የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ

ፌዴራል ነጋሪት ጋዜጣ

FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

አሥራሁለተኛ ዓመት ቁጥር ፰
አዲስ አበባ ታህሣሥ ፲፪ ቀን ፲፱፻፺፰

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊ
የሕዝብ ተወካዮች ምክር ቤት ጠባቂነት የወጣ

12th Year No. 8
ADDIS ABABA December 21st, 2005

<u>ማውጫ</u>

አዋጅ ቁጥር ፬፻፸፰/፲፱፻፺፰ ዓ.ም

በአዲስ አበባና በአንዳንድ የሀገራችን አካባቢዎች የተፈጠረውን ሁከት አጣሪ ኮሚሽን ማቋቋሚያ አዋጅ … ገጽ ፫ሺ፫፻፲፯

<u>CONTENTS</u>

Proclamation No. 478/2005

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

አዋጅ ቁጥር ፬፻፸፰/፲፱፻፺፰

ሰኔ ፩ ቀን ፲፱፻፺፯ በአዲስ አበባ፣ ከጥቅምት ፳፪ እስከ ህዳር ፩ እንደዚሁም ከህዳር ፭ እስከ ህዳር ፯ ፲፱፻፺፰ ዓ.ም በአዲስ አበባና በአንዳንድ የሀገራችን አካባቢዎች የተፈጠረውን ሁከት የሚያጣራ ገለልተኛ <u>ኮሚሽን ለማቋቋም የወጣ አዋጅ</u>

ሰኔ ፩ ቀን ፲፱፻፺፯ ዓ.ም በአዲስ አበባ፣ ከጥቅምት ፳፪ እስከ ህዳር ፩ እንደዚሁም ከህዳር ፭ እስከ ህዳር ፯ ፲፱፻፺፰ ዓ.ም በአዲስ አበባና በአንዳንድ የሀገራችን አካባቢዎች ተከስቶ የነበረው ሁከት ያስከተለው ችግርና ሁከቱን ለመቆጣጠር በመንግሥት የተወሰደው እርምጃ ከሰብአዊ መብት አጠባበቅ አንፃር ያለውን ሁኔታ ማጣራት ተገቢ ስለሆነ፣

በሀገራችን እየተገነባ ያለው ሥርዓት የህግ የበላይነት የሰፈነበት 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 ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ ሕገ መንግሥት አንቀጽ ፶፭ /፩/ መሠረት የሚከተለው ታውጇል፡፡

፩. <u>አጭር ርዕስ</u>

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

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 1st of November and 10th of November, as well as between the 14th of November and 16th 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 1st of November and 10th of November 2005 as well as between the 14th of November and 16th 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"

፪. <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>የኮሚሽኑ የሥራ ቦታ</u>

1/ የኮሚሽኑ ዋና ጽሕፈት ቤት አዲስ አበባ ሆኖ እንደ አስፈላጊነቱ ቅርንጫፍ ጽ/ቤቶችን በሌሎች ቦታዎች ሊከፍት ይችላል፡፡

2/ ኮሚሽኑ የማጣራት ተግባሩን በአዲስ አበባና በማንኛውም ችግሩ በተከሰተባቸው ሌሎች ቦታዎች ያከናውናል፡፡

፬. <u>የኮሚሽኑ ዓላማ</u>

የኮሚሽኑ ዓላማ በአዲስ አበባ እና በአንዳንድ የሀገራችን አካባቢዎች ተፈጥሮ የነበረውን ሁከት እና ያስከተለውን ችግር በማጣራት ለኢትዮጵያ ፌዴራላዊ ዴሞክራሲያዊ ሪፐብሊክ የህዝብ ተወካዮች ምክር ቤት ሪፖርት ማቅረብ ይሆናል፡፡

፭. <u>ስለኮሚሽኑ ስልጣንና ተግባር</u>

፩/ ኮሚሽኑ፡-

ሀ. የተከሰተውን ችግር ለመግታት በፀጥታ አስከባሪ ሀይል የተወሰደው እርምጃ ተመጣ ጣኝ ስለመሆኑ ወይንም ስላለመሆኑ፣

ለ. ከተከሰተው ችግር ጋር ተያይዞ የነበረውን የሰብአዊ መብት አያያዝ ሕገመንግስቱንና ሕጉን የተከተለ ስለመሆኑና ስላለመሆኑ፣

ሐ. በተከሰተው ችግር የደረሰውን የሕይወትና የንብረት ጉዳት፣

ያጣራል፡፡

፪/ ኮሚሽኑ የተጣለበትን ከፍተኛ ሃገራዊ ሀላፊነት በአግባቡ ለመወጣት እንዲያስችለው፡-

ሀ. ለሥራው አስፈላጊ የሆኑ በማንኛውም አካልና ግለሰብ እጅ የሚገኙ መረጃዎች እንዲቀርቡለት ሊያዝ ይችላል፡፡

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 1st of November and 10th of November 2005 as well as between the 14th of November and 16th 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 ሊሰጡ የሚችሉ ግለሰቦችን ጠርቶ ቃላቸውን እንዲሰጡ ለማዘዝ ይችላል፡፡

ሐ. ኮሚሽኑ የሚፈልጋቸውን መረጃዎች ወይም የምስክርነት ቃል ለመስጠት ፈቃደኛ ያልሆነ አካል ወይም ግለሰብ በፖሊስ ተገዶ እንዲቀርብ ሊያዝ ይችላል፡፡

መ. ለሥራው መቃናት አስፈላጊ የሆኑ ሙያዊ፣ ቁሳዊ እና ሌሎች ትብብሮችን ከማንኛውም አካል ሊጠይቅ ይችላል፡፡

፫/ ጉዳዩ ይመለከተኛል የሚል አካል ወይንም ግለሰብ የሚያቀርብለትን ተያያዥ መረጃዎች የመቀበል ኃላፊነት አለበት፡፡

፬/ ለመርማሪዎች ተገቢውን የሥራ መመሪያ ይሰጣል፡፡

፭/ ሥራውን ለማከናወን የሚያስችለው ዝርዝር ዕቅድ እና የአሠራር መመሪያ ሊያወጣ ይችላል፡፡

፮. ስለኮሚሽኑ አባላትና አሰያየም

፩/ ኮሚሽኑ ፲፩ አባላት ይኖሩታል፡፡

፪/ የኮሚሽኑ ሰብሳቢ፣ ምክትል ሰብሳቢ እና ሌሎች አባላት በሕግና አስተዳደር ጉዳዮች ቋሚ ኮሚቴ አቅራቢነት በምክር ቤቱ ይሰየማሉ፡፡

፯. የኮሚሽኑ ሰብሳቢ ስልጣንና ተግባር

የኮሚሽኑ ሰብሳቢ፡-

፩/ ኮሚሽኑን ይመራል፣

፪/ አጠቃላይ የሥራ እንቅስቃሴውን በበላይነት ይከታተላል፣ ይቆጣጠራል፣

፫/ ለኮሚሽኑ ሥራ አስፈላጊ የሆነ ድጋፍ ሰጭ ሠራተኞችን ይመድባል፡፡

፬/ ኮሚሽኑን በመወከል ከሌሎች አካላት ጋር ግንኙነት ያደርጋል፡፡

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

፰. <u>የኮሚሽኑ ምክትል ሰብሳቢ ስልጣንና ተግባር</u>

የኮሚሽኑ ምክትል ሰብሳቢ፡-

፩/ ሰብሳቢው በማይኖርበት ጊዜ ተክቶ ይሰራል፣

፪/ የኮሚሽኑን ቃለጉባኤዎች በአግባቡ መያዛቸውን ያረጋግጣል፡፡፣

፫/ ማንኛውም የኮሚሽኑ የሥራ ውሎዎች የሚቀረፁባቸው ቴፖች ወደ ጽሑፍ ተቀይረው በአግባቡ መያዛቸውን ይከታተላል፡፡

፬/ ኮሚሽኑ ለጥያቄ ለሚፈልጋቸው ሰዎች የሚላኩ መጥሪያዎችን በመፈረም ይልካል፡፡

፭/ ለኮሚሽኑ የሚቀርብ ማንኛውም ሰነድ በጥንቃቄ መያዙን ይቆጣጠራል፡፡

፮/ የኮሚሽኑን ጽ/ቤት ሥራዎች ይከታተላል፣ ይቆጣጠራል፡፡

፯/ በኮሚሽኑና በሰብሳቢው የሚሰጡትን ሌሎች ተግባራትን ያከናውናል፡

፱. <u>ስለምልዐተ ጉባኤና ውሳኔ አሰጣጥ</u>

፩/ ከኮሚሽኑ አባላት ስድስቱ ከተገኙ ምልአተ ጉባኤ ይኖራል፡፡

፪/ የኮሚሽኑ ውሳኔ በስብሰባው በተገኙት አባላት በአብላጫ ድምጽ ይወሰናል፡፡

፲. <u>ስለምስክሮች ቃል አቀባበል</u>

፩/ ማንኛውም ሰው የምስክርነት ቃሉን ከመስጠቱ በፊት ቃለ መሀላ ይፈጽማል፡፡

፪/ ኮሚሽኑ የምስክሮችን ቃል የሚቀበለው በመርማሪዎች ታግዞ ሊሆን ይችላል፡፡

፫/ ኮሚሽኑ ቃል የሚቀበለው እንደአስፈላጊነቱ በግልጽ ወይም በዝግ ሊሆን ይችላል፡፡

፬/ ማንም ሰው ወይም አካል ከኮሚሽኑ ያገኘውን ማንኛውንም መረጃ ከኮሚሽኑ ፈቃድ ውጭ መግለጽ አይችልም፡፡

8. Power and Duties of the Deputy Chairperson of the Commission

The Deputy Chairperson of the Commission shall:

1) Represent the chairperson in his absence,

2) Make sure that the minutes of the commission are properly kept,

3) Supervise whether the daily recorded activities of the commission are transcribed and properly recorded in written form,

4) Sign and send warrants to persons who shall appear before the commission for question,

5) Check whether any document presented to the commission are properly kept,

6) Supervise and control duties of the office of the commission,

7) 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,

2) The commission may be supported by investigators while hearing testimony of witnesses.

3) 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.

፲፩. <u>ስለምስክሮች ጥበቃ</u>

፩/ አንድ ምስክር በኮሚሽኑ ፊት ቀርቦ በሚሰጠው ቃል መሰረት ክስ ሊመሰረትበት እንደዚሁም የሰጠው ቃል በእርሱ ላይ ማስረጃ ሆኖ ሊቀርብበት አይችልም፡፡

፪/ ከላይ በንዑስ አንቀጽ ፩ የተጠቀሰው ቢኖርም በሐሰት መመስከር በሕግ ከመጠየቅ አያድንም፡፡

፲፪. <u>ስለመርማሪዎች</u>

፩/ ኮሚሽኑ ምርመራውን በሚያካሂድበት ወቅት አስፈላጊ ሆኖ ሲያገኘው የማጣራት ሥራውን የሚረዱ ብቃት ያላቸው መርማሪዎችን እንዲመደቡለት ያደርጋል፤ ቁጥራቸውንም እንደሥራው ስፋት እያየ ይወስናል፡፡

፪/ በኮሚሽኑ የሚመደቡ መርማሪዎች ሥራ ከመጀመራቸው በፊት ቃለመሃላ ይፈጽማሉ፡፡

፲፫. <u>ስለመጥሪያ</u>

፩/ ኮሚሽኑ ለጥያቄ የሚፈልገውን ማንኛውም ሰው፤ ቦታና ጊዜ በመወሰን እንዲቀርብ መጥሪያ ይልክለታል፡፡

፪/ ተፈላጊው ሰው፡-

ሀ. እስረኛ ከሆነ የእስር ቤቱ ኃላፊ እንዲያቀርበው ኮሚሽኑ ያዛል፤

ለ. በጤና ተቋም በህክምና ላይ የሚገኝና ኮሚሽኑ ፊት ለመቅረብ የሚችል ከሆነ ህመምተኛውን እንዲያቀርበው የጤና ተቋሙን ያዛል፡”

ሐ. ከኢትዮጵያ ውጭ ከሆነና አድራሻው ከታወቀ መጥሪያ በአድራሻው ይላክለ ታል፤ በሀገር ውስጥ ሆኖ አድራሻው ካልታወቀ ደግሞ በዜና ማሰራጫ እንዲጠራ ያደርጋል፡፡

፲፬. <u>በጀትና የሰው ኃይል</u>

ኮሚሽኑ ለሥራው አስፈላጊ የሆነ የሰው ሀይል፣ በጀትና ጽህፈት ቤት በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ የህዝብ ተወካዮች ምክር ቤት ይሚሉለታል፡፡

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 ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ የህዝብ ተወካዮች ምክር ቤት ያቀርባል፡፡

፪/ ሥራውን ለማጠናቀቅ ተጨማሪ ጊዜ የሚያስፈልገው ከሆነ የምክር ቤቱን አፈ-ጉባኤ ይጠይቃል፡፡ አፈ-ጉባአው ሲያምንበትም ከአንድ ወር ያልበለጠ ተጨማሪ ጊዜ ሊፈቅድ ይችላል፡፡

፫/ ጉዳዩ ሌላ ተጨማሪ ጊዜ የሚጠይቅ ሲሆን ወደ ምክር ቤቱ ቀርቦ ውሳኔ ያገኛል፡፡

፲፮. የመተባበር ግዴታ

ማንኛውም አካል ወይም ግለሰብ ኮሚሽኑ ለሚያከናውናቸው ተግባራት የመተባበር ግዴታ አለበት፡፡

፲፯. ስለቅጣት

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

፲፰. አዋጁ የሚፀናበት ጊዜ

ይህ አዋጅ በነጋሪት ጋዜጣ ታትሞ ከወጣበት ቀን ጀምሮ የፀና ይሆናል፡፡

አዲስ አበባ ታህሣሥ ፲፪ ቀን ፲፱፻፺፰ ዓ.ም.

ግርማ ወልደጊዮርጊስ

የኢትዮጵያ ፌዴራላዊ 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