

**JAMHURIYADA FEDERAALKA SOOMAALIYA**  
**MAXKAMADDA SARE EE DALKA**  
**QAYBTA MAAMULKA**

**QARAAR**

**Sum: MS/I/2/2022-BG**

**Tr: 20/04/2022**

Maxkamadda Sare ee dalka oo ka kooban:

- |                                  |            |
|----------------------------------|------------|
| 1. Baashe Yuusuf Axmed           | Guddoomiye |
| 2. Saalax Sh. Ibraahim Dhiblaawe | Xubin      |
| 3. Cabdulcasis Maxamed Yuusuf    | Xubin      |

Oo uu kaalinayo Maxamed Faarax Jimcaale, wawa ay 19/04/2022 u fadhiisatay garmaqalka dacwad maamul ee gal-dacwadeedka summaddiisu tahay MS/I/2/2022-BG una dhexeysha dhinacyada kala ah:

1] Fahad Daahir Axmed, Qareen: Sakariye Ismaaciil Nuur – **CABTE**

**LID**

2] Guddiga Hirgelinta Doorashooyinka Dadban ee Heer Federaal, Qareen: Xafiiska Garyqaanka Guud ee Dawladda – **LAGA-CABTE**

1. Qareenka Cabtuhu waxa uu 07/04/2022 Maxkamadda u soo gudbiyey arjiga cabashada summaddiisu tahay E-Som.17/2022, ku taariikhaysan 07/04/2022 kaas oo lid ku ah go'aanka Guddiga Hirgelinta Doorashooyinka Heer Federaal ee summaddiisu tahay FIET/2017/2022 ku taariikhaysan 17/02/2022 iyo mid ka aan summadda lahayn ee ku taariikhaysan 06/04/2022.
2. Laga Cabtaha (Guddiga Hirgelinta Doorashooyinka Dadban ee Heer Federaal) oo uu matalayo Xafiiska Garyqaanka Guud ee Dawladda ayaa 16/04/2022 Maxkamadda Sare u soo gudbiyey arjiga jawaab celinta ee summaddiisu tahay XGG/079/2022 kaas oo uu kaga soo jawaabay arjiga cabashada ee kor ku xusan.
3. Maxkamadda Sare ee dalku waxa ay 19/04/2022 u fadhiistay dhagaysiga garmaqalka gal-dacwadeedka summaddiisu tahay MS/I/2/2022 ee u dhaxeeya



doorasho la shaaciyeey iyo go'aaminta dib ugu noqosho kursi natijadiisii hordhaca ahayd la shaaciyeey

- V. Guddiga Hirgelinta Doorashooyinka ee Heer Federaal waxaa ka soo baxay warqado badan oo lid isku ah oo shaki dhalin kara, goobtii ay doorashadu ka dhacaysay xubno ayaa u joogay, xubnahaas ayaa natijadii soo diray mana sheegin khalad la galay, go'aanka guddigana looma raacin habraancii go'aan qaadashada ec sharcigu jideeyey.

#### **ASBAABTA QARAARKA**

6. Sida uu jideeyey Qdobka 5<sup>nd</sup> faqraddiisa 3( b) ee Xeerka Nidaamka Garsoorka Lr. 3 ee 12 Juun 1962, Maxkamadda Sare waxa ay awood u leedahay ka garsoorida cabashooyinka la xidhiidha go'aannada maamul ee kama-dambaysta ah ee ka soo baxa hay'adaha dawliga ah. Sidoo kale, sida uu jideeyey Qdobka 50<sup>nd</sup> faqraddiisa 2<sup>nd</sup> ee Sharciga Doorashooyinka Qaranka ee Heer Federaal Lr. 23 ee 20.02.2020 cabashooyinka ku saabsan go'aannada maamul ee ka soo baxay Guddiga Madaxabannaan ee Doorashooyinka Qaranka, waxa looga rafcaan qaadan karaan Maxkamadda Sare ee Dalka.
7. Sharciga Heshiiska Siyaasadeed ee Jihaynta Doorashada Baarlamaanka Federaalka ee 2020/21, Sharci Lr. 30, oo ay labada Aqal ee Baarlamaanka Federaalku fadhi wadajir ah ku ansixiyeen ayaa lagu sharchiyeey heshiiska siyaadaseed ee Golaha Wada-tashiga Qaran ku gaadhay Magaaladda Dhuuso Mareeb 17-kii September 2020. Qdobka 1<sup>st</sup>, faqraddiisa 1<sup>st</sup> ee Sharci Lr. 30 oo waafaqsan Heshiiska Dhuuso Mareeb ee 17-kii sepiember 2020., waxa dib loogu dhigay qabashada Doorashooyinka tooska ah ee Labada Aqal ee Baarlamaanka 11<sup>nd</sup> iyo dhaqangalka Sharciga Doorashooyinka Qaranka ee Heer Federaal Sharci Lr. 23 ee 20.02-2020. Sharci Lr. 30 waxa si ku-meel-gaad ah loogu hakiyey hirgelinta doorashooyinka tooska ah ee Baarlamaanka, waxa uu meesha ka saaray shaqadii Guddiga Madaxabannaan ee Doorashooyinka Qaranka ee qabashada doorashada Baarlamaanka 11<sup>nd</sup> ee Jamhuuriyada Federaalka Soomaaliya, waxa uu sidoo kale hakiyey awooddii Maxkamadda Sare ee ka-garsooridda cabashooyinka la xidhiidha go'aannada maamul ee doorashooyinka ee ay gaadhaan Guddiyada kala duwan ee hirgelinta doorashooyinka iyo xallinta khilaafaadku.
8. Xeerka Nidaamka Garsoorka Lr. 3 ee 12 Juun 1962 ee Maxkamadda Sare awoodda u siinaya ka garnaqidda cabashooyinka la xidhiidha go'aannada maamul ee ka soo baxa hay'adaha dawladdu waa xeer guud. Qdobka 5<sup>nd</sup> ee Xeerkani waxa uu si guud uga hadlayaa dhammaan go'aannada maamul ee kama-dambaysta



- V. Cabtuuhu ma marin dhammaan dariiqyadii heshiiska siyaasadeed iyo habraacyadu jideeyeen ee xallinta khilaafaadka doorashooyinka. Waxa ay ahayd in uu go'aankan uga cawdo Guddiga Xallinta Khilaafaadka iyagoo ugu dambayna u caban karay Golaha Wada-tashiga Qaran.

#### Doodda Qareenka Cabtaha oo Kooban

5. Qareenka Cabtuuhu waxa uu ku dooday in si waafaqsan Xeerkarka dalka ay Maxkamadda Sare ee Dalku awood buuxda u leedahay ka-garnaqidda dacwaddan, is-hortaaga Laga-cabtuhuna aanu sharciga waafaqsanayn sababahan dartood:
- I. Ma jirto meel sharciga looga sheegay in Golaha Wada-tashiga Qaran ay tahay meesha u danbeysa ee loo cabanayo, sidoo kale heshiiskii 17-kii September 2020, Sharciga Jihaynta Doorashooyinka Baarlamaanka Federaalka, Sharci Lr.30, habraacyada guddiyada, Xeer nidaamiyeyasha iyo xeer-hoosaadyada Guddiyada midna kuma jirto in Golaha Wada-tashiga Qaran yahay meesha ugu danbaysa ee loo cabanayo. Ereyga Golaha Wada-tashiga Qaran waxa lagu sheegay Qodobka 5<sup>nd</sup> ee qaybta xilalka iyo waajibaadka Guddiga Xallinta Khilaafaadka Doorashooyinka ee Habraaca Hirgelinta Heshiiska Siyaasadeed ee Hagaya Doorashada 2020/2021 ee heer Fedeaal ee soo baxay 1 Octobar 2020, waxa uuna qodobkani sheegayaa in Golohu uu gelayo arrimaha u baahan xal siyaasadeed.
  - II. Qodobka 5<sup>nd</sup> ee Xeerkha Nidaamka Garsoorka iyo Qodobka 50<sup>nd</sup> faqraddiisa 2<sup>nd</sup> ee Sharciga Doorashooyinka Qaranka ee Heer Federaal Lr. 23 ee 20.02.2020 ayaa waxa ay Maxkamadda Sare awood u siinayaan ka-garnaqidda dhammaan go'aannada maamul ee kama-dambaysta ah ee ka soo baxa hay'adaha dawliga ah.
  - III. Go'aannada ay dib-u-eegista ku sameynayaan madaxdu (Golaha Wada-tashiga Qaran) waa go'aannada ka soo baxa Guddiga Xallinta Khilaafaadka Doorashada ee ma aha kuwa ka soo baxa Guddiga Hirgalinta Doorashooyinka Dadban ee Heer Federaal. Ma jiro go'aan ka soo baxay Guddiga Xallinta Khilaafaadka oo lid ku ah doorashada Muwakilkayga si uu cabasho ugu qaato Madaxda Dowladda Federaalka iyo kuwa maamul Goboleedyada
  - IV. Awooddaha Guddiga Hirgelinta Doorashooyinka Dadban ee Heer Federaal ee lagu xusay sharci Lr.30 iyo habraacyadiisa kama mid aha ka-garnaqidda cabashooyinka doorashada la xidhiidha laalida ama diidmada natijjo



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dhinacyada kor ku qoran. Garmaqalka Maxkamadda waxa ka soo qaygalay Garyaaqan Sakariye Ismaaciil Nuur oo Qareen u ah Cabte Fahad Daahir Axmed iyo Garyaaqannada kala ah: Axmed Faarax Axmed, Muuse Axmed Ciise iyo Xuseen Xasan Cabdullaahi oo ka socda Xafiiska Garyaaqanka Guud ee Dawladda oo metalaya Laga-Cabtaha (Guddiga Hirgelinta Doorashooyinka Dadban ee Heer Federaal).

#### **Doodda Is-hortaagga Xafiiska Garyaaqanka Guud ee Dawladda**

4. Garyaaqannada Xafiiska Garyaaqanka Guud oo metalaya Guddiga Hirgelinta Doorashooyinka Dadban ee Heer Federaal waxa ay sameeyeen is-hortaag la xidhiidha awoodda Maxkamadda Sare ee dhagaysiga dacwaddan. Waxa ay ku doodeen in dacwaddani ka baxsan tahay ikhtisaaska Maxkamadda Sare ee Dalka asbaabahan dartood:
  - I. Doorashooyinka Baarlamaanka Federaalka Jamhuuriyada Federaalka Soomaaliya (Golaha Shacabka iyo Aqalka Sare) ma aha doorasho toos ah oo lagu dhaqayo sharciga doorashooyinka ee dhaqangalka ah. Taas bedellkeeda waa doorasho lagu maamulayo heshiis siyaasadeed oo ka baxsan xaydaabka hay'daha dastuuriga ah.
  - II. Guddiga doorashooyinka waxa lagu hagayey heshiis siyaasadeed oo ay galeen Golaha Wada-tashiga Qaran, kaas oo ah mabaad'i guud oo ku saleysan in guddiyadu ay ku jiheeyaan doorashada si xasiloon loogu qabto.
  - III. Sharciga Heshiiska Siyaasadeed ee Jihaynta Doorashada Baarlamaanka Federaalka ee 2020/21, Sharci Lr. 30 waxa dib loogu dhigay doorashooyinka tooska ah ee Baarlamaanka iyo dhaqangalka Sharciga Doorashooyinka Qaranka ee Heer Federaal Lr. 23 ee 20.02.2020 kaas oo meesha ka saaray awoodihii hay'adaha dastuuriga ah ee u xil saarnaa qabashada iyo ka-garsoorida dacwadaha doorashooyinka la xidhiidha.
  - IV. Habraaca Hirgelinta Heshiiska siyaasadeed ee Hagaya Doorashada 2002/2021 ee heer Federaal waxuu awoodda xallinta khilaafaadka siiyey Guddiga Xallinta Khilaafaadka ee doorashada dadban iyo Golaha Wada-tashiga Qaran oo go'aanka ugu dambeeya leh. Sida habraacu jideynayo go'aanka Golohu waa kama-dambays, meal kalena loogama caban karo. Dhammaan go'aannadda ay gaadhaan Guddiyada heer Federaal iyo heer dawlad goboleed waxa looga caban karaa Guddiga Xallinta Khilaafaadka doorashooyinka.



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