Proclamation No. 881/2015

A PROCLAMATION TO PROVIDE FOR THE CRIMES OF CORRUPTION

WHEREAS, it is found necessary to clarify and amend some provisions in the Criminal Code of the 2004 of the Federal Democratic Republic of Ethiopia relating to Corruption Crimes which are observed as unclear during their application;

WHEREAS, it has become necessary to include similar acts committed by the private sector particularly by those who administer funds collected from the public or collected for public purposes in the category of corruption offence;

WHEREAS, it has become necessary to categorize as corruption acts of bribery, embezzlement and other similar acts committed by the private sector as the United Nations Convention Against Corruption and the African Union Convention on Preventing and Combating Corruption which are ratified by Ethiopia impose such obligation on Member States;
WHEREAS, it is found necessary to rectify practical problems observed by enacting comprehensive legislation to strengthen the fight against corruption and to enable Ethiopia so as to discharge its continental and global obligations;

WHEREAS, it is found necessary to address corruption offences in a separate proclamation rather than make them part of the Criminal Code due to fast changing nature of the offences;

NOW, THEREFORE, in accordance with Article 55 (1) and (5) of the Constitution of the Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE
GENERAL PROVISIONS

1. Short Title
This Proclamation may be cited as the “Corruption Crimes Proclamation No. 88/2015”.

2. Definition
In this Proclamation unless the context otherwise requires:

1/ “public office” means any office which undertakes federal or regional government activities and gets its budgets fully or partly from government;

2/ “public servant” means any person who is employed, appointed or elected to work either temporarily or permanently in a public office or public enterprise and includes member of a management board;

3/ “public enterprise” means any federal or regional public enterprise or share company which is fully or partly owned by government;
4/ "public organization" means any organ in the private sector which in whatever way administers money, property or any other resource collected from members or from the public or any money collected for the benefit of the public which includes appropriate company, but does not include:

a) religious organization;

b) political party;

c) international organization; and

d) edir or other similar traditional or religious associations.

5/ "employee of a public organization" means an employee who is employed, appointed or elected by members to work either temporarily or permanently in a public organization and include leader of the organization, any member of the board of directors or any person or committee involved in the formation of a share company or a charity;

6/ "appropriate company" means any private limited company which is established through the contribution of shares by public organizations and includes joint venture established by such company in association with others;

7/ "resource collected for the benefit of the public" means any money, property or resource that is collected with the intent to support, assist, encourage or develop the whole or a section of the community or obtained in any way with such intent and administered or utilized by a charity or association;

8/ "A Charity" means an institution, which is legally registered and established exclusively for charitable purposes and gives benefit to the public;

9/ "religious organization" means an organization or institution of worship established by the followers of a religion to organize or to promote their religion but shall
not include the organizations established under the religious organization with intent to achieve objectives of a charity;

10/ “political party” means an organization registered under relevant laws of the country to promote political agenda;

11/“international organization” means an international entity or foreign charity or association that undertakes activities within Ethiopia based on agreements concluded between Ethiopia and other governments or international or regional organizations;

12/ “temporary worker” means a person who works for gain or without gain full time or part time without being a permanent worker in a government office or public enterprise or public organization and includes apprentice workers;

13/ “advantage” means include

a) any interest or right in money or in another valuable item or property;

b) any appointment, employment or contract;

c) paying, relieving, or making free from loan, obligation or any other liability fully or partly;

d) any service or favour intended to relieve from any actual or potential civil, administrative or criminal suit and liabilities or incapacities resulting there from;

e) any discharge or abstention from exercising a right or an obligation;

f) any other interest or service other than those enumerated in this sub article from paragraph (a) to (e) that cannot be expressed in monetary terms;
g) providing any of the benefits enumerated from paragraph (a) to (f) of this subarticle or facilitating the methods with such intent or making promises for such purposes.

14/ “undue advantage” means an improper benefit or a benefit obtained through inappropriate means;

15/ “person” means natural or juridical person;

16/ any expression in the masculine gender includes the feminine.

3. Presumption of Intent to Obtain Advantage or to Injure

Unless evidence is produced to the contrary, where it is proved that the material element (the act) has been committed as defined in a particular provision providing for a crime of corruption perpetrated to obtain or procure undue advantage or to cause injury of another person, such act shall be presumed to have been committed with intent to obtain for oneself or to procure for another an undue advantage or to injure the right or interest of a third person.

4. Principle

1/ Any public servant or employee of a public organization or any other person who commits any one of the offenses characterized as corruption in Sub-Article 2 of this Article shall be subject to the punishments prescribed for such offences.

