሱን ፡ ሳያቀርብ ፡ የቀረ ፡ እንደሆነ ፤ ከዚህ ፡ በላይ ፡ ባለው ፡ ንዑስ ፡ ቊጥር ፡ የተነገረው ፡ ድንጋጌ ፡ ፍርድ ፡ ቤቱ ፡ ጭብጥ ፡ እንዲይዝ ፡ አያስገድደውም ።

ሯ ፡ ፪፻፵፯ ፡- የንገር ፡ ጭብጥ ፡ አመሠራረት ፤

(ሀ) የንገር ፡ ጭብጥ ፡ የሚመሠረተው ፤ አንደኛው ፡ ተከራካሪ ፡ ወገን ፡ ያመነውን ፡ የሕግ ፡ ወይም ፡ የንገር ፡ አግባብ ፡ ሌላው ፡ ተከራካሪ ፡ ወገን ፡ በማስተባበል ፡ የካደ ፡ እንደሆነ ፡ ነው ።

(ለ) ለጉዳዩ ፡ አግባብ ፡ ያለው ፡ ንገር ፡ ማለት ፤ የከሳሽን ፡ መብት ፡ ለመመሥ ረት ፡ የሚያስችለው ፡ ወይም ፡ ለተከሳሹ ፡ መከላከያ ፡ ለመሆን ፡ የሚችል ፡ ማናቸውም ፡ የሕግ ፡ ወይም ፡ በማስረጃ ፡ የተደገፈ ፡ ፍሬ ፡ ንገር ፡ ማለት ፡ ነው ።

(ሐ) ማናቸውም ፡ ለጉዳዩ ፡ አግባብ ፡ ያለው ፡ ፍሬ ፡ ንገር ፤ በአንዱ ፡ ወገን ፡ የሚታመንበት ፡ ሆኖ ፡ በሌላው ፡ ወገን ፡ የተካደ ፡ ሲሆን ፡ በተለይ ፡ ራሱን ፡ የቻለ ፡ የንገር ፡ ጭብጥ ፡ ይያዛል ።

(መ) ባንድ ፡ ክስ ፡ ውስጥ ፡ የተያዘው ፡ ጭብጥ ፡ ለየራሱ ፡ ፍሬ ፡ ንገርንና ፡ ሕግን ፡ የሚመለከት ፡ በሆነ ፡ ጊዜ ፤ ፍርድ ፡ ቤቱ ፡ የሕጉን ፡ ጥያቄ ፡ በመከተል ፡ ክሱን ፡ በከፊል ፡ ወይም ፡ በሙሉ ፡ ለመወሰን ፡ የሚችል ፡ ሲሆን ፤ በመጀመሪያ ፡ በሕግ ፡ ጉዳይ ፡ ለተያዙት ፡ ጭብጦች ፡ ውሳኔ ፡ መስጠት ፡ አለበት ። ተገቢ ፡ ሆኖ ፡ ሲያገኘውም ፡ በሕግ ፡ ረገድ ፡ የተያዙትን ፡ ጭብጦች ፡ እስኪወሰን ፡ ድረስ ፡ በፍሬ ፡ ንገር ፡ የተያዘውን ፡ ጭብጥ ፡ በቀጠሮ ፡ ሊያቆየው ፡ ይችላል ።

Gilgaala

- **Firiiwwan dubbii bu’uuraa dhimmoota kanneenii addaan baasaa:**
  - ✓ **Waliigaltee,**
  - ✓ **waliigalteen ala,**
  - ✓ **himannoo abbaa qabiyyummaa……**

Akkaataa Ibsama Firiiwwaan Dubbii Bu’uuraa:

- **Iyyannoo Keessatti Firiiwwan Dubbii:**
  - ✓ **hanga lakkoofsaa (numbers) fi ida’amni (sums) kan caqafamuu yoo ta’e qixni isaa lakkoofsaa fi qubeedhaan ibsamuu qabu kwt. 80(4)**
  - ✓ **Hangi qarshii biyya ambaa gara qarshii Itoophiyaatti shalagamee ibsama.**
  - ✓ **Lakkoofsa guyyaa akka Awurooppaatti barreeffame gara laakkofsa biyya keenyaatti jijjiirama kwt.80 (5)**

- **Qabeenyi falmiif bu’uura ta’e tokkos kallattii afraniin haala addaan baasuu nama dandeessisuun ibsamuu qaba kwt. (kwt. 225.)**
  - **Iyyannoon qabeenya adda bahe kan ilaallatu yoo ta’e hanga danda’ameen ibsoonni qabeenyicha addaan baasuuf gargaaran caqafamuu qaban;**
  - **qabeenyichi kan hin sochoone yoo ta’e immoo qabeenyicha addaan baasuuf ibsi qahaa ta’e fakkeenyaaf**

ቍ ፡ ፪፻፳፭ ። ለክርክሩ ፡ ምክንያት ፡ የሆነውን ፡ ነገር ፡ ለይቶ ፡ ስለ ፡ መግለጽ ። ፡

(፩) ለክርክሩ ፡ መሠረት ፡ ወይም ፡ መነሻ ፡ የሆነው ፡ ጉዳይ ፡ የተወሰነ ፡ ወይም ፡ የተለየ ፡ ነገር ፡ ሲሆን ፡ በማመልከቻው ፡ ላይ ፡ ነገሩን ፡ አብራርቶ ፡ በመለየት ፡ መግለጽ ፡ አለበት ።

(፪) ክሱ ፡ የሚመለከተው ፡ የማይንቀሳቀስ ፡ ንብረትን ፡ የሆነ ፡ እንደሆነ ፡ በክሱ ፡ ማመልከቻ ፡ ላይ ፡ ንብረቱን ፡ ለይቶ ፡ ለማወቅ ፡ የሚያስችሉት ፡ ምልክቶች ፡ መገለጽ ፡ ይኖርባቸዋል ። ይኸውም ፡ ንብረት ፡ የሚለየው ፡ በአካባቢው ፡ ወሰን ፡ ወይም ፡ በርስት ፡ መመዝገቢያ ፡ ላይ ፡ በተሰጠው ፡ ተራ ፡ ቍጥር ፡ በሆነ ፡ ጊዜ ፡ የወሰኑ ፡ ምልክት ፡ ወይም ፡ በመዝገብ ፡ ላይ ፡ የተሰጠው ፡ ቍጥር ፡ መገለጽ ፡ ያገባዋል ።

MARII

- **Qabatamaan akkasitti dhiyaachaa jiraa laata?**
  - **Firiiwwan dubbii rogummaa hin qabne…..**
    - ✓ **Seenaa walitti dhufeenya dhuunfaa….**
    - ✓ **jiruu fi jireenya isaanii,**
    - ✓ **hojii isaanii fi**
    - ✓ **gumaacha mootummaa taasisan iyyannoo keessatti ibsuu…**
- **Gahee oofiisaraa??? A/seeraa?????**

Qajeeltoo Sadaffaa

- **Firiiwwan Dubbii Bu’uuraa Kunniin Gabaabinaan (Be Made As Concise As Possible) Ibsamuu Qaban.**
  - ✓ **Maal jechuu? Maaliif?**
  - ✓ **Hangam gabaabbachuu qaban?**
  - ✓ **Qabatamaan akkamitti dhiyaachaa jira?**

- **Firiiwwan Dubbii Bu’uuraa Gabaabinaan (Be Made As Concise As Possible) Ibsamuu Qaban: kwt. 80(2)**
  - ✓ **SDFHHL 81, fi 85-90 qajeeltoo kana ni ibsu,**
  - ✓ **Wantoonni gaafataman lugaa ifa ta’een (clear, precise and plain language) barreeffamuu,**
  - ✓ **Wantoonni rogummaa hin qabne iyyannoo keessatti ibsamuu hin qaban ,**
  - ✓ **tumaalee seeraa fi falmii seeraa (legal arguments) hammachuu hin qabu,**
  - ✓ **Falmii fi firiiwwan dubbii ragaas hammachuu hin qabu.**

Qajeeltoo Afraffaa: Foormii, Mirkaneessa, Mallattoo fi Gooree Ragaa

- **Qajeeltoo kana mataa isaa iddoo afuritti qooduun ni dandaa'ama:**
- **Bu'uura kanaan Iyannoon kamiiyyuu:**
  - ✓ **keessatti firiiwwan dubbii caqafaman dhugaa ta'uun isaanii mirkanaa'uu qaba (kwt.92)**
  - ✓ **Mallattaa'uu qaba (kwt.93)**
  - ✓ **Gooree ragaa qabaachuu qaba (kwt.223)**
  - ✓ **hanga danda'ameen haala foormota gabatee lammaffaa rogummaa qaban hordofeen qophaa'uu qaba.**

Duraaduuba Qaama Iyyannoo

- **Qabatamaan tartiibni qaama iyyannoo tokkoo maal fakkaata?**
- **Rakkoon gama kanaan jiru maal?**
- **Tartiibni bu’uura seeraa qabu isa kami jettu?**
- **Tartiiba kana foormii iyyannoo gabatee tokkoffaa SDFHH irraa wanti hubatamu ni jiraa?**

Tartiiba.....

- ✓ **Firiiwwan dubbii iyyannoo tokkoo bu'uuruma qajeelfama foormiiwwan SDFHH gabatee 1ffaa jalatti taa'aniin ibsamuu qaban,**
- ✓ **Bu'uura kanaan gabatee kana irraa iyyannoon kamiiyyuu kutaalee ykn tartiiba shan qabaachuu akka qabu ni hubatama.**
  - **Foormichi iyyannoo hundumaaf tokkuma akka ta'e "First schedule: Form of pleadings (Art.80.)" kan jedhurraa ifaan hubatama.**

Kutaa Tokkoffaa: Mata Duree Iyyannoo

- **Qabiyyee Dhimmichaa Bifa Waliigalaatiin Kan Jalatti Ibsamuudha.**
  - ✓ **gosa dhimmichaas addaan baasuuf ni fayyada Fkn“Jeequmsi lafa kiyyarratti uumame akka dhaabatu himata dhiyaatee “**
  - ✓ **MM aangoo HD qabaachuu fi baachuu isaa adda baasuufis ni gargaara Fkn *“Liqii qarshii 30,000 kaffalchiisuuf himata dhiyaate”***
- **Maqaa MM himannoon ykn deebiin itti dhiyaatuu fi**

Mata Duree Jalatti Maqaa Fi Teessoon Falmitootaas Ni Ibsama.

- maqaan, bakka jireenyaa fi bakka waamichi MM tichaa isaan itti dhaqqabuu danda’u,
  - ✓ MM aangoo HD qabachuu fi baachuu adda baafachuuf nama gargaara.
    - Fkn, teessoon idilee falmitootaa naannoo adda addaa yoo ta’e dhimma federaalaa ta’a.
  - ✓ Teessoon himatamaa MM tichaa aangoo Tooraa (local jurisdiction) qaba moo hin qabu isa jedhu adda baasuufis ni fayyada.

Kutaa /Tartiiba Lammaffaa:Ibsa Falmitootaa (Description of parties)

- **Bu’uurri MM aangoo qabaachuu isaanii ittiin mirkaneessaan bifa *“MM dhimmicha ilaaluuf bu’uura SDFHH ykn labsii lakk. 141/2000 ykn Lab.L. 25/88 tiin aangoo ni qaba”* jedhuun ibsuu,**
- **Himataan ykn himatamaan dandeetti (capacity under the law) kan hin qabne yoo ta’e bifa *“himataa fi himatamaan dandeettii seeraa hin qaban”* jedhuun ibsama.**
- **Himataan himannoo kan dhiyeessuu karaa abukaattoo, dubbii fixaa ykn bakka bu’aa yoo ta’e *“himataan abukkaattoon falmata”* jechuun ibsuu.**

- **Kutaa kana jalatti firiiwwan dubbuu manni murtichaa aangoo qabaachuu agarsiisan tarreeffamuun dhihaachuu qaba.**
- **Aangoo manneen murtii ilaalchisee manni murtichaa bu’uura SDFHH ykn Labsii 141/2000tiin ykn labsii 25/88 tiin aangoo kan qabu ta’uu isaa waanti agarsiisu dhihaachuun dirqama.**

Aangoo Abbaa Seerummaa

- **HFDRI kwt.79 fi HMNO kew. 63(1) tiin aangoon Abbaa seerummaa kan M/M qofaa dha.**
- **Judicial power: is the authority vested in courts and judges to hear and decide cases and controversies in conformity with the law and by methods established by the law and to make binding judgments on them.**
- ***It is also a power conferred on a public officer involving the exercise of judgment and discretion in deciding question of right in specific cases affecting personal and proprietary interests.***

MARII

- **Bu’uura Heera lameen kew. 37 aangoon kun dhimmoota murtiidhaan murtaayuu danda’an qofarratti kan daangeffamee dha.**
- **“Dhimma murtii mana murtiidhaan murtaa’uu qabu” jechuun maal jechuu dha?**
- **Dhimmoonni kunniin dhimmoota akkamiiti?**

- “**Justiciable Matter**” *is defined as a matter liable to be examined in a court of justice; matter appropriate for court review*.
- **Justiciability** concerns the limits upon legal issues over which a court can exercise its judicial authority.
- Essentially, justiciability in American law seeks to **address whether a court possesses *the ability to provide adequate resolution of the***

- In America; In order for an issue to be justiciable by a United States federal court, all of the following conditions must be met:
  - The Court will not grant advisory opinions. (mm gorsa kennuuf galmee hin banu)
  - There must be an actual controversy between the parties, meaning that the *parties can not agree to a lawsuit where both parties seek a particular judgment* from the court (known as a collusive suit or friendly suit); rather, the parties have to each be seeking a different outcome.



- The question must be neither unripe nor moot.
  - **An unripe question** is one for which there is not yet at least a threatened injury to the plaintiff, or where all available judicial alternatives have not been exhausted. *(gaaffiin seerummaa gaafatamu kan bilchaate ta'uu qaba fi adeemsonni seeraan dursame guutamuu qaba jedhaman guutamuu qabu...)*
  - **A moot question is** one for which the potential for an injury to occur has ceased to exist, or where the injury has been removed. (badiin raawwateera jedhame kan qajeelfame yoo ta'e...)
    - However, if the issue is likely to reoccur, yet will continually become moot before a challenge is able to reach the court ("capable of repetition, yet evading review"), the court might allow a case that is moot to be litigated.

- The court must not be asked to resolve a political question.
  - ✓ Political questions involve matters where there is:
    - "a textually demonstrable constitutional commitment of the issue to a coordinate political department" (**meaning that the Constitution requires another branch of government to resolve questions regarding the issue**); or "a lack of judicially discoverable and manageable standards for resolving it."
  - ✓ Political questions include such things as whether the nation is 'at war' with another country, or
  - ✓ whether the U.S. Senate has properly "tried" an impeached federal officer.

- **Aangoon abbaaseerummaa Qaama birootiif labsiidhaan kan kenname yoo ta’e dhimmichi “justicible” ni ta’aa?**
- Aangoon abbaaseerummaa Qaama birootiif kan kenname yoo ta’e dhimmichi “justicible” ta’us M/M idilee aangoo ni dhabu.
- Heera lameen kwt. 37(1) jalatti gaalee ***“… ykn qaama biroo kan aangoon abbaa seerummaa seeraan kennameef …”*** jechuun tumame irraa akka hubatamutti dhimmichi kan murtiidhaan murtaayuu qabu ta’us qaama birootiif yoo kenname m/m aangoo hin qaban jechuu dha.
- SDFHH kew. 4 jalatti galeen ***“… haala biraatiin akka raawwatamu seeraan yoo ibsame malee …”*** jedhus kanuma kan cimsuu dha.

Qaamolee aangoo abbaa seerummaa qaban muraasa.

- Tax appeal commission proc. 286/02
- Labor relation board proc. 377/02
- Privatization Agency proc. No. 110/95
- Kebele social courts proc. No. 87/97
- House of Federation (Heera kew 62(1))
- Civil service Tribunal proc 262/02
- Sharia courts proc. 188/99
  - **Jildii 9ffaa, 111**
  - **Jildii 10ffaa, 280**
- Disputes to be settled by arbitration.

Xiinxala Dhimmaa

- Dhimma Dh/Ij/M/M/W/F tiin ilaallamee murtii argateen **(Lakk. G.23608)** himattoonni himannoo himatamaa irratti MMSDF tti dhiyeefataniin manneen seeraan ala mootummaan dhaalaman akka nuuf deebi’an biiroon hojii fi misooma magaalaa nuuf murteesse akka harka nu gahu Eejansii himatamaatti raawwiif iyyannee Eejansichi immoo gaaffii haaraa itti fakkaatee mirga hin qabdan jechuun galmee cufee,
- Boordiin Eejansichaa immoo ol’iyyannoo ilaalee manneen cinaa qofa waan nuuf murteesseef MM kun murtiiwwan kanneen akka nuuf diigu jechuun gaafataniiru.
- Himatamaan murtiin boordiin kennamu isa dhumaa (final and binding) akka ta’e lab. Lakk. 110/87 jalatti waan tumameef MM

- **MMSDF** *“MM bu’uura aangoo abbaa seerummaa Heera Federaalaa kwt. 79(1) jalatti kennameefiin bu’uura Heeruma kana kwt. 37(2) tiin dhimmoota murtii mana murtiitiin murtaayuu danda’an ilaaluu ni danda’a.*
- Bu’uura kanaan (**dhimmi ulaagaa kwt.37 (2) guuteera tilmaama jedhu of keessaa waan qabu fakkaata**) MM murtii Eejansiiwwan bulchiinsaatiin kennaman ilaaluuf aangoo uumaa MM irraa madde (**inherent power)** waan qabaniif dhimma kana ilaaluu ni danda’a” jechuun mormicha kufaa godhee jira.
- **Manni Murtii Ol’aanaa Federaalaa** murtii kana cimseera.

- **Dh/Ij/MMWF** “Heera federaalaa kwt.37(1) tiin namni kamiiyyuu dhimma murtiidhaan murtaayuu danda’u MM tti ykn qaama aangoo abbaa seerummaa kennameefitti dhiyeeffachuu fi murtii argachuuf mirga ni qaba.
- Tumaa Heeraa kana irraa ifaan akka hubatamutti MM dhimma tokko ofitti fuudhee ilaaluuf aangoo kan dhabu aangoo abbaa seerummaa dhimma akkasii ilaaluu qaama birootiif seeraan yoo kennamee dha
- **(yaada qaama birootiif yoo kenname dhimma murtiin murtayuu danda’u ta’uun isaa ni hafa jedhu waan of keessaa qabu fakkaata)**.

- Dhimma kana ilaaluuf aangoon Eejansii himatamaatiif akka kenname lab. 110/87 irraa ni hubatama.
- Murtiin Kun immoo Kan dhumaati,
- *MM keenyas aangoo seera irraa madde malee isa uumaa (inherent power) waan hin qabneef murtii qaama kanaan kenname irra deebi'anii ilaaluuf aangoo hin qaban" jechuun murtii diigeera.*
- **Murtiiwwan kanneen akkamitti madaaltu?**
- **Jildii 9ffaa L.G. 31906,94**



MARII

- Manni murtii hawaasummaa gandaaa fi magaalaa caaseffaa mana murtii idilee keessatti ni kufuu?
- Aangoo abbaaseerummaa ilaalchisee qaamolee kanaa fi MM idilee jidduu falmiin yoo ka’e garamitti hiikkama?
- MM biyya keenyaa aangoo **abbaaseerummaa uumaa** ni qabu amantaa jedhu ni qabduu?
- Dhimma 2ffaa armaan olii waliin akkamitti ilaallama?
- Jurisdictional dispute: rule of interpretation-presumption in favor of regular courts; *courts have* ***‘inherent power’*** *over civil case unless otherwise clearly provided*

Xiinxala Dhimmaa

- Dhimma M/M/W/Ftiin (G.lakk.4428/92) murtii argateera. Himataan M/M/O/F tti himatamaan mana koo seeraan ala qabate gadi naaf haa lakkisu jechuun himateera. *Himatamaan manichi lab.47/67 tiin ala kan dhaalame deebisuuf waan ta'eef m/m aangoo hin qabu jechuun falmeera.* ***M/M/O*** *mormicha kufaa godheera*
- M/M/W/F "Himanni manni seeraan ala qabame naaf haa deebi'u jedha malee dhaalamuu isaa hin agarsiisu. Himataan humna seeraatiin mana gadi lakkisiifachuuf ykn deebifachuuf kan iyyate waan ta'eef dhimmicha ilaaluuf aangoo kan qabu M/M idilee waan ta'eef himataan manicha shallaguun m/m aangoo qabutti

Aangoo Manneen Murtii (Jurisdiction)

- is the right and power of a court to adjudicate concerning the subject-matter in a given case ;
- areas of authority; the geographic areas in which a court has power or
- types of cases it has power to hear and decide.

Iddoo saditti qoodama:

- **Aangoo Biyyoolessaa**
- **Aangoo Hundee-dubbii**
- **Aangoo Bakkaa/Tooraa**

1. Aangoo Biyyoolessaa

- Aango M/M biyya tokkoo himatamaa ykn qabeenya isaa irratti murtii dirqisiisaa ta’e kennuu danda’uu dha.
- Murtiin kennamu gama himatamaatiin qajeeltoowwa fudhatama argatan yoo hordofe biyya kamittuu raawwatiinsa ni qabaata. Lab.Lak.25/88,kwt.11(2)(c).
- Himatamaan ykn qabeenyi ykn dhimmichi biyya tokko waliin qunnamtii gahaa qabaachuu qaba.
- Qunnamtiin kun kan ibsamu haalawwan walqabsiistootaatiinii (connecting factors)dha.
  - ✓ Akka qajeeltootti seeran tumamu.
  - ✓ Biyya keenyatti seerri qophatti dhimma kana ilaalchisee tumame hin jiru.

Qabatamaan garuu MM keenya:

- Qajeeltoowwan waliigalaa;
- Seerota biyya alaatii fi
- Murtiiwwan biyyoota ambaa bu'uureffachuun aangoo kana gonfachaa akka jiran ''judicial practice'' isaanii ni agarsiisa.

Bu'uura kanaan MM keenya kan bu'urefatan:

- ***Lammummaa fi iddoo jireenya himatamaa,***
- ***Iddoo gochi falmiif bu'uura ta'e itti raawwate (waliigalte ykn waliigalteen ala)***
- ***Hayyama himatamaa***
- ***Iddoo Qabeenyi falmiif bu'uura ta'e itti argamu.***

- Lasii lakk. 25/96 kwt. 11(2)(a) fi (c) jalatti M/M/O/F dhimmoota seera dhuunfaa idil-addunyaa fi raawwii murtiin biyya ambaa irratti aangoo ni qaba.
- **Aangoo Biyyoolessaa irraa garaagarummaan qabu maali?**
- Dhimmoota namoota, qabeenyaa fi sochii daldalaa biyya alaa ilaallatan irratti m/m keenya aangoo biyyoolessaa ni qaba yoo jenne **seerri raawwatiinsa qabu kan biyya kamiiti**?
- Ogeessonni seeraa raawwatiinsa kan qabu seera dhuunfaa idil-adunyaati malee; M/M keenya bu'uura seeraatiin gosa dhimmichaarratti ykn hanga maallaqaa dhimmichi qabate irratti angoo qabaniin dhimmicha ilaaluu ni danda'u; malee A/Biyyooleessaatiin addaadha jedhu.
- ✓ **Jecha kana akkamitti ilaaltu**

Dhimmaa 5ffaa: A/ Biyyoolessaa Vs Pr. Intnal law

- Dhimmi kun Dh/Ij/MMWF tiin lakk.G. 2883 ta’e irratti dhimma murtii argatee dha.
- Hoteelli Giloobaalii MMSDF tti nama “Mr. Nikoolaa as papachat ziis” jedhamu himateera.
- **MMSDF** “Himatamaan lammii biyya alaa waan ta’eef, kun immoo falmii seera dhuunfaa idil-addunyaa (Pr. Intnal law) waan kaasuuf, bu’uura labsii lakk. 25/88 kwt. 11(2)(a) tiin dhimma akkanaa ilaaluuf aangoo kan qabu MMOF waan ta’eef aangoo hin qabnu” jechuun murteesseera.
- **M/M/O/F** murticha cimseera.

- **Dh/Ij/MMWF** Bu’uura lab. Lakk. 25/88 kew 11(2)(a)tiin dhimma **‘’private international law’’** ilaaluu aangoo kan qabu MMOF ti. Kanaaf M/M kun seerri (pr. Int. law) yoo bahe falmii sana jalatti ka’u ni ilaalaa; haala amma jiruun immoo:
  - ✓ seerri keenyaa kan biyya iyyataa ykn biyya biraatiin waan walfaallessuuf raawwii hin qabu hin jedhame,ykn
  - ✓ iyyataan dhimmi isaa seera biyya isaatiin ykn biyya birootiin akka ilaalamuuf hin iyyanne, ykn
  - ✓ dhimmi falmiichaaf ka’umsa ta’e murtii argachuuf sirna seeraa tokkoo ol kan affeeruu dha hin jedhamne, fi
  - ✓ sirni seera isa kamitu filatamaa ta’uu akka qaburratti falmiin ka’e waan hin jirreef...

  Falmiin akkasii yoo ka’ee jedhe gama kanaan M/M/O/F aangoo ni qaba.

- Haa ta’u malee dhimmaa of harkaa qabnu ilaalchisee; *Himatamaan lammii biyya alaa waan ta’eef qofa* dhimmichi akka gaafii “Pr. Int. Law” kaasutti fudhatamuun dogongora waan ta’eef M/M/S/D/F dhimmicha ilaaluu qaba” jechuun murtii M/M/ jalaa diigeera.

MARII

- Murtii mana murtii kamii deeggartu? Maaliif?
- Dhimma “private international law” fi Aangoo Biyyoolessaa jidduu garaagarummaan jiru maali?
- **Jildii 9ffaa, 101**

Qabxiilee Marii

- M/M kaka’umsa mataa isaatiin aangoo kana hin qabu jechuun galmee cufuu ni danda’aa? Maaliif?
- Aangoon kun waliigaltee falmitootaatiin hafuu ni dand’aa?
- Waliigaltichi tarsiimoo ummata biyyattii (public policy) kan faallessu yoo ta’e hoo?

xiinxala dhimmaa 4ffa: Aangoo looraa Vs Biyyoolessaa

- Dhimmi kun ol’iyyannoon MMWF tiin ilaallamee kan murtii argatee dha.
- M/M/O tti Ministeerri hojii fi misooma magalaa dhaabbata “Allied International Marketing Service” fi “Ethipian Amalgameted Limited PLC” himateera
- Himatamtoonni dhaabbattoonni “ELF” fi “SGS” jedhamu akka himatamummaan falmitti makaman gaafatanii, himataan immoo dhaabbileen caqasaman lammummaa ltoophiyaa waan hin qabneef M/M Aangoo biyyoolessaa hin qabu jechuun falmeera.

- **M/M/O** “dhaabbileen kunniin kan Itoophiyaatii miti, biyya keessattis hojii hojjachuun isaanii hin ibsamne, akkasumas qabeenya biyyattii keessaa ni qaban hin jedhamne *bu’uura sdfhh kew. 20(2) tiin* M/M aangoo biyyoolessaa waan hin qabneef himatamummaan falmitti makamuu hin qaban” jedhuun murteessa.
- **M/M/W** “SDFHHL 20 namni biyyattiin alaa hin himatamu hin jedhu, dhabbanni SGS biyyatti keessatti kan dhaabbatee fi galmeeffameedha.
- Asirratti garuu ijoon dubbii falmichaa kan ta’uu qabu *dhaabbileen kunniin bu’uura SDFHHL 43 tiin falmitti makamuu ni danda’u moo miti? Kan jedhu malee aangoon kan walqabatee miti;* jechuun sababa M/M/O

QABXIILEE MARII

- Murtii mana murtii kamiitu dhama qabeessa?
- Ulaagaan SDFHHL 43 guutameera osoo jedhamee, dhaabbileen kunniin biyya kanatti kan hin dhaabbatin ykn hin galmeeffamin yoo ta’e m/m biyya keenyaa isaan irratti aangoo biyyoolessaa ni qabaataa?
- Mormii dhiyeeffachuu kan danda’u eenyu? himataa dha moo? J/lixoota?

Art. 20.- *Defendant residing abroad*

1. **Where the defendant resides, carries on business, or personally works for gain abroad, the suit shall be instituted in such court in Ethiopia as the plaintiff may choose, unless it relates to a movable property which : the defendant owns in Ethiopia, in which case the suit be instituted in the court of the place where such property is situate.**
2. **Where the defendant is a foreigner not residing, carrying on business or personally working for gain in Ethiopia but he owns movable or immovable property in Ethiopia the suit may be instituted in the court of the place where such property is situate.**



Xiinxala Dhimmaa

- Dhimma MMWF tiin ilaalamee dha. Himataa fi himatamaan lammii Giriiki, achuma jiraatanis; waliigalteen falmiif bu'uura ta'es achumatti godhame. Himatamaan M/M aangoo HD hin qabu jechuun mormeera.
- **MMO** aangoo biyyoolessaa hin qabu jechuun murteesseera.
- **M/M/W/F** "Waliigalteen Giriikiti godhame, isaanis achuma. Dhimmichi **biyyattii waliin walqunnamtiin qabu hin jiru;** kanaaf M/M keenya aangoo biyyoleessaa hin qaban, **osoo qabaatanii bu'uura lab 25/88 kwt. 11(2)(a) tiin aangoo M/M/O/F ture; SDFHHL 20 tiinis kanaan alaa miti**"jedheera.
- **Murtiin kun sirriidhaa?**

2. Aangoo Hundee-Dubbii (HD)

- **Aangoon HD:**
  - ✓ dandeetti MM gosa dhimmaa falmii tokkoo ilaaluuf qabu ilaallata.
  - ✓ Dandeetii bu’uura godhachuun MM biyya kanaa sadarkaa sadi qaban; M/M/Aanaa (S/duraa), ol’aanaa fi M/M/W ti.
- **Aangoon HD bu’uura adda addaa irratti hundeeffama:**

- **Aangoo dhimmaa falmiif bu’uura ta’e bu’uurefate.**
  - Gosoota dhimmaa adda ta’an: kan shallagamuu danda’an ta’ee kan hin dandeenye,
  - Dhimmoota maallaqaan shallagamuu hin dandeenye,
  - Hanga maallaqa falmichaa: kan shallagaman,
  - Dhimmoota Federaalaa fi Naannolee, fi
  - Dhimmoota qaamolee aangoo A/seerummaa kennameefiif kennamanii fi kan M/M idilee.
- **Aangoo S/duraa, ol’iyyannoo fi Ijibbaataa**

Federal And State Subject matter

The Division of Judicial Power in Federal Ethiopia

1. The FDRE Constitution as the source of power allocation (Art. 50(8) b/n the centre and the units; don't look else where to assert your power
2. Mode of power allocation under the Constitution:
   - Federal power exhaustively listed (Art.51 &55);
   - Residual powers left for the states(HFDRIL 52(1))
   - Concurrent powers defined

- <u>Sirna caasefama Federalawwa keessatti aangoon M/ Federalaa fi Naannolee heeraan ni qoodama.</u>
  - ✓ Federaala fi Naannootti aangoon A/ seerummaa kan MM qofaa dha (kwt. 79(1)).
  - ✓ HFDRIL 80(1) fi (2) jalatti MMF fi Naannolee **dhimma isaanii irratti** aangoo A/seerummaa isa ol'aanaa ni qaban jechuu malee akkaataa HFDRI kwt. 51 fi 55 tiin aangoon tarreeffame hin jiru.
  - ✓ **Art. 80(1) &(2) does not define what are federal or state matters.**
- **Aangoon abbaaseerummaa (judicial power) haala walfakkaatuun bu'uura kwt. 52(1) tiin ni ilaalamaa?**
- Qajeeltoo qoodamiinsa taayitaa qaamolee mootummaa kun raawwatiinsa ni qabaa?

- **The same formula shall apply with respect to judicial power allocation**

3. **Implication of the mode of power division for judicial power allocation**
   - You can’t confer jurisdiction upon federal courts by way of implication/tacitly
   - Power not expressly listed as federal matter automatically falls under state matter unless otherwise listed as concurrent jurisdiction



Can this be determined by ordinary legislation?

- HFDRI kwt. 78(2) jalatti caffeen bakka bu’oota ummataa MMSD fi MMOF barbaachisaa ta’ee yoo argame naannoleetti gurmeessuu akka danda’u tumameera.
  - MM gurmeessuun aangoo isaaniis murteessuu waan dabalatuuf caffeen bakka bu’oota ummataa ifatti aangoon kennamuufii baatus dhimmoota Federalaa fi Naannoo addaan baasee seeraan tumuu ni danda’a jechuun kan falman jiru;
  - Bu’uura kanaan caffeen kun lab.lakk. 25/88 baaseera.
  - Labsii kana jalatti immoo dhimmi Naannoo fi

MARII

- Ogeessonni ejjannoo faallaa kanaa qaban aangoon federaalaa fi dhimma naannoo Heeraan murtaa’a.
- Kanaaf akkaataan MMBBU (HPR) dhimma federaalaa itti hubatee fi labsii lakk.25/88 irraa calaqisu sirrii miti jedhu.
- Ejjannoo kana hoo ni deegartuu?

- **Parliament's (HPR) understanding of 'federal matter' as observable under Proc. No.25/96,**
- **Mandates of Proc.25/96:**

1. Establishing federal high and first instance courts per Art. 78:2 of the Constitution
2. Defining their jurisdiction '*vertically'*
   - *Not mandated to divide judicial power b/n federal and state courts 'horizontally' ;*
   - *the horizontal allocation of judicial power b/n the centre and the units is the business of the Constitution, not that of the Parliament through a subsidiary legislation!!*
   - ***Any controversy about whether a given case is***

HPR's understanding of 'Federal matters'

- **Article 3 of Prc.No.25/96 federalizes three matters:**
  a) Source of cause of action-a look at the substantive law defining rights & obligations
  b) Identity of parties involved in the suit
  c) Place of cause of action



a) Sources of 'cause of action':

i. FDRE Constitution; Is there any civil case that can directly arise from this source?

ii. Federal laws;

iii. International treaties.

- we look at the *'cause of action'* of the plaintiff, not at the *'defense'* of the defendant even if it arises under these sources to federalize a case.
- A case is a federal question if the plaintiff's complaint states a claim under federal law that provides a legal entitlement to a remedy.
- **Do you think that these cases are truly federal matters in the spirit of the Constitution, if not in express terms of same?**

In principle, cases arise under the Federal laws are Federal subject matter,

- ✓ Laws enacted by HPRS on powers under Art 55
- ✓ Regulation of council of ministers (Art.77)
- ✓ Other laws enacted before 1994 [proc.25/96 art.2[3]



Xiinxala Dhimmaa : Falmii waliigaltee Inshuraansii

- **Dhimma M/M/W/F tiin ilaallamee lakk.G. 6336/93 ta’e irratti murtii argatee dha. Himataan dhaabbanni Inshuraansii Itoophiyaa beenya qr. 30,585.78 akka kaffaluuf M/M/O/Go/Baaletti himateera.**
- **M/M/O himata kufaa goonaan himataan M/M/W/O tti ol’iyyattee M/M/W/O murticha diigeera.**
- **Dhaabbanni Inshuraansichaa immoo M/M/W/F tti ol’iyyannoo dhiyeefate.**
- **Himataan (d/kennaan) deebii komii ol’iyyannoo irratti kenneen dhimmichi Dh/Ij/M/M/W/O tiin**

- **M/M/W/F** “Falmichi waliigaltee inshuraansii waan bu’uurefateef bu’uura labsii lakk. 25/88 kew.5(9) tiin aangoo waliinii MMF jalatti kan kufuu dha. HFDRI kwt. 80(1), (2) fi (3) tiin M/M naannoo bakka bu’ummaan dhimma kana ilaaluuf aangoon kennameefiira.
- Dhimmi falmichaaf bu’uura ta’e qr. 500,000.00 gadi waan ta’eef aangoo MMSDF ti.
- Kana immoo bakka bu’ummaan ilaaluuf aangoo kan qabu M/M/O naannooti.
- Murtiin MMO MMWO tiin waan diiggameef ol’iyyannoon MMWF tiif dhiyaachuun isaa sirna seeraa kan eeggatee dha. Kanaaf mormiin d/kennaa fudhatama hin qabu” jechuun murteesseera.
- HFDRI kwt.80[5][6],**proc.25/96 kwt.9[2] fi 5(9)** fi lab. 141/2000 kwt.26[2] dochii ni laatuu?

The federal supremacy issue: is it the case in Ethiopia?

- Do federal laws take precedence over state laws in case of conflict?
- No express provision in the FDRE Constitution establishing federal supremacy
- **Article 6(2) of Proc. No. 25/95: check constitutionality?**
  - ✓ The bad example of family laws
  - ✓ The good example of rural land laws on issues of succession

፮. የፌዴራል ፍርድ ቤቶች ስለሚሠሩባቸው የፍሬ ነገር ሕጎች

፩. የፌዴራል ፍርድ ቤቶች የሥልጣን ክልላቸውን መሠረት አድርገው የሚቀርቡላቸውን ጉዳዮች ወይም ክርክሮች ፤

ሀ) የፌዴራል መንግሥቱን ሕገኛና ዓለም አቀፍ ስምምነ ቶችን መሠረት በማድረግ ይዳኛሉ ፤

ለ) ጉዳዩ የክልል ሕግን የሚመለከት ሆኖ ሲገኝ በክልሉ ሕግ መሠረት ይዳኛሉ ።

፪. በዚህ አንቀጽ ንዑስ አንጽ (፩) (ለ) መሠረት ተፈጻሚ የሚሆነው የክልል ሕግ ከፌዴራል መንግሥቱ ሕገኛና ከዓለም አቀፍ ስምምነቶች ጋር የሚጋጭ ከሆነ በጉዳዩ ላይ ተፈጻሚነት አይኖረውም ።

፫. የፌዴራል ፍርድ ቤቶች የያዙት ጉዳይ የሕገመንግሥት ትርጉም ጥያቄ ከሰነሳ በጉዳዩ ላይ ውሳኔ ከመስጠታቸው በፊት ለሕገ መንግሥት ጉዳዮች አጣሪ ጉባዔ ይልኩታል።

b) Identity of Parties

- **The Constitution makes no express reference to any single person or entity that can federalize a case.**
- **Art. 5 lists some groups: check constitutionality!**

1. **Federal Gove's organ**-the public/sovereign face; its private face may fall under state jurisdiction
2. **Federal employees** acting in their official capacities; personal capacity falls under state jurisdiction
3. **Foreign nationals** - to send positive image

xiinxala dhimmaa: Jiraattota Naannoo Adda Addaa fi Qaama Mootummaa Federaalaatiin hundeeffame ykn galmeeffame

- **Dhimma M/M/W/F ol’iyyannoon ilaaleedha. (L.G.16472) Obbo Taklee Dureessaa konkolaatoon dhaabbata reedis konistiraakshin jedhamu konkolaataa isaanitti waan bu’ee faayidaan ala godheef beenyaan akka kafalamuuf M/M/O/Go/Wallagga bahatti himatanii dhaabbanni Inshuraansii Itoophiyaa jiddu akka lixuuf gaafataniiru.**
- **Bu’uura kanaan dhaabbatichi falmiitti makamee deebii keessatti mormii kaaseen himataa fi himatamaan naannoo adda addaa waan jiraataniif dhimmichi kan federaalaa waan ta’eef**

- **M/M/W/F “Mormiin kun M/M/O tti ka’uu baatus M/M/W/O kaasuu ni danda’a. Bitaa fi mirgi jiraattota naannoo adda addaa fi hirmattonni falmichaa bu’uura seera federaalaatiin kan hundeeffaman waan ta’aniif dhimmichi kan federaalaati.**
- **Heera FDRI kwt. 80(4) jalatti M/M/O naannoo dhimmoota federaalaa aangoo M/M/S/D/F ilaaluuf aangoo ni qaba. Aangoon bakka bu’ummaa kunis kan madde labsii lakk.25/88 irraa otoo hin ta’in heera irraati. Kanaaf M/M/O/Go/w/bahaa aangoo ni qaba” jedhuun murteesseera.**
  - ✓ **Murtiin kun sirrii isinitti fakkaataa?**
  - ✓ **Dhimmicha dura kan qabate M/M/A osoo ta’ee fi qaamni sadaffaan mootummaa federaalaatiin galmeeffame falmitti yoo makame hoo?**

- **Dh/Ij/m/m/w/f lakk.G.20465 ta'erratti *qaamni sadaffaan himatamummaan falmitti makame dhaabbata mootummaa federaalatti galmaa'e ta'us mirgaa fi dirqama ofii isaa ilaalchisee himannoo dhiyeefate waan hin jirreef dhimmicha kan federaalaa hin godhu"* jedheera.**
  - ✓ **Murtiiwwan armaan olii ni deeggartuu?**
  - ✓ **Lab.lakk. 25/88 kwt.5[6] waliin akkamitti ilaallama?**
- **Dh/Ij/M/MW/F lakk.G. 20465 ta'erratti "*aangoo hundee dubbii m/m ofumaa kaasuu akka danda'u kwt. 9,231,207,211 fi 228 jalatti tumameera*" jechuun murteeseera.**

‘Diversity Jurisdiction’ of Federal Courts

- **Art. 5(2) of Proc.25/96: ‘suits b/n persons permanently residing in different regions’ (in America includes a controversy between a citizen of a state and an alien)**
- **diversity jurisdiction was—and remains—a potentially powerful tool to be used in the grand project of national unification.**
- **Any clue in the Constitution?**
- The Traditional American justifications
  - ✓ ***common explanation of diversity jurisdiction’s purpose is the protection of out-of-state litigants from local bias by state courts***
- **Suits b/n residents of Addis/Dire Dawa and of the states, example, Addis vs Oromia:**

- **The full faith & credit issue**
  - **What if state courts refuse to recognize and execute federal court decisions or vice versa?**
    - ✓ **Article 50(8) of the Constitution requires only comity (mutual respect among nations)**
  - **How about the case as b/n the states themselves?**
    - ✓ **No express constitutional answer**
  - **The one-way-traffic of Article 35(1) of Proc. 25/95**



35. *Decisions and Orders of Federal Courts*

1. **Federal Courts of any level may order that decisions and orders given by them be enforced by Regional Courts.**
2. **Where two or more Regional or Federal Courts claim or disclaim jurisdiction over a case, the Federal Supreme Court shall give the appropriate order thereon.**

c. Place of Cause of Action

- Art.3(3) 'places specified in the Constitution or Federal Laws'.
- **Has the Constitution named any place?**
- **If not, can HPR simply name a place and federalize any case arising from that place?**
  - ✓ **E.g. Arts.11 &14 of Proc.25/96 'civil cases arising in Addis Ababa & Dire Dawa'**
- **Overlapping jurisdictions in Addis: federal vs Oromia;**
  - ✓ **whose jurisdiction is it to see cases involving the 'interests of Oromia' in Addis?**



Qabxiilee Marii

- **Labsii lakk. 25/88 :**
  - ✓ **kwt. 3 jalatti akka qajeeltootti aangoon waliinii MMF tumameera.**
  - ✓ **kwt. 5 jalatti immoo aangoon dhimma hariiroo hawaasaa MM kanneenii tarreeffameera.**
- **Isa kamitu fudhatamuu qaba? Maaliif?**

The mismatch b/n Arts. 3(1) & 5 of Proc. No.25/96

- Art.3(1) covers every federal law, but Art.5 enumerates only few federal laws such as ***nationality law, and few matters under the Commercial Code (e.g, negotiable instruments & insurance), intellectual property, and habeas corpus***
- Question: what about the rest of federal laws not listed under Art.5?
- Are they also federal matters or are exclusive jurisdiction of the states? What does the practice look like?

B. Under the proc. 25/96

- Under the proc. **Federal matters** are defined as cases arise from federal laws enumerated under Art.5 (not from any law as defined under art. 2[3])
  - ✓ Areas not specifically mentioned to fall under federal courts jurisdiction are presumed to be under state courts.
  - ✓ State courts entertain the case like any state case and is not appealable to Federal supreme court.
- **what is the jurisdiction of state courts over federal matters enumerated under art. 5 of the proc. arising in their states?**



Jurisdictional Relationship

- **Delegated vs concurrent powers over the so-called 'federal matters'**
  - **Approaches to Arts. 78(2) & 80(1&2) of the FDRE Constitution: Is it 'delegated' or 'original'? 'revocable' or 'non-revocable'?**
  - **Do federal crts have jurisdiction over civil cases arising in states where no federal crt is yet to be established? Or is it the 'exclusive' jurisdiction of the states themselves until a federal crt is established there?**
  - **The implication of Proc No.322/2003?**
    - ✓ **Aangoo bakka bu'ummaa HFDRI kwt. 80(2) M/M/W naannolee shaniif kenname (Benishangul, Afar Gambela, Somali fi Dabuub.)**

- **Bu’uura HFDRI kew. 78(2) tiin aangoon MMO fi SDF bakka bu’ummaa M/M/W fi M/M/O naannooleetiif kennameera.**
- **Dhimmoota labsii lakk. 25/88 kew. 5 jalatti tarraa’an keessaa…**
- **aangoo M/M/O/F kan ta’an M/M/W naannooti.**
- **Aangoo Hariiroo Hawaasaa :**
  - **M/M/O/F, lab. lakk. 25/88 kwt.11,**
  - **kan M/M/W/F kwt. 8, 9 fi 10**
- **Aangoon M/M/S/D/F… M/M/O naannootiin akka ilaallamu heera FDRI kwt. 78(3) jalatti tumameera.**
  - ✓ **aangoo hariiroo hawaasaa MMSDF lab. Lakk. 25/88 kwt. 14**

Concurrent Jurisdiction

- **Mata dureen HFDRI kew. 80 “Dachummaa fi aangoo manneen murtii” jedhu M/M/F fi naannoo aangoo waliinii (concurrent power) akka qaban agarsiisa.**
  - ✓ **Aangoo waliinii [concurrent] jechuun aangoo M/M/F fi naannoo waldhabbii seera federaalaa jalatti ka’an waaliin ilaaluuf qabanii dha.**
  - ✓ **Dhimmoota lab. Lakk 25/88 kwt. 5 jalatti**

HD: Gosoota Dhimmaa

- Hangi maallaqaa tilmaama keessa hin galu.
- M/M/W:
  - Federaala - Labsii. 25/88 kew. 8
  - Oromiyaa - Labsi lakk.141/2000 kwt. 26(1)(d) malee ol'iyyannoo qofa ilaala.
- M/M/O/
  - Federaal :labsii.lakk.25/88 kwt.11(2)
  - Oromiyaa: SDFHHL 15(2) jalatti tarreefamanii kan aangoo M/M/F hin ta'in (lab. 141/2000 kew. 27)
    - Kwt.15(2)(a):- dhaabbilee daldalaa naannoo keenya keessatti hundeeffaman ykn galmeeffaman;
    - SDFHHL 15(2) (b), (c) fi (d) jalatti kan ibsaman hanga maallaqaa isaan qabatan ilaaluun m/m/o keenyaa bakka

MARII

- **SDFHHL 15(2)(b) waa'ee kasaaraa (bankruptcy) ilaallata.**
- **kwt.15(2)(a) hundeeffama, diiggamaa fi qulquleessa dhabbiilee daldalaa iaallata.**
  - ✓ **labsii lakk. 25/88 kwt. 5 (6) jalatti "suits relating to……." jechuun kan ibsame isaan armaan olii hammachuu ni danda'aa?**
  - ✓ **Hin hammatu yoo jenne dhimma kasaaraa dhaabbilee daldalaa kamiiyyuu MMO keenya ilaaluu ni danda'a jettuu?**

- **SDFHHL 15(2)“e” jalatti mootummaan dhaalaama qabeenyaa fi waliin itti fayyadama qabeenyaa ilaalchisee MM idileetiif aangoo m/m/o tiif kennamee ture yeroo ammaa qaama biraatiif kennamee jira.**
- **SDFHHL 15(2) “f” jalatti abbootiin taaytaa ykn hojjattoonni mootummaa naannoo sababa hojii isaaniitiif ittigaafatamoo ykn dirqamoo ta’an**
- **SDFHHL 15(2) “g” jalatti kan ibsame waa’ee lammummaa aangoo M/M/O/F ti. M/M/W/O bakka bu’ummaan ilaaluu ni danda’a.**
- **SDFHHL 15(2)“h” jalatti waa’een dhalattummaa ibsame mana murtii aanaatiif kennameera.**

Ijoo.....

- **Iyyata Bilisummaa Qaamaa ilaaluuf aangoo kan qabu M/M kami?**
- **SDFHHL 15(2)(i) jalatti iyyanni bilisummaa qaamaa m/m/o tti dhiyaachuu qaba.**
- **Dhimma federaalaa akka ta'ee labsii lakk. 25/88 kwt. 5(10) jalatti tumameera.**
  - ✓ **dhimma maallaqaan shallagamuu hin dandeenye waan ta'eef aangoo MMSDF ti.**
  - ✓ **bakka bu'ummaan ilaaluuf aangoo kan qabu m/m/o keenya akka ta'e labsii lakk. 141/2000 kwt. 27(4) irraa ni hubatama.**

Aangoo HD: Hanga Maallaqaa ykn Tilmaama Qabeenya

- **Aangoo HD hanga maallaqaa dhimmichi qabate ykn shallaggii qabeenya falmiif bu’uura ta’eenis ni murtaa’a.**
- **Kunis lab.lakk. 25/88 kew.11 fi 14 jalatti tumameera.**
  - ✓ **M/M/S/Duraa federaa qr. 500,000.00 kan hin caalle**
  - ✓ **M/m/O/F qr. 500,000.00 ol.**
- **Haaluma walfakkaatuun SDFHH lakk.14 jalattis tumameera.**
- **Labsii lakk. 141/2000 jalattis tumameera**

Hanga Maallaqaa Falmiif bu’uura ta’e Addaan Baasuu

- **Bu’uura SDFHH kew 222 tiin hanga maallaqaa ykn tilmaama qabeenya falmiif bu’uura ta’ee himata irratti ibsamuu qaba.**
- **Aangoo HD tiif kan ilaallamus kanuma akka ta’e SDFHHL 16 fi kwt. 17 jalatti tumameera.**
  - ✓ **SDFHHL 17(1),-several claims united, aggregate. (himmannoon dhihaate waliitti idaa’amuun)**
  - ✓ **Kwt.17(1) fi 11(4), Consolidation, as ordered. (himaannoo isa guddaa filachuun)**
  - ✓ **Kwt. 17 (2), principal and accessory claims, and alternative claims, higher value.**
  - ✓ **Kwt. 17(3) – counter claims, higher claim.**

- **Kanaaf bu’uura SDFHHL 16(2) tiin aangoo HD qabaachuu ilaalchisee M/M bu’uura SDFHH 231 tiin kan sakatta’uu qabu gaafa himanni dhiyaateefii dha.**
- **Aangoo HD tiif hanga maallaqaa himannoo keessatti caqasamu akkuma jirutti fudhachuu qabnaa?**
- **Moo sirrummaa isaa mirkaneeffachuu qabna? Haala kamiin?**

- **SDFHHL16(2)jalatti hangi maallaqaa himannoo irratti caqasame bu’uura SDFHHL 226–228 tiin qoratamee bu’uura sanaan aangoon HD murtaa’uu akka qabu tumameera.**
  - **Kwt.226; particulars as to amount of claim in general.**
  - ***Kwt.227; Claim relating to periodical dues.***
  - ***Kwt.228; Establishment, enforcement, or termination of right. (estimated pecuniary benefit)***

- **SDFHHL 228 Vs Dhimmoota maallaqatti shallagamuu hin dandeenyee maali?**
  - **under Art. 228 though the actual value of the right to be established, enforced or terminated can't be indicated, but there is a consequent pecuniary benefit.**
    - **it is not about the case which can't at all have monetary value.**
- **"Dhimmoota shallagamuu hin dandeenye" immoo:-**
  - **No any pecuniary benefit immediately resulted.**
  - **the whole purpose of the action must be for recognition or otherwise of a pure title.**
  - **it may be a step to be taken towards a benefit to result from still another action.**

Xiin- Dhimmaa: *M/M ofumaan kaasuu ni danda'aa?*

- **Dhimma M/M/W/F tiin ilaallamee murtii argatee dha. M/M/O/F tti himataan *mana kiyya seeraan ala qabate gadi naaf haa lakkisu* jechuun himatee himatamaan mannichi ogeessaan naaf haa shallagamu jechuun mormeera. M/M/O mormicha kufaa taasiseera.**
- **M/M/W/F "Tilmaama qabeenya himannoof bu'uura ta'erratti mormiin yoo ka'e M/M/ ijoo dubbii osoo hin baasin dura furmaata kennuu akka qabu SDFHHL 250 jalatti tumameera. Kanaaf kaffaltii seerummaa fi aangoo m/murtiitiif mannichi ogeessaan shallagamuu qaba" jechuun murtii m/m jalaa diigeera.**
- **Himatamaan otoo hin kaasin m/m tilmaama irratti shakkii yoo qabaate ogeessa ofiif ajajee shallaggiisiisuu ni danda'aa? Maaliif?**

Xiin-Dhimmaa- *sirnaan yoo hin shallagamin himanni dhiyaateera ni jedhamaa?*

- **Dhimma M/M/W/F tiin dhumarratti ilaallamee murtii argatee dha. Himataan obbo kabbadaan Ministera Ittisa biyyaa konkolaataan isaa kiyya dhawee faaydaan ala godhe jechuun himateera.**
  - ✓ **Bu’uura kanaan suphaa konkolaatichaaf qr. 395,000.00,**
  - ✓ **Dabalataan konkolaatichi guyyatti qr. 400.00 ni galcha jechuun galii irraa cite gaafa 21/02/80 – 21/10/80 (gaafa himanni dhiyaate) qr. 108,000.00 =503,000.00**
  - ✓ **konkolaaticha suphee hanga naaf deebisuu**

- **M/M/O/F ‘Himatamaan galii himatarraa cite qr. 108,000.00 fi kan suphaa qr. 395,000.00 haa kaffalu; gaaffiin inni kuun immoo sirna SDFHH hordofe kan dhiyaate waan hin ta’iniif fudhatama hin qabu” jechuun murteesseera.**
- **M/M/W/F “Himannoon kaffaltii yeroo yeroodhaan raawwatamu kan ilaallatu waan ta’eef raawwatiinsa kan qabu SDFHHL 27 dha. SDFHHL 227(1) kaffaltii yeroo murtaa’een raawwatamu hogguu ta’u kew. 227(2) immoo yeroon kaffaltiin itti raawwatamu addaan bahee kan hin murtaa’in ilaallata.**
- **Konkolaatichi suphamee yeroon itti bahu waan hin beekamineef yeroon kaffaltiin itti xumuramu hin beekamu waan ta’eef raawwatiinsa kan qabu kew 227(2) dha.**

- **Kanaaf himannis dhiyaachuu kan qabu kaffaltii amata tokkoo diigdamaan baay'isuun M/M aangoo qabutti dhiyaatee bu'uura kew. 215 tiin kaffaltiin seerummaa yoo kafalamee dha.**
- **Bu'uura kanaan hangi maallaqaa himannoo kanaa-400x12x20+395,000.00=491,000.00*ta'a jechuu dha. M/M/S/D***
- ***Himanni kun immoo bu'uura SDFHH tiin kan hin dhiyaatin waan ta'eef himanni dhiyaateera jechuun hin danda'amu"* jechuun murtii M/M/jalaa diigeera.**

MARII

- Murtii M/M isa kamitu dhama qabeessa?
- ***Bu’uura SDFHHL 226 – 228 tiin himanni shallagiin isaa hin dhiyaatin akka himannooti hin lakka’amu jechuun sirrii dhaa?***
- Filannoon biraa hin jiru? Yoo jiraate maali?
- **Kallattiin fuulduraa maal ta’uu qaba jettu?**

Xiin-Dhimma: Akka hin dhiyaatiinitti ilaallamaa?

- **Dhimma M/M/W/O tiin lakk.G. 560/97 ta’erratti murtii argatee dha. M/Murtichaa “bu’uura SDHH kew 226-228tiin otoo shallagamee aangoo kan qabu M/M/A ture, kana waan hin ta’iniif M/M/Otti ilaallamee murtii argateera.**
- ***M/M/W/O’’ Dhimmichi akka murtii hin argatinitti fudhachuun M/M aangoo qabutti haa ilaalamu jechuun sirrii miti. Sababni isaa aangoon HD dandeettii M/murtiitiin kan walqabate waan ta’eef M/M dandeettii hin qabneen ilaallamee haqni akka hin jallanne yaadameeti.***
- **Dhimmi kun M/M/O tiin ilaalamuun isaa sodaa kana kan hanbisuudha. Kanaaf mirga ol’iyyannoo ni dhiphisa kan jedhamuun ala kaayyoo seerichaa kan faallessu ta’ee hin argamne” jedheera.**

Xiinxala Dhimmaa:Bu’aa Aangoo malee Murteessuu

- **Dhimmi kun M/M/W duraanii dhaddacha ijibbaataatiin lakk. G.380/8 irratti dhimma murtii argatee dha. Himatamaan mormii kaaseen dhimmichi falmii hojjataa fi hojjachiisaa waliinii (collective labour dispute) waan ta’eef M/M Awuraajjaa ilaalee murtii kenne akka hin kennaminitti ilaallamuu qaba jedheera.**
- ***M/M/W “Biyya keenyatti murtiin ‘void ab initio’ ta’e ni jiraa?? “Voidable” “hoo? Murtiiwwan ol’iyyannoon ala karaan itti sirraa’an ni jiraa? Sirreessuuf aangoo kan qabu M/M kami? Jechuun ijoo qabatee dhimmicha ilaalee jira.***
- **Sirna ‘common law’ keessatti murtiin “void and voidable” jechuun qoodamu. Sirna “civil law” tti murtiin sirna seeraa hordofuun laatame sirna seeraa hordofuun yoo hin diigamin akka seera qabeessatti tilmaamama .**

- **Madda SDFHH keenya kan ta’e SDFHH Hindiitti M/M tokko aangoo malee murtii yoo laate ykn waan iraa eeggamu yoo hin raawwatin ykn murtichi kenname sirna seeraatiin ala yoo ta’e ykn hanqina ykn dogoggora bu’uura ta’e yoo qabaate m/m sadarkaa itti aanuu iyyannoo fudhuun ajaja barbaachisaa ni kenna. Kunis ‘Revisional Jurisdiction”**
- **Hanqni sirna seeraa (procedural justice) akkuma haqa seerota muummee ulfinni walqixxaatu kennamuufi qaba; kaayyoon SDFHHs kanuma; dogongorri deemsa falmii murtii bu’uura irraa kan maaqsu ta’uu ni danda’a.**
- **kana keessaa aangoon HD ilaalchisee dogongorri raawwatamu isa tokko akka ta’e SDFHHL 9,244, fi 245 fi dabalataan kew. 207-212 ni agarsiisu**

- **Bu’uura kew 212 tiin ol’iyyannoo yoo hin diiggamin murtiin aangoo HD malee kenname sababa dogongora adeemsaatiin hin diigamu.**
- **Dogoggorri deemsaa haala afuriin sirraa’uu ni danda’a; mormii s/duraatiin, falmiin erga eegaleen booda bu’uura kew. 209tiin, bu’uura SDFHH kew 211(1) tiinii fi kew. 320(3) tiinii dha.**
- **Keessattuu kew. 211 xiinxalamuu qaba. Kanaaf murtiin m/m ol’iyyannoon m/m/ sadarkaa itti aanutti dhiyaachuu ni danda’a ture.Kana malees sirnoota akka filannootti taa’anittis fayyadamuu ni danda’a.**
- **Kanaaf haallan armaan oliitti yoo hin fayyadamin murtichi kan ragga’u akka ta’e SDFHHL 212**

Aangoo HD:Dhimmoota Maallaqaan Tilmaamamuu hin Dandeenye.

- Dhimmoonni maallaqatti shallagamuu hin dandeenye bu’uura SDFHHL 18 tiin dhiyaatu.
- M/M/S/D/F dhimmoota hariiroo hawaasaa maallaqatti shallagamuu hin dandeenye (lab. 25/88 kew. 14[1)
- M/M/A/O lab. 141/2000 kew. 28 falmiiwwan qarshiin shallagamuu hin dandeenye, dhalatummaa (filiations)
- Filiations; kan ilaalu M/M/S/D/F moo? M/M/O/F ti?
- Lab.141/2000 kwt.27[1], 28[2] fi SDFHHL 15[2][h] M/M kamitu aangoo qaba?

Qabatamaan

- Qabatamaan garuu dhimmoota maallaqaan shallagamuu danda’an bu’uura kew. 18 tiin hogguu dhiyaatan mul’ata.
- Kanneen keessaa ‘Waliigalteen naaf haa diiggamuu” fi “jeequmsi narraa haa dhabbatu” himannoowwan jedhan caqasuun gahaa dha.

Aangoo HD: Ol’iyyannoo

- **Manneen murtii waliigalaa:**
  - **M/M/W/F** lab. Lakk 25/88 kew. 9
  - **M/M/W/O** lab. Lakk. 141/200 kew. 26(1) (a) fi (c)
- **Manneen murtii ol’aanaa:**
  - **M/M/O/F** lab. Lakk 25/88 kew 13
  - **M/M/O/O** lab. Lakk. 141/2000 kew. 27(5) fi (7)

Manneen murtii S/duraa/ Aanaa

M/M/S/D/F

- labsii jalatti Aangoo ol’iyyaanoo hin qabu.

MMSDO(**M/M/A/O** = lab. Lakk. 141/2000 kew. 28 (1)(c)) – mm gandaa irraa oliyyannoo dhihaatu fuuchuun ilaaluu kan danda’u ta’uu isaa agarsiisa.

Federal review of state court's decision

i. On federal matters (art.80:6) of FDRE Constitution
ii. On state matters (art. 80:3a of FDRE Constitution
iii. Review by appeal (art. 80:6)
iv. Review by cassation (art. 80:3)
v. The issue of double cassation: for & against federal review of state matters(art.80: 3&6)
vi. The developing practice of precedent(Proc.No.454/2005



Aangoo HD: Ijibbaata

- ***M/M/W/F murtii dhumaa dogoggora seeraa bu'uura qabu kamiiyyuu sirreessuuf aangoo ijibbaataan ilaaluu ni qabaata (HFDRI 80(3)(a) fi lab. Lakk. 25/88 kew. 10)***
  - ✓ **Murtii dhumaa M/M/O/F aangoo ol'iyyannootiin ilaallame kenname.**
  - ✓ **Murtii dhumaa M/M/W/Naannoo aangoo idileetiinii fi aangoo ol'iyyanootiin ilaallamee kenname.**
  - **Murtii dhumaa MMW Naannoo aangoo ijibbaataatiin ilaalee kenne ni dabalataa?**
- ***M/M/W/N/ Oro. murtii dhumaa dhimma naannoo irratti kenname dogoggora seeraa bu'uuraa qabu sirreessuuf aangoo ijibbaataan ilaaluu ni qabaata [HFDRIL 80(3)(b) fi lab. Lakk. 141/2000 kew.26(1)(e)]***

- **Kanaan walqabatee falmiin qabatamaan jiru heera FDRI kew 80(3)(b) jalatti galeen “Murtii dhumaa kamiiyyuu” jedhu dhimma naannoo irratti murtii dhumaa dhaddacha ijibbaataa M/M/W/Naannooleetiin ilaallame kennamu ni debalata moo? miti? kan jedhuu dha.**
- **Ijibbaanni ijibbaata ni jiraa?**
- **EJJANNOO LAMATU JIRA.**

- **Ej/1ffaa Dhimma naannoo irratti murtiin dhuma ijibbaataan M/M/W/Naannootiin kenname M/M/W/F ijibbaataan ilaaluu hin danda'u.**
  - ✓ **It goes against essence of cassation;**
  - ✓ **It goes against finality of litigation there by endangering judicial economy;**
  - ✓ ***It violates Art. 50(2) of FDRI constitution by going against autonomy of state W/h is the pillar upon which the our Federalism is built;***
  - ✓ **Bu'uura kanaan Heera FDRI kew. 80(1) 'autonomy'' kana waan deeggaru fakkaata,**
- **Kanaaf, kwt. 80(3)(a) s'd be read taking the above spirit into account.**

- **Heera FDRI kew. 80(3)(b) fi lab. Lakk. 25/88 kew. 10(3) waliin yoo dubbifnu M/M/W/F dhimma naannoo M/M/W/Naannootiin ijibbaataan ilaalee murteesse ijibbaataan akka hin ilaalle agarsiisa.**
- **Kew. 80(1)(2) fi (3) waliin hogguu dubbifnu kew 80(3) jalatti inni “Kewwata kana, keewwattoota xiqqaa 1 fi 2n kan ibsame yoo jiraates” jedhu dhimma naannoo fi dhimma Federalaa agarsiisa.**
- ***M/M/W/F fi M/M/W /naannoo aangoo idileetiin dhimma isaanii irratti aangoo ol’aanaa fi isa dhumaa qabaatanis murtii dhumaa dogoggora seeraa bu’uuraa qabu sirreessuuf aangoo dhaddacha ijibbaataan ilaaluu ni qabaatu.***

- **Kanaaf dhimma naannoo irratti dhaddacha ijibbaata M/M/W/Naannootiin murtii kenname M/M/W/F hin ilaalu.**
- ***Proc. No. 454/2005, which empowers the federal cassation decision binding over all courts, interpreting any final court decision as including state courts decisions over purely state matters, makes the federal supreme court a new law maker over state matters without any consideration for autonomy of states.***

- **Ejj/2ffaa: M/W/F dhimma naannoo M/M/W/Naannootin ijibbaataan ilaalame irra deebi'ee ijibbaataan ilaaluu ni danda'a.**
  - ✓ **Heera FDRI kwt. 80(3)(a) "... murtii dhumaa kamiiyyuu" jedhu ifa waan ta'eef hiikkoo hin barbaadu.**
  - ✓ **Kew. 80(2) fi 80(3)(a) waliin hogguu dubbifnu galeen" kwt. Xiqqaa(2) jalatti kan ibsame yoo jiraate" jedhu M/M/W/F aangoo kana akka qabu agarsiisa.**
  - ✓ ***Qaboo yaa'ii "Constitutional Assembly" yaada seera baaftuu hubachuuf hogguu ilaallu, M/M/W/F aangoo kana akka qabu, kunis seera haala walfakkaatuun hiikuuf akka ta'e ibsameera.***

3. Aangoo Tooraa Ykn Bakkaa

- **Aangoon tooraa himatamaa fi ragaa isaatiif haala mijeessuuf kan taa'ee dha.**
- **M/M/ tokko aangoo tooraa qabaachuu isaa bu'uura SDFHHL 19-30 jiraniin mirkaneeffachuu qaba.**
- ***Art.19(1) is a basic place of local jurisdiction:***
- **Tumaaleen kwt.19 iitti aananiin ykn seera biraatiin haala addaatiin kan ibsame akkuma jiruutti ta'ee bu'uura SDFHHL 19 tiin aangoo tooraa :**
  - ✓ **Where the defendant actually resides,**
  - ✓ **Carries on business and,**

Kutaa Sadaffaa: Tarreeffama Iyyannoo(Body)

- **Kutaan Kun Ibsa Himannoo (Statements Of Claim)**
  - ✓ **firiiwwan dubbii bu'uuraa himannoo fi seerummaan gaafatamuu ni ibsama,**
  - ✓ **seerummaan himataan gaafatu addaan bahee (specifically) hanga danda'ameen adduma addaatti tarreessuun ibsamuu qaba.**
- **Ibsa Deebii Ittisaa (Statements Of Defence)**
  - ✓ **firiiwwan dubbii bu'uuraa deebii ittisaa fi seerummaan gaafatamu jalatti ibsama.**

ቍ ፡ ፪፻፳፪ ። በክስ ፡ ጽሑፍ ፡ ላይ ፡ ስለሚሠፍሩ ፡ ነገሮች ።

(፩) ማናቸውም ፡ የክስ ፡ ጽሑፍ ፡ ከዚህ ፡ ቀጥሎ ፡ የተመለከቱትን ፡ ነገሮች ፡ የያዘ ፡ መሆን ፡ አለበት ።

(ሀ) ክሱ ፡ የሚቀርብለት ፡ ፍርድ ፡ ቤት ፡ የሚያስችልበትን ፡ ቦታና ፡ ሥልጣን ፡

(ለ) የክሱን ፡ አርዕስት ፡

(ሐ) የከሳሹንና ፡ የተከሣሹን ፡ ሥም ፤ ልዩ ፡ መግለጫውን ፤ የሚኖርበት ፡ ቦታና ፡ መጥሪያው ፡ የሚሰጥበትን ፡ አድራሻ ፤

(መ)ከሣሽ ፡ ወይም ፡ ተከሣሽ ፡ በሕግ ፡ ችሎታ ፡ የለውም ፡ የተባለ ፡ ሲሆን ፡ ይህንኑ ፡ መግለጽ ።

(ሠ) ከሣሹ ፡ ክስ ፡ የሚያቀርበው ፡ በጠበቃነት ፤ በነገረ ፡ ፈጅነት ፡ ወይም ፡ በወኪልነት ፡ እንደሆነ ፡ ክሱን ፡ ለማቅረብ ፡ ያለውን ፡ ሥልጣን ፡ መግለጽ ።

(ረ) ለክሱ ፡ ምክንያት ፡ የሆኑትን ፡ ነገሮችና ፡ እንዲሁም ፡ የተፈጠሩበትን ፡ ጊዜና ፡ ሥፍራ ።

(ሰ) ፍርድ ፡ ቤቱ ፡ ነገሩን ፡ ለመቀበል ፡ ሥልጣን ፡ ያለው ፡ ስለ መሆኑ ፡ የሚያስረዳውን ፡ ሁኔታ ፡

(ሸ) ተከሣሹ ፡ ለክሱ ፡ ምክንያት ፡ በሆነው ፡ ነገር ፡ ውስጥ ፡ አግባብ ፡ እንዳለው ፡ ወይም ፡ ተጠሪ ፡ የሚሆንበትን ፡ ምክንያት ፡ ወይም ፡ ለሚቀርበው ፡ ክርክር ፡ በአሳፊነት ፡ የሚጠየቅበትን ፡ ሁኔታ ፡

(ቀ) አስፈላጊ ፡ በሚሆንበት ፡ ጊዜ ፡ ለክሱ ፡ ምክንያት ፡ የሆነውን ፡ ነገር ፡ ማምት ።

(ቁ) መንግሥት ፡ በሚከሰበት ፡ ወይም ፡ በሚከሰስበት ፡ ጉዳይ ፡ ሲሆን ፡ ከዚህ ፡ በላይ ፡ እንደተነገረው ፡ ዝርዝር ፡ ነገር ፡ መስጠት ፡ አስፈላጊ ፡ አይሆንም ። ነገር ፡ ግን ፡ የከሣሹን ፡ ወይም ፡ የተከሣሹ ፡ መሥሪያ ፡ ቤትና ፡ የባለሥልጣኑን ፡ ስም ፡ ብቻ ፡ መግለጽ ፡ በቂ ፡ ነው ።

Kutaa Afraffaa: Mirkaneessa fi Mallattoo:SDFHH kwt. 92 fi 93

- Hanga beekumsaa fi amantaa kootti firiiwwan dubbii himannoo ykn deebii kana keessatti ibsaman dhuga ta’uu isaa niin labsa.
  - Guyyaa.....
    - Mallattoo fi Ibsa nama mirkaneessee (kwt.93).

- kakuu fi mallatteessuun mirkaneessuu.
- Mirkaneessi abbumaan ykn nama biraatiin taasifamuu akka danda’u SDFHHL 92 fi 93 irraa wanti hubatamu ni jira.

ቍ ፡ ፯፪ ፡-አቤቱታን ፡ ስለማረጋገጥ ፡

(፩) ስለማናቸውም ፡ ጉዳይ ፡ የሚቀርብ ፡ አቤቱታ ፡ በሌላ ፡ ሁኔታ ፡ እንዲቀርብ ፡ የሚያዝ ፡ ድንጋጌ ፡ ከሌለ ፡ በቀር ፡ በአቤቱታ ፡ ማመልከቻው ፡ ላይ ፡ የተገለጸው ፡ ነገር ፡ አቤት ፡ ባዩ ፡ ወይም ፡ ነገሩን ፡ የሚያውቅ ፡ ሌላ ፡ ሰው ፡ በአቤቱታው ፡ ግርጌ ፡ ይህ ፡ የቀረበው ፡ ቃል ፡ እውነት ፡ መሆኑን ፡ ማረጋገጥ ፡ አለበት ።

(፪) አንድ ፡ የንግድ ፡ ድርጅት ፡ በሚከሰስበት ፡ ወይም ፡ በሚከሰስበት ፡ ጊዜ ፡ በአቤቱታው ፡ ጽሑፍ ፡ ላይ ፡ የሰፈረው ፡ ቃል ፡ ሁሉ ፡ እውነተኛ ፡ መሆኑን ፡ የሚያረጋግጠው ፡ የድርጅቱ ፡ ሥራ ፡ መሪ ፡ ዳይሬክተር ፡ ዋና ፡ ጸሐፊ ፡ ወይም ፡ ጉዳዩን ፡ ለማረጋገጥ ፡ ተገቢነት ፡ ያለው ፡ ማንኛውም ፡ የድርጅቱ ፡ ሥራ ፡ አመራር ፡ አባል ፡ የሆነ ፡ ሰው ፡ ነው ።

(፫) መንግሥት ፡ በሚከሰበት ፡ ወይም ፡ በሚከሰሰበት ፡ ጊዜ ፡ አቤ
ቱታውን ፡ የሚፈርመው ፡ ስለዚሁ ፡ ጉዳይ ፡ በተለይ ፡ የተወከለው፡
ወይም ፡ ልዩ ፡ ሥልጣን ፡ የተሰጠው ፡ ሰው ፡ ነው ። በጽሑፉ ፡
ላይ ፡ ያለውን ፡ ቃል ፡ ትክክለኛነት ፡ በማረጋገጥ ፡ የሚፈርመው ፡
ደግሞ ፡ ጉዳዩን ፡ በተለይ ፡ የሚያውቀውና ፡ ስለዚህም ፡ የተለየ ፡
ሥልጣን ፡ የተሰጠው ፡ የክፍል ፡ አላፊ ፡ ነው ።

(፬) በዚህ ፡ ሕግ ፡ በቁጥር ፡ ፴፩ ፡ በተመለከተው ፡ መሠረት ፡ በሽ
ርክና ፡ በተቋቋመ ፡ የንግድ ፡ ድርጅት ፡ ስም ፡ ክስ ፡ ሲተርብ ፡ የአ
በቱታውን ፡ ጽሑፍ ፡ ትክክለኛነት ፡ የሚያረጋግጠው ፡ በተለይ ፡
ጉዳዩን ፡ የሚያውቀውና ፡ ስለዚህም ፡ ልዩ ፡ ሥልጣን ፡ የተሰጠው፡
ከሽረኮቹ ፡ አንዱ ፡ ነው ።

Kutaa Shanaffaa: Gooree Ragaa(kwt.223)

- **Kutaan kun kophaatti kan dhiyaatuu dha.**
- **Mata Duree Mataa ofii qaba; Guyyaa, Mallattoo fi jecha mirkaneessa ni qaba.**
- **Ragaa Sanadaa:**
  - ✓ **Kan harka himataa ykn himatamaa jiruu fi hin jirre gosa fi baay'inaan addaan baasuun ibsuu,**
  - ✓ ***Kan harka isaanii hin jirre eessaa fi eenyuun harka akka jiru ibsamuu qaba.***

- **kan walqabsiisan malee ajaja MM tiin akka isaaniif dhiyaatu gaafatan irraa kan hafe ragaa biroo kan hin qabne ta’uu isaanii mirkaneessanii ibsuu qaban.**
- **Ragaan barreeffamaa Afaan oromootiin ala dhiyaatu hundi hiikkamee waraabbiin afaan biroo sunis galmeen walqabatuu qaba**
- **Ragaa sanadaa yoo hin qabnes kanuma ibsuu.**
- **Ragaan Sanadaa, mana hojii sandicha baasee, guyyaa itti barreeffamanii fi lakkoofsa isaanii sirritti barreeffamuu qaba.**
- **Ragaan barreeffamaa dhiyaatu orijinaala ykn garagalcha sirrii (true copy) ta’uu qaba.**

- **OS orijinaalaa fi garagalcha sirrii kun sirrii ta’uu isaa mallattoo isaatiin mirakneessuun galmeen waliin walqabsiisuu,**
- **orijinaala isaa immoo abbaa dhimmaaf deebifamuu qaba.**
- **Himanni fi ragaaleen barreeffamaa koppii gahaa ta’een dhiyaachuu qabu.**
- **ragaaleen sanadaa koppii gochuun kan hin danda’amne ykn kan baasii hedduu baasisu yoo ta’an hayyama MM tiin orojinaalii isaa MM akka taa’u godhamee himatamaan achumatti akka ilaalee deebii itti kennu gochuun ni danda’ama**

- **Ragaa Namaa(Naqaashii)**
  - ✓ **Maqaa fi teessoo isaanii ibsamuu qaba.**
  - ✓ **Sababni itti waamamanis ibsamuu qaba,**
  - ✓ **Ragaa yoo hin qabnes kunumti ibsamuu qaba.**

MARII

- Gama Kanaan qabatamaan bu’uura kanaan keessummeeffamaa jira jettuu?
- Muuxannoon qabdan maal fakkaata?
- OS bifa kanaan qulqulleessuun gara dhaddachaatti ni dabarsuu?
- Waan hunduma bu’uura Foormiitiin dhiyeessuun yoo hin danda’amne hoo?

Foormii G/2ffaa Rogummaa Qabuu Ol Yoo Ta’e:

- **Foormiin G/2ffaa gaaffiiwwan himannoo fi deebii keessatti dhiyaachuu qaban hammachuu yoo kan hin dandeenye ta’e kwt. 80(3) furmaata ni kaaya.**
  - ✓ **kophaatti guyyaa kenneefii gadifageenyaan tarreessuun iyyannoo muummee waliin walqabsiisuu dha.**
  - ✓ **Gareen falmii seeraa dhiyeessuu barbaadu sanada addaa yeroo baay’ee “a memorandum of law” jechuun beekamuun kophaatti dhiyeeffachuu ni danda’a.**

Ulaagaawwan Teeknikaa Iyyannoo

- **Iyyannoo Himannoo**
- **Sirna Idilee**
  - ✓ **qajeeltoowwanii fi tartiibni armaan olii rawwatiinsa ni qabaatan**
  - ✓ **SDFHH kwt.222, 223,92 fi 93 raawwii ni qabu.**

Sirna Gabaabaa

- mata duree iyyanichaa *“Himannoo sirna Gabaabaatiin Dhiyaate”* jechuun ibsama
- jecha kakuutiin deeggaramuu qaba.

Sirna Ariifachiisaa

- iyyanni wanti dhimmichaaf sababa ta’e erga raawwatee ykn uummamee guyyaa 15 keessatti jecha kakuutiin deeggaramuun dhiyaachuu qaba. Kwt. 301(1)
- Ulaagaawwan hafan kanuma isaan kaan ilaallatanii dha.

ቁ ፡ ፲፱፩ ። ክሰ ፡ ስለሚቀርብበት ፡ ሁኔታ ።

(ሰ) በዚህ ፡ ምዕራፍ ፡ በተነገረው ፡ መሠረት ፡ ክሰ ፡ ለማቅረብ ፡ ሕግ ፡ የሚፈቅድለት ፡ ማናቸውም ፡ ሰው ፡ ተገቢውን ፡ ዳኝነት ፡ ከከፈለ ፡ በኋላ ፡ ላቀረበው ፡ ማመልከቻ ፡ መሠረት ፡ የሆነው ፡ ሕግ ፡ በወሰነው ፡ ጊዜ ፡ ውስጥ ፡ ቀንና ፡ ዓመት ፡ ምሕረቱ ፡ ተሞ ልቶበት ፡ የተፈረመ ፡ የክሰ ፡ ማመልከቻ ፡ ማቅረብ ፡ አለበት ። አቤቱታው ፡ የሚቀርብበት ፡ ጊዜ ፡ በሕግ ፡ ያልተወሰነ ፡ እንደ ሆነ ፡ ግን ፡ ለክሰ ፡ መነሻና ፡ ለአቤቱታው ፡ መሠረት ፡ የሆነው ፡ ነገር ፡ በተፈጸመ ፡ በ፲፭ ፡ ቀን ፡ ውስጥ ፡ ማቅረብ ፡ አለበት ።

(፪) እንዲሁም ፡ አመልካቹ ፡ አቤቱታውን ፡ ለማቅረብ ፡ የቻለበት ፡ ሥልጣን ፡ ለአቤቱታው ፡ መሠረት ፡ የሆነው ፡ ሕግና ፡ አቤቱታ ፡ ያቀረበበትን ፡ ምክንያት ፡ የሚገልጽ ፡ በመሐላ ፡ ቃል ፡ የተደገፈ ፡ ማመልከቻ ፡ ማቅረብ ፡ አለበት ።

(፫) ከዚህም ፡ በቀር ፡ ቀጥሎ ፡ ባሉት ፡ ቁጥሮች ፡ የተነገሩትን ፡ ሰንዶችና ፡ ሌላም ፡ ለጉዳዩ ፡ አመላሰን ፡ ይጠቅማሉ ፡ ብሎ ፡ የሚገምታቸውን ፡ ጽሑፎች ፡ ሁሉ ፡ ከማመልከቻው ፡ ጋር ፡ አያይዞ ፡ ማቅረብ ፡ አለበት ።

ቍ ፡ ፫፻፱ ። ማመልከቻው ፡ ተቀባይነትን ፡ የሚያጣበት ፡ ሁኔታ ።

(፩) ማናቸውም ፡ ማመልከቻ ፡ ተቀባይነትን ፡ የሚያጣው ፡ ከዚህ ፡ ቀጥሎ ፡ በተመለከቱት ፡ ምክንያቶች ፡ ነው ።

(ሀ) አመልከቹ ፡ አቤቱታ ፡ ለማቅረብ ፡ ሥልጣንና ፡ ችሎታ ፡ የሌለው ፡ ሲሆን ፤

(ለ) ማመልከቻው ፡ በቍጥር ፡ ፫፻፩ ፡ (፩) ፡ በተወሰነው ፡ ጊዜና ፡ ሁኔታ ፡ ተሟልቶ ፡ ያልቀረበ ፡ ሲሆን ፡ ወይም

(ሐ) ማመልከቻ ፡ የቀረበበት ፡ ጉዳይ ፡ ከዚህ ፡ ቀጥሎ ፡ በተመለከቱት ፡ ቍጥሮች ፡ መሠረት ፡ መታየት ፡ የማይገባው ፡ መሆኑን ፡ ፍርድ ፡ ቤቱ ፡ ሲረዳው ።

(፪) የማመልከቻው ፡ ተቀባይነትን ፡ ማጣት ፡ ጉዳዩ ፡ በፍርድ ፡ እንደተወሰነ ፡ አያስቆጥረውም ። ስለሆነም ፡ በዚያው ፡ ጉዳይ ፡ አዲስ ፡ ማመልከቻ ፡ ከማቅረብ ፡ የሚያግደው ፡ ይሆናል ።

Himannichi Ulaagaawwan Teekniikaa SDFHHL 229 Jalatti Eeraman Yoo Hin Guutin:

- OS himannoo fi gooree waliin dhiyaatan himataaf deebisuun sababa itti fudhatama dhabes ibsuufii qaba.
- Himataan sababa kanatti yoo quufuu dhabe irra deebi'amee akka ilaallamuuf dhaddachatti ykn AS tti iyyachuu akka danda'u ibsameera
- guyyaa ajajani kun OS tiin kennamerraa kaasee guyyoota shan (5) keessatti dhiyaachuu qaba.
- Sirni kun "revision" waan jedhuuf ol'iyyannoo akka hin taane ni hubatama.

Ulaagaawwan Teekniikaa Deebii

- **Ulaagaawwanii fi foormiin ilaalle raawwii ni qaba.**
- **Iakkoofsa galmee dhimmichaa qabaachuu akka qabu SDFHHL 234(1)(a) fi (b).**
- **himannoon himataa sababa aangoo MM tiin, ykn himataan dandeetti waan hin qabneef, ykn darbiinsa yerootiin waan daangeffamuuf fudhatama kan hin qabne yoo ta'e firiiwwan dubbii haallan kunniin jiraachuu agarsiisan tarreessuu qaba kwt. 234(1)(c).**
- **bu'uura kwt. 234(1)(d) tiin firiiwwan dubbii bu'uuraa himatamaa ittisa isaatiif bu'uura**

- **Deebii keessatti firiiwwan dubbii yeroo, guyyaa, iddoo fi kkf...himannoo keessatti dhiyaataniif hundumaafuu tokko tokkoon deebii kennamuu akka qaba kwt.234 (1)(e) fi 83.**
- **Bu'uura SDFHH kwt. 235(1) tiin wanti ifaan hin haalamin akka amanamanitti waan fudhatamaniif ifaan haaluu ykn amanuun ibsamuu qaba.**
- **Deebiin ittisaa bifa *"firii dubbii fakkeenyaaf qabxii shanaffaa himannoo jalatti caqafame himatamaan ni haala; ykn waliigaltee qabaachuu keenya himatamaan hin amanu; ykn waliigalteen ni jira garuu……."* jedhuun tarreeffamuu qaba jechuu dha.**

- **Iyyannoon deebii ittisaa ulagaawwaan kwt. 238 kan guutu yoo ta’ee fi himannoo himatamummaa ykn iyyannoo iyyata kaffaltiin na wal haa danda’u of keessatti kan hammate yoo ta’e sirni hordofamuu qabu SDFHHL 239 jalatti tumameera.**
- **Bu’uura kanaan dura himataan deebii kennuu akka barbaadu gaafatamuu qaba.**
- **Himataan deebii kennuuf fedhii qabaachuu isaa yoo ibse immoo deebii (reply) isaa akka dhiyeeffatu beellamni kennamuufii akka qabu tumaa kana jalatti ibsameera.**

- **Deebiin kunis kan qoratamu bu’uura SDFHHL 229 fi 231 tiinii dha.**
- **Bu’uura SDFHHL 229 tiin iyyannoo ulaagaawwan teeknikaa SDFHHL 222, 223, fi 92 jalatti tarreeffaman yoo osoo hin guutin dhiyaate rejistiraarri iyyannoo sana abbaa dhimmaatiif deebisu ykn irraa fuudhuu diduu qaba.**
- **Bu’uura labsii Lakk. 141/2000 tiin ulaagaawwan kunniin yoo hin guuttamin tarkaanfii akkasii fudhachuuf aangoo kan qabu oofiisara seeraati.**

Iyyannoo Raawwii Murtii

- **SDFHH kwt. 378 (3) fi SDFHH kwt. 379**
  - ✓ **Lakk. G. haadhoo; maqaa abbootii dhimma;**
  - ✓ **guyyaa fi bara murtiin itti kenname;**
  - ✓ **murticha irratti ol'iyyannoon gaafatamuu isaa;**
  - ✓ **erga murtiin kennamee as idaan kaffalame jiraachuu fi dhiisuu isaa ;**
  - ✓ **iyyanni raawwachiisaa duraan dhiyaateera yoo ta'e guyyaa fi bara itti dhiyaate; bu'aa isaa ykn murtii itti kenname;**
  - ✓ **bu'uura murtii kennameen qixa qarshii kaffalamuufii qabu dhala isaa waliin ykn mirgi biraa gaafatu yoo jiraate kanuma ibsuu;**

- **M/M biraatiin abbaan idaa kan abbaa mirgaa irratti murteessifate yoo jiraate qixa isaa fi wal-simsiifni (set-off) godhames yoo jiraate ibsuu;**
- **baasii fi kasaaraan murtaa’e yoo jiraate qixa isaa;**
- **gargaarsa dabalataa MM irraa gaafatu yoo qabaate;**
  - **qabeenya harkaan gahachuu;**
  - **qabeenyi abbaa idaa kabajamee ykn osoo hin kabajamiin akka gurguramu ;**
  - **bulchaan qabeenyaa akka muudamuuf fi**
  - **Iyyata raawwachiisaa waliin garagalcha murtii haadhoo sirrii ta’e dhiyeeffachuun irraa jiraata**

Iyyannoo Mormii Murtii

- **SDFHHL 358 Fi 359 Jalatti Ibsamaniiru.**
  - ✓ **maqaa MM iyyanni itti dhiyaatuu fi bakka isaa;**
  - ✓ **maqaa fi teessoo iyyataa; himataa fi himatamaa galmee haadhoo;**
  - ✓ **L. G. fi guyyaa murtiin kenname;**
  - ✓ **qabxiilee mormii isaaf bu'uura ta'an;**
  - ✓ **Fala MM irraa gaafatu; fkn. Murtiin kenname akka hin jirretti lakkaawwamee bakka inni jirutti falmii haarowaan akka gaggeeffamu;**
  - ✓ **Mallattoo fi guyyaa iyyanni itti dhiyaate; fi**
  - ✓ **Iyyannichi dhugaa irratti kan hundaaye ta'uun isaa jecha kakuutiin mirkanaa'uu qaba.**

Komii Ol’iyyannoo fi Ijibbaataa

- **OS ol’iyyannoon dhiyaate ulaagaawwan kwt. 320 fi 323 jalatti tarreeffamanis guuttamuu isaanii mirkaneeffachuu qaba.**
- **komii ol’iyyannoo yeroo ol’iyyanichi itti dhiyaachuu qabu darbuun dhiyaatu immoo abbootiin dhimmaa guyyaa hangam keessatti iyyata hayyamsiisaa akka dhiyeeffatu itti himuu qaban kwt. 324(1).**
- **Ulaagaawwan teeknika Komii ol’iyyannoo kwt. 327.**
- **Iyyanni ijibbaataa qabxiilee murtiin komatame dogongora seeraa ni qaba itti jedhame qofa gabaabinaan tarreessuun guyyaa 90 keessattii waraabbii murtii ol’iyyannoo fi MM jalaatiin walqabsisuun dhiyeessuu.**

Ulaagaaawwan Seeraa

- **Lab. Lakk. 141/2000, kwt. 25(b) jalatti OS ulaagaa seeraa qorachuuf aangoon kennameefiira.**
- **Ulaagaa seeraa jechuun maal jechuu dha?**
- **SDFHH kwt. 231 waliin akkamitti ilaallama?**
  - ✓ **Himata--- Aangoo M/M, Abbaa dhimmaa fi Sababa himannoo**
  - ✓ **Iyyata ????**
  - ✓ **Deebii ???**
  - ✓ **Ol'iyyannoo ????**

Aangoo Mana Murtii

- **Iddoo Saditti Qoodama:**
  - ✓ **Biyyoolessaa**
  - ✓ **Hundee Dubbii**
  - ✓ **Tooraa**

Dandeettii fi Abbaa Dhimmaa

- **Ulaagaa seeraa oofiisarri seeraa lammaffaa irratti sakatta’uu qabuu dha.**
- **Abbaan Dhimmaa:**
  - ✓ **dhimma tokko keessatti dantaa kan qabu (the real party in interest) dha. Seera Muummee.**
  - ✓ **himannoon kan dhiyaatu nama mirga qabuun ykn maqaa isaatiin ta’uu qaba .**
  - ✓ **SDFHH keenya jalattis himataan dhimma himannichaaf bu’uura ta’erraa mirga himachuu qabaachuu akka qabuu fi himatamaanis nama himataan seerummaa irraa gaafachuu danda’u akka ta’e duraa duubaan kwt. 33(2) fi 33(3) jalatti tumameera.**

Dandeettii

- gahumsa seeraa garee falmii ta’uu nama dandeessisu
- seera HH kew. 196 (1) tti namni hundii seera biratti dandeettii qaba jedhameetu tilmaamama.

Namoonni mirga qaban garuu dandeettii hin qabane karaa bakka bu’aa isaaniitiin falmuu akka danda’an SDFHH kwt. 57 irraa ni hubatama.

- Namni bakka bu’ee dhiyaate garuu ragaa bakka bu’insaa seeraa duratti fudhatama qabu dhiyeessuun irra jiraata.

Sababa Himannoo

- **Sababni himannoo:**
  - ✓ **himataan maallaqaaf ykn qabeenyaaf ykn mirga biroo kabachiifachuuf, nama biroo irraa waan tokko akka argatu M/M akka murteessuuf himannoo dhiyeeffachuu haallan firii dubbii (factual circumistanses) isa dandeessisanii dha.**
  - ✓ **firiiwwan dubbii seerummaa gaafatame argachuu kan dandeessisan.**
  - ✓ **Firiiwwan dubbii walitti dhufeenya falmitootaa fi badii (wrongs) raawwatamee fi itti gaafatamummaa agarsiisan,**

MARII

- Oofiisarri seeraa ulaagaa seeraa keessatti gadi seenee aangoon, dandeetiinii fi sababni himannoo ni jira moo hin jiru kan jedhu ni ilaalaa amantaa jedhu ni qabdanii?
- Eeyyeen yoo jettan haala kamiin ta’uu qaba?

kutaa 2ffaa

Qajeelcha Falmii Dhimma Yakkaa Keessatti Aangoo Oofiisara Seeraa

Seensa

- **Aangoowwan rejistiraaraa SDFY tumaalee adda addaa jalatti kan tumamanii dha.**
  - ✓ **Buu’uura SDFY kwt. 124(1) tiin ajaja waamichaa baasuu,**
  - ✓ **Bu’uura kwt. 187(1) tiin garagalcha galmee ykn murtii kennuu, fi**
  - ✓ **bu’uura kwt. 190(1) tiin ciraa fi sanadoota adda addaa MM ol’iyyannoo dhagayuuf erguu dha.**
- **Isaan kunniin ulaagaawwan teeknikaa fi**

- **Garuu qabatamaan rejistiraarri aangoo seeraan kennameefin ala bahuun daangaa isaa bal’isuun himata, iyyataa fi sanadoota gara MM dhufan ulaagaawwan teekniikaa guutuu isaanii ni qorata.**
- **Kanaaf labsii Lakk. 141/2000 kwt. 25(a) jalatti hojiiwwan rejistiraarri bu’uura seeraa malee hojjachaa ture seeraan oofiisaroonni seeraa akka hojjatan taasifameera.**
- **Bu’uura kanaan rejistiraaronni iyyata, himannaa, fi ol’iyyata dhiyaateef ulaagaawwan teeknikaa fi seeraa guutuu isaanii qorachuuf aangoo ni qaban.**

Ulaagaawwan Teekniikaa Himata, Ol’iyyata fi Iyyannoowwan Yakkaa Adda Addaa

Himata Yakkaa: Sirnoota Itti Dhiyaatu

- **Sirni himannaa dambii cabsuu ulaagaawwan chaarjii sirna idilee guutuuf akka hin dirqamne SDFYL 108(1) jalatti ibsameera.**
- **SDFYL 108 (3) jalatti tumaaleen himata yakkaa ilaallatan ajajinni bu'uura SDFYL 172 tiin yoo kenname malee dhimmoota namoota gaa'ela hin gahin ilaallatan irratti raawwatiinsa hin qaban.**
- **Qajeeltoowwanii fi ulaagaawwan teeknikaa himannoon yakkaa sirna idileetiin dhiyaatu guutuu qabu garuu SDFY kwt. 111 fi itti aanan jalatti tumameera.**
  - **Itti aansinee kan ilaallu ta'a.**

ቍ ፡ ፪፷ ። መሠረቱ ።

(፩) የደንብ ፡ መተላለፍ፡ ከሆነ ፡ ክስ፡ በቀር፤ ማንም፡ ሰው፡ በዚህ፡ ምዕራፍ ፡ መሠረት ፡ ክስ ፡ ሳይቀርብበት ፡ በፍርድ ፡ ቤት ፡ ነገሩ ፡ እንዲሰማ ፡ አይደረግም ።

(፪) የሚቀርበው ፡ የክስ ፡ ማመልከቻ ፤

(ሀ) በከፍተኛው ፡ ፍርድ ፡ ቤትም፡ ሆነ፡ ወይም ፡ በዝቅተኛ ፡ ፍርድ ፡ ቤት ፡ በዐቃቤ ፡ ሕግ ፡ የቀረበ ፡ ሲሆንና ፤

(ለ) በግል ፡ ከሳሽነት፡ ክስ፡ እንዲያቀርብ ፡ በተፈቀደለት ፡ የግል ፡ ከሳሽ ፡ የቀረበ፡ ሲሆን ፤ የክሱ ፡ ማመልከቻ፡ በዚህ ፡ ምዕራፍ ፡ ድንጋጌዎች ፡ መሠረት፡ መዘጋጀት ፡ አለበት ።

(፫) አካለመጠን ፡ ያላደረሱ ፡ ወጣቶች ፡ ላይ ፡ የሚቀርብ፡ ክስ፡ በዚህ፡ ሕግ፡ በቍ፡ ፪፻፪ ፡ መሠረት፡ ሌላ ፡ ትእዛዝ፡ ካልተሰጠ ፡ በቀር ፡ በዚህ ፡ ምዕራፍ ፡ መሠረት ፡ አይፈጸምም ።

ቍ ፡ ፻፱ ። የክስ፡ ማመልከቻ፡ ስለ፡ ማዘጋጀት፤ ስለ፡ ማቅረብና፡ ለተከሳሹ፡ ስለ፡ መስጠት።

(፩) ዐቃቤ ፡ ሕጉ ፡ የፖሊስ፡ ምርመራ፡ መዝገብ፡ (ቍ ፡ ፴፯) ፡ ወይም ፡ የቀዳሚ ፡ ምርመራ፡ ፍርድ፡ ቤት፡ መዝገብ፡(ቍ፡ ፶፩)፡ በደረሰው፡ በዐሥራ፡ አምስት፡ ቀን፡ ጊዜ፡ ውስጥ፡ በፖሊስ ፡ የምርመራ ፡ መዝገብ ፡ ወይም ፡ በቀዳሚ ፡ ምርመራው ፡ መዝገብ ፡ መሠረት ፡ የሚገባ ፡ የመሰለውን፡ ክስ ፡ አዘጋጅቶ፡ ሥልጣን፡ ላለው ፡ ፍርድ ፡ ቤት ፡ ያቀርባል ።

(፪) ነገሩ ፡ በከፍተኛው፡ ፍርድ፡ ቤት ፡ መሰማቱ ፡ ከመጀመሩ ፡ በፊት ፡ የቀዳሚ ፡ ምርመራ፡ ፍርድ፡ ቤት፡ መዝገብን፡ ዐቃቤ፡ ሕጉ፡ ተመልክቶ፡ ነገሩ፡ ሊሰማ፡ የሚገባው፡ በዝቅተኛ፡ ፍርድ፡ ቤት፡ መሰሎ፡ የታየው፡ እንደሆን፡ ቀዳሚ፡ ምርመራ፡ አድራጊው ፡ ፍርድ፡ ቤት፡ የሰጠው፡ ውሳኔ ፡ ቢኖርም ፡ እንኳን ፡ ተገቢ ፡ የመሰለውን፡ የክስ ፡ ማመልከቻ ፡ አዘጋጅቶ ፡ ሥልጣን ፡ ላለው ፡ ዝቅተኛ ፡ ፍርድ ፡ ቤት ፡ ያቀርባል ።

(፫) ዐቃቤ ፡ ሕጉ ፡ የቀዳሚ፡ ምርመራ፡ ፍርድ፡ ቤት፡ መዝገብ፡ ሲመረምር፡ የ፡ ፈጸሙት፡ ወንጀሎች ፡ በከፊል ፡ የፍተኛው ፡ ፍርድ ፡ ቤት ፡ ሥልጣን ፤ በከፊል ፡ ደግሞ ፡ የዝቅተኛ ፡ ፍርድ ፡ ቤት ፡ ሥልጣን ፡ ሆኖ ፡ ሲያገኘ ፡ ተገቢ ፡ የመሰለውን ፡ ክስ ፡ አዘጋጅቶ ፡ ሁሉንም ፡ ወንጀሎች ፡ የማየት ፡ ሥልጣን ፡ ላለው ፡ ለከፍተኛው ፡ ፍርድ ፡ ቤት ፡ ያቀርባል ።

(፬) የክሱ ፡ ማመልከቻ ፡ ግልባጭ ፡ ለተከሳሹ ፡ ያለ ፡ ዋጋ ፡ በነጻ ፡ ይሰጠዋል ።

Ulaagaawwan Teekniikaa Himata Yakka:Sirna Idilee

- **Himannoon yakkaa bu’uura ulaagaawwan yakkichaa seera yakkaa keessatti ibsamee fi qabiyyee SDFY keessatti akka guutu ibsaman guutuu qaba.**
- **Bu’uura SDFYL 112 tiin chaarjiin tokko haala himatamaan yakka ittiin himatame hubatee deebii kennuu isa dandeessisuun yakkichaa fi haala raawwii isaa haala ibsuun qophaa’uu qaba.**

ቍ ፡ ፱፲፩ ፡ የክሱ ፡ ማመልከቻ ፡ ዐይነትና ፡ የሚጸፍበት ፡

(፩) ማንኛውም፡ የክስ ፡ ማመልከቻ ፡ ቅንና ፡ ዓመተ ፡ ምሕረት ፡ የተጻፈበትና፡ የተፈረመበት ፡ እንዲሁም ፡ ከዚህ ፡ በታች ፡ የተዘረዘሩትን እንዲገለጹበት ፡ ያስፈልጋል ፡

(ሀ) የተከሳሹ ፡ ስም ፤

(ለ) ተከሳሹ ፡ የተከሰሰበትን ፡ ወንጀል፡ እንዲሁም ፡ የወንጀሉ ፡ መሠረታዊ ፡ ነገርና ፡ ሁኔታዎች ፤

(ሐ) ወንጀሉ ፡ የተፈጸመበት ፡ ጊዜና ፡ ስፍራ ፡ ተገቢ ፡ በሆነ ፡ ጊዜም ፡ የተበደለው ፡ ሰው ፡ ስም ፡ ወይም ፡ ወንጀሉ ፡ የተፈጸመበት ፡ ንብረት ፤

(መ) ተከሳሽ ፡ ወንጀሉን ፡ በመፈጸም ፡ ተላልፏል ፡ የተባለበት ፡ ሕግና ፡ የሕጉን ፡ ቍጥር ፤

(፪) ማንኛውም፡ የክስ ፡ ማመልከቻ ፡ ከዚህ ፡ ሕግ ፡ ተያይዞ ፡ በሚገኘው ፡ በሁለተኛው ፡ ሠንጠረዥ፡ ዐይነት ፡ ወይም ፡ በተቻለ ፡ መጠን ፡ ከዚሁ ፡ ጋራ፡ ተመሳሳይ ፡ በሆነ ፡ ዐይነት ፡ መዘጋጀት ፡ አለበት ፡

- **Ibsi kunis hanga danda’ameen akkaatuma jechoota tuma seeraa yakkichaa keessatti ibsameen ta’uu qaba.**
- **SDFYL 111(2) irraa akka hubatamutti chaarjiin kamiiyyuu hanga danda’ameen haala foormiiwwan gabatee lammaffaa SDFY hordofeen qophaa’uu qaba.**

Tartiiba Himata Yakkaa

- **Tartiiba Tokkoffaa: kutaa ka'umsaa (The commencement)**
  - ✓ **Maqaa MM dhimmicha ilaaluuf aangoo qabu fi iddoo itti dhaddacha gaggeessu;**
  - ✓ **Lakkoofsa himannichaa, galmee pooliisii fi A/A;**
  - ✓ **Maqaa himataa fi hamatamaa teessoo waliinii fi**
  - ✓ **Guyyaa himannaan itti dhiyaate ni ibsama**

Tartiiba Lammaffaa:Ibsa Yakkichaa (The statement of offence)

- **Kunis maqaa yakkichaa fi keewwata seeraa cabe kan hammatuu dha.**
  - ✓ ***Fkn"Hanna SYL 665 darbuun"*** **haala jedhuun ibsamuu qaba.**
- **Hangas mara gadifageenyaan ulaagaa yakkichaa ibsuu osoo hin ta'in seericha fi tumaa seerichaa rogummaa qabu bifa"*kwt.539 (1) (a)"* jedhuun ibsamuun gahaa dha.**
- **Jechoota teeknikaawaatti fayyadamamuu hin qabnu.**

Tartiiba Sadaffaa: Kutaa Tarree Yakkaa (The particulars of offence)

- **Haala raawwii yakkichaa fakkeenyaaf yeroo, iddoo, amala (conduct), fi hundee yakkaa (subject matter) himatamaan ittiin himatame;**
- **Tarreen ulaagaa yakka himatamaan ittiin himatamee ;ulaagaa seeraa (legal ingredient), sammuu (mental) fi gochaa (material ingredient;**
- **Guyyaa, sa'aatii fi iddoon yakkichi itti raawwatamee;**
- **Barbaachisaa ta'ee yoo argame, nama ykn qabeenya yakkichi irratti raawwatamee ibsuu;**

Tartiiba Afraffaa:Tarree Ragaa

- **Dhumarratti:**
  - ✓ **Tarree Ragaa Namaa,**
  - ✓ **Tarree Ragaa Sanadaa,fi**
  - ✓ **Tarree Ragaa Ciraa dhiyaachuu qaba.**

Iyyannoo Komii Ol’iyyannoo

- **SDFYL 181 himatamaan itti murtaa’ee fi A/A himatamaan bilisaan yoo bahe ykn gadi lakkifame ol’iyyachuu akka danda’an tumameera.**
- **Bu’uura SDFY kwt. 184 tiin falmii ijoo irratti murtii osoo hin kennamin ajajoota tumaa kana jalatti caqafaman irraa ol’iyyachuun hin danda’amu.**
- **Ol’iyyannoon murtiin kennamee guyyoota 15 keessatti gaafatamuu qaba (kwt.187).**
- **Ol’iyyataan garagalchi murtii isa dhaqabee guyyoota 30 keessatti komii ol’iyyannoo isaa M/M murtii kennetti dhiyeessuu qaba.**

ቁ ፡ ፻፸፬ ። የትእዛዝ ፡ ይግባኝ ፡ ስላለመኖሩ ።

ከዚህ ፡ በታች ፡ ባሉት ፡ ሁኔታዎች ፡ ፍርድ ፡ ቤት ፡ በሚሰጠው ፡ ትእዛዝ ፡ ይግባኝ ፡ ለማለት ፡ አይቻልም ።

(ሀ) በቁ ፡ ፯፬ ፡ መሠረት ፡ ቀጠሮ ፡ መስጠት ፡ ወይም ፡ አለመስጠት ፤ ወይም ፡

(ለ) በቁ ፡ ፻፴፩ ፡ መሠረት ፡ ስለሚቀርብ፡ መቃወሚያ ፤ ወይም ፡

(መ) በቁ ፡ ፻፸፪ ፡ መሠረት ፡ ማስረጃን ፡ ስለ፡መቀበል ፡ ወይም ፡ ስላለመቀበል ።

ነገር፡ ግን፡ የጥፋተኛነት፡ ውሳኔ፡ በተሰጠበት፤ ለጊዜው ፡ በመልቀቅ ፡ ወይም፡ ነጻ፡ በመልቀቅ፡ ፍርድ፡ ተሰጥቶ፡ ይግባኝ ፡ በተባለበት ፡ ጊዜ ፡ እንዚህ ፡ የተሰጡት ፡ ትእዛዞች ፡ ይግባኝ ፡ ለማለት ፡ ምክንያቶች ፡ ለመሆን ፡ ይችላሉ ።

Qabiyyeen komii ol’iyyannoo SDFYL 189 jalatti tumameera.

- Maqaa M/M ,ol’iyyata fi deebii kennaa, fi guyyaa qabaachuu qaba,
- Iyyata komii ol’iyyannoo keessattii mormii ykn komii jiru gabaabinaa akka qabxiitti (distinct heads) kophaa kophaatti bifa walduraa duubaan lakkoofsi kennameefii tarreeffamuu qabu;
- Falmiin kamiiyyuu barreeffamuu hin qabu (without any arguments);
- Seerummaan gaafatamu sirriitti ibsamuu qaba;
- Waraabbiin murtii ol’iyyannoof bu’uura ta’ee komii ol’iyyanootiin walqabatuu qaba;

Iyyata Adda Addaa Falmii Yakkaa

- **Iyyanni mirga wabii bu'uura SDFYL 64 tiin dhiyaachuu akka qabu tumameera.**
  - ✓ **Barreeffamaan ta'ee sababa iyyannoon dhiyaatuu danda'eef gabaabinaan;**
  - ✓ **Amala ykn gosa wabummaa (nature of bail bond) iyyataan dhiyeeffachuu barbaadu (fkn wabii namaa, wabii mataa isaatiin, maallaqa...),**
  - ✓ **Himannoo irratti dhiyaatee fi sababa qabameef;**
  - ✓ **Guyyaa mana murtichaa dhiyaatu;**

ቍ ፡ ፭፬ ። በዋስትና ፡ ወረቀት ፡ እንዲለቀቅ ፡ የሚቀርብ ፡ ማመልከቻ ።

(፩) በማንኛውም ፡ ጊዜ ፡ ቢሆን ፡ የተያዘው ፡ ሰው ፡ በዋስትና ፡ ወረቀት ፡ እንዲ ለቀቅ ፡ ለመጠየቅ ፡ ይችላል ።

(፪) ማመልከቻውን ፡ በጽሑፍ ፡ አድርጎ ፡ አመልካቹ ፡ መፈረም ፡ አለበት ። ማመ ልከቻ ፡ ያቀረበበትን ፡ ምክንያት ፡ በአጭሩ ፡ መግለጽና ፡ ማቅረብ ፡ የሚች ለውን ፡ የዋስትና ፡ ወረቀት ፡ ሁኔታ ፡ ማመልከት ፡ አለበት ።

(፫) በዋስትና ፡ ወረቀት ፡ እንዲለቀቅ ፡ የሚቀርበውን ፡ ማመልከቻ ፡ ማናቸውም ፡ ፍርድ ፡ ቤት ፡ ለመፍቀድ ፡ ይችላል ።

- **Hanga MM ajaja biroo kennutti yeroo hundumaa gaafa beellamaa akka dhiyaatu;**
- **Yoo hafe immoo hanga maallaqaa kaffalu ibsuu qaba,**
- **Wabii namaa yoo dhiyeefate immoo kaffaluuf dirqama kana seenuu isaani ibsuu qaba.**
- **Iyyata kanarratti maqaan mana murtii iyyanni itti dhiyaatuu;**
- **Maqaa fi mallattoo iyyataa qabaachuu qaba.**

- **Kanneen Biroo:**
  - ✓ **Iyyata Amakiroo (SYL 202(1))**
  - ✓ **Iyyata Wabummaa Ofirraa kaasuuf (kwt.77)**
  - ✓ **Iyyata hayyamsiisa oi’iyyannoo (SDFYL 191).,**
  - ✓ **Iyyata murtii bakka hin jirretti kaasuu (kwt. 198 fi 199),**
  - ✓ **Iyyata moggaafamaaf (kwt. 218(1)).**
  - ✓ **Iyyata gaaffii ajaja qabiinsaa (kwt. 53),**
  - ✓ **Iyyata gaaffii sakatta’iinsaa (kwt. 32 fi 33)**
  - ✓ **Iyyata gaaffii beellama yeroo (kwt.59)**
  - ✓ **Iyyata jijjiirraa galmee (SDFY kwt. 106)**
  - ✓ **Iyyata himata kaasuu (SDFY kwt. 122)**
  - ✓ **Iyyata dhorka murtii (SDFYL 188 (5)).**
  - ✓ **Iyyata gaaffii beenyaa miidhamaa yakkaa kwt. 154 (1) .**

Ulaagaawwan Seeraa

- **Ulaagaawwan Seeraa:**
  - ✓ **Iyyata adda addaa falmii yakkaa keessatti dhiyaatanii????**
  - ✓ **Iyyata komii ol’iyyannoo??????**
  - ✓ **Himata Yakkaa….Aangoo M/M, Abbaa Dhimmaa??????**

Aangoowwan Mana Murtii

- Aangoo Biyyoolessaa
- Aangoo Hundee Dubbii
- Aangoo Tooraa

Aangoo Biyyoolessaa

- **Aangoon Biyyoolessaa aangoo MM biyyaa kanaa dhimma yakkaa tokko ilaalanii murtii kennuu danda'uu fi baachuu isaanii ilaallatuu dha.**
  - ✓ **seera yakkaa federaalaa kwt. 11-20**
- **Bu'uurri aangoo kanaas :-**
  - **(1) Iddoo yakkichi itti raawwatame ;**
  - **(2) Lammummaa himatamaa; fi**
  - **(3) Gosa yakkaa raawwatame.**

- **Bu’uura qabxiilee kanneeniitiin immoo aangoo biyyoolessaa Biyya keenyaa:**
  - ✓ **Aangoo ljoo (Principal Jurisdication) kwt. 11-16 fi**
  - ✓ **Aangoo xiqqaa (Subsidiary Jurisdiction, kwt. 17) jechuun qooduun ni danda’ama.**

Aangoo Biyyoolessaa Ijoo (Principal Jurisdiction) kwt. 11-16

- Aangoon ijoon (Principal Jurisdiction) daangaa isaa waliin seera yakkaa FDRI kwt. 11-16 jalatti bal’inaan tumameera.
- Bu’uura kanaan biyyi teenya namoota irratti bu’uura afuriin aangoo biyyoolessaa ijoo akka qabdu tumaalee seeraa armaan olitti caqafan irraa ni hubatama.

Tokkoffaan :nama yakka Itoophiyaa keessatti raawwatameen himatame :

- kun kallattiidhaan seera yakkaa kwt. 11-12 kan ilaallatuu dha.
- Seera Yakkaa kwt. 11(1) irraa akka hubatamutti yakka kamiiyyuu yakkoota seera yakkaa keessatti caqasaman keessaa daangaa (territory) Itoophiyaa keessatti namni raawwate kamiiyyuu bu’uura seera yakkaa keenyaan ni adabama.
- Daangaan (territory) kun lafaa fi samii (haawaas) ni dabalata.

- **Lammaffaan :nama biyya ambaatti Itoophiyaa irrattii yakka raawwateera jechuun himatame (SYL 13):**
  - **Tumaan seeraa kun nama nageenya, tokkummaa, ykn dhaabbiilee seeraa, faayidaawwan ijoo, ykn**
  - **maallaqa mootummaa Itoophiyaa irratti yakka raawwate kamiiyyuu irratti**

- **Fakkeenyaaf lammiin biyya ambaa tokko lammii biyya keenyaa biyya isaa jiran waliin mootummaa biyya keenyaa kuffisuuf kan gurmaa'ee fi kanaafiis birrii biyya keenyaa fakkeessuun mallaqa sobaa kan maxxanse yoo ta'e gochi isaa kun SYL 238 fi 357 kan darbu waan ta'eef bu'uura SYL 13 tiin aangoo biyyoolessaa ijoo jalatti kan kufuu dha.**

- **Sadaffaan :nama biyya ambaatti yakka raawwateera jechuun himatamee fi biyya yakkichi itti raawwatame sanatti immoo namni sun hojjataa Itoophiyaa waan ta’eef mirga himatamuu dhabuu biyya sanaa kan qabu yoo ta’ee (SYL 14).**
  - **Isa SYL 13 jalatti ibsameen ala namoonni mirga himatamuu dhabuu qaban sababa yakka biyya alaatti raawwataniif aangoo ijoo biyya keenyaa jalatti kan kufan yakkichi seera biyya keenyaa fi biyya keessatti raawwatame keessatti kan adabsiisu yoo ta’ee dha.**
  - **Abbootiin taayitaa mootummaa**

- **Lammiiwwan Itoophiyaa biroo kanneen biyya ambaa jiraatan yoo ta’e immoo yakkoota kwt.13 jalatti caqafaman yoo raawwatan malee aangoo ijoo jalatti hin kufan.**
- **Yakkoota kanneen yoo hin raawwatin aangoo xiqqaa biyyattii jalatti akka kufan tumaa SYL 18 irraa ni hubatama.**

- **4ffaan : miseensa raayyaa ittisaa Itoophiyaa biyya ambaatti yakka raawwateera jechuun himatamee(kwt.15):**
  - **Miseensonni homaa waraanaa biyya ambaa keessa jiran akkuma haala isaatti aangoo ijoo fi aangoo xiqqaa jala ta’uu ni danda’a.**
  - **Miseensonni kunniin biyya ambaatti Seera yakkaa FDRI kwt. 269-322 jalatti yakkoota tarreeffaman kan raawwatanii seera idil-addunyaa irra kan darban ykn yakka**

Aangoon biyyoolessaa xiqqaa (Subsidiary Jurisdiction)

- Tumaalee SYL 269-322 ala tumaalee jiran bira darbuun yakka kan raawwatan yoo ta’e garuu aangoo xiqqaa biyyattii jalatti kan kufu ta’a.
- Hiikkaan Aangoon biyyoolessaa xiqqaa (Subsidiary Jurisdiction) yakkichi raawwatame jedhame Itoophiyaa baay’ee kan hin tuqine ykn hin miine yoo ta’ee dha.
- Bu’uura kanaan himatamtoonni yakkoota armaan gadii raawwatan aangoo xiqqaa biyya keenyaa jalatti kan kufanii dha.

Namoota biyya ambaatti yakka seera idil-addunyaa cabsuu fi fayyaa fi hamilee ummataa irratti raawwatan jechuun himataman (kwt.17).

- **Bu’uura kwt. 17(2) tiin yakkoota kwt. 14 fi 15(2) jalatti tumamaniin ala kan jiranii fi kwt.17 jalatti kanneen jiran namni raawwate aangoo xiqqaa jalatti kan kufuu dha.**
- **Namni kamiiyyuu biyya ambaatti seera idil-addunyaa cabsuun,ykn seera biyya**

- **Yakkoonni kunniin seera yakkaa kwt. 269-383 jalatti kan tarreefamnii fi seerotaa fi waliigalteewwan armaan olitti eeraman jalatti kanneen ibsaman kan ilaallatuu dha.**
- **Dabalataan namoonni biyya ambaatti yakkoota fayyaa fi hamilee uummataa miidhan raawwatan aangoo xiqqaa jalatti kan kufan ta’an jechuu dha.**
- **Seera yakkaa keenya jalatti yakkoonni kunniin kwt.525, 599,636,641 fi kanneen biroo caqasuun ni danda’ama.**

Yakkoota biroo Itoophiyaan alatti raawwataman ilaalchisee (kwt.18):

- As jalatti tokkoffaa namoota biyya ambaatti lammiiwwan Itoophiyaa irratti yakkoota tokko tokko raawwataniiru jechuun himataman kan ilaallatu hogguu ta’u.
- Lammaffaa immoo lammiiwwan Itoophiyaa biyya ambaatti nama kamiiyyurratti yakka ulfaataa raawwataniiru jechuun himatamanii fi miseensota homaa waraanaa biyya keenyaa seera biyya ambaa (ordinary laws) keessa jiranii cabsuun yakka raawwatanii miliquun biyyattiitti deebi’an. Jalqaba isa duraa haa ilaalluu.

- **Kanaaf isa jalqabaa hogguu ilaallu bu’uura SYL 18 tiin namni tokko aangoo xiqqaa itoophiyaa jalatti kan kufu balleessaan raawwate lammii biyya keenyaa irrattii ykn lammiin Itoophiyaa kamiiyyuu biyya ambaatti yakkoota kwt.11-17 jalatti tumamaniin ala jiran yoo raawwatee fi yakka sanaan biyya sanatti kan hin himatamin yoo ta’e seerri yakkaa keenyaa isa irratti raawwatiinsa ni qabaata.**
- **Kana gochuuf garuu tokkoffaa gochichi seera yakkaa biyya keessatti raawwatamee fi seera yakkaa keessatti kan nama adabsiisu ta’uun isaa yoo tumame ta’uu qaba.**
- **Lammaffaa yakki raawwatame cimaa waan ta’eef bu’uura seera itoophiyaatiin himatamaan qabamee dabarfamee akka kennamu taasisuuf gahaa ta’ee yoo argamee dha.**

Aangoo Hundee Dubbii

- **Dhimmoota Federaalaa**
  - ✓ **lakk.25/88 kwt.4 jalatti dhimmoota aangoon waliinii MMF tarreeffaman.**
  - ✓ **dhimmoota yakka irrattii aangoo MM federaalaa akka itti aanutti kaayuun ni danda’ama.**

1. **Sirna heeraa fi nageenya biyya keessaa mootummaa irratti yakkoota raawwataman.**
   - **Isaan kunniin SYL 238-260 jalatti kan tarreeffamanii dha.**
   - **Labsii Lakk.25/88 fooyyessuuf labsii bahe lakk. 321/95 kwt. 2(1) jalatti tumaan kun haqamee “Offences against the national state;" ykn**
   - **“Bemengist gizat ager lay yemifetsemu wonjalooch” jechuun fooyya’eera.**

2. **Yakkoota mootummaa biyya ambaa irratti raawwataman(SYL 261-268),**

3. Mirgoota dhala namaa irratti yakkoota raawwataman(269-283)
4. Galiiwwan taaksii fi qaraxaa fi faaydaawwan maallaqaa mootummaa Federaalaa irratti yakkoota raawwataman
5. Yakkoota maallaqa sobaa ilaallatan(356-362)
6. Sanadoota mootummaa federaalaa irratti hojii sobaa hojjachuun yakkoota raawwataman
7. Nageenyaa fi bilisummaa Meeshaalee Sabqunamtii naannoo tokkoo oliif ykn sadarkaa addunyaatti tajaajila kennan irratti yakkoota raawwataman,
8. Yakkoota Nageenya balala'iinsaa (safety of aviation) ilaallatan,

9. Yakkoota lammiiwwan biyya ambaa ilaallatan.

- **Kun Labsii labsii L.25/88 fooyyessuuf bahe L. 138/91 kwt.2(1) jalatti ”Danbii darbuu osoo hin dabalatin yakkoota lammiin biyya ambaa ittiin himataman” jechuun fooyya’eera**
- **Labsii labsii kana fooyyesse L.321/95 jalatti immoo “Without prejudice to international diplomatic law and custom as well other international agreement to which Ethiopia is a party,**

- **offences of which foreign nationals who enjoy privileges and immunities and who reside in Ethiopia are victims or defendants;**
- **without prejudice to Sub-Article (3) of Article 12 and Sub-Article (3) of Article 15 offences of which foreigners are victims or defendants and which entail more than 5 years rigorous imprisonment." jechuun fooyya’eera.**

10. Wantoota balaafamaa fi sammuu nama hadoochan naannessuu (illicit trafficking of dangerous drugs) yakkoota ilaallatan,
11. Yakkoota aangoo MM naannolee adda addaa ykn kan federalaa fi naannoo biroo jalatti kufanii fi walqabatan (concurrent),
12. Yakkoota abbootiin taaytaa fi hojjattoonni mootummaa federaalaa sababa hojii ykn itti gaafatamummaa isaaniitiin itti gaafataman.

HD: Gosa Yakkaa Fi Hanga Adabbii

- **Gosa Yakkaa:SDFY kwt. 4**
  - ✓ **aangoon hundee dubbii MM bu'uura gabatee 1ffaatiin akka ilaallamu tumameera.**
  - ✓ **gabatee kana tarree 3ffaa irratti MM tarreeffaman gosa yakkootaa tarree 1ffaa fi 2ffaa jalatti cinaa cinaan tarreeffaman ofitti fuudhanii ilaaluuf aangoo ni qaban,**

Hanga Adabbii

- aangoo MM Awuraajja kan aanaa ta’ee jira.
- yakkoota gabatee 1ffaa keessatti hin ibsamin ykn seera biraa jalatti hammataman ilaalchisee MM Aanaa yakkoota hanga hidhaa waggaa 5 adabsiisuu danada’an irrattii aangoo ni qaba.
- Waggaa shanii ol kan adabsiisuu danda’u yoo ta’e garuu aangoo MM ol’aanaati.
- Kun immoo labsiiwwanii fi Danbiiwwan adda addaa booda bahaniin fooyya’eera.

Danbii lakk. 17/67

- SDFY gabatee 1ffaa jalatti yakkoota MMO turan MM Konyaatti gadi buusee jira;
- Yakkoonni kunniin seera yakkaa ammaa jalatti kwtt.494,496,517,620,624,626,628,635,636,640,641,654,669,674,675,702,fi 703

Danbii lakk. 39/68

- Kwt. 561 MMO akka ilaallamu tumameera.

Labsii lakk. 25/88

- Gabatee 1ffaa keessatti kan tumaman keessaa labsii kana jalatti dhimmoota yakka federaalaa kan ta’an bakka bu’ummmaan malee MM naannoleetiin hin ilaallaman

- **Labsii lakk. 434/97**
  - **Labsii SDF dhimma yakka malaamaltummaa**
  - **Kwt. 6(2) yakkoota MMW naannolee jalatti kufan malee aangoo jalqabaatiin dura kan keessummeessu MMO Naannooti,**
  - **Yakkoonni kunniin seera yakkaa ammaa jalatti kwtt. 407-419,427-431,379,468,676(1),684,fi 696(1)**
- **Labsii lakk. 141/2000**
  - **Kwt. 27(2)**

MMWF

- **Lab.L.25/88 kwt.8 ,exclusive first instance jurisdiction:**
  - **Yakkoota abbootiin taayitaa federaalaa dandeettii hojii isaaniitiin itti gaafatamummaa qaban;**
  - **Kan seeraa fi baratama idil-addunyaa akkuma (international law and custom) jirutti ta’ee yakkoota ambaasadaroonni biyya ambaa, consuls fi bakka bu’oota dhaabbilee idil-addunyaa fi biyyoota ambaa ilallatanii;fi**
  - **Iyyannoo jijjiirra galmee MMOF tokkorraa isa biraattii ykn ofiitti dabarsuu.**

MMOF

- labsii 25/88 kwt. 12 jalatti kan tumame
- Lab. L. 321/95 kwt. 2(4) tiin fooyya'eera:
  - ✓ Dhimmoota yakkaa kwt. 4 kwtta xiqqaa (1), (2) (3), (8), (10) fi (13) jalatti ibsaman;
  - ✓ Dhimmoota kwt. 4 kwt. Xiqqaa 9 fi lammii biyya ambaa ilaallatan,
  - ✓ kwt. 4 Xiqqaa 14 jalatti kufanii fi seerota biroo hojiirra jiraniin aangoo MMO ta'an.
  - ✓ Dhimmoota biroo isaan D/dhawaa fi Finfinnee keessatti raawwatamanii fi seerota biroo hojiirra jiraniin aangoo MMO jalatti kufan.

MMSDF

- lab. L. 25/88 kwt. 15 jalatti tumamee,
- lab. L. 138/91 kwt.2 (2) fi
- lab.L. 321/91 kwt. 2(5) tiin fooyya'eera
  - ✓ Dhimmoota yakkaa kwt.4 kwtta xiqqaa (4), (5),(6) and (7) jalatti ibsaman;
  - ✓ Dhimmoota kwt. 4 kwt. xiqqaa 9 jalatti kufanii fi lammiiwwan biyya ambaa ilaallatanii fi aangoo MM Woradaa fi Awuraajjaa ta'an;
  - ✓ Aangoo abbaaseerummaa qaamolee biraatiif seeraan kenname akkuma jirutti ta'ee,
  - ✓ dhimmoota yakkaa Finfinnee fi D/Dhawaa

Dhimmoota Naannoo

- Dhimmoonni armaan olitti Labsii 25/88 kwt.4 jalatti tarreeffaman kuniin aangoo MM Fed. jalatti kan kufan hogguu MM naannoo jalatti kan kufanii dha.
- Dhimmoota seera Naannootiin bahan.

HD: Manneen Murtii Oromiyaa

- **Mana Murtii Waliigala**
  - ✓ **Aangoo jalaqabaatiin dhimmoota yakkaa ofitti fuudhee keessummeessuuf aangoo akka hin qabne labsicha kwt. 26 irraa ni hubatama.**
  - ✓ **Labsicha kwt. 26(1)(b) jalatti dhimmoota yakkaa kan MMOF bakka bu'ummaan ilaaluuf aangoo akka qabu tumameera.**

Mana Murtii Ol’aanaa

- **Lab. L.141/2000 kwt.27 (4) jalatti dhimmoota yakka aangoo MMSDF ni ilaala,**
- **Labsicha kwt. 27(1) akka SDFY fi seerota birootiin tumametti aangoo jalqabaatiin ni ilaala.**
  - ✓ **Akkaata tarreeffama Gabatee sadaffaatiin,**
  - ✓ **Dhimma federaalaa yoo hin ta’in,**
  - ✓ **Lab. L.141/2000 waraabbii afaan Oromoo kwt. 27(2) jalatti kan akka haaraatti ibsame yakka ka’umsi adabbii isaanii waggaa 10 ol ta’e**
  - ✓ **Waraabbii afaan kaan waliin akkamitti ilaaltu?**

Mana Murtii Aanaa

- **Lab. Lakk. 141/2000 kwt. 28(1)(a) akkaataa SDFY ykn seerota birootiin dhimmoota yakkaa aangoo jalqabaatiin ni ilaalu,**
- **Kun tarreeffama Gabatee sadaffaa SDFY ilaallata,**
- **Bu’uura labsii lakk.141/2000 kwt. 27(2) dhimmoota yakkaa ka’umsi adabbii isaanii waggaa 10 gadi ta’e,**

Aangoo Tooraa

- **Bu’uura SDFYL 6 tiin M/M iddoo adda addaa jiran aangoo naannoo bu’uura SDFYL 99-107 ttiin murteeffatu,**
  - ✓ **M/M aangoo qabuu fi iddoo yakkichi itti raawwate ykn jalqabee jirutti (kwt.99)**
  - ✓ **Iddoon gochi itti raawwatee fi kan bu’aan gochichaa garagara yoo ta’an MM iddoo lameenuu jiranii (kwt.100),……**

nnaa Afur

Hojiilee Oofiisarroota Seeraa Falmiiwwan Dhimmoota Hariiroo Hawaasaa fi Yakkaa Ilaallatan

Kaffaltii Sassaabuu

- **Kaffaltii Abbaa Seerummaa**
  - ✓ **labsii Lakk. 141/2000 kwt 25(c) fi (d),**
  - ✓ **Himanni fi ol'iyyanni abbaa seerummaa itti hin kaffalamne fudhatama hin qabu SDFHHL 215**
  - ✓ **Bu'uura tilmaama qarshii himanni itti dhiyaate,**
  - ✓ **Taarifni isaa Dambiin (ykn beeksisni seeraa keessaa) lakk 177/1945 tiin murtaa'a,**
  - ✓ **hogguu tokko tokko hangi maallaqaa mata duree irratti caqafamee fi himannoo keessatti gaafatame walcaaluu ni danda'a**
  - ✓ **Taarifni garaagara waan ta'eef falmii qarshiitti shallagamuu danda'uu fi hin dhadeenye adda baafachuu**

- **Namni seerummaa kaffaluu hin dandeenye dambii hiyyummaatiin himannaa dhiyeeffachuuf mirga ni qabu SDFHHL 467.**
  - ✓ **ragaa hiyyummaa kennuuf aangoo kan qabu MM himanni itti dhiyaatee dha (SDFHHL 468).**
  - ✓ **Bu’uura SDFHHL 474 (2) tiin ragaan hiyyummaa falmii MM sadarkaa duraatiif kenname tokko ol’iyyannaatti nama hin fayyadu.**
  - ✓ **Ragaa hiyyummaa haaraan MM ol’iyyannoo dhagahuun kennamuufii qaba.**

Kaffaltiiwwan Biroo

- maallaqa moodeelaan akka qabamu ajajame fkn kan akka wabii fuudhuun qabaa maallaqa MM tti galii ni godhu kwt.25(c).
- yeroo galmeen banamu, deebiin dhiyaatuu fi iyyannoon dhiyaatu tarree ragaa falmitootaan dhiyaatan laakka'uudhaan kaffaltii qalaaxee ni kaffalachiisa (kwt. 25(d))
- Bu'uura danbii naamusaa lack. 02/2001 kwt. 20 tiin galii abbaa seerummaa fi kaffaltiiwwan biroo seeraan bulchuu dhabuun naamusaan akka nama gaafachiisu ni hubatama.

Galmee Banuu

- **Ofiisarri galmee banuun dura iyyannii, himannii fi ol’iyyanni ulaagaa teekniikaa fi seeraa guutuu isaa mirkaneeffachuu qaba.**
- **himanni, deebii fi iyyanni kamiiyyuu akkaataa adeemsi seeraa ajajuun qophaa’anii dhiyaachuu too’achuu dhabuun badii naamusaa akka ta’e danbii naamusaa kwt. 32 jalatti tumameera.**
- **Galmeen erga baname dhimmi yeroo meeqa keessatti murtii argachuu akka qabu erga adda baafateen booda gaggeessaa dhimmaa wajjin mari’achun beellama ni laata (kwt.25 (e)).**
- **Kun hoggansa dhangala’iinsa dhimmaati.**

Ajaja Dabarsuu fi Barreessuu

- **Ajaja Waamichaa**
  - **Labsii Lakk. 141/2000 kwt. 25(e) jalatti:**
    - **oofiisarri seeraa gaggeessaa dhimmaa garee hojii waliin mari’achuun ajaja waamichaa dabarsuu,**
    - **mallatteessee chaappessee bahii gochuuf aangoo ni qaba.**

Issuance.

- On the filing of a complaint, the court clerk shall issue a summons to be served as provided in civil procedure code Art. 94
- A separate summons may issue against a particular defendant or group of defendants.
- A duplicate summons may be issued from time to time and is as valid as the original summons.

(B) Form.

- A summons must be issued "In the name of the people of the State of Oromia," under the seal of the court that issued it.

Ajaja Dhaddacha Irraa Kennamu Barreessuu:

- **oofiisarri seeraa ajaja dhaddacha irraa kennamu sirritti hubachuun bu’uuruma ajajichaatiin raawwachuu qaba.**
  - **Ajaja haala hin dubbifamneen barreessuu badii naamusaati (danbii naamusaa kwt. 7 fi 8)**
  - **ajaja abbaan seeraa kenne jijjiiruun ykn ifaan barreessuun yeroon baasuu dhabuun hanqina naamusaati(kwt. 10 fi 16 danbichaa)**

Beellama Kennuu

- **OS gaggeessaa dhimmaa garee hojii waliin mari’achuun beellama ni kenna (kwt.25 (e))**
- **beellamni hogguu kennamu baay’ina falmitootaa ykn ragoota namaa, iddoo irraa dhufanii, fi ragaan ogummaa (expert) jiraachuu addaan baafamuu qaba.**
- **Beellamni kennamu kan kabajamuu fi wanti beellamame kan raawwatu ta’uu qaba.**
- **Beellamni kennamu sababa gahaa malee jijjiiramuu hin qabu (SDFY kwt. 94 fi SDFHH kwt. 192-199)**

Galmee Socho’aa Bulchuu

- **Labsii L.141/2000 kwt 25(f) jalatti OS galmee socho’aa bulchuuf, hogguu barbaadamu dhiyeessuuf, abbootiin dhimmaa tajaajila akka argatan taasisuuf aangoo fi dirqama ni qaba.**
- **Yeroo ammaa galmeen erga banamee jalaqabee hanga cufamuutti bulchiinsa oofiisaraa jala tura.**
- **Galmee bulchuun qabiyyee galmee sanaas beekuun barbaachisaa .**
- **galmeelee yeroodhaan galmeessuu**

- **Galmee bakka hojiif hin mijoofne kaayuu fi kunuunsuu dhabuu (kwt.14), fi hogguu barbaadamu yeroodhaan baasuu dhabuun (kwt.17) hanqina namusaati.**
- **Dhimmoonni banamanis gosaan addaa baafachuu:**
  - ✓ **yakka ykn hariiroo hawaasaa**
- **Isaanis akkatuma gosa isaanitiin qooduu**
  - ✓ **ajjeechaa, saamicha cimaa, hanna kk**
  - ✓ **Beenyaa, waliigaltee, dhaala fi kkf … qoodanii qabachuu rakkoo baay'ee salphisa.**

Galmeessii ykn qabiinsii galmee gaarii ta’e tokko faayidaa armaan gadii qaba.

- A/S f odeeffannoo gayaa kennuun murtiiwwan isaanii hundee akka qabaatan waan godhuuf kenniinsii murtii fooyya’aa akka ta’u godha.
- A/S murtii guutuummaa qabu akka kennan godha.
- kessaahiis ta’ee alaa, qaama murticha eeguuf; qeequuf ykn mormuuf haala kenniinsa murtii odeeffannoo ni kenna.
- Galmichi murtichi haala akkamiin akka kenname odeeffannoo guutuu ta’e waan kennuuf qaama murticha kenneef eegumsa ni godha.
- Iftoomina cimsuun sadarkaa ittigaafatmummaa MM ni gabbisa.

Garagalcha Galmee Kennuu

- **Falmiin sadarkaa kam irra jiraatu illee abbaan dhimmaa gargalcha ajaja ykn murtii galmee akka isaaf kennamu gaafachuu mirga qaba.**
- **Gaaffiin kun hogguu dhiyaatuuf ofiisarri seeraa guyyaa fi bara ajaja ykn murtii sun itti kenname caqasuun gargalcha sirri ta’uun isaa mirkanaa’e abbaa dhimmaatiif kennuu qaba.**
- **Ol’iyyanni yoo gaafatames garalcha galmee hunda isaa qopheessee kennuu qaba.**

- **Bu’uura danbii naamusaa lakk. 02/2001 kwt.5 tiin ol’iyyanni hogguu kennamu:**
  - ✓ **fuula hir’uu ykn caalmaa ykn waljala darbaa,**
  - ✓ **chaappaa hin qabne,**
  - ✓ **citaa ykn hin dubbifamne,**
- **xalayaa gaggeesituu:**
  - ✓ **hir’uu ykn dogogorsiisaa ta’e,**
  - ✓ **maqaa ol’iyyataa ykn deebii kennaa ykn guyyaa ykn lakkoofsa galmee hin qabne,fi kkf osoo hin sirreessin erguun badii naamusaati.**

Istaastiksii Qopheessuu

- **Galmeen kan banamu ,xumura yoo argatu kan deebi’ee bahu karaa ofisara seeraa waan ta’eef isitaastiksii galmee akka qindeessan aangoon kennameefira(kwt.25(h)).**
- **Sochii galmeelee MM keessa jiran beekuf ykn too’achuuf galmeeleen banamanii sochirra jiraan meeqa akka ta’e, yoom akka banaman (umrii) beekuu barbaachisaa dha.**
- **Sadarkaa maal irra akka jiran; beellama irraa kan jiranii fi kan murtii argatan addaan baasanii beekuun barbaachisaa dha.**
- **Galmeelee murtii argatanis yeruma seerri**

Hojiiwwan Biroo A/S tiin Kennamuuf

- **Oofiisarri seeraa hojiiwwan biroo abbaa seeraatiin kennamuuf hojjachuuf dirqama ni qabu (labsii lakk. 141/2000 kwt. 25(g))**
- **Danbii naamusaa kwt. 39 jalatti hojii abbaa seeraatiin kennamuuf hojjachuu diduun badii naamusaati.**
- **Hojiiwwan kunniin qabatamaan maalfa'a?**
- **Bu'uura SDFHH kwt. 206 tiin kakuu ni kaksiisuu? Gutumaan guututti A/S hojjatamuu akka qabu wanti tumame ni jiraa?**
- **Kan aangoon irratti hin kennaminiif yoo ta'e hoo?**

nnaa Shan

Naamusa Ogummaa Oofiisara Seeraa

Seensa

- **Akka addunyaatti naamusni ogummaa abbootii seeraa sanadni “Bangalore Principles of Judicial Conduct (2002)” bahee jira.**
- **Biyyoonni baayyeeniis sanada kana akka modeelaatti fudhataniiru,**
- **Naannoo keenyattis koodiin naamusaa abbootii seeraa lakk. 1/2000 bahee hojirra jira,**
- **Duudhaaleen bu’uuraa abbootii seeraa akkuma haala isaatti oofiisara seeraa irratti raawwatiinsa akka qabaatan ni hubatama.**
- **Cabiinsi duudhaalee kanneeniis bu’uura Danbii naamuusaa abbootii seeraa fi muudamtoota gumii**

Bilisummaa

- **koodii naamusaa abbootii seeraa fi muudamtoota Gumii lakk. 01/2000 kwt. 1.**
- **Bu’uura kanaan oofiisarri seeraa dhiibbaa, hacuuccaa, sodaachisa, sossobbii, fi jiddulixumma kallattii fi sababa kamiiniyyuu dhufuu danda’u irraa bilisa ta’uun seeraa fi sirna jiru qofaan qajeelfamuun hojjachuu qaba.**
- **Kana gochuu dhabuun Danbii naamusaa lakk. 02/2001 kwt. 26 jalatti kan nama adabsiisu akka ta’e tumameera.**

Alloogummaa

- **Koodii Naamusaa lakk. 01/2000 kwt. 2 ,**
- **Alloogummaan murtiin kennamu loogii irraa bilisa ta’uu qofa osoo hin ta’in adeemsi ykn sirni murtiin ittiin kennamus loogirraa bilisa ta’uu qaba,**
- **Kanaaf ofiisaroonni seeraa hojii isaanii kanneen gartummaa fi loogii bifa kaminuu ibsamurraa bilisa ta’anii gaggeessuu qaban.**
- **Oofiisarri seeraa MM keessattiis ta’ee alatti amalli isaa amantaa ummatni, ogummaa seeraa fi isaa fi MM irraa qabu kan cimsuu fi dagaagsuu ta’uu isaa mirkaneesuu qaba.**

- **Oofiisarri seeraa :**
  - ✓ **abbootii dhimmaa, abukaattoo fi ragaa waliin kophaatti walqunnamtii hin mallee fi loogummaa agarsiisan gochuu hin qabu.**
  - ✓ **Jechoonni, sochiin qaamaa fi gochoonni isaanii hogguu hojii KTAS hojjatan dubbatanii fi raawwatan haala kamiinuu loogummaa isaanii kan agarsiisan ta'uu hin qabu.**
- **Danbii naamusaa lakk. 02/2001 kwt.6 jalatti abbootii dhimmaa dabareen keessummeessuu dhabuun badii dha.**

Amala Mudaa Hin Qabne (Integrity)

- **koodii naamusaa lakk. 01/2000 kwt. 3**
- **Oofisarri seeraa hogguu hojii KTAS hojatutti amala mudaa hin qabne qabaachuu qaba.**
- **Kan yaada nama dhamaqabeessaatiin kan hawaasaan hin balaalefatamnee fi amallii fi gochi mul'isu amantaa hawaasni mana murtii irraaa qabu kan dhugoomsu ta'uu qaba.**
- **Namoota waliin hojjatu kabajaan waliigalee hojjachuus qaba.**
- **Kana gochuu dhabuun hanqina naamusaa akka ta'e danbii naamusaa kwt. 29 irraa ni hubatama.**

Fayyaalummaa (Propriety)

- **koodii naamusaa lakk. 01/2000 kwt. 4.**
- **Ofiisarri seeraa duudhaa kana kan cabsu :**
  - ✓ **gochi inni raawwate,**
  - ✓ **hariiroon inni qabu, fi**
  - ✓ **amalli inni agarsiise**
- **dandeetti inni ittigaafatamummaa hojii KTAS ejjannoo cimaan (with integrity), alloogummaan (impartiality), bilisummaan (independence), fi gahumsaan (competence) bahuu gaaffii keessa kan galchuu fi**
- **ilaalcha nama dhama qabeessaatiin haala kanaan ittigaafatamummaa isaa bahuu hin danda'u amantaa jedhu kan uumuu danda'u yoo ta'ee**

- **Oofiisarri seeraa:**
  - ✓ **Falmitoota keessaa isa tokko kunuunsuu, qabeenya isaatti fayyadamuu (konkolaataa abukaattoo) hin qabu;**
  - ✓ **jiruun dhuunfaa isaaniis kan daangeffame ta’uu qaba; iddoo dhugaatii fi kkf argamuu hin qabu;**
  - ✓ **walitti dhufeenyi ogeessota seeraa biroo kan akka abukaattoo waliin qabus (fkn affeerraa) kan odeeffannoo hin taaneef isaan saaxilu ta’uu hin qabu.**
  - ✓ **Isan kunniin danbii naamusichaa kwt.23, 33, 49, 50 fi 51 jalatti akka badii naamusaatti tumameera.**

- falmitoota irraa kennaa fudhachuu ,
- dhaamoo, liqii fi faaydaa biroo gaafachuu;
- Iddoo jireenya isaa hojii ogummaa seeraatiif oolchuu (gorsa kennuu);
- Aangoo kennameef faaydaa dhuunfaa isaatiif, maatii fi kan biraatiif oolchuu (iyyannoo, himannoo fi kkf barreessuu, xalayaa fi chaappaa MM tti fayyadamuu) hin qabu.
- Oofiisarri seeraa hogguu hojii KTAS hojjatutti hojiiwwan abukaattoo dhuunfaa, gorsaa, dubbifixaa, raawwachiisaa seeraa fi hojii jaarsummaa irratti bobba'uu hin qabu.
- Danbii namusaa kwt. 40 fi 50 jalatti badii

- **Oofiisarri seeraa iccitii sababa hojiitiin argate eeguu qaba; dabarsee faaydaa dhuunfaa isaatiif ykn garee sadaffaatiif oolchuu hin qabu.**
- **Danbii naamusaa kwt.36 jalatti dhoorgameera.**
- **oofiisaroonni seeraa galmee beellamaa baasuuf, waraqaa waamicha, ragaa garagalcha murtii, ajaja hatattamaa bahii gochuuf abbootii dhimmaa irraa kaffaltii isaanif hin malle gaafachuun hin qabu.**
- **nama gocha malaanmaltummaa raawwatee tarkaanif barbaachisaa fudhachuu qaba; qaama ilaallatuttis gabaasuu qaba.**
- **Kana yoo hin godhin bu’uura danbii naamusaa kwt 30 fi 41 tiin badii naamusaati.**

Walqixxummaa / Equality/

- **koodii naamusaa lakk. 01/2000 kwt. 5.**
- **oofiisarri seeraa sababoota akka sanyii, amantaa, saala, umurii, bifa, ilaalcha siyaasaa, naanummaa, haala fayyaa, gosa hojii, humna qabeenyaa fi kkf nama addaan basuu hin qabu.**
- **Oofiisarri seeraa adeemsa falmii keessatti abukaatoonii sababoota rogummaa hin qabne irratti hundaa'uun amala/gocha ykn jecha loogii ibsuu irraa akka of qusatan gochuu qaba.**
- **Kana gochuu dhabuun naamusaan akka nama gaafachiisuu danda'u danbii naamusaa kwt.44 irraa ni hubatama.**

Gahumsa (Competence)

- **koodii naamusaa lakk. 01/2000 kwt. 6.**
- **Oofiisarri seeraa hojii kamuu dura hojji KTAS tiif dursa keennuu qaba;**
- **ogummaa isaas dirqama hojii kanaaf oolchuu qaba.**
- **Dirqamni kunis mana murtii keessattii ittigaafatamummaa isatti kenname bahuu qofa irratti kan daangeffame osoo hin taanee hojiiwwan waajjirichaaf bu’aa buusanii fi rogummaa qaban kan biroos raawwachuu kan dabalatuu dha.**

- **Ofiisarri seeraa beekumsa, dandeettii fi cimina hojii KTAS gaggeessuuf isa dandeessisu eeguu fi dagaagsuu qaba.**
- **Kanaaf jecha leenjii fi haalawwan wajjirrichii isaaf mijeessuun kan biroon fayyadamuu qaba.**
- **Kana gochuu dhabuun badii naamusaa akka ta’e danbii naamusaa kwt. 24 jalatti tumameera.**

Miira Tajaajiltummaa fi Kaka'uumsa Hojii

- **koodii naamusaa abbootii seeraa fi muudamtoota gumii lakk. 01/2000 kwt. 7 jalatti ibsameera.**
- **Miira tajaajiltummaatiin hojjachuu jechuun:**
  - ✓ **ofiisarri seeraa abbootii dhimmaa kabaja ol'aanaan simachuu fi keessumeessuu, tasgabbii fi obsaan dhaggeeffachuu qaba**
  - ✓ **malee salphisuu, arrabsuu, hifachuu fi kabaja isaanii tuquu hin qabu.**
- **danbii naamusaa lakk. 02/2001 jalatti iyyata dhaggeefachuu dhabuu fi kabajaa abbaa dhimmaa tuquun (kwt.11 fi 28) fi abbaa dhimmaa kunuunsuu dhabuun(kwt.12) akka**

- **Oofiisarri seeraa kaka'umsaan hojjachuu qaba:**
  - ✓ **Hojii si'oominaan,of eegannoo fi qulqulinaan daangaa yeroo taa'e / standard /keessatti raawwachuu,**
  - ✓ **Hojiin beekumsaan, ogummaan, yaada bilchinaa qabuu fi qophii gahaadhaan kan deeggarame ta'uu qaba.**
  - ✓ **Koomii fi yaadoota abbootii dhimmaa yeroo yeroodhan xinxaluu battalumatti deebii itti kennuun qaba.**
- **Kunis danbii naamusaa kwt. 13(2) fi (3) jalatti akka hanqina naamusaatti kan**

Galata Argaadhaa!!!