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PARTE PRIMA
ATTI LEGISLATIVI ED AMMINISTRATIVI
FIRST PART
LEGISLATIVE AND ADMINISTRATIVE ACTS

LAW No. 18 of 5 March, 1971.

Authorizing the Ratification of the Agreement between the Government of the Somali Democratic Republic and the Government of the German Democratic Republic on Scientific and Technical Cooperation.

THE PRESIDENT
OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING SEEN the First Charter of the Revolution dated 21st October 1969 and Law No. 1 of 21st October 1969;

CONSIDERING it necessary to authorize the ratification of the Agreement between the Government of the Somali Democratic Republic and the Government of the German Democratic Republic on Scientific and Technical Cooperation done and signed in Mogadishu on 9 January 1971;

DECREES:

Article 1

The President of the Supreme Revolutionary Council is hereby authorized to ratify the Agreement on Scientific and Technical Cooperation between the Government of the Somali Democratic Republic and the Government of the German Democratic Republic, which is annexed to this Law and which shall form an integral part thereof.

Article 2

The Agreement referred to in the previous article shall have the force of Law in the Somali Democratic Republic with effect from the date on which it comes into force.

Article 3

This Law shall be published in the Official Bulletin.

Mogadiscio, 5 March, 1971.

Major Gen. Mohamed Siad Barre
PRESIDENT

of the Supreme Revolutionary Council

Omer Arteb Qalib
Ssecretary of State for Foreign Affairs

AGREEMENT

between the Government of the Somali Democratic Republic and the Government of the German Democratic Republic on Scientific and Technical Cooperation.

The Government of the Somali Democratic Republic and the Government of the German Democratic Republic desirous to deepen friendly relations between the two countries and to promote scientific and technical co-operation in the interest of developing the national economies of both countries have agreed as follows:

Article 1

Both Contracting Parties shall in accordance with the laws and regulations valid in each of the two states, promote relations in the scientific and technical fields and, to that effect, grant each other all possible facilities and advantages.

Article 2

Taking into consideration the possibilities and requirements of both countries scientific and technical co-operation between them shall include the following:

1. granting of technical assistance by delegating advisers, technicians and instructors (hereinafter called experts);
2. technical and professional training at institutions, factories and other establishments of the other country;
3. establishment of training and research centres;
4. exchange of scientific and technical documents after previous consent given by the competent authorities of each country;
5. exchange of information in the field of research and development;

Article 3

The citizens of both Contracting Parties delegated under the stipulations of this Agreement shall be bound to respect the laws and regulations of the host country and not to interfere in its internal affairs.

Article 4

The stipulations of this Agreement and its Annex 1 and 2 shall apply to the delegation of experts and professional trainees.

The scope and the special fields of scientific and technical

co-operation shall be fixed in protocols to be concluded between the two Contracting Parties for two years each.

Article 5

The Contracting Parties shall support each other with regard to participation and co-operation in international organizations in the field of scientific and technical co-operation.

Article 6

Each Contracting Party shall grant citizens of the other country delegated under this Agreement all necessary facilities on the basis of the laws and regulations valid in its country, especially with regard to their participation in cultural life.

For personal damage (including fatal one) or damage to property caused in the receiving country by acts or omissions of an expert adviser etc. delegated under this Agreement in connection with the performance of a task conferred upon him according to this Agreement, the government of the receiving country shall be liable in his place. Any claim on the expert, adviser etc. by the government, authorities or persons of the receiving country shall be excluded unless it is a case of intent or gross negligence.

Article 7

Citizens of either state delegated under this Agreement to the other one shall be exempt from payment of all direct taxes and similar charges in the receiving country.

Article 8

Each Contracting Party shall grant experts, their family members as well as professional trainees exemption from duty for the import of:

- materials and equipment necessary for a project of scientific and technical co-operation under this Agreement;
- personal effects;
- a passenger car to be imported within 3 months after the first arrival and to be exported upon termination of the assignment or, in accordance with the legal regulations of the receiving country, possibly be sold to newly arrived experts or professional trainees of the delegating country.

Article 9

The Contracting Party receiving the experts or professional trainees shall settle all formalities concerning entry, stay and de-

parture of the experts, their family members as well as the professional trainees.

Article 10

All details concerning the exchange of experts shall be regulated in individual contracts to be concluded between the competent institutions of both countries.

The two Contracting Parties shall designate the institutions competent in their countries for the conclusion of the contracts mentioned in paragraph 1 of this Article.

Article 11

Any payments in the receiving country to be effected for experts and professional trainees delegated under this Agreement shall be made in the currency of the receiving country.

Article 12

Documents and information handed over under this Agreement may only be passed on to or brought to notice of third parties by the receiving party with the consent of the party which handed them over.

Results of work obtained on behalf of either Party shall be the property of the orderer.

Article 13

With a view to facilitating the implementation of this Agreement and clarifying questions arising from the implementation of this Agreement as well as for the purpose of concluding the protocol according to Article 4 of this Agreement, a Mixed Committee consisting of representatives of both Contracting Parties shall meet upon request of one of the two Contracting Parties alternately in the capitals of both countries.

The existence of a Mixed Committee does not exclude that questions of the implementation of this Agreement may be settled between the two governments through diplomatic channel.

Article 14

The stipulations of this Agreement and Annex 1 concerning the delegation of experts shall apply to all fields of scientific, technical and cultural co-operation between both countries.

Article 15

Amendments of and supplements to this Agreement may only be agreed upon in writing between the two Contracting Parties.

Article 16

This Agreement shall be concluded for a period of 5 years. It may be tacitly renewed by another 5 years, unless one of the Contracting Parties give written notice of its intention to terminate it 3 months before the expiry of its validity. The termination of this Agreement shall not affect the transaction of current operations.

Article 17

This Agreement shall come into force provisionally on the day of this signing and definitively after its confirmation or ratification according to the laws and regulations of the partner country.

Done and signed in Mogadishu on 9 January, 1971, in two originals in the English language, both texts being equally authentic.

For the Government of the
German Democratic Republic

Sd: WERNER HERKLOTZ

Ambassador Extraordinary and Plenipotentiary of the German Democratic Republic in the Somali Democratic Rep.

For the Government of the
Somali Democratic Republic

Sd: AHMED MOHAMED MOHAMOUD

Secretary of State for Planning and
Coordination of the Somali Democratic Rep.

ANNEX 1

To the Agreement on Scientific and Technical Co-operation between the Government of the Somali Democratic Republic and the Government of the German Democratic Republic dated 9th January, 1971.

Terms and conditions governing the delegation of experts from the German Democratic Republic to the Somali Democratic Republic.

1. The assignment of experts shall begin on the day of their arrival in the Somali Democratic Republic and end on the day of their departure from the Somali Democratic Republic.
2. The experts shall be entitled to a leave of 36 working days per year, excluding travelling days which must not exceed one week per year. In case the duration of the assignment of an experts does not come to 1 year, he shall be entitled 3 days of leave per month.
3. The Somali Democratic Republic shall defray the expenses of:
 - medical, dental and pharmaceutical care of the experts, their wives and children, as well as of hospitalization in governmental institutions of the Somali Democratic Republic.
4. The Somali Democratic Republic shall provide the experts with the necessary means of transport from their residence to their place of work and back, and for necessary trips during their official working time.
5. The Somali Democratic Republic shall provide the experts with suitable accommodation outside their usual place of residence, while on official duty.
6. The working time and work-free days of the experts shall be arranged in the individual contracts.
7. In case of death of an expert or one of his family members, the Somali Democratic Republic shall grant support in settling all formalities.
8. In case of the delegation of experts from the Somali Democratic Republic to the German Democratic Republic, the terms and conditions specified in this Annex shall apply analogically.

ANNEX 2

To the Agreement between Government of the Somali Democratic Republic and the Government of the German Democratic Republic on scientific and technical cooperation dated 9th January, 1971.

Terms and conditions governing the training and upgrading of citizens of the Somali Democratic Republic in the German Democratic Republic (hereinafter called professional trainees).

I.

Terms of admission, preparation, contents and organization of the training

1. The authorities of the German Democratic Republic shall require until, at the latest, 4 months before the beginning of the training the following documents for admission to training:
 - Letters of delegation and application specifying the training objectives;
 - personal particulars (short curriculum vitae);
 - certified copies of certificates;
 - proposals for training and working programmes;
 - health certificates;
 - certificate of attained practical professional training;
 - certificate of knowledge of foreign languages.The documents shall be sent in German or English in two copies through the Embassy of the German Democratic Republic in the Somali Democratic Republic to the LIMEX GmbH, Berlin, for further handling.
2. The competent organs of the German Democratic Republic shall decide together with the LIMEX GmbH, Berlin, until not later than 6 weeks before the beginning of the training on the admission of the applicants, and determine the date of entry into the German Democratic Republic, the place and the interprise of training.
3. The training of professional trainees shall be effected in the German language. Unless the professional trainees from the Somali Democratic Republic have sufficient knowledge of the German language they shall take a language course in the Somali Democratic Republic or, if that is not possible, a language course of 3 months in the German Democratic Republic.
4. The training of professional trainees shall be effected according to specified qualification programmes to be stipu-

lated by contract between the training establishments and the professional trainees on the basis of the agreed training objectives.

Extension of the training period and delegation of professional trainees to studies at higher education establishments shall only be possible within the framework of inter-governmental agreements or arrangements, and shall require the consent of the competent organs of the Contracting Parties.

Modifications of the training programme on the ground of personal wishes of the professional trainees shall not be admissible.

- b. After passing the respective examinations on termination of their training, the professional trainees shall get diplomas or certificates showing what kind of knowledge and skills in theoretical and practical fields have been acquired. These diplomas or certificates shall be recognized by the Somali Democratic Republic in accordance with the customs and legal regulations prevailing there.

II.

Training expenses

1. The training expenses shall include:
 - costs of theoretical and practical instruction including the costs of teachers and tutors;
 - admission and examination fees;
 - travelling expenses within the German Democratic Republic in accordance with the training programmes;
 - costs of German language course, as far as it is taken in the German Democratic Republic.

III.

Travelling expenses

The expenses of travels and conveyance of luggage of the professional trainees from the Somali Democratic Republic to the German Democratic Republic and back shall be borne by the German Democratic Republic.

IV.

Allowances

1. The German Democratic Republic shall grant the professional trainees the following scholarships:
Professional trainees
having taken a doctor's degree 550,— M per month

- | | |
|---|-------------------|
| having graduated from high school
(university) | 450,— M per month |
| having graduated from technical
schools | 375,— M per month |
| having professional background | 300,— M per month |
| others including holiday trainees | 250,— M per month |
2. The scholarships shall be exempt from taxation or similar charges.
 3. With their scholarships the professional trainees shall have to defray all expenses of goods, clothing, private and holiday trips as well as of all things of everyday consumption.
Furthermore, they shall bear the costs of the lodgings placed at their disposal up to an amount of 10% of their scholarships. The rent exceeding this sum shall be paid by the German Democratic Republic.
 4. Payment of scholarships shall be continued also in cases of illness.

In cases of hospitalization of professional trainees, scholarships shall be out by 50% for the period of hospitalization.

In cases of absence from training without strong reason, scholarships shall be out proportionately.

V.

Social care and cultural attendance

1. The German Democratic Republic shall grant the professional trainees in cases of illness medical, dental and pharmaceutical treatment free of charge.
2. The German Democratic Republic shall grant the professional trainees an annual paid holiday in accordance with the valid legal regulations, but of at least 18 workdays, if the stipulated training period consists of at least 12 months.
3. The German Democratic Republic shall spend an additional monthly sum 3% of the scholarship amount on cultural attendance of the professional trainees and shall incorporate the professional trainees in the cultural life at the training establishments.
4. The German Democratic Republic shall provide the professional trainees with lodgings either in boarding houses or private flats and shall enable them to participate in canteen meals at the training establishments.
5. The German Democratic Republic shall grant indigent professional trainees a non-recurring clothing allowance for the purchase of winter clothes, if the training period is longer than 6 months.

VI.

Miscellaneous

1. The professional trainees shall not be allowed to bring their families to the German Democratic Republic.
 2. The professional trainees shall enjoy the same legal protection as the citizens of the German Democratic Republic. Violations of law by professional trainees shall be punished according to the valid laws and regulations of the German Democratic Republic. In such a case, the Somali Democratic Republic shall be informed immediately.
 3. The German Democratic Republic shall inform the Somali Democratic Republic when the training of professional trainees has to be broken off because they:
 - have grossly offended against public order in the German Democratic Republic;
 - have repeatedly offended against working discipline and the stipulated training programme;
 - cannot participate in training on the ground of an illness lasting longer than three months.
 4. No obligations shall arise for the German Democratic Republic from private legal acts of the professional trainees.
 5. The competent institutions of the German Democratic Republic shall submit periodically reports of the progress of the work of the professional trainees of the Somali Democratic Republic to the competent institutions of the Somali Democratic Republic.
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LEGGE 9 Marzo 1971, n. 19.

Modifica all'Ordinamento Giudiziario.

IL PRESIDENTE
DEL CONSIGLIO RIVOLUZIONARIO SUPREMO

SENTITO il Consiglio dei Segretari;

PRESO ATTO dell'approvazione del Consiglio Rivoluzionario Supremo;

PROMULGA

la seguente Legge:

Art. 1

Competenza

Le norme sulla competenza stabile nell'art. (2) dell'Ordinamento Giudiziario 1962 si applicano a tutti i giudizi sorto tra cittadini e non cittadini Somali, purchè residenti nel Territorio.

Art. 2

Assunzioni in carriera

1. I nuovi Magistrati vengono assunti per concorso.
2. Possono partecipare al concorso i cittadini in possesso di laurea in giurisprudenza e che abbiano una integrità morale-civile-patriottica senza precedenti o pendenze penale.
3. Possono altresì essere assunti previo esame di accertamento, i funzionari statali purchè in possesso di laurea in giurisprudenza.
4. In via transitoria e per un periodo non superiore a due anni dall'entrata in vigore della presente legge, possono essere ammessi al concorso anche i cittadini in possesso di diploma in materie giuridiche.
5. In deroga alle disposizioni del comma I del presente articolo, possono essere riammessi in magistratura, senza concorso, gli ex-giudici che siano stati trasferiti ad altri settori della P.A.O. che abbiano spontaneamente rassegnato le dimissioni, purchè abbiano conservato la buona condotta morale-civile e patriottica senza precedente o pendenza penali.

I Giudici possono essere riassunti al servizio a condizione che non siano stati fuori della pratica giudiziaria per un periodo massimo di 5 anni.

Art. 3

Progressione in carica

Subordinatamente ai posti disponibili nell'organico, la progressione in carica avviene per esame.

Possono accedere agli esami, previo parere favorevole del Consiglio Superiore Giudiziario:

- a) I Magistrati muniti di Laurea in giurisprudenza che abbiano almeno due anni di anzianità nella categoria inferiore;
- b) I Magistrati muniti di Diploma su materie giuridiche che abbiano almeno tre anni di anzianità nella categoria inferiore;
- c) Le considerazioni di cui sopra circa il tempo non si tiene conto in caso di merito eccezionale.

Art. 4

Ammissione agli esami

L'ammissione agli esami per la promozione alla categoria dei Giudici Regionali è comunque subordinata al possesso di almeno il Diploma in materie giuridiche.

L'ammissione agli esami per la promozione alla categoria dei Giudici d'Appello e dei Giudici della Corte Suprema è subordinata al possesso di Laurea in giurisprudenza.

Art. 5

Anzianità

Ai fini dell'anzianità per la partecipazione agli esami, saranno computati gli anni di servizio prestati prima dell'eventuale conseguimento del titolo di studio richiesto.

Art. 6

Norma transitoria

Le disposizioni di cui alla presente legge non si applicano ai Magistrati attualmente in servizio i quali comunque non potranno essere nominati Giudici della Corte Suprema se non siano in possesso di Laurea in giurisprudenza.

Art. 7

Entrata in vigore

La presente legge entra in vigore il giorno della sua pubblicazione sul Bollettino Ufficiale.

Mogadiscio, li 9 Marzo 1971.

IL PRESIDENTE

del Consiglio Rivoluzionario Supremo
Gen. Div. Mohamed Siad Barre

IL SEGRETARIO DI STATO

alla Giustizia, Affari Religiosi e Lavoro
Prof. Abdulgani Scek Ahme

DECRETO DEL PRESIDENTE DEL CONSIGLIO RIVOLUZIONARIO

SUPREMO 25 Febbraio 1971, n. 62.

Promozione al grado di Maggiore del Capitano Mohamed Mohamud Samantar delle Forze di Polizia.

**IL PRESIDENTE
DEL CONSIGLIO RIVOLUZIONARIO SUPREMO**

VISTA la Prima Carta della Rivoluzione del 21 Ottobre 1969 e la Legge del 21 Ottobre 1969, n. 1;

VISTO il Decreto n. 21 del 1° Dicembre 1969 relativo all'organizzazione ed all'istituzione del Ministero dell'Interno e delle Forze di Polizia;

VISTO il foglio n. FF/86 del 22-2-1971 del Comando Forze di Polizia della Somalia;

VISTA l'opportunità di promuovere il Capitano Mohamed Mohamud Samantar, al grado immediatamente superiore, per merito eccezionale e per la sua anzianità nell'attuale grado;

SU PROPOSTA del Segretario all'Interno;

DECRETA:

Art. 1

Con decorrenza dal 1° Febbraio 1971, il Capitano Mohamed Mohamud Samantar delle Forze di Polizia, è promosso al grado di Maggiore, a tutti gli effetti giuridici ed economici.

Art. 2

Il presente Decreto entra in vigore immediatamente e sarà pubblicato nel Bollettino Ufficiale.

Mogadiscio, li 25 Febbraio 1971.

IL PRESIDENTE
del Consiglio Rivoluzionario Supremo
Gen. Div. Mohamed Siad Barre

Il Segretario di Stato all'Interno
Brig. Gen. Hussen Culmie

VISTO e Registrato - Reg. n. 1, foglio n. 198.
Mogadiscio, li 9 Marzo 1971.

Il Magistrato ai Conti:
MOHAMUD ISSE SALWE

PARTE SECONDA
DISPOSIZIONI, COMPNICATI, AVVISI, VARIE

MINISTERO DELL'INDUSTRIA E COMMERCIO
Dipartimento Industria — Sezione Brevetti

Certificato N. 7/36 - 688.

IL SEGRETARIO DI STATO

Omissis

CERTIFICA:

Il Sig. Mohamed Adan Ahmed Dalab, cittadino Somalo, con sede a Mogadiscio, Piazza ex Parlamento, P. O. Box 37, Telefono n. 2365, il giorno 16 Aprile 1970, alle ore 10.00, ha validamente depositato presso il Ministero Industria e Commercio — Dipartimento I — Ufficio Brevetti — la domanda e gli altri documenti prescritti per ottenere la protezione nel Territorio della Somalia del marchio d'impresa sottodescritto:

«Il marchio è costituito nella parola: «SUPERPHARM» comunque scritta».

Detto marchio viene generalmente applicato ai prodotti della Ditta Mohamed Adan Dalab.

Esso potrà essere accompagnato o no dalla ragione sociale della Ditta richiedente oppure da sigla della medesima. Potrà infine essere riprodotto su carta da lettere, buste, fatture, imballaggi e su altre carte di commercio o anche riprodotto mediante pubblicità figurata, fonica o di qualunque altro tipo.

Esso serve a contraddistinguere: «Prodotto attività medicinali» di proprio commercio della Ditta Mohamed Adan Ahmed Dalab.

Mogadiscio, li 9 Marzo 1971.

Per il Segretario di Stato
Dott. Mohamed M. Nur

MINISTERO DEI LAVORI PUBBLICI

Atto di rettifica Avviso ad Opponendum a favore del Sig. Ahmed Scek Iusuf sito in Mogadiscio nel quartiere Vill. Uardiglei. Fasc. N. 1351-62.

VISTO la domanda presentata a questo Dipartimento in data 10 Novembre 1962 dal nominato in oggetto tendente ad ottenere un appezzamento di terreno demaniale sito in Mogadiscio zona Uardiglei in concessione a scopo edilizio.

VISTI gli atti d'Ufficio relativo alla concessione di un appezzamento di terreno demaniale sito nel su detto quartiere avente la forma trapeziodale con le dimensioni di mt. 30; 100; 90 e copre con una superficie pari a mq. 2850.

VISTO l'accertamento Tecnico eseguito in data 5-3-1971, un Tecnico effettivo del Servizio Tecnico Erariale approvante che l'area precedentemente concessa al nominato in oggetto è stato espropriato dall'Amministrazione Municipale di Mogadiscio per utilità pubblica e tramutando un altro lotto ubicata nella stessa zona avente la forma quadrata con le dimensioni di mt. 54x54 e copre con una superficie pari a mq. 2916 e confinante a tutti i lati con Vie del P. R.

Pertanto l'Avviso ad Opponendum trasmesso in data 13-3-1967 per l'affissione all'albo Municipale e quello Distrettuale e pubblicato nel Bollettino Ufficiale della Repubblica Somala del 30-4-67 Suppl. N. 6 al N. 4 pagina 39. Deve essere rettificato nel modo seguente: l'area concessa del nominato in oggetto avente la forma quadrata con le dimensioni di mt. 54x54 e copre con una superficie pari a mq. 2916 e confinante a tutti i lati con Vie del P. R. e non come erroneamente comunicato di forma rettangolare con le dimensioni di mt. 100x30 e superficie di mq. 3000.

Il Direttore del Dipartimento
Mohamed Abdi Said

TRIBUNALE REGIONALE DEL BENADIR

LETTO l'istanza che precede;

RITENUTA l'attendibilità dei fatti esposti, anche in considerazione di questo comunicato della Banca Nazionale Somala;

RITENUTA la propria competenza;

VISTO l'art. 69 decreto legislativo 9-9-65 n. 2;

DICHIARA l'ammortamento del Libretto in questione n. 39727 di Sh. 5405;

AUTORIZZA a rilasciare il duplicato del Libretto in questione a Cadigia Ali Magan, trascorso il termine di giorni 30 (trenta) della data di pubblicazione del presente decreto sul Bollettino Ufficiale della Repubblica purchè non venga fatto opposizione dal detentore;

DISPONE che il duplicato del Libretto di cui sopra venga consegnato a Cadigia Ali Magan personalmente o eventualmente a persona da essa indicata munita di regolare e formale procura;

La Banca Nazionale Somala, la quale lo terrà affisso per la durata di giorni 30 (trenta) nei propri locali aperti al pubblico.

Mogadiscio, li 30 Gennaio 1971.

Il Presidente

(37)

Dr. Ahmed Scire Mohamud