2. Any public servant or employee of public organization who, with intent to obtain for himself or to procure for another an undue advantage or to injure the right of another, directly or indirectly, accepts or solicits an undue advantage by performing his responsibility or duty improperly; or who, in any other way, misuses the responsibility or public trust vested in him to procure an undue advantage for himself or another;

Any person who, with intent to obtain for himself or to procure for another an undue advantage or to injure the right of another,
promises, offers, gives or agrees to give an undue advantage to a public servant or employee of public organization; or

Any person, who gives, or any public servant or employee of public organization, who accepts, an undue advantage in consideration for an act of public office, public enterprise or public organization properly performed or to be performed, shall be deemed to have committed crimes of corruption and be liable to the punishments prescribed.

3/ Any public servant or employee of a public organization convicted of corruption crime shall, in addition to the punishment under the infringed provision:

a) forfeit the profit, interest, money or property unlawfully obtained or pay its equivalent value where the profit or property is not found;

b) pay compensation proportionate to the damage sustained by the public office or public organization or public enterprise although he has not obtained any advantage from the offence of corruption.

4/ The provisions of paragraphs (a) and (b) of sub-article (3) of this Article shall apply to anyone who obtains undue advantage or causes damage to the property of a public office, public enterprise or public organization due to his relationship with a public servant or employee of a public organization.
5. Criminal Liability of Juridical Persons for Crimes of Corruption

Notwithstanding the provisions of Article 90 (3) of the Criminal Code, without prejudice to individual responsibility of the officials or employees, a juridical person other than administrative authorities involved in crimes of corruption shall be punishable with:

1/ a fine of Birr twenty thousand for each year of penalty for crimes punishable with simple imprisonment;

2/ a fine of Birr thirty thousand for each year of penalty for crimes punishable with rigorous imprisonment not exceeding five years;

3/ a fine of Birr fifty thousand for each year of penalty for crimes punishable with rigorous imprisonment from five years to 10 years;

4/ a fine of Birr eighty thousand for each year of penalty for crimes punishable with rigorous imprisonment exceeding ten years.

6. Running Away from Justice

1/ Whosoever:

a) becomes a fugitive with full knowledge that he being looked for by justice organs or after issuance of a notice or after his release on bail in connection with crimes of corruption; or

b) dis-appears with full knowledge of an impending arrest or issues of summons by a police officer, investigator or disappears after arrest or detention.

without prejudice to bringing him to court when found, or the enforcement of the imprisonment or the sequestration of the property on grounds of corruption imposed in his absence is punishable with a fine of not less than Birr twenty thousand and not exceeding Birr seventy thousand for each penalty year imposed.

2/ The fine imposed under sub-article (1) of this Article shall be collected from the property of the convict even if he is not found.
7. Concurrent Application of Administrative Penalties and Civil Liability

Conviction or acquittal under the provisions of this Proclamation shall not exclude liability for civil damages and administrative penalties.

8. Exemption from Prosecution

1/ Whoever, having taken part in a corruption crime, supplies vital information on the crime committed and the role of participants therein, before the matter is taken to Court, may be exempted by the competent organ from prosecution of corruption offence.

2/ Special procedures shall be laid down in the relevant criminal procedure laws concerning the assessment of the vitality of the information and the conditions for exemption from prosecution of the person who has disclosed the crime.

3/ The bribe, gift or valuable thing a person has given in consideration for service he has lawfully obtained or is entitled to obtain shall be restored to him out of the property forfeited to the State on account of the crime, where he has disclosed his act of giving such an advantage.

PART TWO

CORRUPTION OFFENCES

9. Abuse of Power or Responsibility

1/ Any public servant or employee of a public organization who, with intent to obtain for himself or to procure for another an undue advantage or to injure the right or interest or advantage of another:

a) misuses his official position or the power or responsibility entrusted to him, whether by a positive act or by a culpable omission;

b) exceeds the power or responsibility with which he is officially vested;

c) performs official acts when he is not, or is no longer, qualified to do so, especially in the case or in consequence of incompetence, suspension, transfer,
1. Corruption

If a public servant or employee of a public organization directly or indirectly solicits, seeks, receives or exacts a promise of an advantage for himself or another, in violation of the duties proper to his office, shall be punishable with simple imprisonment for not less than one year and fine not less than Birr three thousand, or with rigorous imprisonment not exceeding ten years and fine not exceeding Birr ten thousand.

