PROCLAMATION No. 883/2015

A PROCLAMATION TO AMEND THE REVISED FEDERAL ETHICS AND ANTI-CORRUPTION COMMISSION ESTABLISHMENT PROCLAMATION

WEHREAS, it is deemed necessary to clarity, amend and add new provisions to the Revised Federal Ethics and Anti-Corruption Commission Establishment Proclamation No.433/2005 regarding investigation, prosecution, gathering of evidence and other similar matters;

WEHREAS, it is necessary to vest the power in the Commission to investigate and institute charges on acts of corruption committed by public organizations;

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

1. Short Title

This Proclamation may be cited as the “Revised Federal Ethics and Anti-Corruption Commission Establishment (Amendment) Proclamation No. 883/2015”. 

Unit Price 6.05

Negarit G. P.O.Box 80001
The Revised Federal Ethics and Anti-Corruption Commission Establishment Proclamation No. 433/2005 is hereby amended as follows:

1/ Paragraph (a) of sub-article (9) of Article 2 is deleted and replaced by the following new paragraph (a): "(a) corruption offences involving huge amount of money committed in highly strategic public offices, public enterprises, public organizations and public organization operating in more than one States;"

2/ The following new sub-articles (11), (12) and (13) are added after sub-article (10) of Article 2 of the Proclamation and the existing sub-article (11) is renumbered as sub-article (14):


12/ 'public organization' and 'employee of a public organization' shall have the meanings assigned to them under Article 2 of the Corruption Crimes Proclamation No 881/2015;

13/ 'informant' shall have the meaning assigned to it under the Proclamation to Amend the Anti-Corruption Special Procedure and Rules of Evidence Proclamation No. 882/2015;"

3/ The word “expose” under sub-article (3) of Article 6 is deleted and replaced by word “detect".
4/ The beginning phrase of Article 7 of the Proclamation is amended as follows:

"Without prejudice to the powers and duties of the Commission provided in other laws the Commission shall have the following powers and duties:"

5/ The phrase "public offices and public enterprise" found under sub-articles (2), (3) and (10) of Article 7 of the Proclamation is deleted and replaced by phrase "public offices, public enterprises and public organizations".

6/ Sub-article (4) of Article 7 of the Proclamation is deleted and replaced by the following new sub-article (4):

"4/ to investigate and prosecute or cause the investigation or prosecution of:

a) any alleged or suspected corruption offences specified in the Corruption Crime Proclamation, Criminal Code or in other laws where they are committed by public officials, or employees of public organizations undertaking activities in more than one state or public enterprises or in the regional offices relating to subsidies granted by the Federal Government to the regions;

b) any alleged or suspected corruption offences specified under Article 27 of the Proclamation and Proclamation No. 434/2005 (as amended) or obstruction of
the powers and duties of the Commission with respect to investigation, prosecution or adjudication of corruption offences and other offences provided by other laws.”

7/ Sub-article (9) of Article 7 of the Proclamation is deleted and replaced by the following new sub-article (9):

“9/ to establish and implement, upon approval, procedures and standards for the selection of awards, upon competition, of person, offices or organizations who are successful in fighting and preventing corruption.”

8/ Sub-article (11) of Article 7 of the Proclamation is deleted and replaced by the following new sub-article (11):

“11/ in cooperation with relevant bodies, to coordinate other components of the ethical infrastructures and help establish anti-corruption groups for this purpose.”

9/ The following new sub-articles (14), (15), and (16) are added after sub-article (13) of Article 7 of the Proclamation and the existing sub-articles (14), (15), (16), (17) and (18) are renumbered as sub-articles (17), (18), (19), (20) and (21) respectively:

“14/ to withdraw, in accordance with law, corruption investigation and charges as well as corruption cases pending in the court of law;
15/ to terminate corruption investigation or corruption charges by ensuring the forfeiture of the advantages obtained from the crime;

16/ sub article (14) and (15) of this proclamation powers and duties is determine by the Regulation.

10/ The phrase “and enforce international cooperation in accordance with laws and policies of the country” is added at the end of sub-article (19) of Article 7 (as renumbered to sub-article 9 of this proclamation).

11/ The following new sub-article (3) is added after sub-article (2) of Article 9 of the Proclamation:

"3/ "Without prejudice to the provisions under sub-article 2 of Articles 8 of the Proclamation and sub-article (2) of this Article, no institution having prosecutorial power shall have the power to prosecute corruption offences falling under the federal jurisdiction unless it is delegated to do so by the Commission."

12/ Sub-article (2) of Article 10 of the Proclamation is deleted and replaced by the Following new sub-article (2):

"2/ one or more than one Deputy Commissioners may be appointed by the Prime Minister; and"

13/ Article 11 of the Proclamation is deleted and replaced by the following new Article 11:
11. Working Procedures and Organization of the Commission’s Prosecution

The Commission’s prosecution shall have an organizational system and working procedure that ensure its independence.

14/ Paragraph (c) of sub-article (1) of Article 13 of the Proclamation is deleted and replaced by the following new paragraph (c):

“c) in the absence of the Commissioner, the senior Deputy Commissioner shall act on behalf of the Commissioner unless the Commissioner decides otherwise.”

15/ Article 25 of the Proclamation is deleted and replaced by the following new Article 25:

“25. Relation of the Commission with the Regional Institutions

The Commission shall cooperate and work together with regional ethics and anti-corruption organs in promoting ethical training, in the prevention, investigation and prosecution of corruption offences so as to create a community that has no tolerance for corrupt practices.”

16/ Sub-articles (1) and (2) of Article 26 of the Proclamation are deleted and replaced by the following two sub-articles (1) and (2):

“1/ Any public office, public enterprise or public organization shall, without prejudice to administrative or disciplinary measures it takes, report to the Commission or other authorized investigating organ serious ethical violations and corruption offences forthwith.
2/ Any official or employee of public office, public enterprise or public organization shall report to the Commission where he has reasonable suspicion that corruption offence is committed or is about to be committed in his office or organization.

17/ The phrase “Public Offices and Public Enterprises” under sub-article (4) of Article 26 of the Proclamation is deleted and replaced by phrase “public offices, public enterprises as well as public organizations”.

18/ Sub-articles (1) and (8) of Article 27 of the Proclamation are deleted and replaced by the following new sub-articles (1) and (8):

"1/ Whosoever attempts to influence, harm or punish or who influences, harms or punishes any informant of the Commission shall be punishable with rigorous imprisonment not less than three years and not exceeding fifteen years and fine not less than six thousand Birr and not exceeding twenty five thousand Birr.

8/ Any official or employee of public office, public enterprise or public organization who knows the commission of a corruption offence in his respective office, fails to inform shall be punishable with simple imprisonment not exceeding five years and with fine not exceeding ten thousand Birr."

"Any official or employee of public office, public enterprise or public organization who knows the commission of a corruption offence in his respective office, fails to inform shall be punishable with simple imprisonment not exceeding five years and with fine not exceeding ten thousand Birr."
3. Effective Date

This Proclamation shall enter into force on the date of publication in the Federal Nagarit Gazette.

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

MULATU TESHOME (Dr.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA