

# Immigration and Refugee Board of Canada

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> Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

3 February 2017

### ETH105730.E

Ethiopia: Requirements and procedures for obtaining police reports, such as criminal complaints, from within the country as well as from abroad; format, including appearance and whether legislation is referenced in a police report, signatures, letterhead and stamps; variations between federal and municipal reports; availability of fraudulent police reports (2015 - January 2017)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Requirements and Procedures for Obtaining Police Reports

In correspondence with the Research Directorate, an attorney at law based in Addis Ababa stated that "[t]he rules guiding police reports and procedures of investigations and prosecutions [are] contained in the criminal procedure code of 196[1][,] which lays down principles applied both at the federal and regional levels" (Attorney at Law 12 Jan. 2017). The *Criminal Procedure Code of Ethiopia* is attached to this response.

However, according to the attorney at law,

The [*Criminal Procedure Code*] does not provide [information] about obtaining police report[s] from abroad, nor about obtaining such reports from within [Ethiopia][,] apart from providing ... how such reports are compiled and sent to the office of the prosecutor. (ibid.)

In correspondence with the Research Directorate, a legal and human rights consultant based in Addis Ababa who is also an attorney at law before the Ethiopian federal courts indicated that there are no clear rules about police reports and that

one, it is not clear whether some part of the police report is good enough for the prosecutor to open a prosecution or not[;] second[,], it is not clear whether the accused has the right to demand to see and review all parts of the police reports[;] or third[,], it is not clear whether the entire or part of the police report is something that can be demanded and obtained by any other interested party[,], including the victim or the media. As [a] result of this, [there is no] clear process under which [part or the entire] police report can be obtained by anybody. (Legal and Human Rights Consultant 26 Jan. 2017)

According to the same source,

some parts of the police report [are] filed as part of the prosecutions' case and even in this instance, the legal practice of [the Ethiopian] court system is that anybody who wants to get a copy of a court document needs to show power of attorney or need[s] to be the named party to the case. (ibid.)

The Legal and Human Rights Consultant also noted that

[d]ue to the lack of clear rule[s], police reports are ... considered as merely internal reports, which only serve the police and the public prosecutor in their collective endeavor to bring a prosecution case[,], but not necessarily justice or even a justifiable conviction. ... Therefore, it is difficult if not absolutely impossible to get

the whole or even part of the police reports especially from anybody or any institution affiliated or linked with a foreign nation or international organization. (ibid.)

Further and corroborating information on the requirements and procedures to obtain police reports within Ethiopia and from abroad could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2. Format of Police Report

According to the attorney at law,

the content and features of [the] police report are described in the criminal procedure code, and all police reports are required to adhere to these requirements. [T]he reports cite the provisions of the relevant criminal procedure code. The report is written on a paper with a letter head or with a letter head stamp where there is no such paper. [I]nvariably[,] such letters are signed by the investigator or one who is head of the office. (Attorney at Law 12 Jan. 2017)

The Legal and Human Rights Consultant stated that "police reports are not one single document" but rather a "collection of different form[s]" (Legal and Human Rights Consultant 26 Jan. 2017). The same source indicated that police reports contain the following:

- A "separate note" describing the crime, which is "sometimes written in a prepared form or [on] a normal piece of paper." In both instances, "they have to be signed by the police who prepared them" and "stamped for legality[;]"
- A witnesses' statement form, which has the caption "witness form." "This form contains the statements of the witness, testifying about the crime under the report. If the testimony of a witness goes [beyond] one page, each subsequent page shall be numbered in sequence and each page will be signed by the witness and by the recording police officer. Once finished[,] [a] stamp [is] put on each page[;]"
- The statement of the accused, if there is any, which is "usually recorded using a prepared form. ... The accused and the recording police officer shall both sign each page before the station puts [an] official stamp in each page[;]"
- The accident map, "if the crime involves [a] car accident or any other crime which needs to show the physical aspects of the crime. The federal police [has] a separate form, which clearly says accident map[;]"
- The "final reports of the technical investigation," if the crime involved a technical investigation, like an "autopsy or laboratory evaluation of vehicles or any other materials[;]"
- Any other forms of evidence, including "photographs, videos, exhibits or any other objects" (ibid.).

The Legal and Human Rights Consultant further explained that in Ethiopia there is no clear procedural or evidentiary rule which clearly outlines what things must be put in the police report to be considered full or not. Hence, depending on the choice of the police and by the decision of the public prosecutor, some or all of the different forms stated above can be finally filed to the trial court as the police report of the crime along with a formal charging paper. (ibid.)

## 3. Variations between Federal and Municipal Reports

Without providing further information, the attorney at law stated that "there should be no variation [s]" (Attorney at Law 12 Jan. 2017). The same source indicated that "the law is the common denominator, and the federal constitution, [Article] 13, is a binding law requiring adherence to principles of human rights instruments adopted by Ethiopia" (ibid.).

However, the Legal and Human Rights Consultant indicated that if the "witness form" found within police reports is filed by

the federal police[,] this form contains a federal police logo and the text is written in Amharic, the official language of the federal government[;] [if filed by] the regional governments' police, the form contains the different regional police logos and each region will use its official language in this form. (Legal and Human Rights Consultant 26 Jan. 2017)

The same source also noted that "it is common" for the "statement of the accused" to bear "the specific logo" of the respective investigating police authority, whether this be "federal or regional" (ibid.).

## 4. Availability of Fraudulent Police Reports

According to a 2012 World Bank study on corruption in Ethiopia,

[t]he most common form of corruption involves bribes solicited by or offered to police to ignore a criminal offense, not make an arrest, or not bring witnesses or suspects to court (which can cause a provisional adjournment of the case). Traffic police are the worst offenders. (World Bank 2012, 184)

The World Bank study also states that "among the most common complaints involving police" is the act of "taking of bribes to alter evidence" (ibid., 214). According to the 2013 *Global Corruption Barometer* survey conducted by Transparency International (TI), 42% of respondents believed the police in Ethiopia to be corrupt or extremely corrupt and 36% of respondents who came in contact with the police within 12 months prior to being surveyed indicated that they had paid them a bribe (TI 2013). A 2014 press release by the same source notes that "Ethiopia's citizens and institutions suffer from high levels of bribery" (ibid. 6 Oct. 2014).

The attorney at law indicated that he has "no knowledge" of any "correct statistics" documenting the prevalence of fraudulent police reports (Attorney at Law 12 Jan. 2017). The Legal and Human Rights Consultant stated

[i]n order to ensure the correctness and reliability of police reports, one has to review the entire[ty]...of the police reports. Given that this is not possible in [Ethiopia], it remains always open for speculation as to [whether] the police or public prosecutor tampers a part [or] even ... whole parts of the police reports. (Legal and Human Rights Consultant 26 Jan. 2017)

The same source indicated that that he would "not be surprised to know that fraudulent activity exist[s] in modifying police reports in Ethiopia for various reasons. Especially, in matters [which] involve political issues, the possibility for tampering with police reports is a great possibility" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

Attorney at Law, Addis Ababa. 12 January 2017. Correspondence with the Research Directorate.

Legal and Human Rights Consultant, Addis Ababa. 26 January 2017. Correspondence with the Research Directorate.

Transparency International (TI). 6 October 2014. "[Transparency International Data Shows Ethiopia Suffers From High Levels of Bribery](#)." [Accessed 23 Jan. 2017]

Transparency International (TI). 2013. "Ethiopia." [Global Corruption Barometer](#). [Accessed 23 Jan. 2017]

World Bank. 2012. [Diagnosing Corruption in Ethiopia. Perceptions, Realities, and the Way Forward for Key Sectors](#). Edited by Janelle Plummer. [Accessed on 23 Jan. 2017]

## Additional Sources Consulted

**Oral sources:** Ethiopia – Embassy in Ottawa, Federal Police Commission, Ministry of Federal Affairs; Fikadu Asfaw and Associates Law Office; Getnet Yawkal Law Office; International Organization for Migration, Special Liaison Office in Ethiopia; Liku Worku Law Office; US – Embassy in Addis Ababa.

**Internet sites, including:** Abyssinia Law; All Africa; Amnesty International; BBC; Capital Ethiopia Newspaper; Ecoi.net; Ethiopia – Embassy in Ottawa, Embassy in Washington D.C., Federal Police Commission, Ministry of Federal Affairs; Ethiopian Reporter; Factiva; Fikadu Asfaw and Associates Law Office; Freedom House; Getnet Yawkal Law Office; Human Rights Watch; Institute for War and Peace Reporting; International Crisis Group; International Organization for Migration, Special Liaison Office in Ethiopia; IRIN; Keesing's Reference Systems; Fédération internationale des ligues des droits de l'homme; Liku Worku Law Office; Minority Rights Group International; Radio France internationale; Radio Free Europe/Radio Liberty; United Nations – Development Program, Office of the High Commissioner for Human Rights, Refworld, UN Women; US – Department of State Bureau of Diplomatic Security, Embassy in Addis Ababa.

## Attachment

Ethiopia. 1961. [\*Criminal Procedure Code of Ethiopia, Proclamation No. 185\*](#). [Accessed on 23 Jan. 2017]

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