

Gatiin Tokkoo Qarshii 3 የአገሪቱ ዋጋ ብር 3 Unit Price Birr 3	To'annoo Caffee Mootummaa Naannoo Oromiyaatiin Kan Bahe በዚህ ሰነድ የተጠቀሱት ፊርማዎች በፍርድ ቤቱ አስተያየት መሰረት ናቸው፡፡ በፍርድ ቤቱ አስተያየት መሰረት ናቸው፡፡	Lak. S. Poostaa 21383-1000 ፩፻፲፭፻፶፯21383-1000 P.O.Box 21383-1000
QABIYYEE <u>Labsii Lak. 236/2013</u> Labsii Mana Hojii Abbaa Alangaa Waliigalaa Oromiyaa Lakkoofsa 214/2011 Fooyyeessuuf Bahe, Lakkoofsa 236/2013 Fuula 1	ማመልከት <u>አዋጅ ቁጥር 236/2013</u> የኦሮሚያ ክልላዊ መንግሥት ጠቅላይ ጓቃቤ ሕግ መሥሪያ ቤት ለማቋቋም የወጣ አዋጅ ቁጥር 214/2011 ለማሻሻል የወጣ፣ አዋጅ ቁጥር ቁጥር 236/2013፳፫ 1	CONTENT <u>Proclamation No. 236/2021</u> Proclamation No. 236/2021 A Proclamation to Amend the Establishment of the Attorney General Office of Oromia Regional State, No.214/2018,Page 1
Labsii Mana Hojii Abbaa Alangaa Waliigalaa Oromiyaa Lakkoofsa 214/2011 Fooyyeessuuf Bahe, Lakkoofsa 236/2013	የኦሮሚያ ክልላዊ መንግሥት ጠቅላይ ጓቃቤ ሕግ መሥሪያ ቤት ለማቋቋም የወጣ አዋጅ ቁጥር 214/2011 ለማሻሻል የወጣ፣ አዋጅ ቁጥር 236/2013	Proclamation No. 236/2021 A Proclamation to Amend the Establishment of the Attorney General Office of Oromia Regional State
Labsii Mana Hojii Abbaa Alangaa Waliigalaa Oromiyaa Hundeessuuf Bahe, Lakkoofsa 214/2011 keessatti hanqina walirra bu'iinsa aangoo, tumaa ee Labsichaa iftoomina hinqabnee fi rakkoo qindoominaa uumuu danda'an sirreessuun barbaachisaa ta'ee waan argameef;	የኦሮሚያ ክልላዊ መንግሥት ጠቅላይ ጓቃቤ ሕግ መሥሪያ ቤት ለማቋቋም በወጣው አዋጅ ቁጥር 214/2011 ውስጥ የሚታዩ የስልጣን መደራረብ፣ ግልጽነት የጎደለባቸውና የቅንጅት ችግር ሊፈጥሩ የሚችሉ የአዋጁ ድንጋጌ ውስንነቶችን ማስተካከል አስፈላጊ ሆኖ በመገኘቱ፤	WHEREAS, it has been found necessary to correct shortcomings of the Proclamation Provided For the Establishment of the Attorney General Office of Oromia Regional State No.214/2018 concerning mandate overlapping, provisions that lack clarity and can potentially cause coordination problem;
Akkaataa Heeraa Mootummaa Naannoo Oromiyaa Fooyya'ee Bahe, Labsii Lakkoofsa 46/1994 Keewwata 49 (3) (a) tiin kan kanatti aanu labsamee jira.	ተሻሽሎ በወጣው የኦሮሚያ ክልላዊ መንግስት ህገ-መንግስት አዋጅ ቁጥር 46/1994 አንቀጽ 49 (3) (ሀ) መሰረት የሚከተለው ታውጧል።	NOW, THEREFORE, in accordance with Article 49 (3) (a) of Oromia Regional State Revised Constitution, Proclamation No.46/2001, it is hereby proclaimed as follows.

