

የኢትዮጵያ ፈዴራሳዊ ዲሞክራሲያዊ ሪፐብሊክ

# **る**S。らる りつる十 つ<u>L</u>の FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

 በኢትዮጵያ ፌዴራሳዊ ዲሞክራሲያዊ ሪፐብለ የሕዝብ ተወካዮች ምክር ቤት ጠባቂነት የወጣ

12<sup>th</sup> Year No. 8 ADDIS ABABA December 21<sup>st</sup> . 2005

<u>ማውጫ</u> አዋጅ ቁጥር ፬፻፸፰/፲፱፻½፰ ዓ.ም

በአዲስ አበባና በአንዳንድ የሀገራችን አካባቢዎች የተፈጠረውን ሁከት አጣሪ ኮሚሽን ማቋቋሚያ አዋጅ ... ገጽ ፫ሺ፫፻፲፮

# አዋጅ ቁጥር ፬፻ፎ፰/፲፱፻፲፰

ሰኔ ፩ ቀን ፲፱፻፺፯ በአዲስ አበባ፣ ከተቅምት ፳፮ እስከ ሀዳር ፩ እንደዚሁም ከሀዳር ፭ እስከ ሀዳር ፯ ፲፱፻፺፰ ዓ.ም በአዲስ አበባና በአንዳንድ የሀገራችን አካባቢዎች የተፈጠረውን ሁከት የሚያጣራ ገለልተኛ <u>ኮሚሽን ለማቋቋም የወጣ አዋጅ</u>

79873 9.9° 3 79775 UAC 9.50 በአዲስ የሀገራችን አካባቢዎች ተከስቶ የነበረው በአንዳንድ ለመቆጣጠር *ችግርና* ያስከተለው いわポラ በመንግሥት የተወሰደው እርምጃ ከሰብአዊ መብት አጠባበቅ አንፃር ያለውን ሁኔታ ማጣራት ስለሆነ፣

በሀገራችን እየተገነባ ያለው ሥርዓት የሀግ የበ ሳይነት የሰፌነበት እና ራሱን በራሱ እያረመ የሚሄድ በመሆኑ ተከስተው የነበሩ ሁኔታዎችን ማጣራትና አፋጣኝ እርምጃ መውሰድ እንዲቻል ትክክለኛውን ሁኔታ ለምክር ቤቱ የሚያቀርብ ገለልተኛ አጣሪ ኮሚሽን ማቋቋም ለተጀመረው የሰላምና የዲሞክራሲ ግንባታ አስፈላጊ ሆኖ በመገኘቱ፣

በኢትዮጵያ ፌዴራሳዊ ዲሞክራሲያዊ ሪፐብሊክ ሕገ መንግሥት አንቀጽ ፶፭ /፩/ መሠረት የሚከተለው ታውጇል።

#### ል. አ<del>ጥ</del>ር ርዕስ

ይህ አዋጅ "በአዲስ አበባና በአንዳንድ የሀገራችን አካባቢዎች የተፈጠረውን ሁከት አጣሪ ኮሚሽን ማቋቋሚያ አዋጅ ቁጥር ፬፻፸፰/፲፱፻፺፰" ተብሎ ሊጠቀስ ይችላል።

ያንዱ ዋጋ 4.85 Unit Price

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An Inquiry Commission to Investigate the disorder occurred in Addis Ababa and in some parts of the country Proclamation... Page 3317

#### PROCLAMATION NO. 478/2005.

A proclamation to establish an independent inquiry commission to investigate the disorder occurred on June 8, 2005 in Addis Ababa, between the 1<sup>st</sup> of November and 10<sup>th</sup> of November, as well as between the 14<sup>th</sup> of November and 16<sup>th</sup> of November 2005 in Addis Ababa and in some parts of the country.

WHEREAS, it is necessary to investigate the consequences of the disorder occurred on June 8, 2005 in Addis Ababa, between the 1<sup>st</sup> of November and 10<sup>th</sup> of November 2005 as well as between the 14<sup>th</sup> of November and 16<sup>th</sup> of November 2005 in Addis Ababa and in some parts of the country and the force taken by the government in light of human rights protection,

WHEREAS, the ongoing system of the country is self corrective and governed by the rule of law, it is important to establish an independent inquiry commission, which investigate the disorder and report to the House so that to take the necessary measure and to further promote the peace and democratic process of the country

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

#### 1. Short Title

This Proclamation may be cited as "An Inquiry Commission to Investigate the disorder occurred in Addis Ababa and in some parts of the country proclamation No. 478/1998"

ነጋሪት *ጋዜጣ ፖ.ሣ.*ቁ ቹሺ፩ Negarit G. P.O.Box 80001

## <u>መቋቋም</u>

ሰኔ ፩ ቀን ፲፱፻፺፯ በአዲስ አበባ፣ ከጥቅምት ፳፪ እስከ ህዳር ፩ እንደዚሁም ከህዳር ፭ እስከ ህዳር ፯ ፲፱፻፺፰ ዓ.ም በአዲስ አበባ እና በአን ዳንድ የሀገራችን አካባቢዎች ተከስቶ የነበረውን ሁከት እና ያስከተለውን ችግር አጣርቶ ለምክር ቤቱ ሪፖርት የሚያቀርብ ገለልተኛ አጣሪ ኮሚ ሽን ከዚህ በኋላ "ኮሚሽን" እየተባለ የሚጠራ አካል በዚህ አዋጅ ተቋቁሟል።

# ፫. <u>የኮሚሽት የሥራ ቦታ</u>

- 1/ የኮሚሽኑ ዋና ጽሕፌት ቤት አዲስ አበባ ሆኖ አንደ አስፌሳጊንቱ ቅርንጫፍ ጽ/ቤቶችን በሌሎች ቦታዎች ሊከፍት ይችሳል።
- 2/ ኮሚሽኑ የማጣራት ተግባሩን በአዲስ አበባና በማንኛውም ችግሩ በተከስተባቸው ሌሎች ቦታዎች ያከናውናል።

#### ፬. <u>የኮሚሽኑ ዓሳማ</u>

የኮሚሽን ዓላማ በአዲስ አበባ እና በአንዳንድ የሀገራችን አካባቢዎች ተፌጥሮ የነበረውን ሁከት እና ያስከተለውን ችግር በማጣራት ለኢትዮጵያ ፌዴራላዊ ዴሞክራሲያዊ ሪፐብሊክ የሀዝብ ተወካዮች ምክር ቤት ሪፖርት ማቅረብ ይሆናል።

#### <u>ጅ. ስለኮሚሽኑ ስልጣንና ተግባር</u>

# 8/ 102775:-

- ሀ. የተከሰተውን ችግር ለመግታት በፀጥታ አስከባሪ ሀይል የተወሰደው እርምጃ ተመጣ ጣኝ ስለመሆኑ ወይንም ስላለመሆኑ፣
- ለ. ከተከሰተው ችግር *ጋ*ር ተያይዞ የነበረውን የሰብአዊ መብት አያያዝ ሕገመንግስቱንና ሕጉን የተከተለ ስለመሆኑና ስላለመሆኑ፣
- ሐ. በተከሰተው ችግር የደረሰውን የሕይወትና የንብረት ጉዳት፣ ያጣራል።
- ጀ/ ኮሚሽን የተጣለበትን ከፍተኛ ሃገራዊ ሀሳፊንት በአማባቡ ለመወጣት እንዲያስችለው፡-
  - ህ. ለሥራው አስፌሳጊ የሆኑ በማንኛውም አካልና ማለሰብ እጅ የሚገኙ መረጃዎች እንዲቀርቡለት ሊያዝ ይችሳል።

#### 2. Establishment

An independent Inquiry Commission here in after referred as " the Commission" is hereby established to submit report and its findings to the House by investigating the disorder and its consequence occurred on June 8, 2005 in Addis Ababa, between the 1<sup>st</sup> of November and 10<sup>th</sup> of November and 16<sup>th</sup> of November in Addis Ababa and in some parts of the country.

## 3. Working place of the Commission

- 1) Head office of the commission shall be based in Addis Ababa and open other branch offices in other part of the country when deemed necessary,
- 2) The Commission shall undertake its function of investigation in Addis Ababa and in any other places where the problem occurred.

# 4. Objective of the Commission

The objective of the Commission is to investigate the disorder and its consequence occurred in Addis Ababa and in some parts of the country as well as to submit a report of its findings to the House of Peoples' Representatives of the Federal Democratic Republic of Ethiopia.

#### 5. Powers and Duties of the Commission

- 1) the Commission shall investigate:
  - a. whether the force used by the security force to control the disorder was excessive or not.
  - b. whether the handling of human rights in matters related to the problem was conducted in accordance with the constitution and the rule of the law.
  - c. the damage caused to life and property as the result of the incident.
- 2) in order that the commission be able to properly discharge this most important national duty it shall:
  - a. order the production of documents in the possession of any organization or individual if it deems such document is necessary for its work,

- ለ. የምስክርነት ቃል ሊሰሙ የሚችሉ ማለሰቦችን ጠርቶ ቃሳቸውን እንዲሰሙ ለማዘዝ ይችሳል።
- ሐ. ኮሚሽኑ የሚፈልጋቸውን መረጃዎች ወይም የምስክርነት ቃል ለመስጠት ፌቃደኛ ያልሆነ አካል ወይም ግለሰብ በፖሊስ ተገዶ እንዲቀርብ ሊያዝ ይችላል።
- መ. ለሥራው መቃናት አስፈሳጊ የሆኑ ሙያዊ፣ ቁሳዊ እና ሌሎች ትብብሮችን ከማንኛውም አካል ሊጠይቅ ይችሳል።
- ፫/ ጉዳዩ ይመለከተኛል የሚል አካል ወይንም ግለሰብ የሚያቀርብለትን ተያያዥ መረጃዎች የመቀበል ኃላፊነት አለበት።
- ፬/ ለመርማሪዎች ተገቢውን የሥራ መመሪያ ይሰጣል።
- ፩/ ሥራውን ለማከናወን የሚያስችለው ዝርዝር ዕቅድ እና የአሥራር መመሪያ ሊያወጣ ይችሳል።

# ፮. <u>ስለኮሚሽኑ አባላትና አሲያየም</u>

- ፩/ ኮሚሽኑ ፲፩ አባላት ይኖሩታል።
- ፪/ የኮሚሽኑ ሰብሳቢ፣ ምክትል ሰብሳቢ እና ሌሎች አባሳት በሕግና አስተዳደር ጉዳዮች ቋሚ ኮሚቴ አቅራቢነት በምክር ቤቱ ይሰየማሉ።

#### ፯. <u>የኮሚሽኑ ሰብሳቢ ስልጣንና ተግባር</u>

የኮሚሽኑ ሰብሳቢ:-

- ፪/ አጠቃሳይ የሥራ እንቅስቃሴውን በበሳይነት ይከታተሳል፤ ይቆጣጠራል፤
- ፫/ ለኮሚሽኑ ሥራ አስፈላጊ የሆነ ድ*ጋ*ፍ ሰጭ ሥራተኞችን ይመድባል።

- b. summon individuals that have relevant information and order them to give their statements.
- c. order appearance of unwilling individual or organization by police to give information or statements of testimony that are relevant to the duties of the Commission,
- d. require professional, material and other cooperation from any organization that are necessary for the proper discharge of its duties.
- 3) It has the responsibility of accepting relevant information presented to it by a concerned individual or body.
- 4) It shall give relevant terms of reference to investigators.
- 5) It may draw a detailed work plan and rules of procedure, which enables to undertake its duties properly.

# 6. Members of the Commission and appointment

- 1/ The commission shall have 11 members.
- 2/ Chairperson, Deputy Chairperson and other members of the Commission shall be nominated by the Legal and Administration Affairs Standing Committee to be appointed by the House of Peoples' Representatives

# 7. Power and Duties of the Chairperson of the Commission

The Chairperson of the Commission shall:

- 1) Lead the Commission,
- 2) Supervise and control over all activities of the Commission,
- 3) Assign support staffs that are necessary to undertake the duties of the Commission,
- 4) Represent the Commission in its all dealings with other bodies

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# *ጃ. የኮሚሽኑ ምክትል ሰብሳቤ ስልጣንና ተግባር*

# የኮሚሽኑ ምክትል ሰብሳቢ፡-

- δ/ ሰብሳቢው በማይኖርበት ጊዜ ተክቶ ይሰራል፣
- **g**/ *ቃለጉባኤዎች* በአማባቡ የኮሚሽን-ን መያዛቸውን ያሬጋግጣል።፣
- Ĉ/ ማንኛውም የኮሚሽኑ የሥራ ውሎዎች የሚቀ ረፁባቸው ቴፖች ወደ ጽሑፍ ተቀይረው በአግባቡ መያዛቸውን ይከታተላል።
- ሰዎች ĝ/ ኮሚሽን ሰሚልልጋቸው ልጥያቄ የሚሳኩ መጥሪያዎችን በመፈረም ይልካል።
- **፩**/ ለኮሚሽን ማንኛውም የሚቀርብ ሰንድ በተንቃቄ መያዙን ይቆጣጠራል።
- **%**/ የኮሚሽኑን ጽ/ቤት ሥራዎች ይከታተላል፤ ይቆጣጠራል።
- $\bar{\mathbf{Z}}/$ በኮሚሽኑና በሰብሳቢው የሚሰጡትን ሌሎች ተግባራትን ያከናውናል:

# **፱**. <u>ስለምልዐተ ጉባኤና ውሳኔ አሰጣ</u>ተ

- ğ/ ከኮሚሽኑ አባሳት ስድስቱ ከተገኙ ምልአተ ጉባኤ ይኖራል።
- Ë/ የኮሚሽን በተገኝት ውሳኤ በስብሰባው አባሳት በአብሳጫ ድምጽ ይወሰናል።

#### ፲ ስለምስክሮች ቃል አቀባበል

- $\dot{\Omega}/$ 775arg ሰው የምስክርነት ቃለ・ን ከመስጠቱ በፊት ቃለ መሀሳ ይፈጽማል።
- **K**/ ቃል 1102715 የምስክሮችን የሚቀበለው በመርጣሪዎች ታግቦ ሊሆን ይችላል።
- <u>f:</u>/ ኮሚሽን ቃል የሚቀበለው እንደአስፌሳጊንቱ በግልጽ ወይም በዝግ ሊሆን ይችላል።
- ማንም ሰው ወይም አካል ከኮሚሽኑ ደገኘውን Ö/ ማንኛውንም መረጃ ከኮሚሽኑ ፌቃድ ውጭ መግለጽ አይችልም።

# 8. Power and Duties of the Deputy Chairperso of the Commission

The Deputy Chairperson of the Commission shall:

- Represent the chairperson in his absence,
- 2) Make sure that the minutes of the commission are properly kept,
- Supervise whether the daily recorded activities of the commission are transcribed and properly recorded in written form,
- Sign and send warrants to persons who shall appear before the commission for question,
- Check whether any document presented to the commission are properly kept,
- Supervise and control duties of the office of the commission,
- Undertake other activities assigned to it by the commission and the chairperson.

# 9. Quorum and Decision Making

- 1) The presence of six members of the commission constitutes a quorum,
- 2) Decision of the commission shall be made by a majority vote of the members present.

#### 10. Hearing of witnesses

- 1) Any person shall take an oath before he/she gives statement of testimony,
- commission may be supported investigators while hearing testimony witnesses.
- The commission shall hear statement of testimony either publicly or in closed manner as may be necessary,
- 4) Any person or body shall not reveal any information obtained from the commission unless permitted by the latter.

#### ፲፮. ስለምስክሮች ተበቃ

- ፪/ ከሳይ በንዑስ አንቀጽ ፩ የተጠቀሰው ቢኖርም በሐሰት መመስከር በሕግ ከመጠየቅ አያድንም።

#### ፲፪. ስለመርጣሪዎች

- ፩/ ኮሚሽኑ ምርመራውን በሚያካሂድበት ወቅት አስፈላጊ ሆኖ ሲያገኘው የማጣራት ሥራውን የሚረዱ ብቃት ያላቸው መርማሪዎችን እንዲመደቡለት ያደርጋል፤ ቁጥራቸውንም እንደሥራው ስፋት እያየ ይወስናል።
- ፪/ በኮሚሽን የሚመደቡ መርማሪዎች ሥራ ከመጀመራቸው በፊት ቃለመሃሳ ይፌጽማሉ።

#### ፲፫. ስለመጥሪያ

- ፩/ ኮሚሽን ለጥያቄ የሚፈልገውን ማንኛውም ሰው፤ ቦታና ጊዜ በመወሰን እንዲቀርብ መጥሪያ ይልክለታል።
- ፪/ ተፈሳጊው ሰው:-
  - ሀ. እስረኛ ከሆነ የእስር ቤቱ *ኃ*ላፊ እንዲያቀርበው ኮሚሽን ያዛል፤
  - ለ. በጤና ተቋም በህክምና ሳይ የሚገኝና ኮሚሽኑ ፊት ለመቅረብ የሚችል ከሆነ ህመምተኛውን እንዲያቀርበው የጤና ተቋሙን ያዛል።"
  - ሐ. ከኢትዮጵያ ውጭ ከሆነና አድራሻው ከታወቀ መጥሪያ በአድራሻው ይሳክለ ታል፤ በሀገር ውስጥ ሆኖ አድራሻው ካልታወቀ ደግሞ በዜና ግሰራጫ እንዲጠራ ያደርጋል።

#### ፲፬. <u>በጀትና የሰው ኃይል</u>

ኮሚሽን ለሥራው አስፈላጊ የሆነ የሰው ሀይል፣ በጀትና ጽሀፌት ቤት በኢትዮጵያ ፌዴራሳዊ ዲሞክራሲያዊ ሪፐብሊክ የሀዝብ ተወካዮች ምክር ቤት ይሟሉለታል።

#### 11. Protection of witnesses

- 1) A witness shall not be liable under the law on account of his statement of testimony given to the commission nor shall the statement of testimony be taken as evidence against him/her,
- 2) Without prejudice to the provision in sub Article 1 above false testimony shall not exempt liability under the laws.

#### 12. Investigators

- 1) The commission, while undertaking investigation, shall cause efficient investigators to be assigned and decide their numbers in accordance with the work load when it deemed necessary,
- 2) Investigators that are assigned by the commission shall undertake an oath before taking up their duties.

#### 13. Warrant

- 1) The commission shall send warrant to any person to appear before it for question in a specified place and time.
- 2) If the person is:
  - a. a prisoner, the commission shall order the head of the prison to cause him to appear before it,
  - b. an admitted patient with ability to appear before the commission, the commission shall order to the health institute to cause him to appear before it,
  - c. out of Ethiopia, the commission shall send the warrant through his address and if he is in Ethiopia but with unknown address it shall call him to appear before it by announcing through mass media.

# 14. Budget and Manpower

The necessary staff, budget and office shall be provided to the commission by the House of Peoples' Representatives of the Federal Democratic Republic of Ethiopia.

# ፲፭. ሪፖርት ስለማቅረብ

- ፩/ ኮሚሽኑ የሥራውን ሪፖርት በሦስት ወር ጊዜ ውስጥ አጠናቆ ለኢትዮጵያ ፌዴራሳዊ ዲሞክራሲያዊ ሪፐብሊክ የሀዝብ ተወካዮች ምክር ቤት ያቀርባል።
- ጀ/ ሥራውን ለማጠናቀቅ ተጨማሪ ጊዜ የሚያስፈልገው ከሆነ የምክር ቤቱን አፈ-ጉባኤ ይጠይቃል። አፈ-ጉባአው ሲያምንበትም ከአንድ ወር ያልበለጠ ተጨማሪ ጊዜ ሊፈቅድ ይችላል።
- ፫/ ጉዳዩ ሌሳ ተጨማሪ ጊዜ የሚጠይቅ ሲሆን ወደ ምክር ቤቱ ቀርቦ ውሳኔ ያገኛል።

# ፲፮. <u>የመተባበር ግኤታ</u>

ማንኛውም አካል ወይም ግለሰብ ኮሚሽኑ ለሚያከናውናቸው ተግባራት የመተባበር ግዴታ አለበት።

# ፲፯. <u>ስለቅጣት</u>

በዚህ አዋጅ መሥራት በማንኛውም መንገድ የኮሚሽኑን ሥራ ያሰናከለ ወይም ለማሰናከል የሞከረ ማንኛውም አካል ወይም ግለሰብ አግባብ ባላው የወንጀል ህግ ድንጋጌዎች መሥራት ይቀጣል።

# ፲፰. <u>አዋጁ የሚፀናበት ጊዜ</u>

ይህ አዋጅ በ5*2*ሪት *2*ዜጣ ታትሞ ከመጣበት ቀን ጀምሮ የፀና ይሆናል።

አዲስ አበባ ታህሣሥ ፲፪ ቀን ፲፱፻፲፰ ዓ.ም.

ግርማ ወልደጊዮርጊስ

የኢትዮጵያ ፌዴራሳዊ ዲሞክራሲያዊ ሪፐብሊክ ፕሬዚዳንት

#### 15. Submission of Report

- 1) The commission shall submit the report of its findings to the House of Peoples' Representatives of the Federal Democratic Republic of Ethiopia within three months,
- 2) if the commission requires more time to complete its work it shall present the case to the speaker of the House and when convinced the speaker could grant an extension for not more than one month,
- 3) a matter that requires an extension of more than one month shall be decided by the House.

#### 16. Duty to cooperate

Any body or individual has the duty to cooperate with the commission in the discharge of the latter's duties.

#### 17. Penalty

Any individual or organization that in any way impeded or attempts to impede the work of the commission is punishable under the relevant provisions of the penal code.

#### 18. Effective Date

This proclamation shall come in to force up on publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 21st day of December, 2005

#### **GIRMA WOLDEGIORGIS**

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA