COUNCIL OF MINISTERS REGULATIONS NO.138/2007
COUNCIL OF MINISTERS REGULATIONS ON THE TREATMENT OF FEDERAL PRISONERS

These Regulations are issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No 471/2005 and Article 39(1) of the Federal Prison Commission Establishment Proclamation No. 365/2003.

1. Short Title

These Regulations may be cited as the "Treatment of Federal Prisoners Council of Ministers Regulations No. 138/2007".

2. Definitions

In these Regulations, unless the context requires otherwise:

1/ "Administration" means the Federal Prisons Administration;

2/ the terms "prison", "prisoner" and "warden" shall have the meanings given to them under the Federal Prisons Administration Commission Establishment Proclamation No. 365/2003;
3. Basic Principles

The treatment of prisoners shall be based on the basic principles of:

1/ no discrimination on grounds of gender, language, religion, political opinion, nation/nationality, social status or citizenship;
2/ respect to their human dignity unless restricted by the penalties imposed on them;
3/ ensuring that the executions of penalties are educative and rehabilitative.

4. Admitting and Registering Prisoners

1/ Any prison shall admit prisoners sent to it by court orders by ascertaining the relevant information.
2/ Prisoners admitted by any prison shall be registered in a registration book and a personal file shall be kept for every prisoner in accordance with directives issued by the Administration.
3/ Any prisoner shall be subjected to medical examinations when admitted to a prison.
4/ Prisoners shall be informed of their rights and duties during their stay in a prison.

5. Separate Accommodations of Prisoners

1/ Separate premises shall be allocated for male and female prisoners; particularly,
   a) premises allocated for female prisoners shall be securely guarded; and
   b) female prisoners shall be guarded and supervised only by female wardens and officials; provided, however, that male wardens, especially medical officers and teachers may carry out their professional duties in the premises set aside for female prisoners.
2/ prisoners on death roll shall be separately accommodated from other prisoners,
3/ To the extent that circumstances allow:
   a) juvenile prisoners under the age of 18 shall have separate accommodations;
   b) persons detained upon judicial remand shall have separate accommodations from convicted prisoners;
   c) prisoners with records of serious crimes, recidivists and indecent prisoners shall have separate accommodations from other prisoners;
d) prisoners with communicable diseases and mental cases shall have separate accommodations from other prisoners.

4/ To facilitate the social rehabilitation of prisoners, they shall be categorized on the basis of their similarities and differences and be given different work assignments.

6. Conditions of Premises

Premises in which prisoners live or work shall have
1/ windows large enough to allow adequate light for reading and fresh air to circulate;
2/ adequate artificial light for reading during the night without causing hazard to the eyesight.

7. Clothing

1/ Every prisoner shall wear clothes provided by the prison.
2/ A prisoner shall be provided with additional clothes when recommended by a medical officer due to health conditions or when the Administration so permits.

8. Bedding

1/ Every prisoner shall be provided with the necessary bed and bedding.
2/ A prisoner shall be provided with additional beds and bedding when recommended by a medical officer due to health conditions or when permitted by the Administration.

9. Sanitation

Prisoners shall be regularly provided with enough water and necessary materials for cleanliness and with toilet facilities.

10. Food

1/ Every prisoner shall be provided with balanced and sufficient diet by the prison.
2/ Prisoners with health problems shall be provided with special food at the recommendation of a medical officer.
3/ Sufficient and clean drinking water shall be made available for every prisoner.

11. Medical Services

1/ prisoners shall be provided with medical treatment free of charge.
2/ to the extent that circumstances allow, every prison shall have a medical facility, adequate medical equipment, pharmaceuticals and medical officers.
3/ Notwithstanding the provisions of sub-article (2) of this Article, any medical drug may not be brought into a prison or dispensed to prisoners without the approval of a medical officer.
6. ... provided with the necessary food, vaccination, medical care as well as other necessary items.

3/ If the stay of the child in the prison is likely to have an adverse physical or psychological impact on him, he shall be handed over to a close relative; provided, however, that the Administration shall facilitate the possibilities of finding another guardian in the absence of a close relative.

4/ A medical officer shall recommend the referral of any prisoner to another medical institution where he finds it necessary for further treatment.

The prison shall transfer such prisoner to another medical institution in accordance with the recommendation of the medical officer.

5/ The sanitation of any prison and quality standards of its food shall be inspected by a medical officer. The medical officer shall undertake studies and recommend to the Administration to take such corrective measures as may be required, and monitor the execution of same.

6/ Any medical officer shall recommend to the prison that a disciplinary penalty imposed on a prisoner be reduced or terminated if he ascertains that the penalty is harmful to the health of the prisoner.

