PROCLAMATION No. 235/2001
A PROCLAMATION TO PROVIDE FOR THE
ESTABLISHMENT OF THE FEDERAL
ETHICS AND ANTI-CORRUPTION
COMMISSION

WHEREAS, the Government and the Peoples of
Ethiopia recognize that corruption and impropriety are
capable of hindering the Social, Economic and Political
development of any country;

WHEREAS, corruption and impropriety are to be
checked in order to promote and sustain the development and
the democratic process in Ethiopia;

WHEREAS, it has become necessary to create a society
which shall not condone but rather prepared to effectively
combat corruption and impropriety;

WHEREAS, it has been deemed necessary to establish
an independent government body capable of investigating and
prosecuting checking and preventing corruption and
other improprieties as well as fighting corruption and
impropriety through the promotion of ethical values in the
society;

NOW, THEREFORE, in accordance with Article 55 (1)
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 “Federal Ethics
and Anti-Corruption Commission Establishment
Proclamation No. 235/2001”.

2. Definitions
In this Proclamation, unless the context
requires otherwise:
The Commission shall have the following objectives: 1) to strive to create an aware society where corruption will not be condoned or tolerated by ... corruption; 8) "Person" means natural or juridical person.

PART TWO
Establishment and Powers and Duties of the Commission

3. Establishment of the Commission
1) The Federal Ethics and Anti-Corruption Commission (hereinafter referred to as "the Commission") is hereby established as an independent Federal Government body.
2) The Commission shall be accountable to the Prime Minister.

4. Independence of the Commission
Notwithstanding the provisions of Sub-Article (2) of Article 3 and Sub-Article (2)(g) and (h) of Article 9 of this Proclamation, the Commission shall be free from any intervention, interference, or direction by any person with regard to the conduct of its operations.

5. Head Office
The Commission shall have its head office in Addis Ababa and may establish branch offices in the Regions as may be necessary.

6. Objectives of the Commission
The Commission shall have the following objectives: 1) to strive to create an aware society where corruption will not be condoned or tolerated by promoting ethics and anti-corruption education; 2) to prevent corruption offences and other improprieties; 3) to strive to create and promote integrity in public service by detecting, investigating and prosecuting alleged or suspected cases of corruption offences and other improprieties;
4) to cause the preparation and follow up the implementation of codes of ethics for public officials and public servants; and to assist others, upon request, in establishing their own codes of ethics.

7. Powers and Duties of the Commission

The Commission shall have the powers and duties:

1) to combat corruption and other impropriety by creating awareness through educating the public about the effect of corruption and the promotion of ethics in public service and in the society;

2) to prevent corruption by examining the practices and procedures in government offices and public enterprises to secure the revision of methods of work which may be conducive to corrupt practices; and advise or assist on same, upon request, any other persons;

3) to investigate or cause the investigation of any complaints of alleged or suspected serious breaches of the codes of ethics in government offices or public enterprises; and follow up the taking of proper measures;

4) to investigate or cause the investigation of any alleged or suspected corruption offences specified in the Penal Code or in other laws where they are committed in public offices and public enterprises, or in the private sector with participation of government offices and public enterprises, or in the regional offices relating to subsidies granted by the Federal Government to the Regions; and prosecute same;

5) to inspect, search or seize, as may be necessary, any premise, working places, vehicle; or any property in accordance with the Criminal Procedure Code during the process of investigation of offences related with corruption;

6) to detain, without court warrant, persons suspected of corruption offences for a period not exceeding 48 hours in accordance with the Criminal Procedure Code, to release on bail in accordance with the law; and to take fingerprints and photographs;

7) to summon; question and receive the testimony of persons and to order the presentation of any evidence from any person or office, in accordance with the Criminal Procedure Code and other laws, where it is found necessary for its investigation operations;

8) to investigate, with the order of the Commissioner, any bank account of suspected persons where there is reasonable suspicion or evidence showing that a certain amount of money obtained by corruption is deposited in any bank; and cause the attachment, with court order, of same where necessary;

9) to register or cause the registration of the assets and financial interests of public officials and other public servants as specified by law;

10) to freeze, by court order, the assets of any person who may be under investigation for corruption; and cause, through court order, the forfeiture of any assets and wealth obtained by corruption to the state or dispose same by or without public auction;
11) to follow up and ensure the enforcement of codes of ethics and anti-corruption laws and give advice on the implementation of same;
12) to undertake research on ethics and corruption; give support to other similar activities and to publish reports and technical studies to further the purpose of the Commission;
13) to coordinate other components of the ethical infrastructures to ensure harmonisation of ethical codes and measures taken against ethical violations;
14) apart from legislative and judicial bodies, to ensure the preparation or to prepare and monitor the implementation of codes of ethics for public offices and public enterprises; to provide upon request, advice to legislative and judicial bodies in establishing their own codes of ethics;
15) public offices and public enterprises may, on their own initiatives, conduct investigations where there is reasonable suspicion that ethical violations or corruption offences have been committed. They must however, report the results of their investigations of serious ethical violations or corruption cases to the Commission before taking any decision;
16) to provide physical and job security protection to witnesses and whistle blowers;
17) to establish and implement procedures and standards for the selection of awards, upon competition, of persons or offices who are successful in fighting and preventing Corruption;
18) to provide the necessary advice and support to the Regions;
19) to liaise and cooperate with national, regional and international bodies with similar objectives;
20) to won property, enter into contract, to sue and be sued in its own name;
21) to perform such other duties as my be defined by law and undertake other activities necessary for the attainment of its objectives:

8. Organization of the Commission
The Commission shall have;

1) A Commissioner and a Deputy Commissioner to be appointed by the House of Peoples' Representatives upon nomination by the Prime Minister; and
2) such officers as may be necessary.

9. Powers and Duties of the commissioner

1) The Commissioner shall be the chief executive of the Commission and, as such, shall organize, direct and administer the activities of the Commission;
2) Without limiting the generality stated in Sub-Article 1(1) of this Article, the Commissioner shall have powers and duties;
(a) to exercise the powers and duties of the Commission specified under Article 7 of this Proclamation;
(b) to employ, administer and dismiss officers of the Commission in accordance with the terms and conditions of employment of the Commission to be issued in line with the basic principles of Civil Service laws;
(c) to prepare the annual work programme and the five year budget of the Commission and implement same upon approval;
(d) to effect expenditure in accordance with the approved budget and work programme of the Commission and in accordance with the financial laws;
(e) to authorize, in accordance with the law, any officer of the commission to carry out investigation or to arrest persons who are suspected or guilty of corruption;
(f) to issue warrants to search and obtain information therefrom, of any bank account of any person or organization if there is reasonable suspicion that such is relevant to a case under investigation;
(g) to submit reports to the Prime Minister concerning the performance evaluation of the Commission;
(h) to transmit, as may be appropriate, performance reports to the Board;
(i) to represent the Commission in its dealings with third parties.

3) The Commissioner may delegate part of his powers and duties to other officials and employees of the Commission to the extent necessary for the effectiveness and efficiency of the Commission.

10. Term of Office and Removal from Office of the Commissioner

1) The term of appointment of the Commissioner shall be for six years; he may, however, be reappointed where necessary subject to the approval of the House of Peoples’ Representatives.

2) Once appointed, the Commissioner shall not be removed from his office unless:

(a) he is charged and found guilty of an offence by the court of law;
(b) he can no longer carry out his responsibilities on account of mental or physical illness.

11. Powers and Duties of the Deputy Commissioner

The Deputy Commissioner, being accountable to the commissioner, shall:

(a) act as commissioner in the absence of the commissioner or when the office of the commissioner is vacant;
(b) be the Director of the Investigation Department;
(c) perform such other duties as may be delegated to him by the Commissioner.

12. Term of Office and Removal from office of the Deputy Commissioner

1) The term of appointment of the Deputy Commissioner shall be for six years; he may, however, be reappointed where necessary subject to the approval of the House of Peoples’ Representatives.

2) Once appointed, the Deputy Commissioner shall not be removed from his office unless:

(a) he is charged and found guilty of an offence by the court of law;
(b) he can no longer carry out his responsibilities on account of mental or physical illness.
13. Employment of Officers of the Commission

1) The Commissioner may employ such officers, on merit and integrity, as he thinks necessary to assist him in the performance of the duties of the Commission under this Proclamation.

2) The Commissioner shall, with the advice of the Advisory Board, determine, following the general principles of the federal civil service law, the terms and conditions of employment of officers subject to the approval of the Prime Minister; to dismiss officers in accordance with the regulations.

14. Budget

The government shall allocate the five years budget of the Commission which shall further be apportioned and approved in accordance with the annual work programme of the commission.

15. Books of Accounts

1) The Commission shall keep complete and accurate books of accounts.

2) The Commission’s books of accounts and financial documents shall be audited annually by the Federal Auditor-General.

PART THREE

Advisory Board

16. Establishment of Advisory Board

1) There shall be established an Advisory Board (hereinafter referred to as “the Commission”) the members of which are the following:

(a) The Commissioner;

(b) The Directors of various Departments of the Commission;

(c) The Auditor-General or his deputy;

(d) The Mäisser of Justice or his deputy;

(e) The Commissioner of Federal Police or his deputy;

(f) The Head of Security, Immigration and Refuge Affairs Authority or his deputy;

(g) The Federal Civil Service Commissioner or his deputy;

(h) Three members of Parliament, two from the House of Representatives and one from the House of Federation, nominated by the respective Speakers and approved by the respective Houses;

(i) One representative of the NGO sector nominated by the NGOs themselves;

(j) One representative of the organized business community nominated through their registered body;

(k) Two media representatives, one from the government and the other from the private media nominated by the professional body of journalists;

(l) Two representatives of the Trade Union, nominated by the confederation of Trade unions.

(m) One representative of Women’s Association;

(n) One representative of Ethiopian Teachers’ Association;

(o) One representative from Ombudsman;

(p) One representative from Human Rights Commission;

(q) Two representatives of religious bodies nominated by the religious bodies themselves to serve in six months rotation basis;

(r) Two representatives from the regional ethics and anti-corruption bodies appointed in six month’s rotation basis.
2) The Board shall elect a chairperson from among its members other than specified under Sub-Article (1) (a) and (b) of this Article. Its Secretary shall, however, be the Director of the Administration Department of the Commission.

3) The Board shall be accountable to the Prime Minister.

17. Powers and Duties of the Board

The Board shall have the powers and duties:

1) to advise the Commissioner on the priority of measures to be taken to combat corruption and other unethical practices and to promote ethics education;

2) to study, the operational, employment and administrative policies and strategies of the Commission, and advise the Commissioner on how to improve them;

3) to receive and consider reports from the Commissioner on complaints and disciplinary measures taken against officers of the Commission and to give the necessary advice to the Commissioner;

4) to receive periodic reports from the Commissioner justifying the issuance of warrants to search or obtain information on bank accounts held by any person or organization under investigation; and to give the necessary advice as it deems it necessary;

5) to establish various committees from among its members as it may deem necessary for the effective and efficient performance of its functions and receive periodic reports from such committees;

6) to call experts as resource person necessary for its activities;

7) to advise the Commissioner on the selection and awarding, upon competition, of persons or offices who are successful in fighting and preventing corruption;

8) to submit report, every six month, to the Prime Minister which should outline in particular any advice given to the Commissioner, a summary of its activities, and highlight problem areas with suggestions on how to resolve them;

9) to perform other similar activities assigned to it by the Commissioner.

18. Meeting Procedure of the Board

1) The Board shall hold a regular meeting once every three months; provided, however, the chairperson of the Board may, on his own initiative or upon the request of the Commissioner, at any time, call extraordinary meeting as may be necessary.

2) There shall be a quorum where more than half of the members are present.

3) Decisions of the Board shall pass by majority vote; in case of a tie, the chairperson shall have casting vote.

4) The meeting place of the Board shall be at the Head Office of the Commission.

5) Without prejudice to the provisions of this Article, the board may establish its own rules of procedure.

PART FOUR

Miscellaneous Provisions

19. The Police and Prosecution Power of the Commission

The investigation and prosecution powers of the police and Public Prosecutor specified under the Criminal Procedure Code and other laws are hereby given to the Commission with regard to matters specified in this Proclamation.
any corruption cases or other cases related to corruption which have been committed prior to the coming into force of this law and the investigation into which have been directed, the punishment shall be imposed as indicated in this law in respect of the offence committed after the coming into force of this law.

3. Where the offence is committed by a person who is not given in evidence or the person who is found to be guilty of corruption, the maximum penalty prescribed in this law shall be imposed on the person who is not given in evidence or the person who is found to be guilty of corruption.

4. Where an offence is committed by a person who is not given in evidence or the person who is found to be guilty of corruption, the maximum penalty prescribed in this law shall be imposed on the person who is not given in evidence or the person who is found to be guilty of corruption.

5. Where an offence is committed by a person who is not given in evidence or the person who is found to be guilty of corruption, the maximum penalty prescribed in this law shall be imposed on the person who is not given in evidence or the person who is found to be guilty of corruption.

6. Any official or staff of the Commission who abuses the powers and responsibilities legally entrusted to him shall, in addition to the forfeiture of any property, be liable to up to two years in jail with fine not exceeding one thousand and not exceeding five years and with fine not exceeding one thousand and not exceeding five years and with fine not exceeding one thousand and not exceeding five years.

7. Where the person who is not given in evidence or the person who is found to be guilty of corruption attempts to influence, harm or punish an official or staff of the Commission, the maximum penalty prescribed in this law shall be imposed on the person who is not given in evidence or the person who is found to be guilty of corruption.

8. Where the person who is not given in evidence or the person who is found to be guilty of corruption attempts to influence, harm or punish an official or staff of the Commission, the maximum penalty prescribed in this law shall be imposed on the person who is not given in evidence or the person who is found to be guilty of corruption.

9. Any official or staff of the Commission who abuses the powers and responsibilities legally entrusted to him shall, in addition to the forfeiture of any property, be liable to up to two years in jail with fine not exceeding one thousand and not exceeding five years and with fine not exceeding one thousand and not exceeding five years.

10. Where the person who is not given in evidence or the person who is found to be guilty of corruption attempts to influence, harm or punish an official or staff of the Commission, the maximum penalty prescribed in this law shall be imposed on the person who is not given in evidence or the person who is found to be guilty of corruption.
24. Power to Issue Regulations and Directives

1) The Council of Ministers may issue Regulations for the implementation of this Proclamation.

2) The Commission may issue directives for the implementation of this Proclamation and the Regulations issued under this Proclamation.

25. Inapplicable Laws

All laws which are inconsistent with this Proclamation shall not apply on matters covered under this Proclamation.

26. Effective Date

This Proclamation shall come into force as of the 24th day of May, 2001.

Done at Addis Ababa, this 24th day of May, 2001.

NEGASO GIDADA (DR.)
President of the Federal Democratic Republic of Ethiopia