

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](#).

18 February 2016

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Ethiopia: Information on exit screenings at Bole International Airport, including whether a person released on bail from Gondar When Bet jail on the condition not to leave Gondar would be stopped during exit screenings at Bole International Airport in Addis Ababa when attempting to leave Ethiopia (2014-February 2016)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Information on whether a person released on bail from the Gondar When Bet jail on the condition not to leave Gondar would be stopped during exit screenings at the Bole International Airport could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1. Release on Bail

Article 28 of the *Criminal Procedure Code of Ethiopia* [No. 185/1961] provides for release by the police on bond for certain offences:

1. Where the offence committed or complained of is not punishable with rigorous imprisonment as a sole or alternative punishment, or where it is doubtful that an offence has been committed or that the summoned or arrested person has committed the offence complained of, the investigating officer may in his discretion release such person on his executing a bond with or without sureties that he will appear at such place, on such day and at such time as may be fixed by the police (Ethiopia 1961)

Article 63 of the same law relates to bail bond for offences not punishable by the death penalty or 15 years or more of imprisonment (*ibid.*, Art. 63). According to Section 2 of Article 63, "[n]o person shall be released on bail unless he has entered into a bail bond, with or without sureties, which, in the opinion of the court, is sufficient to secure his attendance at the court when so required to appear" (*ibid.*). Article 68 of the same law states that "[w]here the application is allowed, the court shall fix the conditions on which the bail is granted" (*ibid.*).

Article 7 of the *Immigration Proclamation* [Proclamation No. 354/2003], entitled "Persons Prohibited not to Depart from Ethiopia," stipulates that "[a]ny person may only be prohibited not to depart from Ethiopia by an order of a court given in accordance with the law" (Ethiopia 2003).

2. Exchange of Information Between Courts and Immigration Officials

In correspondence with the Research Directorate, the Executive Director of the Borders Institute, "an independent, multinational, non-profit, non-governmental organisation" based in Kenya that provides research, training and expertise on border issues in Africa (The Borders Institute n.d.), stated the following:

There is no system in Ethiopia that ensures persons released on bail on condition [not to leave Ethiopia] do not leave the country through border exit points. Usually travel documents are impounded to prevent flight of suspects.

It is up to the prosecutors to obtain [a] court order that requires immigration officials (and/or other law enforcement authorities) to put the details of the person in question on their watch lists. This information will be revealed when details of exiting passengers are entered into a database at the airport.

...

If the prosecutor is concerned that the person is a flight risk, s/he will either oppose bail or request the judge to rule that the accused deposit his/her travel documents with the court. This request will also include informing all relevant law enforcement agencies (including immigration) to ensure that the person does not leave the jurisdiction of the court.

Sometimes depending on the gravity or seriousness of the matter/case, court judges take their own initiative to provide the orders, but that is only due to the whim of the judge rather than out of compliance with any established system.

It [is] due to [the] lack of exchange [of] information in a systematic manner between law enforcement agencies that enables people facing charges before courts to flee justice and the country. (ibid. 8 Feb. 2016)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. However, the Ethiopia Human Rights Project (EHRP) [1] states in its legal analysis report on the judicial proceedings of six bloggers and independent journalists arrested by Ethiopian authorities in April 2015 that one defendant was granted a bail that "include[d] an order for the relevant authorities to ban [him] from traveling abroad" (EHRP Nov. 2015, para. 1, 37). Without providing details, the report also states that another defendant, who was released and was planning to attend an event in France, had his passport confiscated by "immigration authorities at Ethiopian Airlines ... [who] denied him from boarding to the plane" (ibid., para. 38). Similarly, according to Reporters Without Borders (Reporters sans frontières, RSF), though there were no restrictions placed on his movement after his release, the blogger had his passport confiscated by Ethiopian immigration officials who said that he could not leave the country because he had previously been arrested (RSF 19 Nov. 2015).

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.

Note

[1] The EHRP is an Ethiopian NGO that advocates for the "exchange of probative research and critical information with an ultimate goal of heightening awareness of human rights condition[s] in Ethiopia" (EHRP n.d.).

References

The Borders Institute. 8 February 2016. Correspondence from the Executive Director to the Research Directorate.

The Borders Institute. N.d. "[Profile](#)." [Accessed 2 Feb. 2016]

Ethiopia. 2003. [Proclamation No. 354/2003 Immigration Proclamation](#). [Accessed 10 Feb. 2016]

Ethiopia. 1961. [Proclamation No. 185 of 1961 Criminal Procedure Code of Ethiopia](#). [Accessed 10 Feb. 2016]

Ethiopia Human Rights Project (EHRP). November 2015. [Legal Analysis for FDRE Public Prosecutor Vs Soleyana Shimeles et al \(Ten Individuals\) Criminal Case \(Phase 1\)](#). [Accessed 10 Feb. 2016]

Ethiopia Human Rights Project (EHRP). N.d. "[About Us](#)." [Accessed 10 Feb. 2016]

Reporters sans frontières (RSF). 19 November 2015. "[Zone9 Blogger Banned from Attending RSF Award Ceremony](#)." [Accessed 11 Feb. 2016]

Additional Sources Consulted

Oral sources: Addis Ababa Bole International Airport; African Policing Civilian Oversight Forum; African Union – Borders Programme; Ethiopia – Embassy of Ethiopia in Canada, Federal Prisons Administration; Ethiopian Airlines; International Committee of the Red Cross in Ethiopia; International Organisation for Migration – Immigration and Border Management Division, office in Ethiopia; Justice Education Society; Justice For All Ethiopia; Lufthansa in Addis Ababa; Prison Fellowship Ethiopia; Researchers at Addis Ababa University, International Centre for Prison Studies at Birkbeck University of London, Institute for Security Studies (ISS Africa), Harvard Kennedy School, Maastricht Economic and Social Research Institute on Innovation and Technology at United Nations University; UN – UNHCR and UNDOC offices in Ethiopia.

Internet sites, including: African Borderlands Research Network; Amnesty International; CANADEM International Civilian Response Corps; ecoi.net; Ethiopia – Embassy in Washington, Ethiopian Government Portal, Ethiopian Revenues and Customs Authority, Federal Police Commission; EU – European Commission, European External Action Service; Europol; Factiva; Fikadu Asfaw and Associates Law Office; Germany – Federal Criminal Police, German Information Office Africa, Ministry of Foreign Affairs; Human Rights Watch; International Air Transport Association; International Civil Aviation Association; Interpol; Pretrial Rights International; UK – British Embassy in Addis Ababa; US – Department of State, Embassy in Addis Ababa; World Prison Brief.

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