1. Mata Duree Gabaabaa

Labsiin kun “Fooyya’iinsa Labsii Mana Hojii Abbaa Alangaa Waliigalaa Oromiyaa, Lakkoofsa 236/2013” jedhamee waamu muu ni danda’a.

2. Fooyya’iinsa

Labsiin Mana Hojii Abbaa Alangaa Waliigalaa Oromiyaa, Lakkoofsa 214/2011 akka armaan gadiitti fooyya’ee jira:

1) Keewwata 7 Keewwatni Xiqqaan 3 haqamee kan kanatti aanuun bakka bu’ee jira:

7(3)’ Qaama dhimmi ilaalu waliin ta’uudhaan tarsiiimoo ittisa yakkaa irratti hubannoo ni uuma; hojiiirra oolmaa isaa irratti deeggarsa ogummaa ni taasisa;

2) Keewwata 7 Keewwatni Xiqqaan 9 haqamee kan kanatti aanuun bakka bu’ee jira:

7(9)’Aangoon seerota birootiin dhimmoota teekiniikaafi taaktikaa qorachuu irratti poolisiif addatti kenname akkuma eegametti ta’e, yakkoota aangoo manneen murtii Naan-nichaa ta’an poolisii waliin ni qorata; adeemsa waliin qorachuu keessatti gaheefi ittigaa-fatamummaan Abbaa Alangaa fi qorataa poolisii akkasumas sirni ittiin hogganamu Dambii bahuun kan murtaa’u ta’a;

3) Keewwata 7 Keewwatni Xiqqaan 12 haqamee kan kanatti aanuun bakka bu’ee jira:

7(12)’ Yakkoota malaammaltummaa seera yakkaa yookiin seerota biroo keessatti tumaman yookiin gochoota yakkaa Labsii kanaan dhorkamaniin walqabatee eeruun yoo isa gahe yookiin shakkii gahaa kan qabu yoo ta’e, odeeffannoo yookiin eeruu ni fuudha; poolisiif ni qajeelcha yookiin murtii barbaachisaa ta’e ni kenna;

፩. አጭር ርዕስ

ይህ አዋጅ “የኦሮሚያ ጠቅላይ ዓቃቤ ህግ መሥሪያ ቤት አዋጅ ማሻሻያ፣ ቁጥር 236/2013” ተብሎ ሊጠቀስ ይችላል፡፡

፪. ማሻሻያ

የኦሮሚያ ጠቅላይ ዓቃቤ ሕግ መሥሪያ ቤት ለማቋቋም የወጣ አዋጅ ቁጥር 214/2011 እንደሚከተለው ተሻሽሏል፡-

1) አንቀጽ 7 ንዑስ አንቀጽ 3 ተሰርዞ በሚከተለው ተተክቷል፡-

7(3)’ ከሚመለከተው አካል ጋር በመሆን የወንጀል መከላከል ስትራቴጂ ላይ ግንዛቤ ይፈጥራል፤ ሥራ ላይ እንዲውል መያዝ ድጋፍ ያደርጋል፤

2) አንቀጽ 7 ንዑስ አንቀጽ 9 ተሰርዞ በሚከተለው ተተክቷል፡-

7(9)’ በሌሎች ህጎች የታከቱና የቴክኒክ ጉዳዮችን ለመመርመር ተለይቶ ለፖሊስ የተሰጠው ስልጣን እንደተጠበቀ ሆኖ፣ የክልሉ ፍርድ ቤት ሥልጣን የሆኑ የወንጀል ጉዳዮችን ከፖሊስ ጋር ይመረምራል፤ አብሮ በሚመረምሩበት ሂደት ውስጥ የዐቃቤ ህግና የመርማሪ ፖሊስ ድርሻና ተጠያቂነት እንዲሁም የሚመሩበት ስርዓት በሚወጣው ደምብ የሚወሰን ይሆናል፡፡

3) አንቀጽ 7 ንዑስ አንቀጽ 12 ተሰርዞ በሚከተለው ተተክቷል፡-

7(12)’ በወንጀል ህግ ወይም በሌሎች ህጎች ውስጥ የተደነገጉ የሙስና ወንጀሎች ወይም በዚህ አዋጅ ከተከለከሉ የወንጀል ድርጊቶች ጋር በተያያዘ ጥቆማ ሲደርሰው ወይም በቂ ጥርጣሬ ያለው እንደሆነ መረጃ ወይም ጥቆማ ይቀበላል፤ ለፖሊስ ይመራል ወይም አስፈላጊውን ውሳኔ ይሰጣል፤

1. Short Title

This proclamation may be cited as “Amendment to Oromia Attorney General Office Proclamation, No.236/2021.”

2. Amendment

Proclamation to Provide for the Establishment of the Attorney General Office of Oromia No.214/2018 is hereby amended as follows:

1) Sub article 3 of Article 7 is deleted and is replaced by the following:

7(3)’ Create awareness in collaboration with concerned body, on crime prevention strategy; provide professional support as to its implementation;

2) Sub article 9 of Article 7 is deleted and is replaced by the following:

7(9)’ Without prejudice to power explicitly given to the police to undertake technical and tactical investigations by other laws, investigate criminal matters falling under the jurisdiction of regional courts with police; in course of join investigation, the roles and responsibilities of public prosecutor and investigative police as well as the system of its governance shall be determined by the regulation to be issued;

3) Sub article 12 of Article 7 is deleted and is replaced by the following:

7(12)’ Receive accusation/complaint or information regarding corruption offences provided under the criminal law and other laws or criminal acts prohibited under this proclamation upon receiving information or with sufficient suspicion; forward it to police or give necessary decision;

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| <p>4) Keewwata 7 Keewwatni Xiqqaan 14 haqamee Keewwattootni itti aanan walitti siqanii kan dubbifaman ta'a.</p> <p>5) Keewwata 7 Keewwatni Xiqqaan 15 haqamee kan kanatti aanuun bakka bu'ee jira:</p> <p>7(15)' Namoota yakka malaamaltummaa ciccimaatiin shakkaman ni miliqu yookiin ragaa ni balleessu jedhee yoo shakke yeroo sa'aatii 48:00 hin caalleef ajaja Mana Murtii osoo hin barbaachisne ajaja Abbaa Alan-gaa Waliigalaatiin bu'uura Seera Sirna Deemsa Falmii Yakkaafi Labsii Sirna Seera addaafi Ragaa Farra Malaammaltummaatiin to'annaa jala oolanii buufata Poolisii akka turan ajaja ni kenna;</p> <p>6) Keewwata 7 Keewwatni Xiqqaan 19 haqamee kan kanatti aanuun bakka bu'ee jira:</p> <p>7(19)' Namoota mirga yakkaan himatamu dhabuu qabaniifi yakkaan shakkaman yookiin himatamuu qaban mirgi kun akka irraa ka'u qaama mirgicha kaasuuf aangoo qabutti ni dhiyeessa; yammuu hayyamaamu akka to'atamu ni taasisa; ni himata; ni falma; raawwii isaa ni hordofa;</p> <p>7) Keewwata 7 Keewwatni Xiqqaan 22 haqamee kan kanatti aanuun bakka bu'ee jira:</p> <p>7(22)' Adeemsa qorannaa yakkaa fi murtii haqaa kennisiisuu keesatti meeshaalee ciraa akka ragaatti qabaman irratti qajeelfama yookiin murtii seeraa barbaachisaa ta'e ni kenna;</p> <p>8) Keewwata 7 Keewwata Xiqqaan 32 haqamee Keewwattootni itti aanan walitti siqanii kan dubbifaman ta'a.</p> <p>9) Keewwata 7 Keewwatni Xiqqaan 37 haqamee kan kanatti aanuun bakka bu'ee jira:</p> | <p>4) አንቀጽ 7 ንዑስ አንቀጽ 14 ተሰርዞ ቀጥለው ያሉት ንዑስ አንቀጾች ተጠጋግተው የሚነበቡ ይሆናል።</p> <p>5) አንቀጽ 7 ንዑስ አንቀጽ 15 ተሰርዞ በሚከተለው ተተክቷል፡-</p> <p>7(15)' በወንጀልና መቅጫ ሥነ-ሥርዓት ህግና በፀረ መስና ልዩ የሥነ-ሥርዓትና የማስረጃ ህግ መሠረት በከባድ መስና የተጠረጠሩ ሰዎችን ይሰውራሉ ወይም ማስረጃ ያጠፋሉ ብሎ ከተጠራጠረ የፍርድ ቤት ትዕዛዝ ሳያስፈልግ በጠቅላይ አቃቤ ህግ ትዕዛዝ ከ48 ሰዓት ላልበለጠ ጊዜ በቁጥጥር ሥር በማዋል በፖሊስ ጣቢያ እንዲቆዩ ትዕዛዝ ይሰጣል፤</p> <p>6) አንቀጽ 7 ንዑስ አንቀጽ 19 ተሰርዞ በሚከተለው ተተክቷል፡-</p> <p>7(19)' በወንጀል ያለመከሰስ መብት ያላቸውና በመስና ወንጀል የተጠረጠሩ ወይም መከሰስ ያለባቸው ሰዎች ይህ መብት እንዲነሣ መብቱን ለማንሣት ሥልጣን ላለው አካል ያቀርባል፤ ሲፈቀድ ቁጥጥር ስር እንድውል ያደርጋል፤ ይከላል፤ ይከራከራል፤ አፈፃፀሙን ይከታተላል፤</p> <p>7) አንቀጽ 7 ንዑስ አንቀጽ 22 ተሰርዞ በሚከተለው ተተክቷል፡-</p> <p>7(22)' በወንጀል ምርመራና ፍትህ የማስጠት ሂደት ውስጥ ለኢግዚቢ.ት ማስረጃነት የተያዙ ዕቃዎች ላይ አስፈላጊውን መመሪያ ወይም ህጋዊ ውሳኔ ይሠጣል።</p> <p>8) አንቀጽ 7 ንዑስ አንቀጽ 32 ተሰርዞ ቀጥለው ያሉት ንዑስ አንቀጾች ተጠጋግተው የሚነበቡ ይሆናል።</p> <p>9) አንቀጽ 7 ንዑስ አንቀጽ 37 ተሰርዞ በሚከተለው ተተክቷል፡-</p> | <p>4) Sub article 14 of Article 7 is deleted and the subsequent Sub-Articles are hereby rearranged accordingly.</p> <p>5) Sub article 15 of Article 7 is deleted and is replaced by the following:</p> <p>7(15)' Give order for the detention of persons suspected of grave corruption offences at police station for not exceeding 48:00 hours without court warrant by an order of Attorney General in accordance with criminal procedure code and anti-corruption special procedure and anti-corruption rules of evidence with suspicion that the suspect may be missing or tamper with the evidence;</p> <p>6) Sub article 19 of Article 7 is deleted and is replaced by the following:</p> <p>7(19)' Summit to the concerned body the suspension of immunity of those persons having such right and suspected of corruption offences or to be prosecuted by such crime; causes an arrest upon its approval; institutes criminal charges; litigate; follow up its implementation;</p> <p>7) Sub article 22 of Article 7 is deleted and is replaced by the following:</p> <p>7(22)' In the course of criminal investigation and disposal of justice, give necessary instruction or legal decision upon exhibits collected as evidence.</p> <p>8) Sub article 32 of Article 7 is deleted and the subsequent Sub articles are hereby rearranged accordingly.</p> <p>9) Sub-article 37 of Article 7 is deleted and is replaced by the following:</p> |
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- 7(37)' Mirgaafi dantaa ummataafi mootummaa kabachiisuuf Manneen Hojiifi Dhaabbilee Misooma Mootummaa Naannichaa, akkaataa barbaachisummaa isaatti jaar-miyaalee ummataa bakka bu'iinsa kamiyyuu dhiyeessuun osoo hin barbaachisiin bakka bu'aa ta'ee himata hariiroo hawaasaa ni hundeessa; ni falma; deebii ni kenna; dhimmoota falmiin jalqabame gidduu seenuudhaan ni falma; murtii kenname bu'uura seeraatin ni raawwachiisa;
- 10) Keewwata 25 Keewwatni Xiqqaan 1(c) haqamee kan kanatti aanuun bakka bu'ee jira:
- 25(1)(c)' Miseensi Poolisii murtii yookiin ajaja Abbaa Alangaa isa dhumaafi seera qabeessa ta'e mormuun ajajamuu dide kamiyyuu seera roggummaa qabuun kan itti gaafatamu ta'a.
3. **Seerota Raawwatiinsa Hin Qabaanne**
Labsiin, Dambiin, Qajeelfam-nii fi barmaatileen hojii Labsii kanaan walfaallessan kamiyyuu dhimmoota Labsii kanaan hammataman irratti raawwatiinsa hinqabaatan.
4. **Yeroo Labsichi Hojii Irra Itti Oolu**
Labsiin kun guyyaa Magalata Oromiyaa irratti maxxanfamee bahe irraa eegalee hojiirra kan oolu ta'a.

Finfinnee,
Gurraandha 21, 2013
Shimallis Abdiisaa
Pirezidaantii Mootummaa Naannoo Oromiyaa

- 7(37)' የህዝብና የመንግሥት መብትና ጥቅምን ለማስከበር የክልሉን መሥሪያ ቤቶችና የመንግሥት የልማት ድርጅቶች፣ እንደ አስፈላጊነቱ ህዝባዊ ተቋማትን ምንም ውክልና ማቅረብ ሳያስፈልገው ወካይ ሆኖ የፍትሐብሔር ክስን ይመሠርታል፤ ይከራከራል፤ መልስ ይሰጣል፤ ክርክራቸው የተጀመሩ ጉዳዮች ላይ ጣልቃ በመግባት ይከራከራል፤ የተሰጠውን ውሳኔ በህግ መሠረት ያስፈፅማል፤
- 10) አንቀጽ 25 ንዑስ አንቀጽ 1(ሐ) ተሰርዞ በሚከተለው ተተክቷል፡-
- 25(1)(ሐ)' ማንኛውም የፖሊስ አባል የዓቃቤ ሕግን የመጨረሻ እና ሕጋዊ ውሳኔ በመቃወም ያልታዘዘ እንደሆነ አግባብ ባለው ሕግ ይጠየቃል፡፡

3. **ተፈጻሚነት የማይኖራቸው ሕጎች**
ከዚህ አዋጅ ጋር የሚቃረን ማንኛውም አዋጅ፣ ደንብ፣ መመሪያና ልማዳዊ አሠራር በዚህ አዋጅ በተሸፈኑ ጉዳዮች ላይ ተፈጻሚነት አይኖራቸውም፡፡
4. **አዋጁ ሥራ ላይ የሚውልበት ጊዜ**
ይህ አዋጅ በመገለጥ ኦሮሚያ ታትሞ ከወጣበት ቀን ጀምሮ ሥራ ላይ የሚውል ይሆናል፡፡

ፊንፊኔ

የካቲት 21 ቀን 2013 ዓ.ም
ሽመልስ አብዲላ
የኦሮሚያ ክልላዊ መንግስት ፕሬዝዳንት

- 7(37)' Without the need to present any representation institute civil suits representing the government offices and public enterprises of the region as well as public organizations as deemed necessary to protect the public and government interests; litigate; present statement of defense; conduct litigation by intervening into pending cases; cause execution of judgments given in accordance with the law;
- 10) Sub article 1(c) of Article 25 is deleted and is replaced by the following:
- 25(1)(c)' Any member of the police who resists and fails to execute the final and legal decision of the public prosecutor shall be punished in accordance with relevant law.

3. **Inapplicable Laws**
Any proclamation, regulation, directive and customary practices inconsistent with this proclamation shall not be applicable on the matters specified in this proclamation.

4. **Effective Date**
This proclamation shall come in to force as of the date of its publication on Megeleta Oromia.

Finfine
February 28, 2021
Shimelis Abdisa
President of Oromia Regional State