7/ A pregnant prisoner shall, to the extent possible, be taken to a medical institution with adequate facilities at the time of her delivery; provided, however, that if the child is born in the prison, such fact may not be mentioned in the birth certificate of the child.

12. Pregnant and Female Prisoners with Children

1/ Where a female prisoner comes with an infant not more than 18 months old and where his interest so requires, the infant shall stay in the prison with his mother.

2/ The infant shall, during his stay in the prison, be provided with the necessary food, vaccination, medical care as well as other necessary items.

3/ If the stay of the child in the prison is likely to have an adverse physical or psychological impact on him, he shall be handed over to a close relative; provided, however, that the Administration shall facilitate the possibilities of finding another guardian in the absence of a close relative.

4/ A pregnant or a female prisoner with a child shall be provided with additional food upon the recommendation of a medical officer.

13. Communicating with Visitors

1/ Prisoners shall have the right to communicate with their spouses, close relatives and friends, medical officers, legal counselors and religious fathers. Details shall be determined by a directive to be issued by the administration.
6. Conditions of Premises

Premises in which prisoners live or work shall have:
1/ windows large enough to allow adequate light for reading and fresh air to circulate;
2/ adequate artificial light for reading during the night without causing hazard to the eyesight.

7. Clothing

1/ Every prisoner shall wear clothes provided by the prison.
2/ A prisoner shall be provided with additional clothes when recommended by a medical officer due to health conditions or when the Administration so permits.

8. Bedding

1/ Every prisoner shall be provided with the necessary bed and bedding.
2/ A prisoner shall be provided with additional bed and bedding when recommended by a medical officer due to health conditions or when permitted by the Administration.

9. Sanitation

Prisoners shall be regularly provided with enough water and necessary materials for cleanliness and with toilet facilities.

10. Food

1/ Every prisoner shall be provided with balanced and sufficient diet by the prison.
2/ Prisoners with health problems shall be provided with special food at the recommendation of a medical officer.
3/ Sufficient and clean drinking water shall be made available for every prisoner.

11. Medical Services

1/ prisoners with communicable diseases and mental cases shall have separate accommodations from other prisoners.
4/ To facilitate the social rehabilitation of prisoners, they shall be categorized on the basis of their similarities and differences and be given different work assignments.
1. **Introduction**

2. **A prisoner who is a foreign national shall be allowed to be visited by the embassy or consular representative of his country.**

14. **Searching Visitors**

1/ Any visitor that comes to a prison to visit prisoners shall show his identification card and go through a body search by a warden of same sex.

2/ Any visitor who refuses to submit for body search may not be allowed to visit prisoners.

3/ Any visitor shall go through a body search after having visited prisoners.

15. **Inspecting Visitors and Prisoners**

1/ Discussions of prisoners and visitors shall be monitored so as to prevent any action contrary to the custody of prisoners.

2/ Conversations between a prisoner and his legal counselor or attorney or an official authorized to inspect the prison shall be conducted under the surveillance of wardens, but the conversation may not be listened to by same.

16. **Children Visiting Prisoners**

A child below the age of 9 may not be allowed to visit prisoners unless he is accompanied by an adult.

17. **Visiting Prisoners in a Common Place**

Where visiting prisoners in their premises is not convenient, they shall be visited in a common place with the permission of the prison administration.

18. **Correspondence**

Prisoners shall be allowed to correspond with persons outside of the prison; provided, however, that the correspondence shall be inspected to prevent any action contrary to the custody of prisoners.

19. **Request for Transfer**

Any prisoner who is serving a final sentence and there is no other pending case against him may, upon his request, be transferred to a prison situated in the locality where his relatives reside.

20. **Police Investigation and Court Summons**

1/ A police officer with a court order may enter into a prison and investigate a prisoner.
2/ Any person may, upon the permission of the prison administration and during work hours, enter into a prison and deliver cash to a prisoner.

21. Notifying the Death of a Prisoner
Where a prisoner dies, the prison shall notify the death:
1/ to the competent court together with explanation of the cause of death and submit medical certificate thereof;
2/ to his family or relatives and hand over the body to them; provided, however, that where there is no family or relatives to receive the body, it shall be buried by the municipal council concerned.

22. Wills
Where a prisoner requests to make a will, the prison shall facilitate all the necessary conditions.

23. Education and Training
1/ Prisoners shall be provided with the opportunity to attend academic and different vocational training classes; provided, however, that priority shall be given to illiterate prisoners.
2/ The education and training program shall be conducted in accordance with the curriculum approved by the competent body.
3/ Where prisoners attending academic or vocational training classes pass examinations acknowledged by the competent body, they shall be issued with certificates of qualification.
4/ Particular attention shall be paid to give educational opportunities to female and juvenile prisoners.

24. Physical Exercises and Recreation
1/ Any prison shall provide prisoners with the necessary and conducive physical education and exercises.
2/ The prison shall make the necessary arrangements to allow prisoners to participate in different rehabilitation and recreational activities.

25. Counseling Service
Professional counseling service shall be provided to prisoners during their stay in prison to bring about behavioral change so that they can become law abiding and productive citizens after their release.
26. Freedom of Religion
1/ Every prisoner shall exercise his religious freedom during his stay in prison.
2/ The religion of a prisoner shall be the religion registered at the time of his admission to the prison; provided, however, that if, during his stay in prison, he is converted to another religion, he may request such fact to be registered.
3/ Every prisoner shall have the right to have access to and read spiritual books, magazines and articles as well as to observe religious holidays.

27. Access to Information
1/ Rules and regulations of a prison shall be explained orally or in writing to every prisoner on his admission.
2/ Where the prisoner is illiterate the information shall be fully explained to him orally in the language he understands.

28. Right of Grievance
1/ Every prisoner shall have the right to lodge a complaint orally or in writing.
2/ Immediate decision shall be made on the complaint of a prisoner and it shall be communicated to him.
3/ The prisoner shall have the right to submit his grievance to the official concerned where he is dissatisfied with the decision.

29. Obligation of Prisoners
Prisoners shall have the obligation to observe rules and directives to be issued on custody, discipline, sanitation, health care, social life and other issues.

30. Work Assignments
1/ Prisoners shall be categorized and be given work assignments on the basis of their skills, professions and attitudes; and they shall be paid for the work they perform.
2/ Where a prisoner lacks in proper skills, he shall be given the necessary apprenticeship and training.

31. Prisoners not Compelled to Work
1/ Notwithstanding the provisions of Article 32 of these Regulations, the following prisoners shall not be compelled to work:
a) Persons under death sentence;
b) Female prisoners after the 6th month of their pregnancy and until two months after their delivery;
Prisoners shall be made to work where:

a) The work is believed to be convenient for the custody of the prisoners; and
b) A medical officer ascertains that the prisoners are in good conditions of health.

No prisoner may work under harmful and cruel conditions, nor may he work for more than 7 hours a day and 6 days in a week.

Works Performed without Payment

The Administration shall encourage and support activities to be performed by prisoners individually or organized in-groups for their benefits and social services.

Prisoners shall have the obligation to perform, without payment, works involving their own common benefits.

Working outside of Prison

No convicted prisoner shall be allowed to work out side prison.

Notwithstanding the provisions of sub article one of this article, the prison may allow a prisoner to work out side prison where it finds its necessary. The amount of payment shall be determined in accordance with agreements entered into by the prison based on the market price of the locality.

Conditions of payment to be made by prisoners to a prison out of their incomes earned by working outside of the prison shall be determined by directives.

Deposit of Money

The money earned by a prisoner shall be deposited with the prison against a receipt issued in his name or may be deposited in another place for better safe keeping; and payment shall be made out of the deposited money where he requests for it.
36. **Types and classification of Disciplinary penalties.**

1/ Depending on the gravity of the of the offence one of the following penalties may be imposed on a prisoner for breach of discipline:

(a) Oral warning in the presence of prisoners or alone,

(b) Prohibiting, for not more than one month from being visited, sending and receiving letter, entering to libraries and participating in joint festive as well as recreational activities,

(c) Solitary confinement for not less than eight days and for not more than two months,

(d) Imposing the penalties specified under paragraph /b/ hereof for not less than one month and for not more than for four months,

(e) Solitary confinement for not less than two months and for not more than four months,

(f) Depending one third of his wages for not more than six months and transferring it to the account of the prison,

2/ The penalties specified under paragraphs /a/ - /c/ of sub article /1/ of this article shall be classified as simple disciplinary penalties; and those specified under paragraphs/d/ - /f/ shall be classified as rigorous penalties,

37. **Offences Entailing simple penalties**

Simple disciplinary penalties may be imposed for the following offences;

1. Tardiness,
2. Laziness,
3. Indifference,
4. Sleep saying that he is ill while in fact he is not ill,
5. Negligence,
6. Disobedience,
7. Commit un intentional assault on any person
8. Communicating with out permission with a prisoner not allowed to communicate with persons
9. Gating out of bed room with out permission
10. Leaving work place with out permission
11. Not being present, with out permission at a place where he should be present
12. Lodging false petition
13. Disturbing order in any manner
14. Gambling
15. Excreting out side the place intended for the purpose
38. Offences entailing rigorous penalties

Rigorous disciplinary penalties may be imposed for the following offences:
1. Conspiring or instigating conspiracy
2. Creating disturbance or terror
3. An attempt to escape or escaping from prison
4. Persistent miss conduct,
5. An attempt to commit suicide,
6. Bring into prison or giving or receiving prohibited things,
7. Giving or receiving bribe,
8. Theft,
9. Perjury or lodging false accusation,
10. Commit adultery,
11. Causing damage to property intentionally or negligently,
12. Commit grave assault,
13. Commit or participating in violence,
14. Insulting, intimidating the administration or prison officials, employees and prison warden or commit in words or in action activities contrary to good conduct in any other manner, and
15. Commit any breach of discipline of equal gravity with the offences specified herein above.

39. Disciplinary Penalties

1/ The prison may, in accordance with these regulations, impose appropriate penalties on prisoners, who committed disciplinary offence,
2/ Before any disciplinary measure is taken against a prisoner, he shall be notified of the alleged offence and be given the opportunity to be heard.
3/ Any disciplinary measure shall be disclosed to a prisoner in writing and shall include a statement referring to the prisoner's right to appeal.
40. Offence Committed by Prisoners

Any prisoner who commits a criminal offence while in custody or escapes from prison shall be liable under criminal laws.

41. Measures taken against Prisoners after having escaped

1/ A prisoner who escapes from the prison shall be charged with criminal offence based on police investigation.

2/ Such prisoner shall be demoted to a work position lower than the position he occupied prior to his escape. A statement of the fact of escaping shall be entered in a register kept by the prison.

3/ The time the prisoner spent outside of the prison may not be deducted from the term of his sentence.

42. Execution of Penalties Imposed on Prisoners

Where a prisoner serving a term of sentence is convicted and sentenced for another offence, the prison term of the latter sentence shall begin after the completion of the prison term of the former sentence.

43. Beginning and Ending of Term of Sentence

1/ The term of a sentence shall begin and end in accordance with the order of the court which passed the sentence.

2/ Notwithstanding the provisions of sub-article (1) of this Article, the prisoner may be released upon parole, pardon or amnesty.

44. Obligation of Prison

1/ A prison shall have the obligation to immediately release a prisoner upon the completion of the term of his sentence or where he has been granted pardon or amnesty or where the court gives order to release him on parole.

2/ The concerned officials shall periodically check the personal files of prisoners so that they shall be released on the completion of the terms of their sentences.

45. Reduction of Imprisonment

1/ Where a term of imprisonment of a prisoner is reduced, the deduction shall be made from the general sentence passed on him.

2/ Where an imprisonment and fine is imposed on a prisoner or where he is sentenced to imprisonment due to his inability to pay a fine, the deduction shall be made from the penalty he has to serve in prison.

3/ The time a prisoner spent in a medical institution for medical treatment shall be deemed to have been spent in a prison.
4. A prisoner shall, when admitted to a prison, be provided with information on conditions that may entitle him to the reduction of the term of his imprisonment.

5. The Administration shall inform a prisoner when his sentence is reduced on any ground.

6. The sentence passed on a prisoner, the granting or denial of reduction of his sentence and the date of completion of sentence shall be recorded in his personal file.

46. **Prisoners Eligible for Parole Request**

Parole shall be requested for a prisoner who:

1/ behave well during his imprisonment;

2/ is believed to be commendable after his release;

3/ has settled all payments required under a court decision;

4/ has already served two-thirds of the term of his sentence or 20 years of his life sentence; and

5/ has positive inclination towards social life.

47. **Parole Committee**

1/ A committee consisting of a chairperson and four members shall be established to study cases of prisoners that may be released on parole.

2/ The recommendations of the Committee shall, upon the endorsement of the chief administrator of the prison, be submitted to the appropriate court for its final decision.

48. **Prisoners Eligible for Pardon Request**

Pardon may be requested for prisoners on grounds of incurable diseases, old age or behavioral change during their stay in prison.

49. **Conditions to be Fulfilled upon Release of Prisoners**

1/ Where a prisoner is released on parole, pardon or amnesty or upon completion of his term of sentence, he shall, upon signing a receipt, receive his money, clothes or goods, if any, deposited with the prison or he may authorize a person or an organization to receive same on his behalf.

2/ Where, through investigation, it is ascertained that a prisoner, at the time of release, has no money, the prison shall provide him with clothes and money to cover his transportation and subsistence costs to travel to his former residence.

3/ Every prisoner shall, upon his release, be provided with a certificate of release issued by the prison.
50. **Register of Prisoners**

A register of prisoners shall be established to record the personal histories and penalties of prisoners.

51. **Power to Issue Directives**

The Administration may issue directives necessary for the proper implementation of these Regulations.

52. **Inapplicable Regulations and Directives**

No regulations or directives shall, in so far as they are inconsistent with these Regulations, be applicable with respect to matters covered by these Regulations.

53. **Effective Date**

These regulations shall enter into force on the date of their publication in the Federal Negarit Gazeta. Done at Addis Ababa, this 23rd day of July 2007.

*MELE ZENAWI*

**PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**