2. Where the purpose of the breach of responsibility or duty solicited, the extent of the advantage received in consideration, degree of the responsibility or powers of the culprit or the extent of the harm to private, public or State interests or advantage renders the crime committed under sub-article (1) of this Article of particular gravity, the punishment shall be rigorous imprisonment from seven years to fifteen years and fine not less than Birr ten thousand and not exceeding Birr hundred thousand.

3. Where two or more of the circumstances mentioned in sub-article (2) of this Article are found concurrently, the punishment shall be rigorous imprisonment from ten years to twenty five years and fine not less than Birr twenty thousand and not exceeding Birr two hundred thousand.

4. Notwithstanding the provisions under sub-article (1) and (2) of this Article acts committed by an employee of a public organization in connection with human resource administration shall not be considered as corruption offence unless the involvement of bribes are confirmed.

10. Bribery

1. Any public servant or employee of a public organization directly or indirectly, seeks, receives or exacts a promise of an advantage for himself or another, in order to act or refrain from acting, in violation of the duties proper to his office, shall be punishable with simple imprisonment for not less than one year and fine not less than Birr three thousand or rigorous imprisonment not exceeding ten years and fine not exceeding Birr forty thousand.
2/ Where the purpose of the breach of responsibility or duty solicited, the extent of the advantage received, the degree of responsibility or powers of the culprit or the extent of harm to private, public or State interests or advantages renders the crime committed under sub-article (1) of this Article of particular gravity, the punishment shall be rigorous imprisonment from seven years to fifteen years and fine not less than Birr ten thousand and not exceeding Birr hundred thousand.

3/ Where two or more of the circumstances mentioned in sub-article (2) of this Article are present concurrently, the punishment shall be rigorous imprisonment from ten years to twenty-five years and fine not less than Birr twenty thousand and not exceeding Birr two hundred thousand.

4/ Any public servant or employee of a public organization who, in the manner specified under sub-article (1) of this Article, and in respect of his duty connected with international trade or transaction, solicits, accepts or agrees to accept advantage or a gift from any foreign State, person or organization, including a trans-national corporation shall, according to the circumstance of the case, be liable to one of the punishments prescribed in sub-articles (1), (2) or (3) of this Article.

11. Acceptance of Undue Advantages

1/ Any public servant or employee of a public organization who, for the performance of an act proper to his office, solicits or obtains an advantage or exacts a promise before or after the performance of such an act, shall be punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding seven years and fine not less than Birr three thousand and not exceeding Birr twenty thousand.
Where the extent of the advantage, received or the degree of responsibility or power of the person corrupted renders the crime committed under sub-article (1) of this Article of particular gravity, the punishment shall be rigorous imprisonment from five years to fifteen years and fine not less than five thousand Birr and not exceeding sixty thousand Birr.

Where the crime is committed in respect of a duty connected with international trade or transaction, the punishment prescribed in the sub-articles (1) or (2) of this Article shall be applicable, according to the circumstances of the case.

Corruption Committed by Arbitrators and Other Persons

Any conciliator, arbitrator, juror, trustee or liquidator, translator or interpreter engaged by the public authorities in their technical capacity or expert testifying before or giving his opinion to judicial or quasi-judicial proceedings or auditor or auditing incomes and expenditures or an engineer who verifies the construction according to the agreement, who solicits or accepts an advantage or gift from a person interested in the matter, in consideration for the performance or omission of an act in violation of the duties entrusted to him shall be punishable, according to the circumstances of the case, with one of the penalties prescribed under Article 10 (1), (2) or (3) of this Proclamation.

Whenever any one of the persons mentioned under sub-article (1) solicits or accepts an advantage or gift, before or after performing an act entrusted to him, he shall, according to the circumstances of the case, be punishable with one of the penalties prescribed under Article 11 (1) or (2) of this Proclamation.
13. Maladministration of Government or Public Enterprise work

1/ Any public servant or employee of a public organization who, with intent to obtain for himself or to procure for another an undue advantage, and by using his power or responsibility:

a) improperly takes or ensures for himself, by concluding a contract or by devising other means, an advantage in a business or other undertaking, a sale or a purchase, or any other transaction related with his duty;

b) concludes a contract of material supply or termination of public works contract or any other transaction at a price higher than that fixed by the competent authority or receives goods or services other than those specified in the contract; or

c) in general, by any means, injures the interests of the public office, public enterprise or public organizations entrusted to his charge and which it is his duty to protect;

shall be punishable with simple imprisonment not less than one year and a fine not exceeding Birr three thousand or rigorous imprisonment not exceeding ten years and fine not exceeding Birr one hundred thousand.

2/ Where, the purpose of the breach of responsibility or duty solicited, the extent of the advantage received, the degree of responsibility or powers of the culprit or the extent of the harm to private, public or State interests or public organization renders the crime committed under sub-article (1) of this Article of particular gravity, the punishment shall be rigorous imprisonment from seven years to fifteen years and fine not less than Birr ten thousand and not exceeding Birr two hundred thousand.
3/ Where two or more of the circumstances mentioned in sub-article (2) of this Article are present concurrently, the punishment shall be rigorous imprisonment from ten years to twenty-five years and fine not less than Birr twenty thousand and not exceeding Birr four hundred thousand.

4/ Where a public servant or employee of a public organization, without having intent to obtain an advantage for himself or to procure the same for another:

a) has caused a contract to be concluded, relating to a business or other undertaking, a purchase or sale, or any transaction related to his function, between his office and an organization in which he himself or his close relative is an interested party or a shareholder, or with a charitable organization of which he is a founder or a member; or

b) has purchased certain property or taken part in an auction, while prohibited by law or regulations or directives from so doing, in his own name or in the name of other, or together with, another person; he shall be punishable with simple imprisonment and fine or rigorous imprisonment not exceeding five years and fine not exceeding Birr fifty thousand.

5/ For the application of sub-article (4) of this Article "relative" means a person who is related to the suspect, in accordance with the relevant law, by consanguinity or by affinity.

6/ Where any public servant or employee of public organization having the rank of officer or employee intentionally divulges any confidential information password or key of a safe the access of which is not allowed for other persons or gives such password or key of the safe destined to be held under one person's possession to another unauthorized person and such information disclosure results in the embezzlement or loss of public interest or public organization advantage, he
shall be punishable with rigorous imprisonment from ten years to twenty years and fine not less than Birr fifty thousand and not exceeding Birr three hundred thousand.

7/ Where the crime specified in sub-article (6) of this Article is committed negligently, the punishment shall be rigorous imprisonment from three years to seven years and fine not less than Birr ten thousand and not exceeding Birr fifty thousand.

8/ For the application of sub-article (6) of this Article, unless the suspect proves satisfactorily that the password or key of the safe is taken without his permission or knowledge, it shall be presumed that he disclosed such information or handed over the key intentionally.

9/ Any public servant or employee of public organization that uses or takes password or key of safe he is not authorized to use or take and as a result public property or public organization advantage is embezzled or lost by him or being cause of embezzlement shall depending up on the circumstance, be punishable in accordance with sub-article (6) or (7) of this Article.

14. Unlawful Disposal of Object in Charge

1/ Any public servant or employee of a public organization who, takes a parcel, envelope, document, valuable material or any other object whatsoever received on deposit or under seal; without lawful authority and without intent to appropriate:

a) opens or permits to be opened, takes or permits to be taken, communicates or hands over to another; or

b) makes use of such objects, or authorizes another to make use of them;

Shall be punishable with fine not exceeding seven thousand Birr or simple imprisonment not exceeding five years.
2/ Where a public servant or employee of a public organization commits the offence prescribed under sub-article (1) of this Article in order to solicit an advantage to himself, in accordance to the circumstances of the case, the punishment shall be simple imprisonment not less than one year and fine not exceeding Birr three thousand or rigorous imprisonment not exceeding seven years and fine not exceeding Birr twenty thousand.

3/ Where, the extent of the advantage received the degree of responsibility or power of the culprit or renders the crime committed under sub-article (2) of this Article of particular gravity, the punishment shall be rigorous imprisonment from five years to fifteen years, and fine not less than five thousand Birr and not exceeding sixty thousand Birr.

4/ Where the crime specified under sub-article (1) of this Article is committed negligently, the punishment shall be fine not exceeding two thousand Birr.

15. Appropriation and Misappropriation in the Discharge of Duties

1/ If, with intent to obtain for himself or to procure for another an undue material advantage:

a) any public servant in the course of a search, seizure or process of confiscation, public auction, sequestration or distraint, or during any other similar procedure; or

b) any public servant or employee of a public organization who by any means have the opportunity to control things which have come into his hands by virtue of or in the course of his duties or which have been entrusted to him or are under his control; appropriates objects, legal instruments, securities, cash, chattels or any consumable thing whatsoever, he shall be punishable, according to the circumstances of the case,
with simple imprisonment for not less than one year and fine not less than Birr three thousand or with rigorous imprisonment not exceeding ten years and fine not exceeding Birr ten thousand.

2/ Where the extent of advantage obtained, the degree of power or responsibility of the culprit or the extent of the harm to private, public or State interest or advantage of public organization renders the crime committed under sub-article (1) of this Article of particular gravity, the punishment shall be rigorous imprisonment from seven years to fifteen years and fine not less than seven thousand Birr and not exceeding sixty thousand Birr.

3/ Where two or more of the circumstances mentioned under sub-article (2) of this Article are present concurrently, the punishment shall be rigorous imprisonment from ten years to twenty-five years and fine not less than Birr ten thousand and not exceeding Birr hundred thousand.

16. Traffic in Official Power or Responsibility

1/ Any public servant or employee of a public organization who solicits or accepts a gift or other advantage to procure for another person, through the exercise of the influence, real or pretended, he enjoys by reason of his being a public servant or employee of a public organization:

a) promotion, appointment, employment, reward, remuneration or favor within the dispensation of the competent authority;

b) contracts, deals, undertakings, orders, tenders or other advantage resulting from agreements concluded with the public authorities or with an administration placed under his control or direction; or

c) in general, an advantage or a favorable decision on the part of a public authority or administration;
shall be punishable, according to the circumstances of the case, from one year to ten year rigorous imprisonment and fine not less than Birr three thousand and not exceeding Birr sixty thousand.

2/ Where the purpose of the breach of responsibility or duty solicited, the extent of the advantage received, the degree of power or responsibility of the culprit or the extent of the harm to private, public or State interests or advantage of public organization renders the crime committed under sub-article (1) of this Article of particular gravity, the punishment shall be rigorous imprisonment from seven years to fifteen years and fine not less than Birr seven thousand and not exceeding Birr one hundred thousand.

3/ Where two or more of the circumstances mentioned in sub-article (2) of this Article are present concurrently, the punishment shall be rigorous imprisonment from ten years to twenty-five years and fine not less than Birr ten thousand and not exceeding Birr two hundred thousand.

17. Illegal Collection or Disbursement

1/ Any public servant or employee of a public organization who, with intent to obtain an undue advantage for himself:

a) collects or orders the collection of taxes, dues, miscellaneous revenues or incomes, wages, salaries, compensation or other expenses, which he knows not to be due or to be in excess of what is legally due; or

b) hands over or pays less than is due, while consigning or disbursing any object or money;

shall be punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, and a fine not exceeding Birr three thousand or with rigorous imprisonment not exceeding ten years and fine not less than ten thousand Birr and not exceeding thirty thousand Birr.
2/ Where the purpose of the breach of responsibility or duty solicited, the extent of the advantage received, the degree of power or responsibility of the culprit or the extent of the harm to private, public or State interests renders the crime committed under sub-article (1) of this Article of particular gravity, the punishment shall be rigorous imprisonment from seven years to fifteen years and fine not less than Birr seven thousand and not exceeding Birr sixty thousand.

3/ Where two or more of the circumstances mentioned in sub-article (2) of this Article are present concurrently, the punishment shall be rigorous imprisonment from ten years to twenty five years and fine not less than Birr ten thousand and not exceeding Birr one hundred thousand.

4/ Where the crime specified under sub-article (1) of this Article is committed negligently, it shall be punishable with simple imprisonment and fine.

18. Undue Delay of Matters

Any public servant or employee of a public organization who, with intent to obtain an advantage, directly or indirectly, from any person interested in a matter brought to his attention, by reason of his responsibility or duty; or to benefit or injure any party interested in such matter, fails, without good cause, to decide on or delays the matter or abuses the interested party contrary to law, manuals or directives or accepted office practices, shall be punishable, according to the circumstances of the case, with fine or simple imprisonment, or with rigorous imprisonment not exceeding five years and fine not exceeding five thousand Birr.

19. Taking Things of Value Without or With Inadequate Consideration

1/ Any public servant or employee of a public organization, who, without proper cause, receives a thing of value without payment or with inadequate payment; shall be punishable with simple imprisonment not exceeding five years and fine not exceeding Birr five thousand.
2/ Where the declaration or registration of property, financial status or gifts received, is required by law or regulations, failure to do so shall be punishable as prescribed under sub-article (1) of this Article.

3/ Receiving a valuable gift considered by national or local culture or custom as a common manifestation of affection, or obtaining a gift from a close relative by consanguinity or affinity or from a close friend, shall not constitute a crime under this Article.

20. Granting or Approving License Improperly

1/ Any public servant who intentionally grants or approves a business license or work permit to an ineligible person or to a person not legally entitled to obtain such license or permit, or improperly grants or permits a place where things are to be done, shall be punishable, according to the circumstances of the case, with simple imprisonment and fine or with rigorous imprisonment not exceeding ten years and fine not less than three thousand Birr and not exceeding thirty thousand Birr.

