PROCLAMATION NO. 1176/2020

A PROCLAMATION TO PROVIDE FOR THE PREVENTION AND SUPPRESSION OF TERRORISM CRIMES

WHEREAS, act of terrorism is a serious threat to peace and security of our Country and International Community causing serious damage to human and property;

WHEREAS, the Government has the responsibility to maintain peace and security of the country; thus to prevent and control the crime, necessitate to adopt Legal Framework that enable to take strong precautionary and preparatory acts centered the nature of the crime as well as ensure perpetrators received penalty proportional to their acts and gives lesson;
WHEREAS, Ethiopia to prevent and suppress terrorist acts, it is believed to be necessary to cooperate with countries having Anti-Terrorism as their objectives and to implement International treaties to which Ethiopia is a party and accepted in particular Treaties and resolutions adopted by the United Nations and African Union;

WHEREAS, become necessary to replace the Anti-Terrorism Proclamation No. 652/2009, a Proclamation were enacted to prevent and suppress terrorism, has substantive and enforcement loopholes which produced a negative effect on the rights and freedoms of citizens, with a law that enables adequately to protect rights and freedoms of individuals and prevalence of accountability of law enforcement bodies;

WHEREAS, it has become necessary to create a system which would enable to provide medical care, rehabilitative and other related support to victims of terrorist acts;

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

PART ONE
GENERAL

1. Short Title

This Proclamation may be cited as the “Prevention and Suppression of Terrorism Crimes Proclamation No.1176/2020”.
2. Definitions

Unless the context requires otherwise, in this Proclamation:

1/ “Property” means any movable or immovable; corporeal or incorporeal property;

2/ “Terrorism Crime” means those criminal acts provided under Articles 3, 5 to 11, 29, and 30 of this Proclamation;

3/ “Organization” means a juridical person or any group or association consisting of two or more members;

4/ “Terrorist Organization” means an Organization proscribed as Terrorist Organization in accordance with this Proclamation:

5/ “Property Associated with Terrorism Crime” means property used for committing terrorism crime, direct or indirect proceeds of the crime, property produced from proceeds of the crime, and includes, when the property obtained through these conditions is not found, equivalent property of the offender;

6/ “Planning” means to identify or decide the condition, place, time the terrorist act is to be carried out or similar matters beyond the mere intention of committing the crime;

7/ “Public Service” means an infrastructure organized to provide service to the public such as water supply, electric power supply, telecommunications and similar other infrastructure, electronics, information communication, information telecommunication, transport, finance or similar other institutions or systems;

8/ “Government” means any of those Regional States specified under Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa Cities Administrations;
“International Organization” means an Organization established by treaty or other instrument comprising of two or more countries such as the United Nations, African Union, European Union or similar Organizations but does not include Private International Organizations;


“Police” means Federal Police or Delegated Regional Police;

“Person” means a Natural Person or Juridical Person;

Any expression in the Masculine gender includes the Feminine.

PART TWO

TERRORISM AND RELATED CRIMES

3. Terrorist Acts

Whosoever, with the intention of advancing political, religious or ideological causes for terrorizing, or spreading fear among the public or section of the public or coercing or compelling the Government, Foreign Government or International Organization:

a) Causes serious bodily injury to person;

b) Endangers the life of a person;

c) Commits hostage taking or kidnapping;

d) Causes damage to property, natural resource or environment; or

e) Seriously obstructs public or social service; is punishable with rigorous imprisonment from ten years to eighteen years.
Where the action taken to achieve the causes mentioned in Sub-article (1) of this Article is causing death of person or causing serious damage to historical or cultural heritages or infrastructure or property or natural resource environment the punishment shall be rigorous imprisonment from Fifteen years to life or death.

4. Exception

Notwithstanding to the provision of Article 3 sub-article (1) (e), obstruction of public service caused by a strike and the obstruction is related to the institution or profession of the strikers or exercising rights recognized by law such as demonstration, assembly and similar rights shall not be deemed to be a terrorist act.

5. Intimidation to Commit Terrorist Act

1/ Whosoever intimidates to commit any of the terrorist acts provided for under Article 3 of this Proclamation shall be punished with rigorous imprisonment from one year to five years.

2/ Intimidation provided for in Sub-article (1) of this Article shall be punishable by taking into consideration the condition or opportunity under which the intimidator intends to carry out or cause to carry out or the terror that he has created among the public or sections of the public.

6. Planning and Preparation for Commission of Terrorist Acts

1/ Whosoever undertakes act of plans to commit any of the terrorist acts provided for under Article 3 of this Proclamation shall be punishable with rigorous imprisonment from three years to seven years.

2/ Whosoever makes preparation to commit any of the terrorist acts provided for under Article 3 of this Proclamation shall be punishable with rigorous imprisonment from five years to twelve years.
7. Conspiracy to Carry Out Terrorist Acts

Whosoever commit conspiracy to carry out or cause to carry out terrorist acts provided for under Article 3 of this Proclamation shall be punishable with rigorous imprisonment from five years to twelve years.

8. False Threat of Terrorist Act

Whosoever while knowing that it is false, causes shock, fear, anxiety, or worry in the public or in the society or certain section of the society by expressing through any means or performing false act that a terrorist act has been or is being or will be committed shall be punishable with simple imprisonment or if the act caused damage rigorous imprisonment from three years to ten years.

9. Rendering Support

1/ Whosoever knowingly supports or assists directly or indirectly the commission of a terrorist act or with the intent to support a terrorist Organization:

a) Prepares, provides or hands over documents or information;

b) Provides technical, counseling or professional support;

c) Prepares, makes available, provides, or sales any explosive, dynamite, inflammable substances, firearms or other lethal weapons or poisonous substances; or

d) Provides training or recruits members; is punishable with rigorous imprisonment from seven years to fifteen years.

2/ Where the support is of a property nature, the Prevention and Control of Money Laundering and Financing of Terrorism Proclamation No. 780/2013 shall be applicable.
3/ A person who commits the acts provided for under Sub Article (1) or (2) of this Article shall be punished with rendering supports though the principal offence was not committed or the support has no relationship with the preparation of the specific terrorist act or with the offender.

4/ Where the acts provided for under Sub-article (1) of this Article are committed by negligence, the punishment shall be simple imprisonment from one year to five years.

5/ Notwithstanding to Sub Article 1 to 4 of this Article a humanitarian aid given by Organizations engaged in humanitarian activities or a support made by a person who has legal duty to support other is not punishable for the support made only to undertake function and duty.

10. Incitement

1/ Whosoever to cause the commission of one of the crimes provided for in Article 3 of this Proclamation, intentionally incites another person by inducing, promises, money, gift, threat or any other similar means shall be punishable with a punishment provided for the offence provided that the crime was attempted or committed

2/ Notwithstanding the provision of Sub-article (1) of this Article, whosoever in clear manner incites by statement, writing, using image or by any other conduct to cause the commission of any of the acts provided for under Article 3 of this Proclamation or publish, produce, communicate, distribute, sell, or make available to the public through any means anything with substance of such kind shall be punishable with rigorous imprisonment from three year to seven years, provided that the crime was attempted or committed.
3/ Notwithstanding the provision of Sub-article (2) of Article 36 of the Criminal Code, where the act mentioned has been committed as provided for in Sub-article (1) or (2) of this Article but the intended crime has not materialized or attempted, the person who commits the acts mentioned in the sub-articles shall be punished with rigorous imprisonment from one year to five years.

11. Possessing Property Associated with Terrorism Crime

1/ Whosoever, knowing that the property is associated with terrorism crime, is found in possession of such property or makes use of it shall, without prejudice to the confiscation of the property, be punishable with rigorous imprisonment from three years to ten years.

2/ Where the act provided under sub-article (1) of this article is committed by negligence, the punishment shall be rigorous imprisonment from one year to three years.

12. Crimes Committed Against Whistleblowers and Witnesses

1/ Whosoever interferes to prevent a person who may be whistleblower or witness or who has evidence of crime provided under this proclamation from giving information or evidence to justice authorities or being a witness in an investigation or judicial proceeding by using sabotage, violence, threat or by extending undue advantage, by inducements or getting involved in any other way against such person or a person who has close relationship with him shall be punished with rigorous imprisonment from three years to seven years.

2/ Whosoever assaults, threatens, suppresses or harms any person or a person who has close relationship with such person, who gave information or evidence to justice authorities or appeared as witness in an investigation or judicial proceeding of crime
provided for in this Proclamation shall be punishable with rigorous imprisonment from three years to seven years.

3/ Where the crime mentioned in Sub-article (1) or (2) of this Article entailed grave harm to the body or health of the victim or his death, the relevant laws related to these crimes shall apply concurrently.

13. Crimes Committed Against the Judiciary and Executive Organs

1/ Whosoever obstructs the functions of a person who is engaged in the prevention, investigation, prosecution or judicial proceeding proper to his office concerning crimes provided for in this Proclamation or prevents him from carrying out his duties by using intimidation, coercion, violence or any other means of intimidation against him or a person who has close relationship with him or causing the performance or omission of an act in violation of his duty, shall be punishable with rigorous imprisonment from three years to seven years.

2/ Whosoever causes bodily injury, threatens or use violence against an individual who assists a person engaged in the prevention, investigation, prosecution or judicial proceedings of crime provided under this Proclamation shall be punishable with rigorous imprisonment from three years to seven years.

3/ Where the crimes provided for under Sub-article (1) and (2) of this Article entailed grave harm to the body or health of the victim or his death, the relevant laws related to these crimes shall apply concurrently.
14. Crimes Committed By Destroying Evidence

1/ Whosoever destroys, damage, or hide any evidence to be used in the course of investigation or judicial proceedings of crime provided under this proclamation shall be punishable with one year to three years rigorous imprisonment.

2/ Where the acts provided for under Sub-article (1) of this Article committed in grave manner or where the evidence considered as substantial in the investigation or judicial proceeding of terrorism crime and to be used to prove such crime, the punishment shall be rigorous imprisonment from three years to ten years.

15. Failure to Notify and Aiding a Suspect

1/ Whosoever without justifiable cause fails to immediately notify to the police or appropriate law enforcement organ knowing that any act provided for in Articles 3, 6, 7, 9 to 10 of this Proclamation is about to be committed, being committed or committed or the identity of the suspect shall be punishable with rigorous imprisonment from one year to three years.

2/ Where the failure to notify is grave and in particular where the notification made in advance could have prevented or contained the commission of the crime, the punishment shall be rigorous imprisonment from three years to seven years.

3/ Whosoever knowingly saves from prosecution, a person who is suspected or accused of committing one of the crimes provided for under Sub-article (1) of this Article whether by warning him or hiding him, by concealing or destroying the traces, by misleading the investigation, or in any other way, shall be punished with rigorous imprisonment from three years to five years.
4/ Notwithstanding the fact that it has been possible to prevent the crime or to cause the punishment of a suspect by successfully carrying out investigation or to arrest the suspect the provisions of (1), (2) and (3) of this Article shall be applicable.

5/ Sub-article (1) of this Article shall not be applicable to a person who has a legal right or obligation not to disclose confidential information. Provided, however, a person who has the information that a crime is about to be committed or is being committed shall not raise such right or obligation as a defense.

16. Witness Protection

1) Where the life, wellbeing of property of any person or his family is endangered for being a witness or whistleblower of terrorist crimes, he shall be given protection in accordance with the Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No.699/2010.

2) Without prejudice to Sub-Article (1) of this Article, the court hearing the case may take the following measures:

a) Change the Venue;

b) Cause not to publish or record the court proceedings in part or in whole or to be released in any form.

3) Whosoever contravenes the order made in accordance with Sub-article (2) of this Article shall be punished with simple imprisonment; where the act hinders the judicial proceedings or endangers the witness, the punishment shall be rigorous imprisonment from one year to seven years and with fine not exceeding Birr fifty thousands.
17. Participation of Juridical Person in the Commission of a Crime

1/ Notwithstanding Sub-article (1), (3) and (4) of Article 90 of the Criminal Code, where the crime provided for in this Proclamation is committed by a juridical person the punishment shall be:

a) From Birr one hundred thousand to two hundred thousand birr for simple imprisonment or rigorous imprisonment up to five years;

b) From Birr two hundred thousand to five hundred thousand birr for rigorous imprisonment from five to ten years;

c) From Birr five hundred thousand to one million birr for rigorous imprisonment from ten year to twenty years;

d) From Birr one million to one million five hundred thousand birr for rigorous imprisonment above twenty years or life imprisonment or death;

2/ In addition to the punishment provided for in sub-article (1) of this Article, the court may order the dissolution of the juridical person or confiscation of its property upon request by the public prosecutor or on its own motion.

3/ The Punishment imposed on the juridical person in accordance with this Article shall not discharge the officials or employees of the juridical person from punishment to be imposed on the individual for the crime committed.
PART THREE

PROSCRIPTION OF ORGANIZATION AS TERRORIST ORGANIZATION AND PARTICIPATION IN A PROSCRIBED ORGANIZATION

SECTION ONE

PROSCRIBING AS A TERRORIST ORGANIZATION

18. Power to Proscribe

1/ The House of Peoples’ Representatives may proscribe an Organization as a Terrorist Organization.

2/ The House shall, by a two-thirds majority vote proscribe a Terrorist Organization.

3/ The House may undertake act of proscribing a Terrorist without requiring prosecution or punishment of an Organization in court of law.

19. Conditions for Proscribing an Organization

1/ Without prejudice to Article 17 of this Proclamation, an Organization may be proscribed as a terrorist where:
   a) It operates by carrying terrorist crimes as its objective; or
   b) The management or the decision making body of the Organization practices or officially accepts the Crime or leads its operation; or
   c) The crime defines the Organization through its operation and conduct or most of its employees carry out its activities with knowledge of the Crime.

2/ Where United Nations Security Council proscribes any Organization as Terrorist Organization and the Council of Ministers officially announces the decision through media, such proscription will be enforceable in Ethiopia.
20. Procedure for Submission of Recommendations

1/ Where the Federal Attorney General believes that an Organization has committed or is in the act of committing a terrorist crime which fulfills one of the conditions provided for under Sub-article (1) of Article 19 of this Proclamation, it shall submit a recommendation to the Council of Ministers for the proscription of the Organization as a Terrorist Organization.

2/ Where the Council of Ministers approves the recommendation submitted by the Federal Attorney General, it shall refer it to the House of Peoples’ Representatives.

3/ Any recommendation to be submitted pursuant to Sub-article (1) and (2) of this Article shall include detailed reasons for the proscription.

4/ Notwithstanding the provisions of Sub-article (3) of this Article, the recommendation may not include confidential matters in detail. Provided however, in order to enable the House of Peoples’ Representatives pass a resolution, the recommendation shall include general information about the confidential information.

5/ Where the House of Peoples’ Representatives is unable to pass a resolution based on the general information, it may assign, including the Speaker of the House, some members directly elected among the members of the House to look into the details of confidential matters. The selected members shall have the obligation to keep the information confidential and examine the appropriateness of the recommendation and submit their opinion which they think is appropriate.
6/ The information shall be deemed to be confidential as provided for under Sub-article (4) of this Article where the Council of Ministers believes that the releasing of the information will bring damage to the national security, public security and peace, sources of information or Foreign Relations.

21. Hearing and Passing of Resolution

1/ Where a recommendation for proscription of an Organization as a Terrorist Organization is submitted to the House of Peoples’ Representatives, it shall invite the Organization through the appropriate media providing sufficient time and stating a specific period of time to give its opinion.

2/ The Organization shall have the right to know and access evidence, with the exception of confidential information, and may submit to the House any evidence in objection to the recommendation.

3/ Where the Organization fails to appear or submit its evidence within the specified period of time, the House shall pass a resolution in his absence or without the submission of any evidence.

4/ The House may accept or reject the recommendation by scrutinizing the recommendations presented by the Council of Minister, evidence submitted by the Organization and evidence obtained on its own initiative.

22. Effects of Proscription

1/ Any transactions or dealings of an Organization which has been proscribed as Terrorist Organization in accordance with this proclamation shall be null and void as of the effective date of the proscription.
2/ Where the Organization has its own legal personality and has not been dissolved by a court of law pursuant to Sub-article (2) of Article 17 of this Proclamation, the Federal Attorney General shall request the competent court for the dissolution of the Organization.

3/ The asset of the Organization proscribed as a Terrorist Organization shall be confiscated by Government up on a court order. Any civil proceeding with respect to confiscation of assets shall only relate to the interest of third parties who had dealings in good faith with Organization before the proscription of the Organization.

4/ Without prejudice to Sub-article (3) of this Article, the seizure, attachment or confiscation procedure concerning the property associated with terrorism or the asset of the proscribed Terrorist Organization or seizure of asset of an Organization whose asset is to be confiscated pursuant to Sub-article (2) of Article 19 shall be governed by the relevant laws including Anti-Corruption Procedure and Evidence Law.

23. Change of Name, Mark, Emblem and Address of the Organization

1/ In accordance with this Proclamation, where an Organization which is proscribed or in the process of proscriptions as terrorist Organization changes its name, mark, emblem, address or related matters or splits or divides itself from the parent Organization and establishes another Organization with no basic difference with the conditions or activity which identifies the parent Organization as Terrorist Organization, shall not be considered as separate Organization or Organizations.
2/ Where any other Organization make amalgamation or merger with an Organization which is proscribed or in the process of proscriptions, in accordance with this Proclamation, as Terrorist Organization the terrorist proscription shall also apply to the former.

24. Revocation of Proscription

1/ The Federal Attorney General may submit recommendation to the Council of Ministers for the revocation of proscription of an Organization that is proscribed as a Terrorist Organization. When the Council accepts the recommendation, it shall submit same to the House of Peoples’ Representative.

2/ The House of Peoples’ Representatives may revoke the proscription of an Organization, when it accepts recommendations submitted by the Council of Ministers.

3/ A proscription shall be revoked provided that the Organization ceases to engage in Terrorist activities and known that it may not engage in such activities.

4/ Where the United Nations Security Council revoked the terrorist proscription against an organization the Council of Ministers shall announce the same, in accordance with Article 19 sub article 2 of this proclamation, in a manner it has announced the proscription of the Terrorist Organization.

25. Procedure for Revocation of Proscription

1/ Any one may apply to the Federal Attorney General for revocation of Organization proscribed as a Terrorist Organization.

2/ The Federal Attorney General shall notify to the applicant its decision within sixty days after having examined the application submitted to it pursuant to Sub-article (1) of this Article.
Any applicant who is aggrieved by the decision or failure of the Federal Attorney General to render its decision within specified period may submit petition to the Council of Ministers against the decision within forty five days as of the date of decision or any time of its failure to render the decision.

Any person who submits an application pursuant to Sub-article (1) of this Article shall provide the reasons with evidence for the revocation of the proscription.

An application for revocation of proscription shall not be requested within one year as of the date of decision given pursuant to Sub-article (2) or (3) of this Article.

Any Person or Organization who have a right to submit an application pursuant to Sub-article (1) for revocation of proscription must refrain from any activity, with the exception of following the proscription process.

Effects of Revocation

The revocation of proscription of an Organization shall have no effect on activities undertaken pursuant to Article 22 of this Proclamation prior to the effective date of the proscription. Thus, shall not request the legality of its transactions including the return of confiscated property.

Where the Organization whose proscription was revoked is a juridical person and if it desires to reacquire its legal personality, the Federal Attorney General shall cooperate to have the Organization regain its legal personality.
27. Absence of Criminal Liability

A person shall not be held criminally liable for requesting revocation of proscription or submitting evidence to show absence of reason for proscription or for lodging an application in the process of proscription.

28. Public Announcement

1/ The House of Peoples Representatives shall have its decision of proscription or revocation of proscription announces to the public through country wide Gazette and other relevant means of mass media.

2/ A decision announced under sub-article (1) of this Article may state, as may be necessary, the reasons for the proscription, the condition for the implementation of the proscription and related matters.

SECTION TWO

PARTICIPATION IN AN ORGANIZATION

PROSCRIBED AS TERRORIST ORGANIZATION

29. Heading Terrorist Organization

1/ Whosoever heads an Organization proscribed as a Terrorist Organization as a whole or a part there of shall be punished with rigorous imprisonment from seven to fifteen years, for the mere fact of heading the Organization.

2/ For the purposes of Sub-article (1) of this Article, a person shall be deemed to have headed the Organization if he has the responsibility of overseeing the administration of the Organization in whole or in part, or preparing plans and follow up its implementation or has authority to makes decision or whose management position is ascertained by the rules of the Organization or performs acts, which under normal circumstances are performed by a manager.
3/ A person who headed an Organization and has resigned prior to its proscription as a Terrorist Organization by the House of Peoples’ Representatives shall not be held liable for heading the Organization. Provided however, he shall be liable for other offences, if any, that he has committed.

4/ Notwithstanding the Provisions of sub article 3 of this Article a person who resigned his leadership position prior to the terrorist proscription of the Organization shall be liable for any other offence which is punishable under this Proclamation or any other relevant law.

30. Membership and Training

1/ Whosoever knowing that the Organization is a Terrorist Organization or should have known such fact, joins the Organization as member or took training shall be punished with rigorous imprisonment from one year to five years.

2/ For the purposes of Sub-Article (1) of this Article, a person shall be deemed to have participated as a member where he has participated in the Organization while the Organization is proscribed as a terrorist Organization; makes contribution as a member as per the Organization Rules or Practices or accepts the objective and operation of the Organization or participated in action to realize the objective of the Organization or makes known his membership on his own free will or it is ascertained that he has performed a task for the Organization which under normal circumstance a member is expected or obliged to perform.
3/ A person who is a member of an Organization or taking training and resigned from such membership or quit such training prior to proscription of the Organization as Terrorist Organization shall not be held responsible for being a member or participating in the training. Provided however, he shall be liable for other offences, if any, that he has committed.

4/ Notwithstanding the provisions of Sub Article 3 of the Article a person who resigned his membership or quitted such training prior to the terrorist proscription of the Organization shall be liable for any other offence which is punishable under this Proclamation or any other relevant law.

PART FOUR

PREVENTION OF CRIME OF TERRORISM

31. Surprise Search

1/ Police may exercise its Power of surprise search to prevent terrorism offences upon permission by the Commissioner General of the Federal Police Commission or a person delegated by him.

2/ Where there is a property seized during surprise search, the police officer shall prepare a list of the property or thing by affixing his signature and cause the suspect and, a neutral person, unless impossible to find, counter sign on it and handover one of the copies to the person whose the property or the thing is seized.
32. **Rescuing Persons Exposed to Terrorist Acts**

1/ Where a police officer has sufficient reason to suspect that a crime has been committed or is being committed or is about to be committed in a given place, he may:

   a) Cause persons exposed to terrorist acts to move from the scene to a different location or to restrict them from moving to specific place or to leave the scene or to stay in segregated place;

   b) Order private or public health Institutions to provide emergency aid to victims injured by the action;

   c) Cause the item that is or about to be the source of the incident to be destroyed, not; to be removed or be moved to another place;

   d) Give appropriate order to individuals to take measures to protect themselves from being poisoned;

   e) Put under control buildings, residential, business premises or place affected by poisonous substance; and

   f) Take or cause to take appropriate measures to prevent the danger or reduce the risk of poisoning;

2/ The order or measures to be taken by police under Sub-article (1) of this Article shall be in writing or by a word of mouth and where necessary may use force.
3/ The orders given by the police officer pursuant to sub-article of this Article may be lifted or extended by a notice to be announced. Provided however, the order given to keep individuals in segregated place or move to specific place shall be lifted immediately when the reason which gave rise to the issuance of the order is abolished or is under control or the risk of exposure of individuals reduced to nil.

4/ Every person based on this Article shall have the obligation to carry out the order given by a police officer and cooperate.

5/ The Government may, by a Directive order any manufacturing or service rendering institution to have a terrorist act protection plan to protect individuals from the risk of terrorist acts, as may be necessary.

33. Obligation of a Lessor and Accommodation Provider

1/ A lessor who rents house, premises, buildings, Organization facilities, vehicles or any other equipment and facilities shall have the responsibility to keep documents relating to name, address, occupation, and Nationality of the lessee until two years after the termination of the lease.

2/ Whosoever provides accommodation to a foreigner in its premise shall submit a copy of the details within in seventy two hours about the identity of the foreigner and the copy of his passport to the nearest police station.

3/ Whosoever contravenes the obligations provided for under Sub-article (1) or (2) of this article shall be punished with simple imprisonment not exceeding one year or with fine from Birr ten five to fifty Thousand.
34. Obligation to Provide Information

1/ A Police officer may request with court order information or evidence which he believes would enable him to prevent crimes of terrorism or carry out investigation from any Government Office, private Organization or Individual.

2/ Notwithstanding the provision of Sub-article (1) of this Article a police officer, in urgent case, may request and take information or evidence without court order; provided, however, shall submit the case to the court within seventy two hours and obey order given.

3/ Where information or evidence obtained pursuant to sub-article (1) or (2) of this article has nature of secrecy, the police shall the duty to keep it confidentially and use only for intended purpose.

35. Prevention of Terrorism Ideas and Extremism

1/ The Government shall have the responsibility to prevent the recruitment of children and youth for terrorist causes, prevent the inculcation of terrorist ideas or notions of extremism and educate them.

2/ Where there are children and young offenders in whom the idea of terrorism and extremism is inculcated, recruited for the commission of terrorist acts or participated in the commission of such acts, the Government shall, without prejudice to penalties and measures provided for in the Criminal Code, take appropriate measures, in cooperation with non-Governmental Organization, to free them from such ideas.
3/ The Government shall educate persons or sections of a community exposed to ideas of terrorism and extremism to free them from such outlook and ideology and, where necessary, provide them with medical support.

4/ The rehabilitative measure provided in prison for convicted and sentenced prisoners shall be in manner it helps them to be free from extremism.

PART FIVE

ROLE AND ACCOUNTABILITY OF INSTITUTIONS

36. Federal Police

1/ The Federal Police shall have the Power to investigate crimes provided for in this Proclamation and may seek cooperation from Regional Police Institutions. The Regional Police Institution shall have the obligation to cooperate.

2/ The Federal Police shall select and assign investigators from among its officers and, where necessary, organize a specialized work unit for the purpose.

3/ A professional to be assigned as an investigator shall be a person who has taken training on matters of crimes of terrorism and protection of human rights and who possesses the required experience, skill and good ethical behavior.

4/ Where the Federal Police delegates powers entrusted under this Proclamation to Regional Police, it shall have the responsibility to ensure that the Regional Police carries out the responsibility with a professional who fulfills the conditions provided for under Sub-article (3) of this Article and performs its duties in a manner consistent with these conditions following the delegation.
37. National Intelligence and Security Service

1/ The National Intelligence and Security Services shall follow up Terrorism Crime within the scope of Power and Functions given under its establishment Proclamation and shall recruit and assign from among its employees for this purpose. where necessary, organize a special work unit.

2/ A professional to be assigned to follow up on case of terrorism shall be a person who has taken training on matters of crimes of terrorism and protection of Human Rights and who possesses the required experience, skill and good ethical behavior.

3/ The National Intelligence and Security Service or its officer shall not detain a person suspected of terrorism crime. Provided however, may arrest a person who is about to commit or is in the act of committing or has committed a terrorism crime and shall have the responsibility to handover to a police officer immediately.

38. Federal Attorney General

1/ The Federal Attorney General shall:

a) Lead the investigation of terrorism crime and conduct litigation in a court of law;

b) Assign a professional who leads the investigation and conduct litigation and, where necessary, set up a special work unit;

c) Follow up the treatment of detainee suspected of committing crime is in compliance with the law;

2/ A professional who has taken training on matters of crimes of terrorism and protection of Human Rights and who possesses the required experience, skill and good ethical behavior shall be assigned to participate in the investigation of terrorism crime and conduct litigation.
3/ Where the Federal Attorney General delegates his powers entrusted under this Proclamation to regional prosecution institution, it shall have the obligation to ensure that the regional public prosecution Institution carries out its responsibility with a professional who fulfills the conditions provided for under Sub-article (2) of this Article and performs its duties in a manner consistent with the conditions following the delegation.

39. Jurisdiction

1/ The Federal High Courts and the Regional Supreme Courts shall, in addition to granting of remand, issuing of warrant of arrest and search warrant, have jurisdiction over:

a) Cases presented before it in accordance with this Proclamation;

b) Other crimes committed in connection with crimes provided for under this Proclamation; or

c) Cases presented before it in accordance with this Proclamation and the court changes the article of the charge.

2/ Notwithstanding Sub-article (1) of this Article, in case where having warrant is necessary, any court may issue warrant of arrest or search warrant where the suspect is likely to abscond or the evidence is likely to be removed until a warrant is issued Federal High Court or the Regional Supreme Court.

3/ The Courts shall give priority to claims raised in relation to detention by a person detained on suspicion of committing a terrorism crime or tried in court of law and investigate and issue the appropriate order for correction.
4/ The provisions of Article 13 and Sub-article (1) (b) of Article 17 of the Criminal Code concerning jurisdiction shall includes terrorism crimes.

40. National Anti-Terrorism Coordinating Committee

1/ The Prime Minister of the Federal Democratic Republic of Ethiopia shall set up a National Anti-Terrorism Coordinating Committee comprising of the relevant institutions in order to prevent terrorist acts, The National intelligence and security service shall lead the Committee.

2/ The Committee shall prepare a joint anti-terrorism plan and organize a joint anti-terrorism task force by coordinating the efforts that are being undertaken and cause to work in a coordinated and interdependent manner.

3/ The implementation of this Article shall not permit the relinquishing of the Powers and Duties of one institution to the other or interference of one in the other.

41. Accountability of Executive Organs

1/ Any person entrusted with the responsibility of preventing and investigating crimes or conducting litigation concerning crimes provided for in this Proclamation shall, depending on the types of violation and the damage caused as a result of the violation, be subject to disciplinary action or be held civilly and criminally liable.

2/ The Federal Attorney General shall have the duty to ensure that persons who carry out the duties provided in this Proclamation shall be accountable if they are found in violation of the law.
3/ Where during the proceedings, the court finds that the Executive Organ performed in violation of the law, it may on the same file, orders the person or the institution that violated the law to compensate the victim a moral damages from Birr ten thousand to hundred thousand birr.

4/ The victim may claim compensation for damage other than the moral damage awarded pursuant to Sub-article (3) of this Article.

**Section Six**

**Special Investigation Techniques Employment and Duty to Provide Information**

42. **Special Investigation Techniques Employment**

1/ Police may use the following special investigation techniques if an act of terrorism has a serious damage to the country and public, where in the regular Criminal Procedure Code investigation technique is not effective to gather evidence regarding investigation of terrorism crime.

   a) Intercepting or conducting surveillance on postal, letter, telephone, fax, radio, internet and other electronic devices exchange or communications of a person suspected of terrorism.

   b) Conducting surveillance or installing camera, audio or video recording devices.

   c) Infiltrating and collaborating the suspect’s group and follow up their activities.

   d) Creating simulated communication.
2/ Special investigation technique stipulated under Sub article 1 of this Article may only be employed on the authorization of the court where the court believes the necessity of the use of special investigation techniques.

3/ Notwithstanding to the provision of sub-article (2) of this Article, for urgent conditions police may gather evidences through special investigation techniques without the authorization of the court with the permission of the head of the nearest and appropriate public prosecutor institution. However, police shall provide the temporary permission obtained from the public prosecutor institution and his good cause in writing to the court within 48 hours. The court also may accept or deny the petition after investigating its relevancy. There shall be no appeal to the order of the court.

4/ When the Court authorizes the use of special investigation technique, the order of the Court shall include:
   a) Techniques how the evidence sought to be collected, and perform;
   b) The time period within which the authorization shall be executed;
   c) Techniques of gathering evidences whether it is interception or surveillance should mention address’s of telephone, fax, radio, internet, electronics, postal or others similar communication lines or identifications applied in the interception or surveillance.
5/ Any communication service provider shall cooperate when it is requested by the police to conduct the interception by ensuring the court’s authorization order.

6/ Evidences obtained through interception by national or foreign law enforcement organs shall not be valid where they are not presented directly as they are obtained.

7/ The special investigation authorization granted by the court in accordance with this Article shall not exceed 90 days. Where the police officer petitions the court for an extension of the time, the court may for good cause extend its authorization of using special investigation technique. The court may give extension by investigating the performance of the police and evaluating the significance of using special investigation technique for not more than 30 days.

8/ In accordance with this Article, petition of special investigation technique, the authorization granted by the court, evidences and information obtained through special investigation shall be kept in secret by police, public prosecutor, court and other organs which have obtained the information until the conditions completed. Where the evidence collected through the special investigation technique is not relevant as an evidence, it shall be destroyed.
43. Duty to Provide Information

1/ Any person who has information or evidence which assists police to prevent terrorist attack or investigation shall have the duty to provide information or evidence if it is not beyond his capacity and does not cause danger.

2/ Notwithstanding to the provision of Sub-article (1) of this Article, when the information or evidence requested defamatory to protection of the suspect’s rights to privacy police may request and collect such evidence or information from any Government Institution, private organization or an individual by the court order.

3/ Notwithstanding to the provision of Sub-article (2) of this Article, when police come across urgency shall request and take the information or evidences without court order. However, police shall notify to the court within seventy two hours and also has duty to respect the court’s order.

4/ In accordance with Sub-article (2) or (3) of this Article, when information or evidence obtained has a content of secrecy, police shall have duty to keep the information and evidences in secret and apply only for the targeted objectives.
MISCELLANEOUS PROVISIONS

44. Establishment of Fund

1/ A terrorism crimes victims fund (here in after referred as the fund) is hereby established.

2/ The objective of the fund shall be to provide support for:

   a) Prevention of terrorism crimes;

   b) Covering medical expenses of victims of terrorist acts;

   c) Rehabilitation of victims of terrorist acts as may be appropriate; and

   d) Rehabilitating persons in whom terrorist ideas are inculcated.

3/ Without prejudice to the source of funding provided for in the Regulation to be issued by the Council of Ministers, the confiscated property and fine imposed by a court of law in criminal proceedings in connection with this Proclamation shall be credited to the fund.

4/ The Council of Ministers shall issue Regulation regarding administration, income, manner of use for victims, and other related matters of the fund.
45. **Treatment of Suspect or Accused in Detention or Prison**

A person who is in detention center or prison on suspicion or accusation in connection with crimes provided for in this Proclamation shall be protected in accordance with the Constitution of Federal Democratic Republic of Ethiopia, International Agreements ratified by Ethiopia and other Laws of the country concerning Rights and conditions of suspected or accused persons.

46. **Transitional Provision**

Unless this Proclamation favors the accused person, all pending cases before the coming in to force of this Proclamation shall continue to be governed in accordance with the Anti-Terrorism Proclamation No. 652/2009.

47. **Matters Excluded**

1/ This Proclamation is not applicable to matters covered by the Geneva Convention and Protocols thereof.

2/ Notwithstanding the provisions of sub Article 1 of this Article Terrorism Crime committed Organization proscribed by terrorist act this Proclamation shall be applicable.

1/ Anti-Terrorism Proclamation No. 652/2009 is hereby repealed.

2/ Issues clearly covered hereby this proclamation shall not applicable under criminal law.

3/ Notwithstanding to this proclamation under Article 42 this proclamation on special investigation techniques shall be enforce until Criminal Law Procedure and Evidence Law take to effect.

49. Effective Date

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


SAHLEWORK ZEWDE
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA