

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](#).

14 October 2015

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Ethiopia: Police summonses, including legislation and ways for delivering summonses; information on the appearance and content of summonses, including whether there are variations between federal and municipal summonses, and whether any legislation is referenced in the summonses; availability of fraudulent summonses (2014-October 2015)

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1. Legislation and Practice for Delivering a Summons

Sources indicate that the *Criminal Procedure Code of Ethiopia* is the legislation through which a summons is invoked (Professor 2 Oct. 2015; lawyer 29 Sept. 2015).

1.1 Delivery of Summons to a Suspect or Accused Person

The *Criminal Procedure Code of Ethiopia* indicates the following regarding summonses issued during police investigations:

Art. 25. - Summoning of accused or suspected person.

Where the investigating police officer has reason to believe that a person has committed an offence, he may by written summons require such person to appear before him. (Ethiopia 1961)

The *Criminal Procedure Code* also indicates the following regarding procedures for the summoning of an accused in cases of petty offences:

Art. 167. - Summoning of accused

1. Where a petty offence has been committed, the public or private prosecutor shall apply to the court having jurisdiction to summon the accused to appear.
2. The application and the summons shall contain the name of the accused, the circumstances of the petty offence committed and the law and articles of the law to be applied. (ibid.)

Sources indicate that summonses are served to the suspect in writing (Professor 2 Oct. 2015; lawyer 29 Sept. 2015). However, in correspondence with the Research Directorate, a lawyer based in Addis Ababa who specializes in criminal law indicated that the suspect can also be summoned to the police over the phone (ibid.). An article published by the International Federation for Human Rights (Fédération internationale des ligues des droits de l'homme, FIDH) on the detention, without charges, of two staff members of *Ethio-Mihdar*, an "independent" weekly newspaper based in Addis Ababa, indicates that one of the journalists had been summoned over the phone by the police and was held for two days before being released on 6 November 2013 (FIDH 19 Dec. 2013). The lawyer indicated that if the suspect does not report to the police after being

summoned over the phone, the police may serve the summons in person (29 Sept. 2015). Similarly, in correspondence with the Research Directorate, a professor of African studies and political science at Pennsylvania State University indicated that, based on information he obtained through a lawyer based in Ethiopia, if the person does not report to the police after being summoned, the police may post a copy of the summons on the door of the suspect's residence or leave it with one of his or her family members in the presence of a witness (2 Oct. 2015). The *Criminal Procedure Code* also indicates the following regarding the publication of summonses in cases when the accused fails to appear in a trial:

Art. 162. - Publication of summons.

Where the court decides to hear the case in the absence of the accused it shall order the publication of the summons which shall show the date fixed for the hearing. It shall contain a notification to the accused that he will be tried in his absence if he fails to appear. (Ethiopia 1961)

Further information on the delivery of police summonses could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.2 Delivery of Summons to Witnesses

The *Criminal Procedure Code* further indicates the following regarding the summoning of witnesses:

Art. 124. - Witness summonses.

1. So soon as the date of the trial has been fixed, the public prosecutor and the accused shall give the registrar a list of their witnesses and experts, if any, whose presence is necessary. The registrar shall forthwith issue summonses in the form prescribed in the Third Schedule to this Code.
2. The public prosecutor and the accused shall be responsible for ensuring that all exhibits to be produced at the trial shall be in court on the day fixed for the trial.

...

Art. 143. - Additional witnesses.

...

(2) The prosecution and the accused may call any witness whose name does not appear on the list of witnesses. Such witness shall be summoned where the court is satisfied that he is a material witness and the application for a summons is not being made for the purpose of delaying the case. (Ethiopia 1961)

Information on the delivery of police summonses to witnesses could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Appearance and Content of Police Summonses

According to the lawyer, a police summons includes the following:

- Name and address of the suspected person;
- the crime he [or she] is suspected of;
- date and time to appear at the police station; and
- other details [that] may be included on [a] case-by-case basis. (lawyer 29 Sept. 2015)

The Professor noted that a summons "generally" indicates that the person is wanted by the police and is told to go to the police station to answer their questions (Professor 2 Oct. 2015). According to the Professor's source, references to legislation are generally made at the level of charging someone and not in the summons itself (ibid.). The lawyer similarly indicated that, usually, the appropriate provision of the law will not be referenced in the written summons (29 Sept. 2015).

Sources indicate that the format of police summonses is the same throughout the country, and the same regardless if at the municipal or federal level (Professor 2 Oct. 2015; lawyer 29 Sept. 2015).

Copies of the summonses forms for an accused and for a witness are provided in the Third Schedule of the *Criminal Procedure Code*, attached to this Response (Attachments 1 and 2).

Further information on the appearance of police summonses could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Availability of Fraudulent Summonses

Information on the availability of fraudulent summonses was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

In the context of his practice in criminal law, the lawyer said that

[g]iven the non-complexity of the format and the paper material the police [use] for written summonses, it may not be difficult to obtain forged police summons in Ethiopia. However, in practice, the obtainment of forged police summonses is very rare if not non-existing. (29 Sept. 2015)

The Professor indicated that "[i]f someone is politically connected to the ruling party or rich enough, he [or she] can get it [as] the police [are] ... [one] of the most corrupt law enforcement agencies in the country" (2 Oct. 2015). Further 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

Ethiopia. 1961. *Proclamation No. 185 of 1961. Criminal Procedure Code of Ethiopia*. <<http://www.refworld.org/docid/492163ac2.html>> [Accessed 25 Sept. 2015]

Fédération internationale des ligues des droits de l'homme (FIDH). 19 November 2013. "Ethiopia: Arrest of Journalists Highlights Continued Crackdown on Independent Media in Ethiopia." <<https://www.fidh.org/en/region/Africa/Ethiopia/14280-ethiopia-arrest-of-journalists-highlights-continued-crackdown-on>> [Accessed 24 Sept. 2015]

Lawyer, Criminal Law. 29 September 2015. Correspondence with the Research Directorate.

Professor, African studies and political science, Pennsylvania State University. 2 October 2015. Correspondence with the Research Directorate.

Additional Sources Consulted

Oral sources: Embassy of Ethiopia in Ottawa; Ethiopian Human Rights Commission; International Law and Policy Institute; Interpol; professor of African studies, University of Florida; twelve lawyers of criminal law based in Ethiopia.

Internet sites, including: Africa Confidential; African Research Bulletin; Amnesty International; ecoi.net; *Ethio-Mihdar*; Ethiopia – Ethiopian Government Portal, Ministry of Foreign Affairs; *Ethiopian Herald*; Keesing's Documentchecker; *Jane's Intelligence Review*; Norway – Landinfo; United Nations – Refworld, ReliefWeb; United States – Department of State; Voice of America.

Attachments

1. Ethiopia. 1961. "Form IX. - Summons to Appear for Trial (Under Art. 123)." *Proclamation No. 185 of 1961. Criminal Procedure Code of Ethiopia*, p. 99. <<http://www.refworld.org/docid/492163ac2.html>> [Accessed 25 Sept. 2015]

2. Ethiopia. 1961. "Form X. - Witness Summons (Under Art. 124)." *Proclamation No. 185 of 1961. Criminal Procedure Code of Ethiopia*, p. 100. <<http://www.refworld.org/docid/492163ac2.html>> [Accessed 25 Sept. 2015]

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