2/ Any person who has the power to issue licence or certificate, intentionally grants or approves a driving license, certificate of road worthiness of a vehicle, certificate of health of a person or a certificate of educational qualification to an ineligible person or to a person not legally entitled to obtain such license or certificate, he shall be punishable as prescribed under sub-article (1) of this Article.

3/ Where the crime specified under sub-article (1) or (2) of this Article is committed negligently, the punishment shall be simple imprisonment and fine.

21. Possession of Unexplained Property

1/ Any public servant or employee of a public organization, being or had been in office, who:
2/ Where the Court, during proceeding under paragraph (b) sub-article (1) of this Article is satisfied that there is reason to believe that any person, owing to his closeness to the accused or other circumstances, was holding pecuniary resource or property in trust for or otherwise on behalf of the accused, such pecuniary resources or property came under the control of the accused shall be punishable, unless he proves satisfactorily before the Court of law as to how he was able to maintain such a standard of living or how such pecuniary resources or property came under his control, shall be punishable with simple imprisonment and fine, or in serious cases, with rigorous imprisonment not exceeding five years and fine not exceeding Birr five thousand.

22. Breaches of Official Secrecy

1/ Without prejudice to the exemptions prescribed in relevant laws, any public servant or employee of public organization who discloses or communicates information, document or fact which is secret by its nature, or have been secret by order, or is not intended for publication which has come to his knowledge in the course of his duties, even where his occupation or position has been ended, shall be punishable with rigorous imprisonment not less than two years and not exceeding twelve years and fine not less than Birr five thousand and not exceeding Birr thirty thousand.
2. Where the crime committed under sub-article (1) of this Article is aggravated due to the criminal's special obligation to maintain secrecy or special position of trust, or to the gravity of the damage caused by the breach of duty, the punishment shall be rigorous imprisonment not less than five years and not exceeding twenty years and fine not less than Birr ten thousand and not exceeding Birr fifty thousand.

3. Where the crime specified under sub-article (1) of this Article is committed negligently, the punishment shall be fine or simple imprisonment not exceeding one year or, in the case of the crime under sub-article (2) of this Article being grave, the punishment shall be simple imprisonment not exceeding three years and fine not exceeding Birr five thousand.

23. Material Forgery of Official or Public Organization Documents or Using Forged Document

1/ Whosoever with intent to injure the rights or interests of another, or to obtain for himself or to procure for another any undue right or advantage:

a) falsely executes or prepares an instrument, document or any writing of a public office or public organization; or

b) counterfeits a document, a file or any other written instrument of a public office or public organization, especially by changing his handwriting, by affixing to the instrument a false signature, mark or stamp, or by signing it in a false capacity purporting to certify its authorship; or
c) falsifies an instrument of a public office or public organizations especially by altering, modifying, adding or removing, or deleting, in whole or in part, the name or signature of its author or the terms, figure, facts or material details it contains;

shall be punishable with rigorous imprisonment not less than three years and not exceeding ten years and fine not less than Birr three thousand and not exceeding Birr thirty thousand.

2/ Where the crime specified in sub article (1) of this article is committed by a public servant or employee of public organization officially entrusted with the drawing up, filing, keeping or delivery of extracts from the registers, instruments, deeds or documents in question, or when the advantage obtained or the damage caused to individual, state, public organization or public interest being high renders the crime of:

a) particular gravity, the punishment shall be rigorous imprisonment from five years to twenty five years and fine not less than Birr five thousand and not exceeding Birr twenty five thousand; or

b) serious gravity, the punishment shall extend up to life imprisonment.

3/ Whosoever, knowingly uses documents mentioned under sub-article (1) of this Article shall be punishable under same sub-article.

4/ For the application of this article unless proved otherwise any public servant or employee of a public organization shall be presumed that he produced or caused the production of the document where the
24. Suppression of Official or Organizational Documents

1/ Whosoever, with intent to injure the rights or interests of another, or to obtain for himself or to procure for another any undue right or advantage damages, tears, destroys, suppresses or takes an instrument belonging to a public office or a public organization shall be punishable with rigorous imprisonment not less than three years and not exceeding ten years and fine not less than Birr ten thousand and not exceeding Birr seventy thousand.

2/ Where the crime specified under sub-article (1) of this Article is committed by a public servant or employee of a public organization officially entrusted with the drawing up registration, keeping, disposal or delivery of such instrument, the punishment shall be rigorous imprisonment not less than seven years and not exceeding twenty-five years and fine not less than Birr twenty five thousand and not exceeding Birr one hundred thousand.

3/ Where the crime specified under sub-article (2) of this Article is very serious, the punishment shall extend up to life imprisonment.

4/ Where the crime specified under sub-articles (1) or (2) of this Article is committed negligently, the punishment shall be simple imprisonment not exceeding five years and fine not exceeding Birr seven thousand.
### 25. Giving Bribe or Undue Advantage

1/ Whosoever, with intent to procure a public servant or employee of a public organization to perform or omit an act in violation of the duty proper to his office, gives or offers an advantage or gift to such public servant or employee of a public organization, shall be punishable, according to the circumstances of the case, with simple imprisonment and fine, or with rigorous imprisonment not exceeding seven years and fine not less than Birr seven thousand and not exceeding Birr thirty thousand.

2/ Whosoever, gives or offers an advantage or gift to any official or employee of a foreign State or international organization, with intent to procure him to perform or omit an act related to international trade or transaction in violation of his official duties shall be punishable as provided under sub-article (1) of this Article.

3/ Whosoever offers bribe to the individuals mentioned under Article 12 of this Proclamation shall be punishable as provided under sub-article (1) of this Article.

4/ Where the purpose of the breach of responsibility or duty solicited, the extent of the advantage offered or promised, the degree powers or responsibility of the culprit or the extent of the harm to private, public or State interests or public organizations renders the crime committed under sub-articles (1), (2) or (3) of this Article of particular gravity, the punishment shall be rigorous imprisonment from five years to fifteen years and fine not less than Birr five thousand and not exceeding Birr one hundred thousand.

5/ Any person who, in consideration for the performance by a public servant or employee of a public organization of an act proper to his office, gives or offers him an advantage or a gift before or after the performance of such an act, shall be punishable, according to the circumstances of the case, with fine—or simple imprisonment and fine, or with rigorous imprisonment not exceeding five years and fine not exceeding Birr five thousand.
26. Giving Things of Value Without or With Inadequate Consideration

1/ Whosoever, without adequate reasons offers, gives or agrees to give to any public servant or employee of a public organization or to any other person related to him, anything of value without payment or with an inadequate payment shall be punishable with simple imprisonment not exceeding five years and fine not exceeding Birr five thousand.

2/ Giving or offering a valuable gift considered by national or local culture or custom as a common manifestation of affection or giving a gift to a close relative by consanguinity or affinity or to a close friend, does not constitute a crime under this Article.

27. Facilitating Act of Bribery

Whosoever, even without receiving any consideration for himself, accepts money, a valuable thing, a service or some other benefit from another with a view to giving it as bribe to a public servant or employee of a public organization or uses his banking account for such transaction or creates condition or mediates or offers meeting places for such bribery, shall be punishable, according to the circumstances of the case, with simple imprisonment and fine, or with rigorous imprisonment not less than three years and not exceeding ten years; and fine not less than Birr three thousand and not exceeding Birr ten thousand.
28. Use of Pretended Authority

Whosoever, promising to perform certain things, solicits or accepts an undue advantage or gift from another:

1/ by pretending to be still on active duty while he has been suspended, transferred, removed or dismissed from or has quitted his employment of public office or public organization; or

2/ by entertaining the belief of becoming a public servant or employee of a public organization in the future; or

3/ by appearing as a public servant, or employee of a public organization while he is not;

shall be punishable, according to the circumstances of the case, with simple imprisonment and fine, or with rigorous imprisonment not exceeding ten years and fine not exceeding Birr ten thousand.

29. Traffic in Private Influence

1/ Whosoever, although not being a public servant or employee of a public organization to be liable under Article 16 of this Proclamation, seeks, exacts a promise or receives sums of money, gifts, presents or other advantages in consideration for exercising his influence, real or pretended, to procure for another any privilege, benefit or advantage which can only be granted by a public servant or employee of a public organization, shall be punishable with simple imprisonment not less than one year and fine not less than three thousand Birr.

2/ Whosoever gives or agrees to give sums of money, gifts, presents or other advantages with the intent to obtain for himself or another person the rights or interests that can only be obtained by public servants or employees of public organizations as provided under sub-article (1) of this Article.
shall be punishable with the penalty provided under sub-article (1) of this Article.

3/ Whosoever, with intent to obtain the advantages mentioned under Article 16 (1) paragraph (a), (b) or (c) of this Proclamation, gives or agrees to give a gift or any other advantage to any public servant or employee of public organizations shall be punishable with the penalty provided under sub-article (1) of this Article.

30. Corrupt Electoral Practices

1/ Whosoever, directly or indirectly, promises or grants a sum of money, or any other advantage whatsoever to an individual right to vote or to be elected, in order to persuade him to exercise his right to vote or to be elected in a particular way or to abstain from exercising it, shall be punishable with rigorous imprisonment not exceeding five years and fine not exceeding Birr five thousand.

2/ Whosoever possessing the right to vote or to be elected, accepts or agrees to accept a sum of money or any other advantage, in consideration of exercising his right, or exercising it in a particular way, or of abstaining from exercising it, shall be punishable with the punishments provided under sub-article (1) of this Article.

31. Aggravated Breach of Trust

1/ Any public servant or employee of a public organization, with the intent to obtain for himself or to procure for a third person an unjustifiable enrichment, appropriates, or procures for another, takes or causes to be taken, misappropriates, uses to his own benefit or that of a third person, or disposes of for any similar act, in whole or in part, a thing or a sum of money which is the property of another and which has been delivered to him in trust or for a specific purpose breaches trust shall be punishable
with rigorous imprisonment from three years to seven years and fine from Birr ten thousand to Birr fifty thousand.

2/ Where the extent of the advantage received, the degree of power or responsibility of the culprit or the extent of the harm to private, public or State interests, or interest of a public organization renders the crime committed under sub-article (1) of this Article of particular gravity, the punishment shall be rigorous imprisonment from seven years to twenty five years and fine not less than Birr fifty thousand and not exceeding one hundred Birr thousand.

3/ For the application of sub-article (1) and (2) of this Article:

a) presumed to be property of another includes a sum of money, object or thing of value acquired by the accused in exchange of a sum of money, object or thing of value entrusted to him for sale, purchase, exchange or other specific purpose;

b) call the accused, unless he proves satisfactorily to produce or repay a sum of money or a valuable object that he taken or prove that he used for actual purpose presumed to be the intent to obtain for himself or to procure for a third person an unjustifiable enrichment.

c) For the purpose of the implementation of this Article, “breach of trust” means any act with intent to obtain for himself or to procure for a third person an unjustifiable enrichment, appropriates, or procures for another, takes or causes to be taken, misappropriates, uses to his own benefit or that of a third person, or disposes of for any similar act, in whole or in part, a thing or a sum of money which is the property of another and which has been
delivered to him in trust or for a specific purpose.

32. Aggravated Fraudulent Misrepresentation

1/ Any public servant or employee of a public organization with intent to obtain for himself or to procure for a third person an unlawful enrichment, fraudulently causes a person to act in a manner prejudicial to his rights in property, or those of a third person, whether such acts are of commission or omission, either by misleading statements, or by misrepresenting his status or situation or by concealing facts which he had a duty to reveal, or by taking advantage of the persons erroneous beliefs, shall be punishable with rigorous imprisonment from three to ten years and fine not less than Birr three thousand and not exceeding Birr thirty thousand.

2/ Where the crime stipulated in sub-article 1 of this article is committed by a public servant or employee of public organization of high status or when the advantage obtained or the damage caused to individual, state, public organization or public interest is grave, the punishment shall be rigorous imprisonment from five years to fifteen years and fine not less than Birr ten thousand and not exceeding Birr a hundred thousand;

3/ where the crime is committed against public administrations or services, punishments prescribed in one of the above sub-articles shall be applicable, depending on the circumstances of the case.

33. Money Laundering

Where the predicate offence for money laundering is corruption, the crime shall be a Corruption Crime and relevant Money Laundering and corruption laws shall be applicable.
PART THREE
MISCELLANEOUS PROVISIONS

34. Applicable Laws

The Provisions Articles 1 to 237 of the General Part of the Criminal Code shall be applicable to Corruption Crimes provided for under this Proclamation.

35. Repealed Provisions

Article 379, Article 381, Articles 402 to 419, Articles 427 to 431, Article 468 and Article 676 (1) of the Criminal Code are hereby repealed.

36. Inapplicable Laws

The following shall be inapplicable with respect to corruption crimes provided for in this Proclamation:

1/ the provisions of Article 696 of the Criminal Code;

2/ the provisions of the Criminal Code relating to abuse of power, receiving or causing another person to receive undue benefits and harming the interests or rights of others;

3/ proclamations, regulations, directives and customary practices inconsistent with this Proclamation.

37. Transitory Provisions

Notwithstanding the provisions of Articles 35 and 36 of this Proclamation, corruption cases that are committed before effective date of this Proclamation shall be finalized in accordance with the provisions of the Criminal Code.
38. Effective Date

This Proclamation shall come into effect on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa this 3rd day of April, 2015.

MULATU TESHOME (Dr.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA