ADDIS ABABA UNIVERSITY

COLLEGE OF LAW AND GOVERNANCE STUDIES

SCHOOL OF LAW

MASTERS OF LAWS IN CONSTITUTIONAL AND PUBLIC LAW

SETTING THE AMOUNT OF BAIL UNDER ETHIOPIAN FEDERAL COURTS: A CASE STUDY IN FEDERAL FIRST INSTANCE COURT

A Thesis Submitted to Addis Ababa University College of Law and Governance Studies, In Partial Fulfilment of Masters of Laws Degree (LL.M) In Constitutional and Public Law

BY: Mulatu Gonfa Kebebew

Advisor: Simeneh Kiros (LLB, LLM, PHD)

June, 2023

Addis Ababa

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Mulatu Gonfa Kebebew

Approved by board of examiners

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Advisor	**Signature**	**Date**
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Examiner	**Signature**	**Date**
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Examiner	**Signature**	**Date**

June, 2023

Addis Ababa

Declaration

I, Mulatu Gonfa, hereby declare that this work is original and has not been presented in any other institutions before. To the best of my knowledge and belief, I also declare that any information used here are duly acknowledged and cited.

Name: Mulatu Gonfa

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Verification

I, Dr. Simeneh Kiros, have read this thesis and approved it for examination.

Advisor: Dr. Simeneh Kiros (LLB, LLM, PHD)

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Abbreviations

- ABA- American Bar Association
- ATP- Anti Terrorism Proclamation
- CC- Criminal Code of FDRE
- CJP-Criminal Justice Policy of Ethiopia
- CPC- Criminal Procedure Code
- FDRE- The Federal Democratic Republic of Ethiopia
- FEACC- Federal Ethics and Anti -Corruption Commission
- FFIC – Federal First Instance Court
- ICCPR- International Covenant on Civil and Political Rights
- ICSCER - International Covenant on Social Cultural and Economic Rights
- PLC- Private Limited Company
- UDHR- Universal Declaration of Human Rights
- UN- United Nations Organization

Abstract

This study focuses on the determination of the amount of bail. To date amount of bail has been determined by the discretion of judges. The right to bail is recognized under International Human Rights Instruments to which Ethiopia is a member, propagates the application and determination of bail should be similar for similar cases. The amount of bail fixed has an effect on the attendance and non-attendance of the suspect before court of law. The study used both a mixed approach of qualitative and quantitative research approach in which case observations, interviews and court case analyses were employed. Interviewees of the senior Judges, prosecutors and Advocates with the recommendation of their respective institutions were used. The benches in Federal First Instance courts were selected on purposive sampling because they are largest in terms of the number of criminal cases brought to them. The case files from the selected benches were taken on random sampling technique. Among the factors that judges take in to account in determining the amount of bail in Federal First Instance Court are the income and conditions of the accused, the gravity of the crime, the counts of the crime. Decisions on the amount of bail for suspect/accused at Federal First Instance Court are neither predictable nor consistent as the study has found out. Judges do not give the similar weight for factors that are necessary to be considered in bail decision. They appreciate the factors that are used for determining bail amount differently and some decisions lack clarity which has resulted in differences in the decisions. Hence, the decisions on the quantum of bail are not uniform depending on the conditions in which the suspects are in. Since there is no sufficient law or directive as to what amount to decide on bail, The current inconsistency and non-uniformity in the application of bail right can be cured via bail schedule containing the highest and the lowest amount and discretion of judges within it so that it ensures the very purposes of bail. In addition the gap observed in the inconsistency of decisions requires training of judges on bail law. In doing so, Federal First Instance Courts management shall create conducive conditions for training of judges on bail amount fixation.

Key words: Bail, bailable, non bailable, Bond, confined person, Pre-trial release, schedule

CHAPTER ONE

1.1. Background of the Study

Bail is a process in legal proceedings by which individuals who have been arrested or accused of committing a crime can be released from custody until their trial or disposal of the case. The amount of bail required can vary widely between legal systems and jurisdictions. Bail is either a payment of a sum of money, a security, or an undertaking that the suspect will abide by certain conditions. A court may also release a suspect without imposing bail if it believes the suspect will not commit an offence while on bail. It is also defined as a release of a suspect from custody awaiting his/her a criminal trial by balancing the competing interests of suspect upon predetermined amount of money when he/she will not show up on court dates.[1] Put in another way, bail is a release of a person from confinement or legal custody by ascertaining that he/she shall appear at the time and at the place indicated[2] . Hence, a bail bond is the assurance for a suspect to attend the proceeding failing of which entails the bail bond to be executed.

In Ethiopia, bail is not clearly defined in any legislative act. However, from the close readings of some of the basic governing laws such as the Federal Democratic Republic of Ethiopia's constitution[3] and Criminal Procedure Code[4] , it can be inferred to mean a release of a criminal suspect, with or without sureties, where the offence he/she is suspected of is bail -able and the circumstances put under the criminal procedure code are fulfilled.[5] Internationally, Universal Declaration of Human Rights guarantees the right of accused persons to be presumed innocent until proven guilty in accordance with the law.[6] It further provides that no one may be subjected to arbitrary arrest and detention.[7] Universal Declaration of Human Rights has put the general right of accused of being innocent in so far as guiltiness is not proved.

[1] Terence Ingman, The English Legal Process, 6th Ed.(Ashford Colour Press, Gosport, Hampshire,1996), P.109
[2] Black Law Dictionary 8th Edition) 2004
[3] Federal Democratic Republic of Ethiopia Constitution Art 19(6)
[4] Ethiopian Criminal Procedure Code (1961) Art 63
[5] Ibid Art.67
[6] Universal Declaration of Human Rights (1948), Art. 11
[7] Ibid Art. 9

International Covenant on Civil and Political Rights, to which Ethiopia is a party, guarantees the right to liberty and freedom of security and outlaws arbitrary arrest and detention. The ICCPR favours release of awaiting-trial prisoners subject to guarantees to appear at trial and recognises the right to be tried without undue delay.[8]

In African case the African Charter on Human and Peoples' Rights (ACHPR/African Charter)[9] enshrines the rights to be presumed innocent and not to be detained arbitrarily.[10] This African Charter reiterated in similar wording as Universal Declaration of Human Rights has indicated about bail. It has provided that an accused is innocent until proven guilty in accordance with law.

In Ethiopia, article 19(6) of the FDRE constitution states an accused person has the right to be released on bail, which is a fundamental right of any individual. The court may deny bail or demand adequate guarantee for the conditional release of the arrested person.[11] The Ethiopian Constitution followed the same way with the International Human Rights Instrument particularly ICCPR and Regional Human Rights Instrument in particular ACHPR 's wording in relation to granting and denial of bail right.

FDRE constitution clearly reveals that bail right is not absolute right and has limitations on exceptional matters. These exceptions have been provided under the Criminal Procedure Code of Ethiopia enumerating that condition for allowing bail has been indicated under article 63 and 67. Under international laws in order to attain fairness in Criminal Justice System, there shall be equal treatment for all accused and the results should also be not discriminatory on any grounds of discriminations.[12] When it comes to Ethiopia in Federal First Instance Court, the decisions on bail amount greatly varies partly for the conditions that are used as element of determination of the amount of bail varies with the weight given to them in the court. However, the right to bail is conceptually linked with the right to be presumed innocent until proven guilty.

[8] International Covenant on Civil and Political Rights (1966) Art 9(3)
[9] African Charter on Human and Peoples Right, 1981
[10] Ibid Art. 6 & 7
[11] The Constitution of the Federal Democratic Republic Of Ethiopia, Proclamation. No. 1/1995, Nez.Gaz,1styear No.1, Article 13(1)
[12] Universal Declaration of Human Rights art, 7

1.2. Statement of the Problem

International human right instruments have recognized the right to be released on bail, just as regional Human right documents such as Africa charter recognized individual rights such as, equality before the law, the right to liberty and to the security of his person.[13] Everyone has the right to appeal against acts violating his fundamental rights, the right to be presumed innocent until proven guilty by a competent Court and[14] the right to be tried within a reasonable time.[15] FDRE Constitution stipulates that persons arrested/accused have the right to be released on bail though in exceptional circumstances prescribed by law, the court may deny bail or demand adequate guarantee for the conditional release of the arrested person.[16]

The constitution clearly states, bail right is not an absolute right and has limitations on exceptional matters. Where the arrested person is of such nature suggesting that he is unlikely to comply with the conditions laid down in the bail bond when required, or where the suspect, is likely to commit other offences; or likely to interfere with witnesses or tamper with the evidence bail right may be denied.[17]

The conditions and factors that should be taken in to account in determining the amount of bail are not clearly indicated in the decisions of FFIC benches. Because of this problem, the consistency and unfairness of the decision/orders given on bail amount in FFIC are questionable. The decisions don't incorporate the reasons for which they are given and in most decisions the issue at the stake is only whether the prosecutor opposes the bail right of the accused or not. Most of the decisions didn't show the reason of fixing a given amount of bail nor do they state the income of the accused (the affordability of the bail). Different benches decide different amount of bail for accused in relatively similar situations/conditions. Moreover,

[13] African Charter On Human And Peoples' Rights,(Adopted 27 June 1981, OAU, CAB/LEG/67/3 Rev. 5, 21 I.L.M. 58(1982), Entered Into Force 21 October 1986)
[14] Ibid, Article 6
[15] Ibid Art 9
[16] The Constitution Of The Federal Democratic Republic Of Ethiopia, Proc .No. 1/1995, Nez.Gaz,1styear No.1, Article 13(1)
[17] The Criminal Procedure Code Of The Empire Of Ethiopia, Proc. No. 185/1961, Neg. Gaz. Extraordinary Issue. No.1 Of 1961 Article Art 63 And 67

the same bench with the same judge also decide different bail amount for similar cases/issues brought before it.

There is no specific directive or regulation to fix the amount of bail to attain fairness in fixing the amount of bail in the Federal First instance Court of Ethiopia. The vast discretionary power of judges has caused unfairness, arbitrariness and inconsistency of bail fixation in Federal First Instance Court of Ethiopia. Hence, this lack of fairness in the decisions of bail amount has motivated the researcher to study the area.

1.3. Research Questions

The objective of this study is to investigate and evaluate the unpredictability and inconsistency of bail decisions in Federal First Instance Court. The following research questions have been framed to elaborate the above problem.

A. What factors are taken in to account in determining the amount bail?

B. How far is the amount of bail determined by courts attempts to attain fairness?

C. How far do laws that determine the amount of bail get sufficiently recognized in Ethiopia?

1.4. Objectives of the Study

1.4.1. General Objective

The general objective of this study shall be to evaluate the uniformity, consistency and fairness of the decisions in fixing the amount of bail in Federal First Instance court of Ethiopia.

1.4.2. Specific Objectives

1. To identify what factors are necessary in fixing bail amount.
2. To see whether decision on bail are uniform and consistent.
3. To see whether the laws on bail are sufficiently addressed in Ethiopia.

1.5. Significance of the Study

Courts, in order to achieve these purposes of bail, are required to observe the rules set by law while determining bail amounts. This research would serve as a reference material for academic purposes. It may serve policy or law makers to understand the core content of the right to bail so as to devise necessary laws in this regard. Besides, the research serves the legal professionals to understand the gap in the area and to find better alternatives on cases, especially decided by the Federal Supreme Court Cassation bench, by paving a way towards a logical and binding interpretation on the amount of bail. Further, the study is important for anyone who wants to know about the general framework of right to bail in the Federal First Instance Court and its application.

1.6. Methodology

This study is more of qualitative but it also includes quantitative approach too. It is basically concerned in identifying the predictability and fairness of setting bail amounts in Federal First Instance Court. Federal First Instance Court has 11 benches including the Dire Dawa bench. Among these, the numbers of criminal case files brought are many in Arada bench while Bole and Lideta benches follow with the 2nd and the 3rd rank respectively. The study has therefore, taken these benches on purposive sampling method in order to get necessary data. Arada bench is the only remand bench in First Instance Court. From the three selected benches, the researcher has taken data from remand bench, RTD bench and women's and children bench. Besides, core and habitual cases brought to the attention of court such as bodily injury, theft, crimes against children and women, contraband crimes, trading without receipt has been taken on purposive sampling technique in order to analyse the study in-depth. On top of that, the researcher, being a judge at Federal First instance Court, has observed the decisions given on bail amount differs specifically on repetitive cases from bench to bench and within one bench in different cases. Besides, I have observed that no laws/directives to date are enacted to govern the decision on the amount of bail.

On top of this, Interviews of core informants have been conducted with Criminal bench judges of Federal First Instance Courts from Arada, Bole and Lideta Benches on purposive sampling.

Judges interviewed are those who served for longer time (Senior Judges), 2 senior public prosecutors, 2 Advocates who have served for longer period in advocacy. The interviewees' were selected in accordance with their seniority and with the recommendation of their respective institution's management body. Moreover, the current Federal First Instance Court Vice President who has also served the court in the position of Judgeship for many years has been interviewed in order to grasp detailed understanding of the practice and the law of bail in fixing the amount of bail.

Case analysis of these three benches have also been selected through a purposive sampling method on the ground that the numbers of criminal case files in these benches have ranks from first to third. However, the researcher has taken the cases/file/ from selected benches on random sampling. The collected data from interview and cases/files/ are analysed content wise. Moreover, Human right documents, domestic and foreign laws, Journals etc. have been utilized in order to show the status of our laws regarding the fixation of bail amount. Having regard to these sources, the data are analysed qualitatively and quantitatively.

1.7. Scope of the Study

Bail can be granted during preliminary inquiry where the conditions for committal are satisfied.[18] It may also be granted by courts having jurisdiction where the court rejects investigating police officer's request for the remand of the suspect.[19] Most of bail issues are under the jurisdiction of First Instance Court at Federal level. Only certain issues of bail are under the jurisdictions of the Federal High Court whose most issues/provisions/ deny bail right. Therefore, the scope of this study is bail issues brought before Federal First Instance Court only. The study is limited to identifying the fairness and implications of bail amount setting vis-à-vis the bail system by Federal First Instance courts of Ethiopia. Due to a geographical hindrance, Federal First Instance Court bench in Dire Dawa has been excluded.

[18] Ibid Art 93
[19] Ibid Art 59(1) and Proclamation No. 361/2003 Addis Ababa City Government Revised Charter Proclamation Art 41(2)(C)

1.8. Limitations of the Study

There is time constraint the researcher has encountered since the research was carried out along with researcher's regular job. In addition, there is no sufficient material to be accessed on the study area that the researcher wants to analyse. The study will not cover all the Federal Courts because of the constraints of time and means. It is only limited to Federal First Instance Court bail issues. Even if these limitations exist, the researcher has managed to collect case files from court and other available and reliable data for the study.

1.9. Ethical Issues

To earn the interviewees' confidence, the researcher makes an effort to take ethical considerations into account. This is accomplished by making the interviewee aware of purpose of the study. The goal of the study has been honestly and clearly explained before obtaining their free and informed permission. In order to avoid making unwarranted disclosures that would harm the respondents' relationships with the organizations they work for or with, the researcher gave the respondents' responses considerable consideration. The researcher makes every effort to maintain objectivity and throughout the data gathering process and its analysis.

1.10. Review of Related Literatures

The right to bail is recognized under international human Rights instruments. Universal Declaration of Human Rights guarantees the right of accused persons to be presumed innocent until proven guilty in accordance with the law.[20] It further provides that no one may be subjected to arbitrary arrest and detention.[21] Universal Declaration of Human Rights has put the general right of accused of being innocent in so far as guilt is not proved. It denounces arbitrary arrest to that end.

In the International Covenant on Civil and Political Rights (ICCPR), to which Ethiopia is a party, guarantees the right to liberty and freedom of security and outlaws arbitrary arrest and

[20] Universal Declaration of Human Rights (1948) , Art 11
[21] Ibid Art. 9

detention. The ICCPR favours release of awaiting-trial prisoners subject to guarantees to appear at trial and recognises the right to be tried without undue delay.[22]

In African case the African Charter on Human and Peoples' Rights (ACHPR/African Charter)[23] enshrines the rights to be presumed innocent and not to be detained arbitrarily.[24] This African wide Charter has reiterated in similar wording with what Universal Declaration of Human Rights has indicated. It has provided that an accused is innocent until proven guilty in accordance with law.

In Ethiopia accused person has the right to be freed on bond under article 19(6) of the FDRE constitution, which states that it is a fundamental human right. By upholding the accused's right to bail, the FDRE Constitution and other pertinent legislation entrench the concept of bail. In exceptional circumstances prescribed by law, the court may deny bail or demand adequate guarantee for the conditional release of the arrested person.[25]

The American Bar Association has recommended that,

> *In determining whether there is a "substantial risk of nonappearance," the following factors should be considered (1) The length of the defendant's residence in the community, his employment history and financial condition; (2) His family ties and relationships; (3) His reputation, character, and mental condition; (4) His criminal record; (5) Whether there are responsible persons who will vouch for his reliability; (6) The nature of the offense charged and the likelihood of conviction (insofar as these factors are relevant to the risk of nonappearance); and 2. In the system employed in Charlotte, "seriousness" in this context corresponds roughly to the maximum fine or prisons term for an offense; (7) any other factors indicating the defendant's ties to the community or bearing on the risk of wilful failure to appear.*[26]

[22] International Covenant on Civil and Political Rights (1966) Art 9(3)
[23] African Charter on Human and Peoples Right, 1981 art 6
[24] Ibid Art. 6 & 7
[25] The Constitution Of The Federal Democratic Republic Of Ethiopia, Proc .No. 1/1995, Nez.Gaz,1styear No.1, Article 13(1)
[26] American Bar Association Standards Relating To Pre-trial Release, § 5.5, Commentary 65-71 (1968)

American Bar Association recommends bail bond should be used only as a last resort, when nothing else "will reasonably assure the defendant's appearance in court.[27] This indicates that bail right is principle and denial of bail in Court of law is an exception. It however has not dealt with the amount of bail that can possibly be used in court of law.

In California State of US the courts usually work in accordance with bail schedule.[28] The amount of bail is based on the nature of the offence accused is charged with. However, Judges have the discretion to reduce the amount. In the absence of bail schedule, the bail system is criticized for being arbitrary in how it is applied[29]. Legally, bail determination is based on four factors: seriousness of the crime, ties to the community, the flight risk posed by the defendant, and the danger posed by the defendant to his or her community. California Penal Code section 1269b provides an example of the factors courts are directed to.[30]

Bail calculator will not suggest a credit card bail option for people who do not have credit cards. The calculator makes a cash bail assessment only if cash is immediately available in savings or at home.[31] The tool calculates both an amount and a form of bail for each person that is reasonably affordable and will not cause undue hardship to pay. The calculator uses a graduated formula with income brackets that calculates lower bail amounts for people who have relatively less disposable income and slightly higher bail amounts for people with more disposable income.[32] This kind of bail calculator can reduce the inconsistency and non-similarity of bail decisions.

Jim Cameroon reached on the conclusion that the amount of bail must bear some proportion to the penalty of the crime charged.[33] It means that the amount to be decided should follow the penalty of the crime with which the accused/suspect is charged with. The gravity of the crimes should be taken in to account since high bail amount is ordered for grave crimes. Apart from

[27] Ibid
[28] California Felony Bail Schedule 2022
[29] Harvard Law Review preventive Detention before trial march 2016
[30] California penal Code Section 12696b legislative information retrieved on 31 July 2017
[31] Sandra Van Den Heuvel, Anton Robinson, And Insha Rahman, A Means To An End: Assessing Ability To Pay Bail, December 2019 Policy Brief, pp.6
[32] Ibid pp.6
[33]Jim Cameron, 'The Standards for Determining Excessive Bail (1951) 20 U Kan City L Rev 171

indicating the bail decision should follow the gravity of the crime, Jim has not dealt with what amount of bail should be decided for cases specifically.

A K Bottomley underscores that whether bail should be granted or refused depends on how likely it is that the defendant will show up for his or her trial. This effectively assumes the type of charge, the type of evidence used to prove it, the severity of the punishment that would result from a conviction, and whether the sureties are independent or protected by the accused.[34] It only indicates the conditions in which bail should be granted or denied than indicating what amount should be determined.

In Philippines, the amount of bail is determined in accordance with 2018 New Bail Bond Guide. In the guide, the amount of bail is fixed taking in to account the type of crime the suspect is suspected with and the punishment it entails as well. Bail amount for crimes that are punishable with fine only differs from that which is punishable with fine and imprisonment.[35] In the bond guide, financial ability of the accused, the nature and circumstances of the offense, penalty for the offense charged, character and reputation of the accused, age and health of the accused, weight of the evidence against the accused, probability of the accused appearing at the trial, forfeiture of other bail are conditions necessary for bail.

Nduru Louis Tarcius M, has found out that the nature of offence, the severity of punishment if the suspect found guilty, the character of the accused and risk of non-appearance of the accused would be taken in to consideration in determining the amount of bail in Kenya.[36] Apart from the conditions that should be considered in bail determination, Tarcius M has not dealt with the amount of bail.

Kelly, L. has dealt with Bail Conditions in the Criminal Justice Systems in Kenya, Uganda, Rwanda and Tanzania found that the amount of bail shall be fixed with due regard to the gravity and circumstances of the case and the court shall impose conditions on bail surrender of passport or travel documents and restrictions on accused to his town or village both

[34] A K Bottomley, 'The Granting of Bail: Principles and Practice' (1968) 31 Mod L Rev 53
[35] Philippines New Bail Bond Guide March 2018
[36] Nduru Louis Tarcius M, University Of Nairobi Dec 2018, Right To Bail In Kenya, Exploring Alternative Non-Financial Bail Terms, Pp.86

mandatory.[37] The conditions that are used in determining the amount of bail bond are really as important as the amount of bail to be fixed because the amount of the latter depends on the former.

Kelali Kiros has looked at the Bail Justice in Ethiopia including challenges of Its Administration and found out what conditions should be taken in to account in allowing or denying bail.[38] He has not analysed what amount of bail should be decided for a given type of crime. The current study however strives what amount of bail should be decided by judges during bail litigations.

Most of the above literatures indicates what conditions should be taken in to account in determining bail amount, whether the crimes is bail able or not while others like states of Philippines and California State of US have bond guide and schedule respectively. However, they do not indicate what amount of bail should be ordered in Ethiopia for a given crime and accused.

Apart from these literatures there are no sufficient materials that the researcher wants to analyse on the amount of bail that should be fixed by courts. The conditions that are used for denying or granting bail have an effect on the amount of bail. It means the more the stringent the conditions are the more the amount of bail that may be fixed. In other words stringent conditions for bail or higher amount of bail would amount to denial of bail right. This study is primarily meant to address the inconsistency and unfairness in the decisions of bail amount in Federal First Instance Court.

[37] Kelly, L. (2020). Bail Conditions in the Criminal Justice Systems in Kenya, Uganda, Rwanda and Tanzania. K4D Helpdesk Report 863 Brighton, UK: Institute Of Development Studies, Pp.9

[38] Kelali Kiros, The Bail Justice In Ethiopia: Challenges Of Its Administration LLM Thesis Addis Ababa University, Nov 2011

CHAPTER TWO

2.1 Conceptual Frameworks for Bail Right

Historically, When the Germanic tribes the Angles, the Saxons, and the Jutes migrated to Britain after the fall of Rome in the fifth century they brought with them the blood feud as the primary means of settling disputes. Whenever one person wronged another, the families of the accused and the victim would often pursue a private war until all persons in one or both of the families were killed.[39] This form of “justice,” however, was brutal and costly, and so these tribes quickly settled on a different legal system based on compensation (first with goods and later with money) to settle wrongs. This compensation, in turn, was based on the concept of the “wergeld,” meaning “man price” or “man payment” and sometimes more generally called a “bot,” which was a value placed on every person and on every person’s property according to social rank.[40]

In medieval England, the custom grew out of the need to free untried prisoners from disease ridden jails while they were waiting for the delayed trials conducted by travelling justices. Prisoners were bailed, or delivered, to reputable third parties of their own choosing who accepted responsibility for assuring their appearance at trial. If the accused did not appear, his bailer would stand trial in his place.[41]

> *Under the early English law, an accused could be released if his friend agreed to be responsible for him and acted as surety for his appearance in the court. If the accused was not delivered the surety then used to be liable. Later, the friend could pledge his property such as his house or land, but still remained the prisoner actual keeper. Thus, bail is a method for affecting the release of an accused person before trial by means of his post-financial security for his appearance trial.*[42]

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[39] Timothy R. Schnacke, Fundamentals Of Bail: A Resource Guide For Pre-trial Practitioners And A Framework For American Pre-trial Reform (2014) Pp. 21
[40] Ibid Pp. 21
[41] Sudesh Kumar Sharma, ‘Dimensions Of Judicial Discretion In Bail Matters’ 2019 Pp. 353.Ff
[42] Ibid pp. 353.ff

In US, determination that Federal bail laws must address the alarming problem of crimes committed by persons on release and must give the courts adequate authority to make release decisions that give appropriate recognition to the danger a person may pose to others if released on bail. The adoption of the changes marks a significant departure from the basic philosophy of the 1966 Act because the sole purpose of bail laws must be to assure the appearance of the defendant at judicial proceedings.[43]

These days, the primary product of this use of bail is the denial of the right to fair and equitable disposition of court proceedings to those persons detained only because they lack the financial resources to obtain release on bail. This detention occurs during the most critical period in the legal proceedings, the period of time between arrest and trial.[44] Moreover, accused persons should in any case, be freed from detention be it through money bail or through reliable citizen.[45] It means if bail processes are to insure appearance for trial and nothing more, then everyone should be released if they can bring any reliable citizen or money.

The other reasoning of these scholars is that detaining a person is expensive in both direct costs, such as the actual physical cost of maintaining a person in jail, and indirect cost, such as loss of income and family support. Added, they forwarded that it would seem more efficient to handle minor offenders those cases which tend to result in small and moderate fines with a summons process. If an accused failed to appear, the loss would probably be less than the expense of his detention. [46]

Similarly, it would cost no more to arrest and detain the accused after failing to appear than would have been the case had the arrest followed the report of the offense.[47] This argumentation primarily bases itself on the principles of innocence of the accused and the right of accused to have defended him/her self-coupled with liberty on one hand and the costs of detention on

[43] Donald Play, Jill De La Hunt, William Michell, The bail Reform act, A discussion by Law Review Vol. 11,issue 4(1985), 936
[44] Robert T Sigler and William A Formby, 'The Necessity of Bail Reform' (1978) 3 Criminal Justice Reform, 3
[45] Id
[46] Id
[47] Id Robert T Sigler and William A Formby, 'The Necessity of Bail Reform' (1978) 3 Criminal Justice Reform,

government and losses that may be occurred on the parents and families of the detainee. As per their contention the cost of detention will surpass the non-appearance of the accused.[48]

As opposed to Robert T Sigler and William A Formby's understanding of bail decision, there is the concept called preventive detention which is the name commonly given to the practice of denying release to prevent the commission of a future crime rather than to ensure appearance at trial.[49] This is basically intended for the accused that can destroy the evidences or injure the witnesses.

Some judges claimed that it was necessary for his proper defence that he should be at liberty to prepare his case; he swore in the affidavit that he had no intention of absconding, and he had several references from respectable persons.[50]

Justice Coleridge J underscores that judges should not interfere with bail of the applicant.[51] So what is to be taken in to account regarding bail is the charge, the nature of the evidence by which it is supported and the punishment to which the party would be liable if convicted.

Bail right has been used for a long period of time. There is no exact time showing when bail is started to be practicable. But bail pending trial has existed back to the days of medieval period of England. The original motive of bail is different from the modern concepts of release on bail.[52]

Today bail serves as a means of obtaining release from legal custody and it can be used to perform varying functions in the criminal process depending upon the philosophical convictions of those who determine its availability to the criminally accused.[53] Bail serves as a means for release from prison in order for the accused find the possible options for defence from the

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[48] Ibid
[49] Bryan Hatchett, 'Filling in the Gaps of Virginia Bail Reform' (1980) 14 U Rich L Rev 492
[50] A K Bottomley, 'The Granting of Bail: Principles and Practice' (1968) 31 Mod L Rev 48
[51] Ibid
[52] Ibid pp.49
[53] Erdwin H Jr Pfuhl and M Zabezensky, 'The Price of Liberty: Bail Practices in Phoenix Justice Courts' (1972) Law & Soc Order 409.

alleged crime. If the accused is out of the prison /detention/ he/she will have better opportunity to defend by providing different types of evidences.

Bail system provides an opportunity for the suspect to be out of jail pending his trial. The condition to be set by the court will be a disincentive for the released suspect not to abscond, destroy evidence or commit another offence, safeguarding the interests of the public.[54]

From the outset, bail is the system where an accused person is allowed to continue living in their community if they provide a guarantee, financial or otherwise, that they will not abscond under which he or she binds him or herself to comply with the conditions of the undertaking and if in default of such compliance to pay the amount of bail or other sum fixed in the bond.[55] At earlier times, bail was posted through a personal guarantor where suspect cannot appear before court, the personal guarantor would have held responsible. In these days however, bail can be posted by depositing the ordered amount of money.[56]

2.2 Principles Underlying Bail Right

2.2.1 The Presumptions of Innocence

A person accused of crime is entitled to freedom except to the extent necessary to serve the legitimate ends of a legal system. The only legitimate end that is threatened by an absolute right to be free pending trial is the assurance that a defendant will not subvert the orderly process of criminal justice by deliberately absenting himself at the time and place appointed for trial.[57] The presumption of innocence must be respected, and therefore pre-trial release should be principle rather than pre-trial confinement. So the principle underlying the release on bail is that an accused person is presumed in law to be innocent till the prosecutions, evidences and judgements prove the guiltiness of the accused. This principle is indicated under International

[54] Wondwossen Demissie, The Right To Bail In Ethiopia: Respective Roles Of The Court and The Legislature Pp.4
[55] Kelly, L. (2020). Bail Conditions in the Criminal Justice Systems in Kenya, Uganda, Rwanda and Tanzania. K4D Helpdesk Report 863, Brighton, UK: Institute Of Development Studies Pp.2
[56] Ibid
[57] Erdwin H Jr Pfuhl and M Zabezensky, 'The Price of Liberty: Bail Practices in Phoenix Justice Courts' (1972) 1972 Law & Soc Order 410

and Regional Human Rights Instruments in that an accused is innocent until proven guilty by the public prosecutors in accordance with law.

2.2.2 The Principle of Liberty

The other principle underlying the right to bail is the principle of liberty. When bail is refused, a person is deprived of his personal liberty. Once the accused is admitted to the confinement, his right to liberty is restricted. Therefore, the decisions that may be given regarding the bail right has direct effect on the right to liberty of the accused. If the right of reasonable bail is respected then the right to liberty of the accused will be protected and the vice versa is also true.

Bail should not to be withheld as a punishment, but that the requirements as to bail should be merely to secure the attendance of an accused at trial to take judgment and serve sentence in the event the court punishes the accused.[58] In these situations applicant's/accused's/ liberty should be given due attention. If unreasonable and high bail amount is ordered for the applicant or an accused, it means that the accused's right of liberty is at danger.

Conversely, if the amount of bail to be decided is very low, it cannot avail the accused to the court of law and it will not have a deterrence effect as it allows the accused to hamper the prosecutor's evidence. If the unreasonable amount of bail is imposed on accused, it will not attain the goal of criminal justice system on one hand and it will have effect on equal treatment of citizens across the jurisdiction. Put in another way, it will hamper equal treatment before the law and equality before the law of citizens which may be called discriminatory in its application or effect.

2.2.3 Principle of Equality

All persons under any form of detention or imprisonment should be treated equally. Principle 5 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment Adopted by General Assembly resolution 43/173 of 9 December 1988 indicates that every treatment shall be applied to all persons within the territory of any given State,

[58] Sudesh Kumar Shai, 'Dimensions Of Judicial Discretion In Bail Matters' (2019) pp. 358

without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status.[59]

Moreover, a person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial.[60] Except in special cases provided for by law, a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interest of the administration of justice, to release pending trial subject to the conditions that may be imposed in accordance with the law. Such authority shall keep the necessity of detention under review.[61] Bail or release pending trial is principle under the body of principles for the Protection of All Persons under Any Form of Detention or Imprisonment as Adopted by General Assembly resolution 43/173 of 9 December 1988. It underscores confinement of an accused is an exception.

[59] Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment Adopted by General Assembly Resolution 43/173 of 9 December 1988, principle no 5
[60] Ibid Principle no 38
[61] Ibid principle no 39

CHAPTER THREE

3.1 The Right to Bail Under International Human Rights Instruments

Detention prior to conviction is a serious infringement on the rights of defendants and has many real-life repercussions. Human rights implicated by detention include the rights to be presumed innocent, to liberty, and to a speedy and fair trial.[62] Equality before law relates to equal treatment of persons in the application and enforcement of laws. Courts are required to apply the laws indiscriminately and the effects the laws or their application shall not entail discrimination. However, equality of treatment could not mean identical treatment for all. Persons in different situations should be treated differently.

The right to equality before the law is another version of the right not to be discriminated based up on any of the discriminatory grounds. Article 14 of ICCPR has pinpointed that the right to be treated equally before the law should be in line with the right within the general framework of the equality. Equality before the court is therefore the subset of the equality principle.

Moreover, article 14(3) c of ICCPR states that everyone has the right to trial without undue delay. The right of trial without undue delay refers not only to the right but also to the final judgement without undue delay. Right to undue delay relates not only to time by which the trial commences but also the time by which it should end and judgement is rendered, all stages must end with undue delay.[63] This provision provides that the orders or decisions that should be given on bail should be timely. If the decisions on bail are late, the right of the accused to be released on bail without undue delay will be hampered.

3.1.1 Universal Declaration of Human Right

Universal Declaration of Human Rights is adopted on December 10 1948[64]. This international instrument defines the rights of human being in general terms which includes the rights of suspected / accused persons. Universal Declaration of Human Right is very important

[62] Caroline L. Davidson, No Shortcuts On Human Rights: Bail And The International Criminal Trial , American University Law , 2010 Vol 6, No 5
[63] United Nation Human Rights Committee, General Comment No 13 Para 10
[64] United Nations General Assembly Resolution No 217 A(III) 10 Dec, 1948

international document that incorporates and recognizes the inherent dignity and inalienable rights of all members of human family as foundation for freedom justice and peace in the world[65]. Even though UDHR provides the right to life, liberty and security of persons, it doesn't expressly indicate the right to bail of suspects and accused. The presumption of innocence however, until proven guilty of the crimes charged with has been incorporated.

The principle of innocence is very important to an accused person awaiting bail right because it is inalienable right to fair trial. UDHR provides that a person should be subjected to similar treatment to people already convicted after trial which has great effect on the accessibility of bail options. UDHR however, was not fully binding and it was declaratory in nature. Recently, the provisions in it are becoming and attaining the status of customary international law.

3.1.2 Right to Bail Under ICCPR

International Covenant on Civil and political Rights signed in 1966[66]. Ethiopia has ratified ICCPR on 11 June 1993.[67] This international Covenant sets out the rights of an accused in more detailed manner as opposed to the UDHR. It states no one shall be deprived of liberty except on grounds in accordance with procedures as are established by law further requiring the needs of an accused person to be provided reasonable bail terms to avoid limiting their rights to liberty while they prove their innocence.[68] Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.[69] ICCPR states the right to be released on bail is principle whereas being in custody is exceptional.

[65] Universal Declaration Of Human Rights Preamble Paragraph
[66] United Nations General Assembly Resolution 2200A(XXI) Adopted 16 December 1966
[67]Https://Treaties.Un.Org/Pages/Viewdetails.Aspx?Src=TREATY&Mtdsg_No=IV-4&Chapter=4&Clang=_En ,Visited On May 19, 2022
[68] International Covenant On Civil And Political Rights, adopted 16 December 1966,entered in to force 23rd March 1976) 999 UNTS 171(ICCPR) Article 9(1)
[69] Ibid, Article 9(5)

Under article 9(4) of ICCPR, Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.[70] The right to be tried within the reasonable time or otherwise to be released is contained under article 9(3) of the ICCPR.

The victims' rights movement contends that excluding victims from the criminal process is unjust because victims have an interest in the proceedings and therefore have a right to have their interest represented. However, since victims are unlikely to advocate for provisional release of a defendant, many defendants' rights advocates question the propriety of their participation in release decisions. The argument for detention is that letting the defendant out leaves the victim wondering whether there is any justice in this world.[71] Ethiopia has ratified this Covenant on 11th June 1933[72].

3.1.3 African Charter on Human and Peoples Rights

African charter on human and peoples right (also known as Banjul Charter) is the core human rights treaty of the African Union. Article 6 of the Charter incorporated the right to liberty and security of person arrested. It also prohibits deprivation of freedom except for reasons and previously established laws. Under article 7 of the charter, every accused is presumed innocent until proved guilty. The guiltiness and innocence has great effect on the suspects or accused's right to gain bail both in terms of the amount and granting of the very right.

African charter recognized the right of every individual to be equal before the law and be entitled to equal protection before the law.[73] No person is allowed to arbitrary deprived of his rights[74]. There should not be discrimination on the application and enjoyment of the rights

[70] Ibid article 9(4)
[71] Caroline L. Davidson, No Shortcuts On Human Rights: Bail And The International Criminal Trial , American University Law Vol 6, No 5, 2010 Pp.27
[72]Https://Treaties.Un.Org/Pages/Viewdetails.Aspx?Src=TREATY&Mtdsg_No=IV-3&Chapter=4&Clang=_En Visited On May 19, 2022
[73] African charter on human and peoples right (adopted 27 June 1981 entered in to force 21 October 1986) (1982) 21 ILM58 (African Charter) art.3
[74] Ibid art 4

enunciated in it.[75] Every individual is accorded the right to be presumed innocent until proven guilty by competent court or tribunal in accordance with article 7(b) of the charter and that the trial should last in reasonable time as could be seen from article 7(d) of the same provision.[76] This shows that member parties to this Charter are required to provide equal right to be released on bail for all.

3.2 International Practices on Bail right

The primary relationship between a person being released on bail or detained while awaiting trial has been found to be economic status of the accused as has been found in several studies and that many of the people held for failure to provide bail are minor offenders who could be released for a relatively low bail.[77] Added in US as per the conclusion Jim Cameroon reached upon, the amount of bail must bear some proportion to the penalty of the crime charged.[78] He has underscored that the amount to be decided should follow the penalty of the crime with which the accused is charged with. It means the gravity of the crimes should be taken in to account since high bail amount is order for grave crimes.

In Kenya, there is a right to bail for all offences (serious offences by a court only), but much discretion is granted to the authorities, and research has found that the rules are applied inconsistently and there is a high rate of pre-trial detention. A court issuing a warrant for the arrest of a person in respect of an offence other than murder, treason or rape may direct by endorsement on the warrant that, if the person executes a bond with sufficient sureties for his attendance before the court at a specified time and thereafter until otherwise directed by the court, the officer to whom the warrant is directed shall take the security and shall release the person from custody.[79]

By virtue of article 49(1) of the Constitution of Kenya (2010) a person has the right to be released on bond or bail, on reasonable conditions, pending a charge or trial, except there are

[75] Id
[76] Ibid art 7(b) & 7(d)
[77] Ibid pp.3
[78] Jim Cameron, 'The Standards for Determining Excessive Bail' (1951) 20 U Kan City L Rev 171
[79] The Criminal Procedure Code Of Kenya Ed (2010), Article 103

compelling reasons to be detained.[80] The nature of offence, the severity of punishment if the suspect found guilty, the character of the accused and risk of non-appearance of the accused would be taken in to consideration in determining the amount of bail in Kenya.[81]

Bail or bond amounts should not be excessive, that is, they should not be far greater than is necessary to guarantee that the accused person will appear for his or her trial. Bail bond should be relate to the offence committed and take into account the personal circumstances of the accused person prevailing in each case.[82] Bail is seen as principle and detention as an exception.[83]

In Uganda, Anyone arrested is entitled to apply to the court to be released on bail and the court may grant that person bail on such conditions as the court considers reasonable[84]. Bail may only be refused for certain reasons. These are the nature and severity of the crime, antecedents of the applicant, whether s/he has a fixed abode, and the likeliness of interfering with witnesses, when considering a bail application[85]

Bail is determined in consideration of the damages caused by the offence, the good conduct of the suspect attested by the local authority of his or her residence and on whether he or she has never been condemned by a court. If the offence is against property, bail must be at least double the value of the property which he or she is required to present. For other offences, bail is determined at the discretion of the competent authority in consideration of the gravity of the offence committed and the wealth of the guarantor.[86] In Rwanda, bail may be given for all offences provided conditions are met. The rate of pre-trial detention is relatively low, although

[80] The Republic of Kenya Constitution (2010) Article 49
[81] Nduru Louis Tarcius M, University Of Nairobi Dec 2018, Right To Bail In Kenya, Exploring Alternative Non-Financial Bail Terms, Pp.86
[82]Kelly, L. (2020). Bail Conditions in the Criminal Justice Systems in Kenya, Uganda, Rwanda and Tanzania. K4D Helpdesk Report 863, Brighton, UK: Institute Of Development Studies Pp.5
[83] Ibid 5
[84] Constitution Of The Republic Of Uganda (1995), Article 23(6)
[85] Ibid Pp.7(49 Above)
[86] Rwandan Criminal Procedure (2019), Article 82 And The ff

there is evidence that some are detained outside of the judicial system and without a trial or the option of bail.[87]

In Tanzania, bail can be granted with certain mandatory restrictions. There is an on-going legal dispute about whether the right to bail extends to those accused of certain serious crimes.[88] The Constitution of Tanzania (1977) states that no person shall be detained save only a) under circumstances and in accordance with procedures prescribed by law; or (b) in the execution of a judgment, order or a sentence given or passed by the court following a decision in a legal proceeding or a conviction for a criminal offence[89] The amount of bail shall be fixed with due regard to the gravity and circumstances of the case, but shall not be excessive. The court shall impose conditions on bail surrender of passport or travel documents; and restrictions on accused to his town or village both mandatory. A court may order abstaining from certain places or meeting certain people any other condition which it may deem proper and just to impose in addition to the preceding conditions.[90]

In Canada, bail is to be denied where detention is necessary in order to maintain the confidence in the administration of justice provided that, inter alia, the prosecutor's case is apparently strong. But under Israeli laws, the accused cannot be detained in the absence of prima facie evidence that substantiates the accusations specified in the indictment.[91]

In Germany Bail is principle and it is in exceptional cases that the right to bail is denied. These are failing to attend their trial (i.e. absconding), Tampering with evidence or interfering with witnesses, committing another offence or Being in danger from others or themselves.[92]

In India, the Code of Criminal Procedure section 438 indicates that bail can be invoked by the petitioner. However, there must be an accusation of the petitioner having committed a non-bail able offence. This accusation must be an existing one or in any case stemming from the facts

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87 Ibid
88 Ibid Kelly, Pp.2
89 Kelly, L. (2020). Bail Conditions in the Criminal Justice Systems in Kenya, Uganda, Rwanda and Tanzania. K4D Helpdesk Report 863 Brighton, UK: Institute Of Development Studies, Pp.9
90 Ibid Pp.9
91 Wondwossen Demissie ,The Right To Bail In Ethiopia: Respective Roles Of The Court And The Legislature Pp.34
92 Criminal Proceedings and Defense Rights In Germany, February 2013 Pp.18

already in existence. There must be reasonable apprehension or belief in the mind of the petitioner that he would be arrested on the basis of such an accusation. The simultaneous existence of both these conditions is a sine qua non for invoking court's jurisdiction.[93] In all state aforementioned, there are no clearly indicated laws for fixing the amount of bail. They only indicate the conditions and factors that should be taken in to account in determining the amount of bail.

In USA, the bail amount is calculated taking in to account many different factors. The tool calculates both an amount and a form of bail for each person that is reasonably affordable and will not cause undue hardship to pay. The calculator uses a graduated formula with income brackets that calculates lower bail amounts for people who have relatively less disposable income and slightly higher bail amounts for people with more disposable income.[94] Calculator makes a cash bail assessment only if cash is immediately available in savings or at home.[95]

The bail calculator takes the charge into account when calculating the amount and type of bail the person can afford of the net disposable income, a lesser percentage is recommended for bail on a misdemeanour charge versus a higher percentage for bail on a felony charge. Because the calculation is still based on the person's net disposable income, both the misdemeanour and felony bail recommendation are still within that person's ability to pay and should not cause undue hardship.[96] Whether bail should be granted or refused depends on whether it is probable that the defendant will appear to take his trial. This presupposes the nature of the accusation, the nature of the evidence in support of the accusation, the severity of the punishment which conviction will entail and whether the sureties are independent, or indemnified by the accused person.[97]

In California State of US, Felony Bail Schedule of 2022 is notably used for bail fixation on different type of crimes. Bail schedule puts many factors depending on the types of the crime,

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[93] Sudesh Kumar Sharma, 'Dimensions Of Judicial Discretion In Bail Matters' (2019) 365

[94] Sandra Van Den Heuvel, Anton Robinson, And Insha Rahman, A Means To An End: Assessing Ability To Pay Bail, December 2019 Policy Brief, pp.6

[95] Sandra Van Den Heuvel, Anton Robinson, And Insha Rahman, A Means To An End: Assessing Ability To Pay Bail, December 2019 Policy Brief, pp.6

[96] Id

[97] A K Bottomley, 'The Granting of Bail: Principles and Practice' (1968) 31 Mod L Rev 53

the age of victim and conditions of the commission of crimes for fixing bail amount.[98] Moreover, Bail schedule is set on depending on the amount of thing when crime relates to counterfeiting of coin that includes theft, division of money received for services, labour and materials. The schedule is there to assure suspects to be prepared for furnishing bail within the prescribed time.

In Philippines the amount of bail is determined in accordance with 2018 New Bail Bond Guide. In the guide, the amount of bail is fixed taking in to account the type of crime the suspect is suspected with and the punishment it entails. The bail amount varies with the type of crimes and its punishments. For instance bail amount for crimes that are punishable with fine only differs from that which is punishable with fine and imprisonment.[99] These are not the only however. The maximum imposable punishment would be taken in to account to fix the amount of bail. For special laws maximum period is multiplied by 6000 (six thousand piso). For crimes listed under article 4 of the guide the maximum penalty is multiplied by 10000 (ten thousand piso). This way, Philippines has attained fairness and predictability in bail amount fixation by providing in place a predetermined bail schedule.

The researcher has used international practices (practices of different countries) in order to establish the core content of the right to bail and to see how they have addressed the issue of amount of bail. These were seen because their legal jurisprudence is more developed than ours so that better lessons can be grasped from them. Besides the researcher has used these international practices in order to take better practice and for comparison purpose to take the possible best way out for the existing gap on fixation of amount of bail in Ethiopia.

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[98] California Felony bail schedule 2022

[99] Philippines New Bail Bond Guide March 2018

CHAPTER FOUR

4.1 The Right to Bail under Ethiopian Legal System

Maintaining the right to bail in the very first place serves to prevent the infliction of punishment prior to conviction. Secondly, it also helps to protect the accused's right of presumption of innocence. Thirdly, it enables the accused to prepare his defence by providing him with ample opportunities to meet his lawyer and gather evidences. Bail is important to prevent the punishment of innocent persons.

Bail justice of Ethiopia unreasonably categorizes offences as bailable and not bailable.[100] The Criminal procedure Code of Ethiopia has indicated certain conditions that make the offence bailable and non bailable. Conditions that are put under article 63 and 67 are the reason classifying offences as bailable or not bailable.[101]

A subsequent special law of criminal nature have ousted the bailablity of the offences even though the conditions under the criminal procedures are met. If the crime with which the accused is charged with is corruption, it is not bailable where the crime is punishable with 10 years of rigorous imprisonment. This increased the conditions indicated under article 63 of the Criminal Procedure Code which shows if the crime is punishable with less than 15 years there are situations in which an accused may be released on bail. So these subsequent laws of special nature deteriorated the bailablity of crimes.

The Criminal Procedure Code of Ethiopia provides an arrested person may be released on bail provided he meets the circumstances set under Art. 63 of the same code as in ''where the offence with which he is charged does not carry a death penalty or rigorous imprisonment for fifteen years or more and where there is no possibility of the person in respect of whom the offence was committed dying.''[102] There are certain differences among scholars and practitioners involved in the administration of justice especially on the scope of application of

[100] Kelali Kiros, The Bail Justice In Ethiopia: Challenges of Its Administration LLM Thesis Addis Ababa University, November 2011, pp. 99
[101] Ethiopian Criminal procedure Code, (1961)article 63 and 67
[102] Ibid, art 63

article. Some persons understands it as having two competing meanings others understand this particular provision as having three competing meanings.[103]

The proponents of the first argument hold the view that first, a person shall not be released on bail as per this particular provision where the offence with which he is charged carries death penalty. Second, where the crime supposedly committed carries rigorous imprisonment for fifteen years. Third, where the crime supposedly committed carries rigorous imprisonment for fifteen years and where there is a possibility of the victim of the offence dying. The proponents believe that the conditions set are to be considered independently rather than cumulatively. According to them the use of the word 'where' twice in the English version of this particular provision is intended to give such a meaning.[104]

> *The proponents of the second argument hold the view that the conditions set under this particular provision are to be considered cumulatively. In other words the provision is intended to be applied where the offence with which a person is charged relates to offences of homicide. The fear of the proponents of this view is the fact that if courts are to interpret this particular provision in the way the proponents of the first argument support no one would be released on bail which will amount against the spirit of the law maker which considers release on bail as the principle.* [105]

However, other persons try to give a third meaning to Article 63(1) of the CPC. According to the proponents of the third view a person shall not be released on bail where he is charged with an offence which carries a death penalty or he is charged with an offence which carries fifteen or more than years of imprisonment and where there is a possibility of the person against whom the offence is committed dying. According to this understanding though a particular offence is not a case of homicide bail shall not be allowed where it carries a death penalty.[106]

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[103] Ibid Kelali Kiros Pp. 29
[104] Id
[105] Id
[106] Ibid Kelali Kiros Pp.30

That is why, the pre-trial releases on bail are emphasizes on the importance of fundamental rights of persons. The right to bail is constitutional right and this right is the principle that can be denied only in exceptional situations.

The researchers' position is that bail is a constitutional right that needs to be protected across the federation. If that is so, then article 63 of the FDRE of the criminal Procedure puts certain limitation on the constitutional right. Every right has its own limitation subject to laws. In this regard the researcher is of the view that, the conditions stipulated under article 63 are limitations for bail right. In this regard, if the crime allegedly committed is punishable with death penalty or other conditions stipulated there in and (+) the person against whom the crime is committed dying, the right to bail has to be denied. If the justice machineries work in accordance with the predetermined laws, both the interest of the suspect/accused and the society in general will be protected.

In certain exceptional circumstances it is necessary to reconsider and fair enough if it should allow the chance to the arrestee to produce evidence that he/she certainly has no any income to settle the bail rather than subjecting them to pre-trail detention until they comply with the conditions laid down in the bail bond[107]

In bail there are two interests; one equally important interest is that of the public. Once a person suspected to have violated the law is arrested, justice has an interest in ensuring that the person will continue to be subjected to the criminal process and eventually to punishment if found guilty. Another is the interest of the public that calls for continuity of the arrestee's detention is the risk that he, if released, may intimidate or otherwise make witnesses change their mind or destroy other evidence.

Moreover, it is the interest of justice that a person released pending trial should not commit another offence. Public interests could mean the interest of justice. Justice demands an adequate assurance that risks should not materialize following release of the arrestee.[108] The interests involved in bail granting or denial are the individual interest of the accused and his/her families

[107] Anketse Yohannes Pre-Trial Detention In Ethiopia: The Law And Practice, July (2008) pp.56
[108] Wondwossen Demissie, The Right To Bail In Ethiopia: Respective Roles Of The Court And The Legislature pp.4

and dependents together with the danger that may be posed to the public if released from the confinement. In determining the bailability and non bailability of alleged crimes, courts should thoroughly indicate the extent of two interests in accordance with the pre- enacted law.

Ethiopia is duty bound to comply with the obligations set under International Human rights instruments dealing with bail. If realization of the right to liberty of person is an obligation then realization of the bail right of an accused is also an obligation on the member states. If the right to liberty is to be protected to the fullest state, there must be protection the right to bail partly because the two rights are interconnected and partly because human rights are interrelated, interconnected and indivisible.[109] Protection of one right will realize the protection of the other right and non-protection of one right would automatically affect the other rights. Therefore, the right to bail of an accused is the corner stone for the protection of the right to liberty of a person.

Denial of bail under Ethiopian law can be classified in to two categories. To the first category belong to Article 67 of the Criminal Procedure Code and Article 4(4) of the Revised Anti-Corruption Special Procedure and Rules of Evidence[110] which list down factors that the court should take into account while considering question of bail. According to these provisions, the court will on a case by case basis decide whether bail should be allowed or not. These provisions list down possible factors that the court should take into consideration while conducting a bail hearing. By evaluating the case at hand in the light of the factors listed there under, the court will decide on the issue of bail. These provisions are consistent with Articles 17 and 19(6) of the FDRE Constitution[111] in that if the provisions are properly applied they would result in denial of bail only in rare occasions, in which case denial is legitimate.

Under the second category fall Article 63 of the Criminal Procedure Code, Article 4(1) of the Revised Anti-Corruption Special Procedure and Rules of Evidence, and Article 6 of the Vagrancy Control Proclamation[112] which, instead of providing facts based on which bail may

[109] Vienna Declaration on Program of Action adopted, 25 June 1993
[110] Revised Anti-Corruption Special Procedure and Rules of Evidence, article 4(1)
[111] Federal Democratic Republic Of Ethiopia Constitution Art 19(6)
[112] Ethiopian Vagrancy Control Proclamation (2004) , Art 6

be denied, provide that suspects for certain types of offences are not entitled to be released on bail.

The Federal Supreme Court and the Council of Constitutional Inquiry treated these provisions as providing for 'legal circumstances' and considered them as being within the ambit of Article 19(6) of the FDRE Constitution. It is hardly possible to say that such laws provide for 'circumstances' envisaged under Article 19(6) of the FDRE Constitution. Circumstance, as indicated above, refers to facts as distinguished from laws. These legal provisions do not indicate facts to be considered during a bail hearing.[113] The provision shows that bail is principle and it is in exceptional situation that bail right would be denied by court having taken the conditions enunciated in the constitution and other subsidiary laws.

There are no explicit conditions FDRE constitution and criminal Procedure Code of Ethiopia there are no indications that may help judges in court of law to follow so that the decisions on the amount of bail be consistent and uniform throughout Federal First Instance Court of Ethiopia. Besides, there are no sufficient articles written on the amount of bail. Most of what is written is about the bailabilty and non bailablity of offences. It revolves around how to allow bail for suspect/accused persons.

The researcher has analysed the provisions of article 63, 67 and 69 of the Criminal Procedure code of Ethiopia in order to reach the core content of the provisions and their interpretations and applications.

If appropriately employed, judicial discretion consists of an evaluation of several legal paths in light of all the known circumstances of the particular case at hand, and selection of the most fair and equitable path.[114] The fixing of bail amount requires judges to weigh the defendant's liberty interest against public safety and court integrity concerns, guided by a variety of often statutorily mandated factors.[115]

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[113] Wondwossen Demissie, The Right To Bail In Ethiopia: Respective Roles Of The Court And The Legislature Pp.18
[114] Lindsey Carlson, 'Bail Schedules: A Violation of Judicial Discretion?'2010
[115] Ibid

The court should take different conditions in reaching upon the specified amount of bail in determining the exact amount of bail. Apart from indicating the factors necessary for fixing bail, article 69 of Ethiopian Criminal Procedure Code doesn't indicate a specific amount of bail to be fixed.

In Ethiopian Federal First Instance Court, different benches decide the amount of bail in different ways which make the amount of bail different even on similar charges with which the accused are charged with. In other words, accused who are charged with different crimes are required to guarantee similar or relative amount of bail. In researchers view, unequal should not be treated equally and equals should not be treated unequally. There should be fair application of bail amount decision throughout the Federal First Instance Court.

Schedule and discretion of judges in bail determinations is required to ensure that the purposes of bail are appropriately, precisely, and fairly effectuated in all cases, for all defendants. It helps ensure both that unnecessary detentions are avoided and that risky defendants are subject to individualized and responsive bail conditions outcomes that can only be realized through an analysis of the circumstances surrounding each particular defendant.[116]

The concern of this research is not the bailabilty or non bailablity of offences. It rather analyses whether there is consistent and uniform application of bail right in relation to amount and forward the possible way outs. The Criminal Procedure Code in this regard has put no conditions or criteria so as to give fair decisions on bail throughout Federal First Instance Court.

The weights given to factors that may affect the decision on the amount of bail are not same and similar in the Court. Some judges give more weight for a given factor for determination of bail decision whereas the other judges may give less weight to the same factor for determination of bail or even that factor for bail decision is not sufficient factor to be entertained. The other thing worth mentioning here is that Courts in deciding the amounts of bail should determine the approximate income of the accused because the higher bail amount the more likely putting the accused in the jail where the income of the accused is low.

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[116] id

Challenges of the bail justice administration of Ethiopia to a large extent are attributable to the existence of laws and policies which are based solely on the protection of societal interest without adequate room for the protection of the personal interest of the suspects. Kelali Kiros recommended that laws and Policies concerning bail which are currently in force shall be revised in a way that could strike a balance the conflicting interests of the public and the suspects concerning release on bail.[117] The researcher view is that the expression ‘’ conflicting interest of public and suspect’’ could mean the interest of justice.

Decision on the bail amount should rely on the income, the gravity of the crime (the dangerousness the accused against the society) and other possible and objective grounds for determination without forgetting exceptional circumstances. The exceptional circumstances are the individual issues of the suspects like serious health issues. Responses of the interviewees indicate there are cases where applying only the objective grounds for fixing bail amount may result in unfairness. The current inconsistency unfairness of bail amount decision in Federal First Instance Court of Ethiopia calls for the way out in order to comply with the principle of equal protection of law and non-discrimination principle enunciated and incorporated under FDRE Constitution and international human rights Instruments.

4.2 Federal Supreme Court Cassation Bench Decisions on Bail

Federal Supreme Court cassation bench gives final decision on State and Federal matters on that contains basic error of laws.[118] Therefore, it is obvious that the interpretation of law given by Federal Supreme Court by not less than 5 Judges is binding on all federal and regional courts on similar case would be upon lower courts by virtue of federal proclamation no 454/2005[119]. Under the current Federal Courts establishment proclamation no 1234/2021, interpretation of law rendered by the cassation division bench of Federal Supreme Court with 5 or more judges would be binding from the date the decision is rendered.[120] The proclamation has put this in order to have uniform interpretation of law across the federation. So the decision by Supreme Court

[117] Kelali Kiros pp.102

[118] Federal Democratic Republic of Ethiopia Constitution proc no.1/1995 21st day of august 1995, article 80(3)a

[119]Procmalation No 454/2005, A Proclamation To Re Amend The Federal Courts Proclamation No. 25/1995, Federal Negarith Gazetha No 42 , 14 Th June 2005 , Article 2(4)

[120] Federal Courts Proclamation No 1234/2021 Federal Negarit Gazeth No.26 ,26 Th April 2021 Article 10(2)

cassation bench on amount of bail is very important in order for the decisions of the court be consistent and fair for all.

On Federal Supreme Court Cassation File no 131863 decided on Hedar 8, 2009 E.C between appellant Mohammed Idris and Ethiopian customs and revenue authority[121] ,the fact that appellant has many address cannot by itself be enough to deny bail right. The prosecutor has indicated that since the appellant has many addresses he can't appear before the court. The cassation bench has in its analysis indicated that the sole fact that the appellant has many addresses cannot justify denial of constitutional right of bail. It showed that in order to deny the constitutional right of suspect, the prosecutor has to show the facts or the situations in which the suspect will not appear before the court. It has however not indicated the amount of bail that courts should determine. The court has taken the side that the fact that the suspect has many addresses on its own (solely) cannot be the reason for denial of bail since the latter is constitutional right. Supreme Court Cassation bench has taken the position that it has power only on basic error of laws rather than entertaining the issues of weighing the evidences. Basically, fixing the amount of bail requires weighing the evidences brought to the attention of the court. Since Supreme Court didn't empowered with weighing evidences, we couldn't have fair decisions on the amount of bail.

[121] Mohammed Idris and Ethiopian customs and revenue authority , Federal Supreme Court Cassation bench, Civil case, no 131863 (08/03/2009 E.C)

CHAPTER FIVE

5.1. Data Analysis and Findings

5.1.1. Analysis of Disposed Cases

Application and determination of bail amount varies from bench to bench in Federal Fisrt Instance Court. The variation is exhibited not only in different benches but even in the same bench within the decisions of the same judge and among similar issues. From the purposive samplings are taken from Arada 1st remand bench, the federal police crime investigation beareu at Bole international air port terminal, some passengers were suspected with having clothes in their bag that seem intended for illicit trade resembling situation. Since the passengers were without a legal business license, they were suspected with contraband. Among the suspects brought to Arada bench for remand of 14 days, different amount of bail were given in one bench and by the same judge. In file no 221625 decided on 24/6/2014 for the suspect 15000 (fifteen thousand birr),[122] in File no 221161 decided on 13/05/2014 for suspect 30000 (thirty thousand birr),[123] in file 221587 decided on 22/06/2014 for suspect 50000 (fifty thousand birr),[124] with an other judge in the same bench in file no 221439 on 12/6/2014 for suspect 2000 (two thousand birr)[125] bail amount was granted.

Name of Suspects	File number	Decison Date	Amount of Bail	Alleged Crime
W/ro Haymanot Baye	221625	24/6/2014 E.C	15000 (fifteen thousand birr)	Contraband of clothes
Ato Abdurahman Shamil	221161	13/05/2014 E.C	30000 (thirty thousand birr)	Contraband of clothes
Ato Amir Redwan,	221587	22/06/2014 E.C	50000 (fifty thousand birr)	Contraband of clothes
Ato Tsadik Heyru	221439	12/6/2014 E.C	2000 (two thousand birr)	Contraband of clothes

Table one

[122] Federal Investigating Police Officer and Ssuspect Haymanot Baye Federal First Instance Court Arada Bench(2014)criminal case no 221625(22/06/2014 E.C)

[123] Federal Investigating police Officer and suspect Abdurhaman Shamil Federal First instance Court Arada Bench (2014) criminal case no 221161(13/05/2014 E.C)

[124] Federal Investigating police officer and suspect Umar Redwan Kemal Federal First instance Court Arada bench (2014) criminal Case file no 221587 (22/06/2014 E.C)

[125] Investigating Police Officer and Suspect Sadike Heyru Federal First Instance Court Arada Bench (2014) criminal case no 221439 (22/06/2014 E.C)

All suspects were not asked as to their monthly or yearly income nor did they tell the court voluntarily by themselves. Moreover, the gravity of the act or the suspect to the society is not indicated in the decisions. All the suspects were apprehended from Bole International Air Port Terminal and the days they were brought to court were the consecutive days after their arrest. The decisions on the amount of bail however are not similar or even closely similar. The decisions didn't show why the amount of bail to these suspects varied greatly for the same and similar crime. This decision of bail ranging between 2000 (two thousand birr) and 50000 (fifty thousand birr) shows that the practice in bail amount decision varies and the reason for the difference is not substantiated with reasonable analysis.

Apart from this bench, regarding crime of transaction without receipt, in similar issues suspects of the 3 business company manager the decision of bail greaty varies. To see in detail, 1st Elilta trading private Limited Company legal attorney Afewerk Gebre Sellasie in file no 221027 on 12/4/2014 was allowed bail amount of 10000 (ten thousand) birr,[126] 2nd Enku Notice and Printing Event private Limited Company manager Ato Yeabsera Derso in file no 221047 on 19/04/2014, 20000 (twenty thousand) birr[127], 3rd Bili Agro Busness private Limited Company manager ato Belay Teferra in File no 220949 on 15/09/2014, 30000 (thirty thousand birr)[128] bail amount was granted.

Name of a suspect	File number	Date of decision	Amount of bail	Alleged Crime
Elilta trading PLC Afewerk Gebre Sellasie	221027	12/4/2014 E.C	10000 (ten thousand) birr	Transaction without receipt
Enku Notice and Printing Event PLC manager Ato Yeabsera Derso	221047	19/04/2014 E.C	20000 (twenty thousand) birr	Transaction without receipt
Bili Agro Busness PPLC manager Ato Belay Teferra on	220949	15/09/2014 E.C	30000 (thirty thousand birr)	Transaction without receipt

Table two

[126] Investigating Police Officer and Suspect Elilta trading private Limited Company legal attorney Afewerk Gebre Selassie Federal First Instance Court Arada Bench(2014)criminal case no 221027 (12/04/2014 E.C)

[127] Investigating Police Officer and Suspect Yeabesra Derso Belay Federal First Instance Court Arada Bench(2014)criminal case no 221047 (19/04/2014 E.C)

[128] Investigating Police Officer and suspect Belay Teferi Federal First Instance Court Arada bench (2014) criminal case no 220949 (25/04/2014 E.C)

The three suspects, the company managers or legal attorney were suspected with the same crime and released on bail. They were granted different bail amount. Nothing is indicated in the decisions as to the gravity and the income of the suspects. The decisions should have indicated the reason (the gravity of the crime and resources of the suspect) for fixation of certain amount of bond. This therefore lacks fairness between suspects. If these variations are manifested in one bench, the decision on different benches would possibly vary even more.

In Federal First Instance Court Lideta Bench In womens and children bench, the accused was charged with an act corresponding to the sexual act or any other indecent act upon a minor of the opposite sex who is under age of thirteen years were allowed different bail amount.

Among charges brought in accordance with 627(3) of The Criminal Code of Ethiopia an act corresponding to the sexual act or any other indecent act upon a minor, of the opposite sex who is under age of thirteen years is prevalent. Taken for this study on file no 296250 on 13/01/2014 E.C an accused suspected of having committed against 9 years old minor was ordered to post bail to the amount of 5000 (five thousand birr)[129], on file no 290745 on 29/06/2013 E.C an accused suspected of having committed such an act on 10 years old minor was ordered to post bail to the amount of 12000 (twelve thousand birr)[130], on file no 293752 on 16/10/2013 E.C an accused suspected of having committed such indecent act on 8 years old minor was ordered to post bail to the amount of 15000 (fifteen thousand birr)[131]. The three accused are from 24 - 27 years and without permanent work and income, they work in parking guard and similar activities as a means of their livelihood, they cannot hire advocates but their income amount is not established in court.

The accused charged for committing an act corresponding to the sexual act against the young victim of 9 years is allowed a reduced amount of 5000 (five thousand birr) as compared with the one of 10 years of age in which case the accused was ordered to pay 12000 (twelve

[129] Federal Prosecutor and Ashenafi Wendwesen Federal First Instance Court Lideta bench (2014) criminal case no 296250 (13/1/2014)
[130] Federal prosecutor and Accused Alemayehu Goda Federal First Instance Court Lideta bench (2013) criminal case no 290745(29/06/13 E.C)
[131] Federal Prosecutor and Accused Meles Admasu Federal First Instance Court Lideta bench (2013) criminal case no 293752(16/04/13 E.C)

thousand) birr. This shows that decisions didn't take in to account the victim's age and the situations in which the crime was committed. They were charged with similar case and the same bench but different bail amount was ordered. The fixation of bail amount decisions should have taken in to account the gravity of the crime (the person on whom the crime is committed) and income of the suspect. Since the income of the suspects is not determined, the courts should have been able to see the gravity of the crime. The crime perpetrated on the 9 years old girl should have been accorded higher bail amount than the one with ten years.

In criminal negligence of car accident where the injury sustained was grave bodily injury, on file no 294195 decided on 15/12/2013, 10000 (ten thousand birr)[132], on file no 291968 decided on 13/09/2013, 5000 (five thousand birr)[133], on file no 283464 decided on 16/04/2013, 2000 (two thousand birr) [134]bail amount was ordered. The charge with which the accused's were charged with are the same and the injury sustained was grave bodily injury but the bail amount varies greatly. This shows that the conditions put under the criminal procedure code article 69 are not fully taken in to account.

The other issue in this bench is about intentional grave bodily injury. On file no 278117 the accused was charged for breaking victims 4 front teeth allegedly for committing grave bodily injury in contravention with article 555 (c) of the FDRE criminal Code brought on 10/03/2012 E.C. The bail amount allowed was 2000 (two thousand birr)[135]. In other file, file no 297623 in which the accused was alleged to have thrown bottle on the victim and relatively lesser injury was sustained. The charge was brought in accordance with the criminal code in contravention with article 556(2) (a) on 29/03/2014 and was allowed 2000 (two thousand birr)[136] bail amount.

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[132] Federal prosecutor and accused Mesfin Tamene Federal First instance Court Lideta bench (2013) criminal case no 294195 (16/04/2013 E.C)

[133] Federal Prosecutor and accused Hussien Ali Federal First instance court Lideta bench (2013) criminal case no 291968 (13/09/2013 E.C

[134] Federal prosecutor and Accused Tariku Abshero Federal First instance Court Lideta bench (2013) criminal case no 283464 (16/04/2013 E.C)

[135] Federal prosecutor and accused Tariku Ermiyas Federal First instance Court Lideta bench (2012) criminal case no 278117(10/03/2012)

[136] Federal prosecutor and accused Daniel Nemega Federal First Instance Court Lideta bench (2014) criminal case no 297623(29/03/14 E.C)

When we see these two cases for both grave bodily injury and common wilful Injury as the provision with which they are charged shows deciding the same amount of bail amount without taking in to consideration the degree/gravity/ of the injury sustained shows the unfairness of the decisions on bail.

When we come to Federal First Instance Bole bench, in 3rd criminal bench file no 135488 two individuals were ordered to provide 3500 birr[137] bail amount on account of stealing sheep costing 6000 (six thousand birr) and they were charged with crime of theft in contravention with article 665(1) of the Criminal Code. They told the court that they are daily labourers but the court ordered the bail amount of 3500 (three thousand five hundred birr) on 09/05/2014 E.C for each. The accused could not bring the indicated bail amount and they were brought from the prison in each court adjournments. Finally after the prosecutions, defences and witnesses have been heard the court found that the accused has not committed the crime they were charged with and hence freed the accused on 27/05/2014 E.C. Since the court has not taken in to account the income of the accused in determining the bail amount, the accused were in the prison until their acquittal. Had the court taken in to account every situation like the daily labourer, it would have ordered lesser amount in which the accused might have provided. Accused were unable to pay the stipulated bail amount which rendered them to be in jail up to the final decision.

In the same bench but 7th criminal bench, file no 130551 a wood work professional was charged with stealing a mobile phone worth 12000 (twelve thousand birr) in contravention of article 669/3/b of the criminal Code. The accused was ordered to pay 3000 (three thousand birr)[138] for bail. The accused, after having paid the indicated amount was freed from confinement/prison but didn't attend the adjournments. The court finally struck out the file without decision on 30/03/2014 E.C. This amount of bail for this professional individual and for this grave crime cannot assure the attendance of the the accused before court.

[137] Federal Prosecutor and Accused shiferaw Esrael and Eyasu Matyas Federal First Instance Court Bole bench (2014) criminal Case no 135488 (09/05/2014)
[138] Federal prosecutor and accused Dawit Mulugeta Federal First instance Court bole bench (2014) criminal case no 130551(23/02/2014 E.C)

In theft cases the value of the thing stolen determines the gravity of the crime. The greater the value of the thing, the graver the crime would be. From the two file however, we see that the value of the thing allegedly stolen was 6000 (six thousand birr) in the first while the value of the thing allegedly stolen was 12000 (twelve thousand birr). The bail amount for lesser value of a thing should have been lower than that of the greater one. However, the decisions given are opposite to this principle.

Besides, in this 7th criminal bench, file no 131572 the accused was charged with stealing 18000 (eighteen thousand birr) mobile in contravention with article 669/3/b of the criminal Code and ordered to pay 2000 (two thousand birr)[139] for bail. When compared with the one in file no 135488 in which case the value of the sheep allegedly stolen was 6000 (six Thousand birr) only and in this current case the value of mobile allegedly stolen is 18000 (eighteen thousand birr). The variation is quite clear. In the criminal code, the value of thing stolen increases the gravity of the crime and hence increases the penalty. In this case the value of sheep for which the accused were allowed to pay 3500 (three thousand birr) for bail is less than the value of the mobile for which the second accused is ordered to pay 2000 (two thousand birr) for bail. These shows the practice in the Federal first instance Court regarding determination and fixing of bail amount is not predictable and inconsistent.

In General, the prevailing crimes in the society such as theft and grave wilful injuries, common wilful injury, vehicle caused crimes, crimes on women and children; contraband and conducting business (trade) without license have been incorporated in this study. The analyses of these cases indicate most decisions on the amount of bail are not predictable and unfair for every type of crimes indicated under the study even for the same bench and the same judge. The differences in bail amount fixation are not from the factual appreciation of the cases but from the individual judicial appreciation the cases. In some cases the factors for determination of bail bond are over appreciated in which case higher amount of bail is imposed. In some other cases, the gravity of the crime and the income of the suspect are less appreciated in which case lower bail bond is imposed. It could be rightly concluded that the decisions have become arbitrary within the discretionary power of judges. The analysis of this cases shows that there are

[139] Federal prosecutor and accused Fekru Ebisa Federal First Instance Court Bole bench (2014) criminal case no 131572 (18/02/2014)

different bail bond decisions on relative situations which lacks fairness. The researcher views within the discretionary power of the court, there shall be conditions in which fairness on bail bond fixation could be attained.

So far researcher has seen the cases selected on random basis from different benches. Now, he has taken randomly the Tir 2014 E.C (January, 2022) month from the 9 months report of Federal First Instance Court, Arada remand bench in order to show the analysis of total remand cases throughout the month. Issues brought to remand benches at FFIC are those raised from Federal Police commission and Addis Ababa Police commission. The 1st remand bench entertain and supervise criminal investigation undertaken by Federal Police commission whereas the 2nd remand bench supervise the process of criminal investigation by Addis Ababa Police Commission. In order to show the difference, I have tabularized the two remand benches with the type of crimes and the fixed bail amount below.

All the files that get a bail decision in Tir 2014 E.C (January 2022) at Federal First Instance Court Arada 1st Remand Bench

No	Type of crime	No of suspects granted bail	Amount of the guarantee							
			3000	5000	10,000	15,000	20,000	30,000	60,000	100,000
1	Illegal money transfer and hoarding	7	-	-	2	1	2	1	1	-
2	Material Forgery	2	-	-	1	-	-	-	-	1
3	Transaction without a receipt	2	1	1	-	-	-	-	-	-
4	Attempted homicide	1	-	-	1	-	-	-	-	-
5	Contraband	1	-	-	-	-	-	-	-	-
6	Robbery	1	-	-	-	-	1	-	-	-
7	Fraud	1	-	-	-	-	-	1	-	-
8	Abuse of power	1	-	-	1	-	-	-	-	-
9	Selling under quality commodities	1	-	-	-	-	-	1	-	-
	Total	17	1	1	5	1	3	3	1	2

Table three

All the files that get a bail decision in Tir 2014 E.C (January 2022) at Federal First Instance Court Arada 2nd Remand Bench

No	Type of crime	No of Suspects granted bail	Amount of the guarantee								
			2000 to 5000	50001 to 10,000	15,000	20,000	25,000	30,000	40,000	50,000	100,000
1	Transaction without receipt	34	12	10	1	7	1	2	1	-	-
2	Negligent homicide	17	2	10	-	1	-	1	-	2	1
3	Negligent bodily injury	2	-	-1	-	-	-	-	-	1	-
4	Material forgery	4	-	1	-	1	-	-	-	1	1
5	Vehicle theft	4	1	2	-	-	-	-	-	1	-
6	Receiving fruit of crime	2	2	-	-	-	-	-	-	-	-
7	Robbery	1	1	-	-	-	-	-	-	-	-
8	Illegal money transfer	4	1	3	-	-	-	-	-	-	-
9	Escape of prisoner	1	1	-	-	-	-	-	-	-	-
10	Kidnapping	1	1	-	-	-	-	-	-	-	-
	Total	70	21	27	1	9	1	3	1	5	2

Table four

The above two table's show that for similar crimes brought to the attention of the same court, bail amount granted are not similar and their difference greatly varies.

5.1.2. Analysis of Interviews

Regarding factors that should be taken in to account in deciding the amount of bail and its consistency:-

According to my first interviewee factors that should be taken in to account in deciding bail amount are the living standard and family status of the defendant, the crimes with which the defendant is charged and the conditions put under article 63 and 67 of the criminal procedure code of Ethiopia. The decisions on bail are not consistent and fair because what one judges takes in to account are not really equally weighed for the other judge and vice versa.[140]

My 2nd interviewee has responded that factors that should be taken in to account in deciding the amount of bail are not explicitly indicated but the amount is decided depending on the crime the suspect is suspected with coupled with the punishment it entails. In this case the bail to be decided is that which guarantees the appearance of the suspect before the court. The suspects' income should also be taken in to account.[141]

The 3rd Interviewee has responded that there is no explicit law that governs as to how the factors that should be taken in to account to decide the amount of bail. However, the income of the defendant and the type and no of counts of the crime are factors. The expectation of judge as to the appearance and non-appearance before the court can increase or decrease the amount of bail. The decisions on the bail amount are not fair and consistent even within the bench. To date, there is no clear law dealing with this issue.[142]

The 4th interviewee has responded that factors that should be taken in to account in bail decision are the gravity of crime, income, the social life, the effect of the crime in pecuniary terms, the attendance and non-attendance, the right of the suspect, the public and the suspect need should

[140] Interview With Vice President Of Federal First Instance Court, Ashenefech Abebe on 1/09/2014 E.C
[141] Interview With Justice Desalegn Fanta Federal First Instance Court, Lideta Bench On 1/09/2014 E.C
[142] Interview With Justice Mesfin Tadesse Federal First Instance Court, Bole Bench On 24/08/2014 E.C

be taken in to account. The amount being decided differs because of the subjective judgments of the judges. The decision given on similar cases in different bench differs. [143]

The 5th interviewee stipulated that decision on the bail should follow the constitutional article 19(6) and in accordance with article 63 and 67 of the criminal procedure code of Ethiopia. He indicated that the decisions are not uniform.[144] My 6th interviewee indicated conditions that should be taken in to account in determining bail amount are type of crime and its commission, income, address, health conditions, the family status and the job of suspect. Determination of bail is based upon judges' individual appreciation of the aforementioned conditions.[145]

The 7th interviewee has responded that the factors that should be taken in to account for deciding the bail amount in practice are the gravity of the crime, the attendance before the court, the effect of freeing the suspect to the public and the income of the guarantors. From the practice of the court, the decisions on the amount of bail are not consistent and uniform.[146] My 8th interviewee the amount of bail should be decided in accordance with article 69(2) of the criminal procedure Code and that issues to be seen are the income of the suspect. The other is the crimes gravity. There is no consistency in the decisions of bail.[147]

The 9th interviewee responded that the factors that should be taken in to account in practice for bail decision are the crime charged with, the income and the family status of the suspect. The decisions on the bail amount are not consistent and fair. Some judges could see certain situations as less grave where as others may take it as graver. The reasons the suspects submit to the court also differs.[148] The 10th interviewee indicated that among factors that should be taken in to account is the income of the accused, the courts do not establish the income of the accused while fixing bail amount. The other condition that is taken in to account in fixing bail

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[143] Interview With Justice Biniyam Mekbib Federal First Instance Court, Arada Bench On 28/08/2014 E.C

[144] Interview With Justice Tesfaye Dechasa Federal First Instance Court, Arada Bench On 1/09/2014 E.C

[145] Interview With Justice Temesgen Shiferaw Federal First Instance Court, Lideta Bench On 03/09/2014 E.C

[146] Interview With Prosecutor Kelemu Asefa Federal Attorney General, On 08/09/2014 E.C

[147] Interview With Prosecutor Lemlem Taye Federal Attorney General, On 09/05/2014 E.C

[148] Interview With Advocate Mekete Teferi ,on 06/09/2014 E.C

amount is the life conditions of the suspect or accused such as the marital status and having children and gravity of the crime.[149]

No of interviewee	Gravity of the crime in	Income of the accused	Livelihood of the suspect (Marital status, children, health etc.)	Counts of charges	Permanent residence and possibility to abscond	Article 63 and 67 of the CPC and Article 19 of the FDRE constitution	Other subjective criteria's or the judge's discretion
First Interviewee	✓	✓	✓			✓	
Second Interviewee	✓	✓					✓
Third Interviewee		✓		✓			✓
Fourth Interviewee	✓	✓	✓				✓
Fifth Interviewee	✓	✓	✓	✓	✓	✓	
Sixth Interviewee	✓	✓					
seventh Interviewee	✓	✓				✓	
Eighth Interviewee	✓	✓					
Ninth Interviewee	✓	✓	✓				
Tenth Interviewee	✓	✓	✓				

Table five

The majority of informants said that the factors to be considered in determining the amount of bail included the seriousness of the crime with which the accused is charged, the accused income, the circumstances outlined in Articles 63 and 67 of Criminal Procedure Code and some additional factors like the accused's family situation and living circumstances. Some informants

[149] Interview with Advocate Boja Mekonnen on 05/09/2014 E.C

said they use other subjective criteria for fixing the amount of bail. This shows the factors that are used in determining the amount of bail varies from bench to bench.

Whether the decisions on bail are fair and the decisions considers the income of the suspect:-

According to my first interviewee, the decision on bail differs from bench to bench, the decisions cannot be said to have fully incorporated the interest of the public and the rights of the suspect because it is not similar and consistent which resulted in unfairness.[150]

According my 2nd interviewee, the decisions on the amount of bail are given taking in to account the constitutional right of the suspect and sometimes the decisions given on bail are very high that has an effect of denying bail. The court doesn't consider the income of the suspect. Decisions are given in accordance with the appearance of the suspect and the objections of the public prosecutor.[151] The 3rd interviewee response is that since there is no directive for decision of bail, the practice in the court on incorporation of the public interest and suspect right (fairness) are based upon on the judge's subjective understanding of the issues at hand. Suspect's income is not established in order to determine the amount of bail that should be decided.[152]

The 4th interviewee indicated that the decisions on bail amount should consider the income of the suspect but not all in all. The draft criminal code has taken this in to account.[153] The 5th interviewee responded that the decisions on bail amount aims at ensuring interest of suspect and public. The 6th interviewee indicated that income of the suspect should be taken in to account in the decision of bail.[154] The 7th interviewee responded that decision on bail presuppose the income and rights of the suspect, it takes in to account the public interest and that attempts are

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[150] Ibid Ashenefech
[151] Ibid Desalegn
[152] Ibid Mesfin
[153] Ibid Biniyam
[154] Ibid Tesfaye

there to compromise the true interests which is determined by judges. It can deviate from the understanding of the public.[155]

The 8th interview has responded that courts only ask the income of the suspect and the alleged crime committed on bench. Apart from this no other factors are taken in to account for the determination of bail amount which is not in the conformity with the public interest at large and the suspects' right. The decisions on bail amount given are sometimes very low.[156]

The 9th interviewee has responded that there practice differs regarding the public interest and the right of suspect.[157] 10th interviewee indicated the decisions of court on bail are not fair for relatively similar cases. For suspects suspected with minor crime higher bail amount were imposed and lower bail amount is allowed for grave crimes in which case the suspect may abscond which in effect affects the public at large.[158]

The informants' response is that most of the bail decisions are not consistent and uniform because the weight judges give for the factors for determination of bail are different. The difference in bail amount reduced the trust the people have on the court system. The system releases the one who is more dangerous to the public by low bail amount and it detains in jail by allowing higher bail amount for the one who is relatively not dangerous to the society.

Whether there is sufficient body of law for fixing bail amount:-

My first interviewee responded that it is better to devise a directive within the discretionary power of the court. Manual would make the decisions of bail relatively similar if not uniform.[159] The 2nd interviewee indicated that there should be directive that shows the highest and the lowest decision on bail amount.[160] The 3nd interviewee responded courts should clearly understand the factors in determination of bail and should read decision on bail amount.[161] The

[155] Ibid Temesgen
[156] Ibid Kelemu
[157] Ibid Lemlem
[158] Ibid Boja
[159] Ibid Ashenefech
[160] Ibid Desalegn
[161] Ibid Lemlem

4th interviewee responded that it is better to enact clear directive like 1/3 of his/ her income.[162] The 5th interviewee indicated law revision, enacting working manual and training judges necessary to have fair bail decision.[163] The 6th interviewee underscored that article 63 and 67 of the CPC should be revised by guidelines and Judges should be given adequate training.[164] On this issue, my 7th interviewee has responded that all nationals address should be registered in order to get the accused if he/she fails to attend/appear before the court upon adjournments. The 8th interviewee indicated that bail determination directive by stratifying crimes with their gravity so that judges use it to attain uniformity.[165] The 9th interviewee underscored that courts should understand the conditions indicated under article 69(2) of the CPC and there should be directive so that the decisions would be similar for similar cases.[166] The 9th interviewee indicated that there should be directive to curb the problem of inconsistence in the decisions of the bail amount.[167] My 10th interviewee responded, that there shall be schedule in accordance with the gravity of the crime, income of the suspect/accused/ and the livelihood of the accused/suspect and by taking the three conditions should be evaluated cumulatively.[168] Part of the informants have indicated that there shall be directive on which judges rely to determine bail amount while the other part says the directive should be devised with the gravity of the crime, income of the accused, and life conditions of the accused.

5.2. Findings from the Responses of Interviews and the Disposed Cases

The findings have been put by way of analysis above each section but to put it in condensed form;

First, the conditions or factors that are taken in to account in determining the amount of bail are the crime charged with, its gravity, the counts of the charge, the continued attendance of the accused, residence of the accused, the income of the suspect/accused/ and the life conditions of

[162] Ibid Mesfin
[163] Ibid Biniyam
[164] Ibid Tesfaye
[165] Ibid Temesgen
[166] Ibid Kelemu
[167] Ibid Mekete
[168] Ibid Boja

the accused/suspect, the income of the guarantors. However, the interviewee's response is all alike which has resulted in difference in bail amount determination.

Secondly, bail decisions given are not reasonably fair between accused's in similar scenarios. The decisions on the above cases and the results of the interviews show even though accused/suspects were in similar (relatively similar) situations, they were not given a relatively similar bail decisions. In the cases, as the research showed above, there are disproportionate decisions for bail of the accused. Similar issues with similar conditions have shown differences in amount of bail /bail bond/ whereas, different situations yield similar bail amount. Some judges gave high status for a given factor of bail while other accord lesser weight for the same factor and partly, factor/elements to decide bail amount in a given bench is not a parameter for the other bench and vice versa.

Most of the decisions do not state the reasons of fixing a given amount of bail which entails arbitrary decisions of bail. The only parameter indicated is what is put under article 69 as to the guarantor means of guarantying. These are not enough to attain fairness and consistency in the decisions of bail. Therefore, the decisions on bail amount in Federal First instance Court are not fair and consistent.

Thirdly, even though the Criminal Procedure Code has indicated the conditions that should be taken in to account in determining the amount of bail, it has not indicated the exact amount that courts should fix for bail for a given issue. The data analysed show there is no law/directive/ that sufficiently recognize what amount of bail should be decided in the court of law in Ethiopia.

CHAPTER SIX

6.1 Conclusion and Recommendations

6.1.1 Conclusion

The right to be released on bail has been recognized both under international and Ethiopian laws. Different countries have devised their peculiar way to determine /fix/ the amount of money for release upon bail. Bail has the purpose of providing the accused freedom from incarceration before guilt has been proved and yet, insure his presence and appearance for trial and possible sentence. The reasonableness and fairness of the amount of bail must be determined by properly striking a balance between the need for presence and freedom from unnecessary restraint. The higher bail amount sometimes has an effect of limiting the right of bail of an accused/suspect and lower bail amount sometimes have an effect on absconding of the suspect from justice. Fixing the bail amount that is reasonably fair is very much important for justice.

In Ethiopian Federal First Instance Court, bail decisions are given sometimes arbitrarily as has been shown in the aforementioned data analysis. The disparity in the decisions on the amount of bail emanates from the misguided individual appreciation of the factors that should have been taken in to account for determination of bail. The question of financial ability, none the less, is more akin to the proposition that to require larger bail than the prisoner could give would be to practically deny bail.

The amount of bail that should be fixed should take in to consideration the means of the accused and the other surrounding factors. In doing so, there should be explicit conditions and criteria's together with the weight that may be given to the conditions which are necessary to be entertained. The economic capacity, the seriousness of the crime committed and family issues and the permanent address has to be taken in to account while allowing bail to the accused.

Judicial discretion is a crucial element of a fair criminal justice system and individualized bail assessments present early and essential opportunities to exercise it. If appropriately employed, judicial discretion consists of an evaluation of several legal paths in light of all the known

circumstances of the particular case at hand, and selection of the most fair and equitable decisions. Fixing of bail amount requires judges to weigh the defendant's liberty interest against public safety and court integrity concerns, guided by a variety of often statutorily mandated factors. Different countries devised their peculiar mechanisms on how to determine the quantum of bail. Some have calculator managed systems while others decide the quantum taking in to account the surrounding factors for determination of bail.

Courts are charged with the responsibility of balancing the interests of the accused with the safety of the community. Yet, without access to information about the accused, the justices of the peace are inclined to place more emphasis on protecting society since they are always aware of the criminal charge and, by implication, the possible danger to the community. More importantly, individuals bail grant should move toward fairness under the law without regard to their financial status.

6.1.2 Recommendations

The very purpose of bail shall be to assure the attendance of the accused before the court of law when needed. To that end, the conditions/factors/ that has to be taken in fixing the amount of bail should be thoroughly indicated in the decisions of the court as has been indicated under article 69 of the Criminal Procedure Code of Ethiopia.

In order to reduce the disparity and unfairness in the decision of bail amount in Federal First Instance Court of Ethiopia,

1. Ethiopia parliament shall enact pertinent bail law independently and clearly so that judiciaries use them in fixing bail amount.
2. Ethiopian shall enact a bail schedule by way of directive that encompasses the discretion of Judges. The schedule to be devised shall contain criminal act or provision, the minimum and the maximum point of bail amount to get fair decisions. Along with setting the maximum and minimum amount of bail for each crime, there shall be clear stipulation when the indications of minimum and maximum amount of bail in the schedule are not just or

appropriate for certain exceptional cases there shall be provisions to deviate from the schedule by stating the reason for fixing that way.

3. Finally, Judges and legal professionals have to be given sufficient training on how to calculate or decide bail amount on the related proclamations and directives to be devised in the future so that they get similar understanding.

This research has attempted to show the fixation of bail amount is unfair and unpredictable in most criminal benches in Federal First Instance court. Hence, it is recommended to design bail schedule that would solve the problem.

Recommended Bail Amount Schedule

No	Punishment level for crimes	Amount of bail in ETB
1	Crimes punishable by simple imprisonment not exceeding 3 months	300 – 1000
2	Crimes punishable by simple imprisonment not exceeding 6 months	600 - 3,000
3	Crimes punishable by simple imprisonment not exceeding 1 year	1,000 - 5,000
4	Crimes punishable by simple imprisonment not exceeding 3 years	2,000 - 12,000
5	Crimes punishable by simple imprisonment not exceeding 5 years (concurrent simple imprisonment crimes)	4,000 - 20,000
6	Crimes punishable by rigorous imprisonment from 1-5 years	5,000 - 20,000
7	Crimes punishable by rigorous imprisonment from 5-10 years	10,000 - 40,000
8	Crimes punishable by rigorous imprisonment from 10-15 years	20,000 - 60,000
9	Crimes punishable by rigorous imprisonment from 15-25 years	30,000 -100,000

Whenever crimes punishable by imprisonment and fines or crimes punishable by simple and rigorous imprisonment concur, the bail range shall be calculated by taking the average of imprisonment or fine as initial point of bail amount. For crimes which are punishable only by fine, the maximum amount of fine shall be used as a maximum amount of bail. Whenever judges decide the amount of bail using the bail schedule they should take into account not just the seriousness of the crime but the accused's income, permanent residence, family status, crime record , temperament or other factors which are deemed appropriate by the court. This hypothetical schedule uses limited and recurring crimes but it could serve as a sample for other crimes in the criminal code and other proclamations.

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List of tables

Table one - shows contraband case comparison

Table two - shows the transaction without receipt comparison

Table three and four - shows the January 2023 Arada Remand bench files with comparison

Table five - shows factors of bail amount determination from interviewees' comparison

Annexes

The hard copies of Federal First Instance Court cases dealt with are attached here with.

የፌዴራል መጀመሪያ ደረጃ ፍርድ ቤት የ2014 በጀት ዓመት የዘጠኝ ወር አጠቃላይ የወንጀል ጉዳዮች የስራ አፈፃጸም በም/ችሎት

ጉዳዩ ይነት	ካለፈው የተላለፈ	አዲስ የተከፈቱ	ከመ/ቤት የመጣ	አጠቃላይ የቀረበ	የተዘጉ	የተወሰኑ	ወደ ሌላ ፍ/ቤት የተላለፈ	አጠቃላይ መፍትሔ ያገኙ	በቀጠሮ የተላለፉ	በእቅድ የታያዘ	አፈፃጸም ልዩነት	አፈፃጸም ልዩነት በ%	ክሊራ ንስሬት በ%	ኮንጀስ ሽንሬት	በክሎግ
ራዳ	317	5,383	729	6,429	5,298	716	0	6014	415	4,787	1227	125.63	98.40	1.07	0.07
ሌ	1,008	2,444	233	3,685	1,629	1,633	0	3,262	423	3,116	146	104.69	121.85	1.13	0.13
ደታ	1,126	1,941	281	3,348	904	1,366	0	2,270	1,078	2,462	-192	92.20	102.16	1.47	0.47
/ስልክ	381	1,973	250	2,604	1,090	1,098	0	2,188	416	2,245	-57	97.46	98.43	1.19	0.19
ሬዳዋ	744	1,208	247	2,199	679	1,128	0	1,807	392	1,637	170	110.38	124.19	1.22	0.22
ልፌ	394	1,465	290	2,149	751	1,066	0	1,817	332	1,359	458	133.70	103.53	1.18	0.18
ካ	418	1,274	211	1,903	682	1,009	0	1,691	212	1,787	-96	94.63	113.87	1.13	0.13
ቃቂ	229	1409	92	1,730	592	876	0	1468	262	1,329	139	110.46	97.80	1.18	0.18
ዲስ/ከተማ	281	1,303	133	1,717	441	1,014	2	1,457	260	1,329	128	109.63	101.46	1.18	0.18
ርቆስ	263	1,147	128	1,538	517	774	0	1,291	247	1,329	-38	97.14	101.25	1.19	0.19
ናገሻ	140	987	123	1,250	363	672	0	1035	215	1,787	-752	57.92	93.24	1.21	0.21
ምር	5,301	20,534	2,717	28,552	12,946	11,352	2	24,300	4,252	23,167	1133	104.89	104.51	1.17	0.17

አጠቃላይ የወንጀል ጉዳዮች የስራ ክንውን

የጉዳይ ዓይነት	ካለፈው የተላለፈ	አዲስ የተከፈቱ	ከመ/ቤት የመጣ	አጠቃላይ የቀረበ	የተዘጉ	የተወሰኑ	ወደ ሌላ ፍ/ቤት የተላለፈ	አጠቃላይ መፍትሔ ያገኙ	በቀጠሮ የተላለፉ	በእቅድ የታያዘ	አፈፃጸም ልዩነት	አፈፃጸም ልዩነት በ%	ክሊራንስ ሬት በ%	ኮንጀስ ሽን ሬት	በክሎግ
NonRTD	3,821	10,533	1,518	15,872	6,582	6,764	2	13,348	2,524	14,109	-761	94.61	110.76	1.19	0.19
ገቢዎችና ጉሙሩክ	457	588	94	1139	215	358	0	573	566	450	123	127.33	84.02	1.99	0.99
RTD	673	4239	320	5,232	761	3794	0	4,555	677	5,383	-828	84.62	99.91	1.15	0.15
ሀ/ወ/ጥፋተኛ	292	614	127	1,033	415	404	0	819	214	225	594	364.00	110.53	1.26	0.26
ከባድ ወንጀል በለሰስት ዳኛ	32	71	12	115	28	32	0	60	55	0	60	#DIV/0!	72.29	1.92	0.92
ጊዜ ቀጠሮ	26	4489	646	5161	4945	0	0	4,945	216	3,000	1945	164.83	96.30	1.04	0.04
ድምር	5,301	20,534	2,717	28,552	12,946	11,352	2	24,300	4,252	23,167	1133	104.89	104.51	1.17	0.17

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT

ቁጥር
Ref No. ....

..........ቀን ፳፻..........ዓ.ም

የኮ/መ/ቁ:- 221625

ቀን: - 22/06/14 ዓ.ም

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ዳኛ:- ቢኒያም መክብብ

ጊዜ ቀጠሮ ጠያቂ:- ፌ/ፖ/ወ/ም/ቢሮ

መርማሪ:- ሜላት ምህረቴ ቀረቡ

ተጠርጣሪ:- ወ/ሮ ህይማኖት ባዬ ቀረቡ

1ኛ ወ/ሮ ህይማኖት ባዬ እንዳለም ዕድሜ 32

ሥራ የግል የቤተሰብ ሁኔታ ያገባ

አድራሻ ጉለሌ ቀ/ወ 3 የቤ.ቁ 201

ይህ መዝገብ ሊቀርብ የቻለው ፌ/ፖ/ወ/ም/ቢሮ በቁጥር 1621/14 ኮንትሮባንድ ወንጀል ፈፅመዋል በማለት በወ/ሥ/ሥ/ህጉ አንቀፅ 59(1) መሰረት 14 ቀን ይሰጠኝ በማለት ያቀረቡትን ጥያቄ መሰረት በማድረግ ነው

መርማሪ ፖሊስ ተጠርጣሪ/ዎቹን ችሎት ላይ ይዞ በመቅረብ የተያዙበትን ምክንያትና ፈፀመዋል የተባለውን የወንጀል ዝርዝር በመግለፅ የሰውና የሰነድ ማስረጃ ለማሰባሰብ 14 ቀን ይሰጠኝ አሉ

ተጠርጠሪዎቹ በበኩላቸው የተያዙበትን ምክንትና ፈፀመዋል ተባለውን የወንጀል ዝርዝር እንዲሁም ፖሊስ ያቀረበውን ጥያቄ በሚገባቸው ቋንቋ እንዲረዱ ከተደረገ ቡሃላ አስተያየት የሰጡ ሲሆን በዚሁ መሰረት

እኔ እቃው መከልከሉን አላውቅም ነበር የዋስ መብቴ ይከበር አሉ

ፍ/ቤቱ መርማሪ ፖሊሱ የምራመራ ጊዜውን ለምን እንደፈለገ ምርመራው ምን ደረጃ ላይ እንዳለ ገና የሚጣሩ ነጥቦች ምን ምን እንደሆኑ ተጠርጣሪው በማረፊያ ቤት ካልቆየ

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT

ቁጥር
Ref No. ____________

________ ቀን ፳፲________ ዓ.ም

ምርመራውን ማካሄድ መቻል አለመቻሉን መርማሪ ፖሊሱን በቃል ጠይቆ በማጣታት የሚከተለው ትዕዛዝ ሰጥቷል

ት ዕ ዛ ዝ

ተጠርጣሪ ቢወጡ ሊያጠፉ የሚችሉት ማስረጃ ስለማይኖር ለ15,000 (አስራ አምስት ሺህ) ብር የሚበቃ ዋስትና ካስያዙ ወይም ገንዘቡን በአደራ ካስቀመጡ ከእስር እንዲፈቱ መፈቻ ይፃፍ

ተጠርጣሪ ሌላ ትዕዛዝ እስኪሰጥ ድረስ ከሀገር እንዳይወጡ ታግደዋል ለሚመለከተው አካል ይፃፍ

ይግባኝ መብት ነው

መዝገቡ ተዘግቷል ይመለስ

የዳኛ ፊርማ አለበት

አፍ 01/09/14

ኢትዮጵያ ፌ ደራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የኢትዮጵያ ፌደራል ፖሊስ
የወንጀል ምርመራ ቢሮ

THE FEDERAL DEMOCRATIC REPUBLIC
OF ETHIOPIA
ETHIOPIAN FEDERAL POLICE COMMISSION
CRIME INVESTIGATION BUREAU

ቁጥር ፌ/ወ/ም/ወ/ፖ/ዲ/ቤ/ፅ/ቤ/ [illegible]
Ref. No.
ቀን ..... 24-06-2014 ዓ.ም
Date

በፌደራል የመጀመሪያ ደረጃ ፍ/ቤት

ለአራዳ ምድብ ወንጀል ችሎት

አዲስ አበባ

ጉዳዩ:- የምርመራ ማጣሪያ የጊዜ ቀጠር መጠየቅን ይመለከታል ፡

ወ/ሮ ሀይማኖት ባዬ አንዱስም የተባለች ግለሰብ የፓስፖርት ቁጥሩ EQ0075157 የሆነዉን በመገልገል ከቱርክ ሀገር ስታንቡል ከተማ በመነሳት በቀን 23/06/2014 ዓ/ም በግምት ከለሊቱ 8:30 ሰዓት አካባቢ ሲሆን ቦሌ ዓለም አቀፍ አውሮፕላን ማረፊያ የመንገደኞች ማስተናገጃ ህንፃ ቁጥር ሁለት (ተርሚናል 2) ውስጥ ከሚገኘዉ የገቢ መንገደኞች የጉምሩክ የፍተሻ ቦታ ስትደርስ ግለሰቧ በእለቱ የያዘችው የልብስ ሻንጣዎች ላይ በተደረገዉ ዝርዝር አካላዊ እና የኤክስሬይ ፍተሻ መሰረት የተለያዩ የንግድ ባህሪ ያላቸው አልባሳት ህጋዊ የንግድ ፈቃድ ሳይኖራት በህገ-ወጥ መንገድ ወደ ሀገር ውስጥ ለማስገባት ስትሞክር በመያዟ በተጠረጠረችበት የኮንትሮባንድ ወንጀል ድርጊት ጉዳይ ምርመራዉ በክፍላችን በመጣራት ላይ ይገኛል ::

ስለሆነም የምርመራ መዝገቡን በሰው እና በሰነድ ማስረጃዎች አጣርተን ጉዳዩ ለሚመለከተው የፌ/ጠ/ዐ/ህግ ለመላክ እንችል ዘንድ በወ/መ/ህ/ስ/ስ/ቁ 59/1 መሰረት የ14 ቀን የምርመራ ማጣሪያ ጊዜ ቀጠር እንዲሰጠን ስንል ክቡር ፍ/ቤቱን እንጠይቃለን ::

ፋይሉ ተከፍቶ ለችሎት ይቅረብ
ቀን 24/06/2014
ፊርማ

ከሰላምታ ጋር

011 1551200 ነፃ ጥሪ 861 80358 E-Mail: fpcib@Federal Police.gov.et አዲስ አበባ
ኢትዮጵያ
ADDIS ABABA ETHIOPIA

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT

ቁጥር
Ref No. ____________

________ቀን ፳፻________ዓ.ም

የመ/ቁ.221161

ቀን 13/05/2014 ዓ/ም

ፌ/መ/ደ/ፍ/ቤት አራዳ 1ኛ ቀጠሮ ችሎት

ዳኛ፡- ቢኒያም መክብብ

ጊዜ ቀጠሮ ጠያቂ ፡-ፌ/ፖ/ወ/ም/ቢ/ሮ

መርማሪ ፧- ም/ኢ. ቤተልሄም በቀለ

ተጠርጣሪ ፡- አብዱረህማን ሻሚል -ቀረቡ

አቶ አብዱረህማን ሻሚል ሸክረላ እድሜ ፧- 24

ስራ፡- ጥገና የቤተሰብ ሁኔታ ፡- ያላገባ

አድራሻ ኦሮ ክልል ወ/ቀ አዳማ የቤ/ቁ 01

ይህ መዝገብ ሊቀርብ የቻለው ፌ/ፖ/ወ/ም/ቢ/ሮ በቁጥር ቦሌ ኤ/ወምዲ/4771/14 በ13/05 ቀን 2014 በተጻፈ ደብዳቤ ተጠርጣሪው/ዎቹ ላይ ኮንትሮባንድ ወንጀል ፈጽመዋል በማለት በወ/ስ/ስ/ህግ አንቀጽ 59/1/መሰረት 14 ቀን ይሰጠን በማለት ያቀረቡን ጥያቄ መሰረት በማድረግ ነው

መርማሪ ፖሊስ ተጠርጣሪ/ዎቹን ችሎት ላይ ይዞ መቅረብ የተያዙበትን ምክንያትና ፈጽመዋው የተባለውን ወንጀል ዝርዝር በመግለጽ የሰው እና የሰነድ ማስረጃ ለማሰባሰብ 14 ቀን ጠየቀ ተጠርጣሪ/ዎቹ በበኩላቸው የተያዙትን ምክንያት ፈጸመዋል የተባለው የወንጀል ዝርዝር እንዲሁም ፖሊስ ያቀረበውን ጥያቄ በሚገባቸው ቋንቋ እንዲረዱት ከተደረገ በኋል አስተያየት የሰጡ ሲሆን በዚሁ መሰረት የዋስ መብቱ ይከበር አሉ

መርማሪ ፖሊስም ተጠርጣሪዉ/ዎቹ ባቀረቡት ጥያቄ ላይ በሰጠው አስተያየት ፍ/ቤቱ መርማሪ ፖሊሱ ምርመራ ጊዜውን ለምን እንደፈለገ ምርመራው ምን ደረጃ ላይ እንዳለ ገና የሚጣሩ ነጥቦች ምን ምን እንደሆኑ ተጠርጣሪው በማረፊያ ቤት ካልቆየ ምርመራው ማካኤድ መቻል አለመቻሉን መርማሪ ፖሊሱን በቃል ጠይቆ በማጣራት የሚከተለውን ትዕዛዝ ሰጥቷል።

B1

5

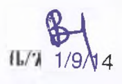
የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT

ቁጥር
Ref No. ....

............ቀን ጀጀ................ዓ.ም

ት ዕ ዛ ዝ

- ተጠርጣሪው ቢወጣ ሊያጠፋ የሚችለው የምርመራ ስራ ስለማይኖር ተጠርጣሪው ለ30,000 (ሠላሳ ሺህ) ብር የሚበቃ ዋስትና ካስያዙ ወይም ገንዘቡን በአደራ ካስቀመጡ ከእስር እንዲፈቱ መፊቻ ይጻፍ።
- ተጠርጣሪው ሌላ ትዕዛዝ እስኪሰጥ ድረስ ከሀገር እንዳይወጣ ታግዷል ለሚመለከተው አካል ይጻፍ መርማሪ ትዕዛዙን ያስፈጽም
- ይግባኝ መብት ነው
- መዝገቡ ተዘግቷል ይመለስ ።


ቤ/ጎ 1/9/14

የዳኛ ፊርማ አለበት

6

ኢትዮጵያ ፌደራላዊ ዴሞክራሲያዊ ሪፐብሊክ
የኢትዮጵያ ፌደራል ፖሊስ
የወንጀል ምርመራ ቢሮ

THE FEDERAL DEMOCRATIC REPUBLIC
OF ETHIOPIA
ETHIOPIAN FEDERAL POLICE COMMISSION
CRIME INVESTIGATION BUREAU

ቁጥር ...
Ref. No.

ቀን 13-05-2014 ዓ.ም
Date

በፌደራል የመጀመሪያ ደረጃ ፍ/ቤት

ለአራዳ ምድብ ወንጀል ችሎት

<u>አዲስ አበባ</u>

<u>ጉዳዩ፡- የምርመራ ማጣሪያ የጊዜ ቀጠሮ መጠየቅን ይመለከታል</u> ፣

አቶ አብዱረህማን ሻሚል ሹክሪላ የተባለ የፓስፖርት ቁጥሩ EP5943201 የሆነዉን የሚገለገል ግለሰብ ከቱርክ ሀገር ኢስታንቡል ከተማ በመነሳት በቀን 12/05/2014 ዓ/ም በግምት ከቀኑ 08:30 ሰዓት አካባቢ ሲሆን ቦሌ ዓለም አቀፍ አውሮፕላን ማረፊያ የመንገደኞች ማስተናገጃ ህንፃ ቁጥር (ተርሚናል) ሁለት ውስጥ ከሚገኘዉ የገቢ መንገደኞች የጉምሩክ የፍተሻ ቦታ ደርሶ በእለቱ የያዛቸዉ የልብስ 04 (አራት) ሻንጣዎች ዉስጥ የንግድ ባህሪ ያላቸው አልባሳት ማለትም 50 (አምሳ) ፍሬ የወንድ ሙሉ ቱታ እና የሴት ቀሚስ 02 (ሁለት) ፍሬ ህጋዊ የንግድ ፈቃድ ሳይኖረው በመያዝ በህገ-ወጥ መንገድ ወደ ሀገር ውስጥ ለማስገባት ሲሞክር በተደረገዉ ክትትል በመያዙ በኮንትሮባንድ ወንጀል ተጠርጥሮ ምርመራዉ በክፍላችን በመጣራት ላይ ይገኛል ፡፡

ስለሆነም የምርመራ መዝገቡን በሰው እና በሰነድ ማስረጃዎች አጣርተን ጉዳዩ ለሚመለከተው የፌ/ጠ/ዐ/ህግ ለመላክ እንችል ዘንድ በወ/መ/ህ/ስ/ስ/ቁ 59/1 መሰረት የ14 ቀን የምርመራ ማጣሪያ ጊዜ ቀጠሮ እንዲሰጠን ስንል ክቡር ፍ/ቤቱን እንጠይቃለን ፡፡

ከሰላምታ ጋር

አማን ሆቦሮ
ዋና ኢንስፔክተር
Aman Hoboro
Chief Inspector
ቦሌ ኤርፖርት ወንጀል ምርመራ
ዲቪዥን ኃላፊ
Bole Airport Crime Investigation
Division Head

13-05-2014

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011 1551200 ነፃ ጥሪ 861 80358 E-Mail: fpcib@Federal Police.gov.et አዲስ አበባ
ኢትዮጵያ
ADDIS ABABA ETHIOPIA

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT

ቁጥር
Ref No. ____________

__________ ቀን ፳፻ __________ ዓ.ም

የመ/ቁ.221587

ቀን 22/06/2014 ዓ/ም

<u>ፌ/መ/ደ/ፍ/ቤት አራዳ 1ኛ ቀጠሮ ችሎት</u>

ዳኛ፡- ቢኒያም መክብብ

ጊዜ ቀጠሮ ጠያቂ ፡-ፌ/ፖ/ወ/ም/ቢሮ

መርማሪ ፡- ም/ኢ. ናኦድ አክሎግ -ቀረቡ

ተጠርጣሪ ፡- ኡማር ሬድዋን ከማል -ቀረቡ

አቶ ኡማር ሬድዋን ከማል እድሜ ፡- 25

ስራ፡- ነጋዴ የቤተሰብ ሁኔታ ፡- ያላገባ

አድራሻ አዳመ ወ/ቀ 01 የቤ/ቁ 830

ይህ መዝገብ ሊቀርብ የቻለው ፌ/ፖ/ወ/ም/ቢሮ በቁጥር 1614/14 በ22/6/ ቀን በተጻፈ ደብዳቤ ተጠርጣሪው/ዎቹ ላይ ኮንትሮባንድ ወንጀል ፈጽመዋል በማለት በወ/ስ/ስ/ህግ አንቀጽ 59/1/መሰረት 14 ቀን ይሰጠን በማለት ያቀረቡን ጥያቄ መሰረት በማድረግ ነው

መርማሪ ፖሊስ ተጠርጣሪ/ዎቹን ችሎት ላይ ይዞ መቅረብ የተያዙበትን ምክንያትና ፈጽመዋው የተባለውን ወንጀል ዝርዝር በመግለጽ የሰውና የሰነድ ማስረጃ ለማሰባሰብ 14 ቀን ይሰጠን አሉ ተጠርጣሪ/ዎቹ በበኩላቸው የተያዙበትን ምክንያት ፈጽመዋል የተባለው የወንጀል ዝርዝር እንዲሁም ፖሊስ ያቀረበውን ጥያቄ በሚገባቸው ቋንቋ እንዲረዱት ከተደረገ በኂል አስተያየት የሰጡ ሲሆን በዚሁ መሰረት እኔ ነጋዴ ነኝ ለሳምፕል ነው ይዤ የመጣሁት የዋስ መብቴ ይከበር አሉ

መርማሪ ፖሊስም ተጠርጣሪዉ/ዎቹ ባቀረቡት ጥያቄ ላይ በሰጠው አስተያየት ፍ/ቤቱ መርማሪ ፖሊሱ የምርመራ ጊዜውን ለምን እንደፈለገ ምርመራው ምን ደረጃ ላይ እንዳለ ገና የሚጣሩ ነጥቦች ምን ምን እንደሆኑ ተጠርጣሪው በማረፊያ ቤት ካልቆየ ምርመራው ማካኤድ መቻል አለመቻሉን መርማሪ ፖሊሱን በቃል ጠይቆ በማጣራት የሚከተለውን ትዕዛዝ ሰጥቷል።

B1

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT

ቁጥር
Ref No.

ቀን ጽሂ ዓ.ም

ት ዕ ዛ ዝ

- ተጠርጣሪው ቢወጣ ሊያጠፋ የሚችለው ማስረጃ ስለማይኖር ተጠርጣሪው ለ50,000 (ሀምሳ ሺ.ህ) ብር የሚበቃ ዋስትና ካስያዙ ወይም ገንዘቡን በአደራ ካስቀመጡ ከእስር እንዲፈቱ መፈቻ ይጻፍ፡፡
- ተጠርጣሪው ሌላ ትዕዛዝ እስኪሰጥ ድረስ ከሀገር እንዳይወጣ ታግዷል ለሚመለከተው አካል ይጻፍ መርማሪ ትዕዛዙን ያስፈጽም
- ይግባኝ መብት ነው
- መዝገቡ ተዘግቷል ይመለስ ፡፡

የዳኛ ፊርማ አለበት

ቤ/ገ 1/9/14

ኢትዮጵያ ፌደራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የኢትዮጵያ ፌደራል ፖሊስ
የወንጀል ምርመራ ቢሮ

THE FEDERAL DEMOCRATIC REPUBLIC
OF ETHIOPIA
ETHIOPIAN FEDERAL POLICE COMMISSION
CRIME INVESTIGATION BUREAU

ቁጥር ፌ/ፖ/ወ/ም/ቢ/614/14
Ref. No.
ቀን 22/06/2014
Date

በፌደራል የመጀመሪያ ደረጃ ፍ/ቤት

ለአራዳ ምድብ ወንጀል ችሎት

<u>አዲስ አበባ</u>

ጉዳዩ:- <u>የምርመራ ማጣሪያ የጊዜ ቀጠሮ መጠየቅን ይመለከታል</u> ፡

አቶ አሚር ሬድዋን ከማል የተባለ ግለሰብ የፓስፖርት ቁጥሩ EQ0008633 የሆነዉን በመገልገል ከቱርክ ሀገር ስታንቡል ከተማ በመነሳት በቀን 21/06/2014 ዓ/ም በግምት ከምሽቱ 7:00 ሰዓት አካባቢ ሲሆን ቦሌ ዓለም አቀፍ አውሮፕላን ማረፊያ የመንገደኞች ማስተናገጃ ህንፃ ቁጥር ሁለት (ተርሚናል 2) ውስጥ ከሚገኘዉ የገቢ መንገደኞች የጉምሩክ የፍተሻ ቦታ ደርሶ በእለቱ በያዛቸዉ ሻንጣዎች ላይ በተደረገዉ የኤክስሬይ እና ዝርዝር አካላዊ ፍተሻ መሰረት የተለያዩ የንግድ ባህሪ ያላቸው አልባሳት ህጋዊ የንግድ ፈቃድ ሳይኖረው በህገ-ወጥ መንገድ ወደ ሀገር ውስጥ ለማስገባት ሲሞክር በመያዙ በተጠረጠረበት የኮንትሮባንድ ወንጀል ድርጊት ጉዳይ ምርመራዉ በክፍላችን በመጣራት ላይ ይገኛል ፡፡

ስለሆነም የምርመራ መዝገቡን በሰው እና በሰነድ ማስረጃዎች አጣርተን ጉዳዩ ለሚመለከተው የፌ/ጠ/ዐ/ህግ ለመላክ እንችል ዘንድ በወ/መ/ህ/ስ/ስ/ቁ 59/1 መሰረት የ14 ቀን የምርመራ ማጣሪያ ጊዜ ቀጠሮ እንዲሰጠን ስንል ክቡር ፍ/ቤቱን እንጠይቃለን ፡፡

ፋይሉ ተከፍቶ ለችሎት
ይቅረብ
ቀን 22/06/~14
ፊርማ

ከሰላምታ ጋር

አማን ሆቦሮ
ዋና ኢንስፔክተር
Aman Hoboro
Chief Inspector

ቦሌ ኤርፖርት ወንጀል ምርመራ
ዲቪዥን ኃላፊ
Bole Airport Crime Investigation
Division Head

10

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ኢትዮጵያ
ADDIS ABABA ETHIOPIA

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT

ቁጥር
Ref No. ____________

________ቀን ፳፻_________ዓ.ም

የመ/ቁ፡- 221439

ቀን፡- 12 /06/ 2014

ፌ/መ/ደ/ፍ/ቤት አራዳ 1ኛ ጊዜ ቀጠሮ ችሎት

ዳኛ፡- አብነት ከበደ

ጊዜ ቀጠሮ ጠያቂ፡- የፌ/ፓ/ወ/ም/ቢ.ሮ/ -ም/ሳ ዋጋሪ ጋጊ -ቀረቡ

ተጠርጣሪ/ዎች፡- አቶ ሳዲቅ ኸይሩ ከድር -ቀረቡ

ይህ መዝገብ ሊቀርብ የቻለው ፌ/ፓ/ወ/ም/ቢ.ሮ በቁጥር 570/14 በ22 /06/14 ቀን የተፃፈ ደብዳቤ ተጠርጣሪው/ዎቹ የኮንትሮባድ ወንጀል ፈጽመዋል በማለት በወ/ሥ/ሥ/ህ አንቀፅ 59/1/ መሰረት የ14 ቀን ጊዜ ቀ/ በማለት ያቀረቡት ጥያቄ መሰረት በማድረግ ነው፡፡

መርማሪ ፓሊስ ተጠርጣሪው/ዎቹን ችሎት ላይ ይዞ በመቅረብ የተያዙበትን ምክንያትና ፈጽመዋል የተባሉትን የወንጀል ዝርዝር በመግለፅ የተለያዩ አልባሳትን ይዘው ወደ ሀገር በኮንትሮባድ ሲያስገቡ ተይዘዋል ሲሉ 14 ቀን ጊዜ ቀጠሮ ጠይቀዋል ቃል አልተቀበልንም ዋስትና እንቃወማለን ሲሉ ተጠርጣሪው/ዎቹ በበኩላቸው የተያዙበትን ምክንያትና ፈፅመዋል የተባለውን የወንጀል ዝርዝር እንዲሁም ፓሊስ ያቀረበውን ጥያቄ በሚገባቸው ቋንቋ እንዲረዱት ከተደረገ በኃላ አስተያየት የሰጡ ሲሆን በዚሁ መሰረት የዋስትና መብቴ ይከበርልኝ አዋጅ ከወጣ ክልከላው ከተደረገ ጊዜ ጀምሮ ክፍለ ሀገር እናቴ ታማ እዛ ነበርኩ ያመጣሁት ለቤት ፍጆታ ነው ቤት ክራይ ከፍላለሁ ከጓደኞቼ ተበድሬ ነው መጣሁት መርማሪ ፓሊስም ተጠርጣሪ/ዎቹ ባቀረቡት ጥያቄ ላይ በሰጠው አስተያየት ፍ/ቤቱ መርማሪ ፓሊስ የምርመራ ጊዜው ለምን እንደፈለገ ምርመራው ምን ደረጃ እንዳለ ገና የሚጣሩ ነጥቦች ምን ምን እንደሆኑ ተጠርጣሪው በማረፊያ ቤት ካልቆየ ምርመራውን ማካሄድ መቻል አለመቻሉን መርማሪ ፓሊስን በቃል ጠይቆ በማጣራት የሚከተለው ትዕዛዝ ሰጥቷል፡፡

11

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT

ቁጥር
Ref No. ....

.... ቀን ጸ\ጀ .... ዓ.ም

ት ዕ ዛ ዝ

- ይግባኝ ህገመንግስታዊ መብት መሆኑ በችሎት ተነግሯል፡፡፤
- የተጠርጣሪ የዋስትና መብት ተከብሯል ለብር 2,000/ሁለት ሺ.ህ/ የሚያበቃ የሰው የገንዘብ ዋስ በመጥራት ከእስር እንዲለቀቁ ታዟል፡፡
- መዝገቡ ተዘግቷል ወደ መዝገብ ቤት ይመለስ፡፡

የዳኛ ፊርማ አለበት

ሽ/ሰ 1 /9/ 14

ኢትዮጵያ ፌደራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የኢትዮጵያ ፌደራል ፖሊስ
የወንጀል ምርመራ ቢሮ

THE FEDERAL DEMOCRATIC REPUBLIC
OF ETHIOPIA
ETHIOPIAN FEDERAL POLICE COMMISSION
CRIME INVESTIGATION BUREAU

ቁጥር [illegible]/14
Ref. No.
ቀን 12-06-2014 ዓ.ም
Date

በፌደራል የመጀመሪያ ደረጃ ፍ/ቤት

ለአራዳ ምድብ ወንጀል ችሎት

<u>አዲስ አበባ</u>

ጉዳዩ:- <u>የምርመራ ማጣሪያ የጊዜ ቀጠሮ መጠየቅን ይመለከታል</u> ፣

አቶ ሳዲቅ ኸይሩ ከዲር የተባለ ግለሰብ የፓስፖርት ቁጥሩ EP6115538 የሆነዉን በመገልገል ከተባበሩት አረብ ኢምሬትስ ሀገር ዱባይ ከተማ በመነሳት በቀን 11/06/2014 ዓ/ም በግምት ከምሽቱ 4:40 ሰዓት አካባቢ ሲሆን ቦሌ ዓለም አቀፍ አውሮፕላን ማረፊያ የመንገደኞች ማስተናገጃ ህንፃ ቁጥር ሁለት (ተርሚናል 2) ውስጥ ከሚገኘዉ የገቢ መንገደኞች የጉምሩክ የፍተሻ ቦታ ደርሶ በእለቱ በያዛቸዉ ሻንጣዎች ላይ በተደረገዉ የኤክስሬይ እና ዝርዝር አካላዊ ፍተሻ መሰረት የተለያዩ የንግድ ባህሪ ያላቸው አልባሳት በህገ-ወጥ መንገድ ወደ ሀገር ውስጥ ለማስገባት ሲሞክር በመያዙ በተጠረጠረበት የኮንትሮባንድ ወንጀል ድርጊት ጉዳይ ምርመራዉ በክፍላችን በመጣራት ላይ ይገኛል ::

ስለሆነም የምርመራ መዝገቡን በሰው እና በሰነድ ማስረጃዎች አጣርተን ጉዳዩ ለሚመለከተው የፌ/ጠ/ዐ/ህግ ለመላክ እንችል ዘንድ በወ/መ/ህ/ስ/ስ/ቁ 59/1 መሰረት የ14 ቀን የምርመራ ማጣሪያ ጊዜ ቀጠሮ እንዲሰጠን ስንል ክቡር ፍ/ቤቱን እንጠይቃለን ::

ከሰላምታ ጋር

ደ.ቁ. ተከፍቶ ለችሎት
ይቅረብ
ቀን 12/06/2014
ፊርማ

አማን ሆቦሮ
ዋና ኢንስፔክተር
Aman Hoboro
Chief Inspector
ቦሌ ኤርፖርት ወንጀል ምርመራ
ዲቪዥን ኃላፊ
Bole Airport Crime Investigation
Division Head

011 1551200 ነፃ ጥሪ 861 80358 E-Mail: fpcib@Federal Police.gov.et አዲስ አበባ
ኢትዮጵያ
ADDIS ABABA ETHIOPIA

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT

ቁጥር
Ref No. ____________

________ ቀን ________ ዓ.ም

የኮ/መ/ቁ:- 221047

ቀን: - 19/04/14 ዓ.ም

ፌ/መ/ደ/ፍ/ቤት አራዳ ምድብ 1ኛ ጊዜ ቀጠሮ ችሎት

ዳኛ:- ቢኒያም መክብብ

ጊዜ ቀጠሮ ጠያቂ:- ፌ/ፖ/ወ/ም/ቢሮ- ም/ኢ. ሉሊት ደምሴ ቀረቡ

ተጠርጣሪ:- 1. አቶ የአብስራ ደርሶ በላይ | ጠበቃ ዮሴፍ ኪሮስ
2. ወ/ሪት አይናለም ነጋሽ | ቀረቡ

መዝገቡ ለዛሬ የተቀጠረው የምርመራ ውጤቱን ለመጠባበቅ ነበር በዚህ መሰረት ፌ.ፖ.ወ.ም.ቢ. በቁጥር 3-8603/14 በቀን 15/4/14 በተፃፈ ደብዳቤ 14 ተጨማሪ የምርመራ ቀን ጠየቀ

የተጠርጣሪ ጠበቃ ደንበኞቼ እጅ ከፍንጅ ነው የተያዙት ምስክሮቹ የመንግስት ሰራተኛ ናቸው በእስር ሊያስቀያቸው የሚቻል ምክንት የለም ስለዚህ የዋስ መብታቸው ሊከበር ይገባል አሉ

ት ዕ ዛ ዝ

ተጠርጣሪዎች ቢወጡ የሚያጠፉት ማስረጃ ስለማይኖር የተጠርጣሪወችን አቅም ግምት ውስጥ በማስገባት 1ኛ ተጠረጣሪ ለ20,000 (ሃያ ሺህ) ብር 2ኛ ተጠርጣሪ ለ6,000 (ስድስት ሺህ) ብር የሚበቃ ዋስትና ካስያዙ ወይም ገንዘቡን በአደራ ካስቀመጡ ከእስር ዕንዲፈቱ መፈቻ ይፃፍ

ይግባኝ መብት ነው

መዝገቡ ተዘግቷል ይመለስ

የዳኛ ፊርማ አለበት

አና: 01/09/14

ፌደራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የኢትዮጵያ ፌደራል ፖሊስ
የወንጀል ምርመራ ቢሮ

THE FEDERA DEMOCRATIC
REPUBLIC OF ETHIOPIA

IN ETHIOPIAN FEDERAL POLICE
CRIME INVESTIGATION BUREAU

ቁጥር 3-8385/14
ቀን 13/04/14

በፌደራል የመጀመሪያ ደረጃ ፍ/ቤት

ለአራዳ ምድብ ወንጀል ችሎት

አዲስ አበባ

ጉዳዩ፡- የምርመራ ማጣሪያ ጊዜ ቀጠሮ እንዲሰጠን ስለመጠየቅ

1ኛ. አቶ የአብስራ ደርሶ በላይ እና

2ኛ. ወ/ሪት አይናለም ነጋሽ አደራ የተባሉ ተጠርጣሪዎች በግብር ከፋይ መለያ ቁጥር 0055597410 የሚታወቀዉ **ዕንቁ ማስታወቂያ ህትመትና ኤቨንት ኃላ/የተ/የግ/ማህበር** ስራ አስኪያጅ እና ሽያጭ ሠራተኛ ሲሆኑ በቀን 12-04-2014 ዓ.ም በድርጅቱ ላይ በተደረገ ያለደረሰኝ ግብይት የኦፐሬሽን ስራ ተጠርጣሪዎቹ **የትኩስ ነገር መጠጫ ኩባያ /ማግ/ ሽያጭ ፈፅመዉ** የተጨማሪ እሴት ታክስ ደረሰኝ ቆርጠዉ ለተጠቃሚዎች ባለመስጠታቸዉ ምክንያት እጅ ከፍንጅ በቁጥጥር ስር ውለዉ ምርመራው በክፍላችን በኩል እየተጣራባቸዉ ይገኛል፡፡

ስለሆነም ግለሰቦቹ ከፈፀሙት ያለደረሰኝ ግብይት የመፈፀም ወንጀል ጋር በተያያዘ ያልተሰባሰቡ የሰነድ ማስረጃዎች እና ቃል ያልሰጡ ምስክሮች ስላሉ ተጠርጣሪዎቹ ከእስር ቢለቀቁ ያልተሰባሰቡ የሰነድ ማስረጃዎችን ሊያስጠፉብን እንድሁም ምስክሮችን ሊደልሉብን እና ሊያስፈራሩብን ስለሚችሉ የተከበረው ፍ/ቤት በወ/መ/ህ/ስ/ስ/ቁጥር 59/2 መሰረት የ14 ቀን የምርመራ ማጣሪያ ጊዜ ቀጠሮ እንድፈቅድልን እንጠይቃለን፡፡

ከ4/ፀሀፊ ነሳኝ
ለ አስገቢ ተከፍቷል
ለ ዳኞች ተጠቅሷል
13-04-2014

ከሠላምታ ጋር
ዝናቡ አበበ
Zinabu Abebe
የከፍተኛ ግብር ከፋዮች ታክስ ወንጀሎች ምርመራ ዲቪዥን ኃላፊ
Large Tax Payers Crime Investigation Division Head

15

0011 1551200 ነፃ ጥሪ 861 80358 E-Mail: fpcib@Federal Police.gov.et አዲስ አበባ ኢትዮጵያ
Addis Ababa Ethiopia

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT

ቁጥር
Ref No.

ቀን Date ዓ.ም

የኮ/መ/ቁ፡- 221027

ቀን፡ - 12/04/14 ዓ.ም

ፌ/መ/ደ/ፍ/ቤት አራዳ ምድብ 1ኛ ጊዜ ቀጠሮ ችሎት

ዳኛ፡- ሙሉ ክንፈ

ጊዜ ቀጠሮ ጠያቂ፡- ፌ/ፖ/ወ/ም/ቢ.ሮ

መርማሪ፡- አቶ ተስፋዬ ለማ ቀረቡ

ተጠርጣሪ፡- አቶ አፈወርቅ ገ/ስላሴ ቀረቡ

1ኛ አቶ አፈወርቅ ገ/ስላሴ ገ/ሚካኤል ዕድሜ 58 ስራ የግል

አድራሻ ቦሌ ወ/ቀ 04 የቤ.ቁ 369

ይህ መዝገብ ሊቀርብ የቻለው ፌ/ፖ/ወ/ም/ቢ.ሮ በቁ 38854/14 ቀን 12/4/2014 ዓ.ም በተፃፈ ደብዳቤ ላይ የተጠቀሱ ተጠርጣሪዎች በቀረበባቸው ያለደረሰኝ ግብይት ማከናውን ጊዜ ቀጠር ለመጠየቅ የቀረበው ምክንያት ተጠርጣሪው እንዲረዳው ተነበለታል ፍ/ቤቱም የምርመራ መዝገቡን ተመልክቷል

ተጠርጣሪ/ጠበቃ እየቀረቡ ያለው ግልፅ ነው ስራው እኔ እመራለሁ አክሲዮን ነው ታናናሾቼ ናቸው የሚሰሩት ሁሉም ነገር ሰጥተናል ቋሚ አድራሽ አለኝ ቤተሰብ ኃላፊ ነኝ ዋስትና ይሰጠኝ በማለት ተከራክሯል

መርማሪ በበኩላቸው ተጠርጣሪ የእልልታ ድርጅት ተወካይ ስራስኪያጅ ናቸው ያለደረሰኝ ግብይት ማከናወን ወንጀል የውክልና ማረጋገጥ እንድንችል የ14 ቀን ጊዜ ይሰጠኝ በማለት ተከራክሯል

ት ዕ ዛ ዝ

ተጠርጣሪ ለ10,000.00 አስር ሺህ ብር የሚበቃ ዋስትና ይጥሩ ወይም ገንዘቡን በሞዴል 85 በአድራሻ ያስይዙ ከሁለቱ አንዱ ካልፈፀሙ ማ/ቤት ሆነው ይከራከሩ

መዝገቡ ታዘግቷል ወደ መዘገቤት ይመለስ

የዳኛ ፊርማ አለበት

አፃ፡ 01/09/14

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ያ ፌደራላዊ ዲሞክራሲያዊ ነክ
የኢትዮጵያ ፌደራል ፖሊስ
የወንጀል ምርመራ ቢሮ

E FEDERA DEMOCRATIC
REPUBLIC OF ETHIOPIA

IN ETHIOPIAN FEDERAL POLICE
CRIME INVESTIGATION BUREAU

ቁጥር 3-8254/14
ቀን 12/04/14

በፌደራል የመጀመሪያ ደረጃ ፍ/ቤት
ለአራዳ ምድብ ወንጀል ችሎት
አዲስ አበባ

ጉዳዩ፡- የምርመራ ማጣሪያ ጊዜ ቀጠሮ እንዲሰጠን ስለመጠየቅ

አቶ አፈወርቅ ገብረስላሴ ገ/ሚካኤል የተባለው ተጠርጣሪ በግብር ከፋይ መለያ ቁጥር 0065076057 የሚታወቀዉ እልልታ ትሬዲንግ ኃላ/የተ/የግ/ማህበር የድርጅቱ ህጋዊ ወኪል ሲሆን በቀን 30-03-2014ዓ.ም በድርጅቱ ላይ በተደረገ የኦፕሬሽን ስራ እጅ ከፈንጅ ያለደረሰኝ ግብይት በማከናወን ወንጀል የተጠረጠሩ ሲሆን የዋና ስራ አስኪያጅ /ተወካዩ/ የሆነው ግለሰብ በቀን 11/04/2014 ዓ.ም ከቀኑ 9:30 ላይ በቁጥጥር ስር ውሎ ምርመራው በክፍላችን በኩል እየተጣራባት ይገኛል፡፡

ስለሆነም ግለሰቡ ከፈፀመው ያለደረሰኝ ግብይት የማከናወን ወንጀል ጋር በተያያዘ ያልተሰባሰቡ የሰነድ ማስረጃዎች፣ ከሽያጭ መመዝገቢያ መሳሪያ የወጣውን ዜድ ሪፖርት የትርጉም ስራ ማስተርጎም እንዲሁም ቃል ያልሰጡ ምስክሮች ስላሉ ተጠርጣሪው ከእስር ቢለቀቁ ያልተሰባሰቡ የሰነድ ማስረጃዎችን ሊያስጠፋብን እና ምስክሮችን ሊደልልብን እና ሊያስፈራሩብን ስለሚችሉ የተከበረው ፍ/ቤት በወ/መ/ህ/ስ/ስ/ቁጥር 59/2 መሰረት የ14 ቀን የምርመራ ማጣሪያ ጊዜ ቀጠሮ እንድፈቅድልን እንጠይቃለን፡፡

ፋይሉ ተከፍቶ ለችሎት ይቅረብ
ቀን 12/04/2014
ፊርማ

ከሠላምታ ጋር

ብርሃኑ አባተ ካሣ
በፌደራል ፖሊስ ኮሚሽን ወንጀል ምርመራ ቢሮ የታክስና ጉምሩክ ወንጀሎች ምርመራ ዳይሬክቶሬት ዳይሬክተር

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የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT

ቁጥር
Ref No.

ቀን ፳፻ ዓ.ም

የመ/ቁ.220949

ቀን 15/04/2014 ዓ/ም

ፌ/መ/ደ/ፍ/ቤት አራዳ 1ኛ ቀጠሮ ችሎት

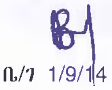
ዳኛ፡- ቢኒያም መክብብ

ጊዜ ቀጠሮ ጠያቂ ፡- ፌ/ፖ/ወ/ም/ቢሮ ም/ኢ. መረጠች ወ/ማርያም -ቀረቡ

ተጠርጣሪ ፡- አቶ በላይ ተፈሪ -ቀረቡ

ት ዕ ዛ ዝ

- መርማሪ ፖሊስ በተሰጠው ጊዜ ውስጥ አብዛኛውን የምርመራ ስራ ስለተጠናቀቀ እና ቀሪ ስራዎችን ለመስራት የተጠርጣሪን በእስር መቆየት የግድ የማይል ስላልሆነ ተጠርጣሪው ለ30,000 (ሰላሳ ሺ.ህ) ብር የሚበቃ ዋስትና ከስያዘ ወይም ገንዘቡን በደራ ካስቀመጠ ከእስር እንዲፈታ መፈቻ ይጻፍ
- ይግባኝ መብት ነው
- መዝገቡ ተዘግቷል ይመለስ፡፡



ቢ/ገ 1/9/14

የዳኛ ፊርማ አለበት

ዮጵያ ፌደራላዊ ዲሞክራሲያ
ሪፐብሊክ
በፌደራል ፖሊስ ኮሚሽን
የወንጀል ምርመራ ቢሮ

THE FEDERAI EMOCRATIC REPUBLIC
OF ETHIOPIA
IN THE FEDERAL POLICE COMMISSION
CRIME INVESTIGATION BUREAU

(I)

ቁጥር 3-79 46/14
Ref.No
ቀን 06/04/14
Date

በፌዴራል የመጀመሪያ ደረጃ ፍ/ቤት

ለአራዳ ምድብ ወንጀል ችሎት

<u>አ/አበባ</u>

ጉዳዩ :- <u>ጊዜ ቀጠሮ ስለመጠየቅ</u>

አቶ በላይ ተፈራ መኮንን የተባለ ግለሰብ የቢ.ሲ. አግሮ ቢዝነስ ኃ/የተ/የግ/መህበር በለቤትና ስራአስከሄጅ ሲሆን በቀን 05/04/14ዓ.ም በተደረገዉ ድንገታኛ ፍተሸ ያለደረሰኝ ግብይት ሲያከነወኑ እጅ ከፍንጅ ተይዞ በቁጥጥር ስር ሊዉል ችሏል።

በመሆኑም ምርመራ ገና ጅምር ሲሆን የምስክር ቃል ያልተቀበልን፣ለምርመራ ስራችን የሚያስፈልጉ ማስረጃዎችን ያለሰበሰብን ስለሆነ ምርመራዉን በተገቢዉ የሰዉና የሰነድ ማስረጃ አጠናክረን ለሚመለከተዉ ለፍትህ አካል ለመላክ እንዲንችል በወ/መ/ሀ/ሥ/ሥ/ቁጥር 59/1 መሰረት የ14 ቀን የምርመራ ማጣሪያ እንዲፈቀድልን የተከበረዉን ፍ/ቤት እንጠይቃለን።

ካሠላምታ ጋር

ፋይሉ ተከፍቶ ለችሎት ይቅረብ
ቀን 06/04/14
ፊርማ

ጉምሩክ ወንጀሎች ምርመራ
ዲቪዥን ኃላፊ
Customs Crime Investigaion
Division Head

19

☎011 155 12 00 ✉80358 E-mail crimeinvest29@yahoo.com አዲስ አበባ ኢትዮጵያ
Addis Ababa Ethiopia

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴራል መጀመሪያ ደረጃ ፍ/ቤት

የክ/መ/ቁ 29 02 [illegible]
ቀን 13.1.2014
ገጽ 01

ዳኛ [illegible]

ከሳሽ፦ የፌ/ዐ/ህግ [illegible]

ተከሳሾች፦ 1 [illegible]

2

3

4

5

መዝገቡ የተቀጠረው ክስ ለመስማት ነው ግራ ቀኙ ቀርበዋል።

1 ኛ ተከሳሽ ስም [illegible] ዕድሜ [illegible] የመኖሪያ አድራሻከተማ [illegible]

ክፍለ/ከ [illegible] ቀበሌ ወረዳ 01 የቤት ቁ 147 የጋብቻ ሁኔታ [illegible] የት/ት ደረጃ [illegible]

2 ኛ ተከሳሽ ስም [illegible] ዕድሜ የመኖሪያ አድራሻከተማ

ክፍለ/ከ ቀበሌ ወረዳ የቤት ቁ የጋብቻ ሁኔታ የት/ት ደረጃ

3 ኛ ተከሳሽ ስም ዕድሜ የመኖሪያ አድራሻከተማ

ክፍለ/ከ ቀበሌ ወረዳ የቤት ቁ የጋብቻ ሁኔታ የት/ት ደረጃ

[illegible]

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት

የ .... ቁ. 296250
ቀን .... ገፅ 02

የ ____________ ምድብ ____________ ችሎት

1. ....
2. [illegible]
3. ትዕዛዝ
4. 1. [illegible]
5. [illegible]
6. 2- [illegible] 5000 [illegible]
7. [illegible]
8. [illegible]
9. [illegible] - 04-02-2014
10. [illegible]

ቀን፡- 04/02/2014 ዓ.ም

14. ዳኞች፡- [illegible]

15. ከሳሽ፡- የቀ/ጠ/ፀ/ህግ [illegible]

16. ተከሳሽ፡- [illegible]

17.–24. [illegible]

[illegible]

...ትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ህግ
የጉለሌ ቅርንጫፍ ጽሕፈት ቤት
The Federal Democratic Republic of Ethiopia
Attorney General
Gulele Branch Office

ጠቅላይ ዐቃቤ ሕግ
ATTORNEY GENERAL

ቁጥር ....ለ007/14.....
Ref.NO

ቀን.........12/01/14..
Date

ለፌዴራል የመጀመሪያ ደረጃ ፍ/ቤት

ለልደታ ምድብ ወንጀል ችሎት

<u>አዲስ አበባ</u>

የጠ/ዐ/ህ/ወ/መ/ቁ.ለ007/14

የጉ/ፖ/መ/ወ/መ/ቁ. <u>192/14</u>

ከሳሽ፡- ጠ/ዐ/ህግ
ተከሳሽ፡- አሸናፊ ወንደወሰን ፀጋዬ ዕድሜ 24 አመት
አድራሻ፡ ጉለሌ ክ/ከተማ ወረዳ 05 የቤ/ቁ 146

<u>ወንጀሉ</u>

በ1996 ዓ.ም የወጣውን የኢፌድሪ የወንጀል ህግ አንቀፅ 627(3) ስር የተመለከተውን መተላለፍ

<u>የወንጀሉ ዝርዝር</u>

ተከሳሽ ከዕርሱ ጋር ተቃራኒ ፆታ ካላት፣ ዕድሜዋ አስራ ሶስት ዓመት ካልሞላት ልጅ ጋር የግብረ-ስጋ ግንኙነትን የመሰለ ድርጊት ለመፈፀም በማሰብ በቀን 16/12/2013 ዓ.ም በግምት ከቀኑ 7፡00 ሰዓት ሲሆን በጉለሌ ክ/ከተማ ወረዳ 05 ልዩ ቦታው ቀጨኔ ሶስተኛ መንገድ ተብሎ ከሚጠራው አካባቢ ዕድሜዋ ዘጠኝ (9) አመት የሆነችውን የግል ተበዳይ ህፃን መኪያ መሀመድን ተከሳሽ የሚተኛበት አልጋ ላይ በጀርባዋ አስተኝቶ የለበሰችውን ታይት ሱሪ ዝቅ በማድረግ የራሱንም ሱሪ ዝቅ አድርጎ በሽንት መሽኛው የሽንት መሽኛዋን የነካካት በመሆን ለፈፀመው የግብረ-ስጋ ግንኙነትን የመሰለ ድርጊት መፈፀም ወንጀል ተከሷል፡፡

ባዩሽ ለገሰ
ዐቃቤ ሕግ

14/ከፍት
ፋይሉ ተከፍቷል መዝገቡ
ለችሎት ይቅረብ
13/01/14

ለሕግ፣ ለፍትህ፣ ለርትዕ! For law, Justice, Equality!

ፋክስ FAX 0115-51-77-75 | ፖ.ሣ.ቁ p.o.Box 1370 | ስልክ Tel. 011 22 44 01 | አዲስ አበባ ኢትዮጵያ Addis Ababa-Ethiopia

ሰ/ታ

ኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ህግ
የጉለሌ ቅርንጫፍ ጽሕፈት ቤት
The Federal Democratic Republic of Ethiopia
Attorney General
Gulele Branch Office

ቁጥር ....
Ref.NO

ቀን..................................
Date

<u>የማስረጃ ዝርዝር</u>

<u>ሀ/የሰዉ</u>

1ኛ/ ህፃን መኪያ መሀመድ እውነቱ (የግል ተበዳይ)
  አድራሻ፡ ጉለሌ ክ/ከተማ ወረዳ 05 የቤ/ቁ - 240

2ኛ/ ወ/ሮ ፊትያ ኑር ሀሰን (የሰሚ ምስክር)
  አድራሻ፡ ጉለሌ ክ/ከተማ ወረዳ 05 የቤ/ቁ የቤ/ቁ 240

3ኛ/ ህፃን ኤፍራታ ቸርነት አሰፋ (የሰሚ)
  አድራሻ፡- ጉለሌ ክ/ከተማ ወረዳ 05 የቤ/ቁ 145/2

4ኛ/ ወ/ሮ ሰምሪ ኑር ሀሰን (የሰሚ)
  አድራሻ፡- ጉለሌ ክ/ከተማ ወረዳ 05 የቤ/ቁ ተከራይ

<u>ለ/የሰነድ</u>

- ተከሳሽ በወ/መ/ስ/ስ/ሀ/ቁ 27(2) መሰረት በሰጠው ቃል በዕለቱ ከግል ተበዳይ ጋር አብረው እንደነበር በመግለፅ የሰጠው ቃል 04 ገፅ ኮፒ
- የግል ተበዳይን ዕድሜ የሚገልፅ የልደት ምስክር ወረቀት 01 ገፅ ኮፒ

<u>ማስታወሻ</u>

- ተከሳሽ ከቀን 06/01/2014 ዓ.ም ጀምሮ በዕስር ይገኛል፡፡
- በRTD የቀረበ ክስ ነዉ፡፡

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መዝገቡ የተቀጠረው ክስ ለመስማት ነው ግራ ቀኝ ቀርበዋል።

1 ኛ ተከሳሽ ስም [illegible] ዕድሜ 27 የመኖሪያ አድራሻከተማ [illegible]

ክፍለ/ከ------------ቀበሌ--------ወረዳ 06 የቤት ቁ 851 የጋብቻ ሁኔታ [illegible] የት/ት ደረጃ------------

2 ኛ ተከሳሽ ስም -- ዕድሜ----------የመኖሪያ አድራሻከተማ------------

ክፍለ/ከ------------ቀበሌ--------ወረዳ----------የቤት ቁ------------የጋብቻ ሁኔታ ------------የት/ት ደረጃ------------

3 ኛ ተከሳሽ ስም -- ዕድሜ----------የመኖሪያ አድራሻከተማ------------

ክፍለ/ከ------------ቀበሌ--------ወረዳ----------የቤት ቁ------------የጋብቻ ሁኔታ ------------የት/ት ደረጃ------------

[illegible]

የኢትዮጵያ ፌዴራላዊ ዴሞክራሲያዊ ሪፐብሊክ
የፌዴራል መጀመሪያ ደረጃ ፍ/ቤት

የኮ/መ/ቁ 280745
ቀን 29/06/2013
ገጽ -01-

ዳኛ ኢንሀብ በዙነህ

ከሳሽ:- የፌ/ዐ/ህግ [illegible]

ተከሳሾች:- 1. ደብረማርያም ገብሬ ጉርሻ

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት

የ [illegible] ቁ. [illegible]
ቀን 21/06/12 ገፅ 2

የ ____________ ምድብ ____________ ችሎት

1. [illegible]
2. [illegible]
3. [illegible]
4.
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. 12,000 [illegible]
12. [illegible]
13. [illegible]
14. [illegible]
15. [illegible]
16. [illegible]
17.
18. [illegible] 6, 2012 [illegible]
19. [illegible]
20.
21.
22.
23.
24.
25.

[illegible]

ቁጥር ጉ 00416/13
Ref.No
ቀን 26/06/13
Date

ለፌዴራል የመጀመሪያ ደረጃ ፍ/ቤት
ለልደታ ምድብ ወንጀል ችሎት
አዲስ አበባ

የጠ/ዐ/ሕ/ጉ/ም/ወ/መ/ቁ. ጉ 00416/13
የጉለሌ ፖ/መ /ወ/መ/ቁ. 554/13

ከሳሽ...... ጠቅላይ ዐቃቤ ሕግ
ተከሳሽ...... አለማየሁ ጉዳ ጉርሻ ፆታ ወንድ ዕድሜ 27 ዓመት
አድ፣ ጉለሌ ክ/ከተማ ወረዳ 06 የቤ/ቁ. 851

ወንጀሉ

በ1996 ዓ.ም የወጣውን የኢፌድሪ የወንጀል ህግ አንቀጽ 627/3/ ስር የተመለከተውን በመተላለፍ፡፡

የወንጀሉ ዝርዝር

ተከሳሽ ከእርሱ ጋር ተቃራኒ ፆታ ካላትና ዕድሜዋ 13 /አስራ ሦስት/ ዓመት ባልሞላት ልጅ ጋር የግብረ ስጋ ግንኙነት የመሠለ ድርጊት ለመፈፀም በማሰብ ቀኑና ሰዓቱ በማይታወቅ ከመስከረም 17/2013 እስከ ህዳር ወር 2013 ዓ.ም ባለው ግዜ ውስጥ በጉለሌ ክ/ከተማ ወረዳ 06 ልዩ ቦታው ዞን 3 ተብሎ ከሚጠራው አካባቢ ዕድሜዋ 10 ዓመት ከ6 ወር የሚሆናትን የግል ተበዳይ ህፃን መቅደላዊት ሠለሞንን ወደ ሚኖርበት ቤት ጠርቶ በማስገባት የለበሠችውን ሱሪ አውልቆ የራሱን ከሱሪው በማውጣት በጀርባዋ መሬት አስተኝቷት የሽንት መሽኛዋን በሽንት መሽኛው የነካካት በመሆኑ ዕድሜያቸው ባልደረሱ ልጆች ላይ በሚፈፀም የግብረ ስጋ ድፍረት በደል ወንጀል ተከሷል፡፡

ብርሳቤህ ፍቃዱ
ዐቃቤ ሕግ

... ... ሪፐብሊክ
ጠቅላይ ዐቃቤ ህግ
የጉለሌ ቅርንጫፍ ፅ/ቤት
The Federal Democratic Republic of Ethiopia
Attorney General
Gulele Branch Office

ቁጥር ____________
Ref.No
ቀን ____________
Date

የማስረጃ ዝርዝር

ሀ/ የሰው

1. ህፃን መቅደላዊት ሠለሞን /የግል ተበዳይ/ አድ፣ ጉለሌ ክ/ከተማ ወዳ 06 የቤ/ቁ. 853
2. አቶ ሠለሞን አበራ ሰጠኝ /የሰሚ ምስክር/ አድ፣ ጉለሌ ክ/ከተማ ወረዳ 06 የቤ/ቁ. 853
3. ህፃን መዓዛ ቦንቃ ቡኮ /የሰሚ ምስክር/ አድ፣ ጉለሌ ክ/ከተማ ወረዳ 06 የቤ/ቁ. 853

ለ/ የሠነድ

- የተበዳይን ዕድሜ የሚያሣይ የጥምቀት ምስክር ወረቀት 01 ገፅ

ማስታወሻ

1. ተከሳሽ ከ20/06/2013 ዓ.ም ጀምሮ በእስር ላይ ይገኛል፡፡
2. በመደበኛ የቀረበ ክስ ነው

ለሕግ፣ለፍትህ፣ ለርትዕ! For law, Justice, Equality!

ፋክስ FAX 0115-51-77-75 ፖ.ሣ.ቁ p.o.Box 1370 ስልክ Tel. 011 22 44 01 አዲስ አበባ ኢትዮጵያ Addis Ababa-Ethiopia A.M

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት

የ .... ቁ. 283752

ቀን 16/10/2013 ዓ.ም -01-

የ __________ ምድብ __________ ችሎት

1. [illegible]
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የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት

የ .... ቁ. 283752

ቀን 16/10/2013 ገፅ 01

የ ____________ ምድብ ____________ ችሎት

1. ትዕዛዝ
2. (1) [illegible]
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12. (2) [illegible]
13. [illegible] 2013 [illegible]
14. [illegible]
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16.
17. ቀን፦ 22/10/2013
18. [illegible]
19. ከሳሽ፦ [illegible]
20. ተከሳሽ፦ [illegible]
21. [illegible]
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24. [illegible]
25. [illegible]

በኢት ያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ህግ
የጉለሌ ቅርንጫፍ ፅ/ቤት
The Federal Democratic Republic of Ethiopia
Attorney General
Gulele Branch Office

ቁጥር ሃ/00ጉ7/13
Ref.No
ቀን 15/10/2013
Date

በፌዴራል የመጀመሪያ ደረጃ ፍ/ቤት
ለልደታ ምድብ ወንጀል ችሎት
<u>አዲስ አበባ</u>

የጠ/ዐ/ሕ/ጉ/ም/ወ/መ/ቁ. 4100ጉ7/13
የጉለሌ ፖሊስ መ/ወ/መ/ቁ. 808/13

ከሣሽ -------- ጠቅላይ ዐቃቤ ሕግ
ተከሳሽ ------- አቶ መልስ አድማሱ ምህረቱ ዕድሜ 27 ዓመት
አድ፣ ጉለሌ ክ/ከተማ ወረዳ 08 የቤ/ቁ. 016

<u>ወንጀሉ</u>

በ1996 ዓ.ም የወጣውን የኢ.ፌ.ዲ.ሪ የወንጀል ህግ አንቀጽ 627/3/ ስር የተመለከተውን በመተላለፍ፡፡

<u>የወንጀሉ ዝርዝር</u>

ተከሳሽ ከእርሱ ጋር ተቃራኒ ፆታ ካላት እና ዕድሜዋ 13 ዓመት ካልሞላት ልጅ ጋር የግብረ ስጋ ግንኙነት የመሰለ ድርጊት ወይም ለንፅህና ክብር ተቃራኒ የሆነ ድርጊት ለመፈፀም በማሰብ በቀን 29/09/2013 ዓ.ም በግምት ከቀኑ 6፡00 ሰዓት ሲሆን በጉለሌ ክ/ከተማ ወረዳ 08 ልዩ ቦታው ወጣት ማዕከል አካባቢ ዕድሜዋ ስምንት ዓመት /8/ የሆነችውን የግል ተበዳይ ህፃን እየሩሳሌም እንዳለ የተባለችውን የቤተሰቦቿ መኝታ ቤት አልጋ ላይ አስተኝቶ የለበሰችውን ቁምጣ ሱሪ ሳያወልቅ የራሱን ሱሪ ዚፕ ከፍቶ በሽንት መሽኛው ሽንት መሽኛዋን የነካካት እና ከላይ ከተገለፀው ቀን በፊትም በተደጋጋሚ ጊዜ ተመሣሣይ ድርጊት የሚፈፅምባት በመሆኑ በህፃናት ልጆች ላይ የሚፈፀም የግብረ ሥጋ ድፍረት በደል ወንጀል ተከሷል፡፡

ጎላባዩሽ ለገሠ
ዐቃቤ ሕግ

<u>የማስረጃ ዝርዝር</u>

<u>ሀ/ የሰው</u>

1. ህፃን እየሩሳሌም እንዳለ ከበደ /የግል ተበዳይ/ አድ፣ ጉለሌ/ክ/ከ/ወረዳ 08 የቤ/ቁ. 017
2. ወ/ሮ ውዴ ደመቀ አፍራሽ /የግል ተበዳይ እናት እና የሠሚ ምስክር/ አድ፣ ጉለሌ/ክ/ከ/ወረዳ 08 የቤ/ቁ. 017
3. ወ/ሮ ትዕግስት ይርዳው በየነ /የሠሚ ምስክር/ አድ፣ ጉለሌ/ክ/ከ/ወረዳ 08 የቤ/ቁ. 018

The Federal Democratic Republic of Ethiopia
Attorney General
Gulele Branch Office

ጠቅላይ ዐቃቤ ሕግ
ATTORNEY GENERAL

ቁጥር ________
Ref.No
ቀን ________
Date

ለ/ የሠነድ

1. የግል ተበዳይን ዕድሜ የሚያሣይ የክትባት ካርድ 01 ገፅ ኮፒ
2. ለግል ተበዳይ ምርመራ የተደረገ መሆኑን የሚያሣይ በቀን 04/10/2013 ዓ.ም ከዳግማዊ ሚኒሊክ ሆስፒታል የተፃፈ ማስረጃ 01 ገፅ ኮፒ

ማስታወሻ

1. ተከሳሽ ከቀን 08/10/2013 ዓ.ም ጀምሮ በእስር ላይ ይገኛል፡፡
2. በመደበኛ የቀረበ ክስ ነው፡፡

16.10.2013

ፋክስ
FAX 0115-51-77-75
ፖ.ሣ.ቁ
p.o.Box 1370
ስልክ
Tel. 011 22 44 01
አዲስ አበባ ኢትዮጵያ
Addis Ababa-Ethiopia

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት

የ .... ቁ. 291968
ቀን 13/09/2013 ገፅ ......02......

የ __________ ምድብ __________ ችሎት

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በኢትዮጵያ ፌዴራላዊ ዴሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ህግ
The Federal Democratic Republic of Ethiopia
Attorney General
የልደታ ምድብ ጠቅላይ ዐቃቤ ሕግ
Lideta Branch Attorney General

7

ቁጥር -3- 795 | 1916/13
Ref.No.
ቀን 06/05/13
Date

በፌደራል የመጀመሪያ ደረጃ ፍ/ቤት

ለልደታ ምድብ ወንጀል ችሎት

አ/አበባ

የል/ም/ጽ/ቤ/ወ/መ/ቁ 1916/13

የል/ክ/ከ/ፖ/መ/መ/ቁ.1091/13

ከሳሽ፡- የፌ/ጠ/ዐ/ህግ

ተከሳሽ፡- ሁሴን አሊ ይመር እድሜ 31 አመት

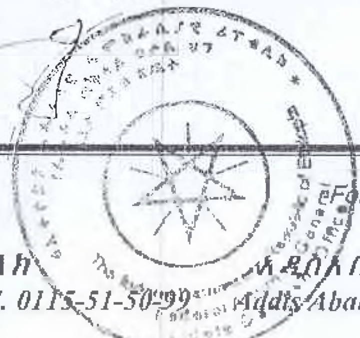
አድራሻ፡ አቃቂ ቃሊቲክ/ከተማ ገላን ኮንዶምንዬም የቤት/ቁተከራይ

ወንጀሉ

በ1996 ዓ/ም የወጣውን የኢ/ፌ/ድ/ሪ የወንጀል ህግ አንቀፅ 559(2) ስር የተመለከተውን በመተላለፍ

የወንጀሉ ዝርዝር

ተከሳሽ የሌላ ሰው አካል ወይም ጤንነት የመጠበቅ የሙያ ሀላፊነት እያለበት ቸልተኛ በመሆን በቀን 21/06/11 ዓ/ም ከቀኑ 7:30 ስዓት ሲሆን የሰሌዳ ቁጥሩ ኮድ 2-A34295 አ/አ በሆነ ተሽከርካሪ ተሳፋሪዎችን ይዞ ከሜክሲኮ ወደ ሳር ቤት አቅጣጫ እያሽከረከረ በል/ክ/ከተማ ወረዳ 10 ክልል ጥይት ፋብሪካ አካባቢ ሲደርስ መሪ ያለ አግባብ ወደ ቀኝ በመጠምዘዝ የሰሌዳ ቁጥሩ ኮድ 3-A 12555 አ/አ ከሆነ የቆመ ተሽከርካሪ ጋር በመጋጨት አሳፍሯቸው የነበሩትን 1ኛ የግል ተበዳይ ሁሴን ሰይድ አሊ ላይ በቀኝ ክንዱ አጥንቱ ላይ ስብራት እንዲደርስበት በማድረግ ከባድ የአካል ጉዳት ያደረሰ እና በ2ኛ የግል ተበዳይ ሀሽም ከድር ላይ በቀኝ አይኑ ላይ የመስታዉት ስንጣሪ እንዲገባበትና ቀላል ጠባሳ እንደፈጠረበት ያደረገ በመሆኑ በፈፀመው በቸልተኝነት ከባድ የአካል ጉዳት ማድረስ ወንወጀል ተከሷል።



በኢትዮጵያ ፌዴራላዊ ዴሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ህግ
The Federal Democratic Republic of Ethiopia
Attorney General
የልደታ ምድብ ጠቅላይ ዐቃቤ ሕግ
Lideta Branch Attorney General

ቁ ጥር --------------
Ref.No.
ቀ ን ----------------------
Date

የማስረጃ ዝርዝር

ሀ.የሰው

1ኛ ሁሴን ሰይድ (1ኛ የግል ተበዳይ) አ.ድ ኮ/ቀ ክ/ከተማ ወረዳ 01 የቤት ጥር 307

2ኛ ሀሽም ከድር (2ኛ የግል ተበዳይ አ.ድ ኮ/ቀ/ክ/ከተማ ወረዳ 07 የቤት/ቁ 964

3ና ገለቱ ቱሉ (ቀጥተኛ ምስክር) አድ ሱልልታ ከተማ ቆዳ ፋብሪካ አካባቢ

4ኛ ረ/ኢ/ር ደጀን መንግስቴ(የሙያ ምስክር) አ.ድ ኮ/ቀ/ክ/ከተማ ወረዳ 05 ተከራይ

ለ.የሰነድ

1ኛ ከዳግማዊ ሚኒሊክ ሆስፒታል በቁጥር 8069/41/ 2011 በቀን 08/09/11 ዓ/ም የተፃፈ የግል ተበዳይ ሁሴን ሰይድን የጉዳት መጠን የሚገልፅ የህክምን ማስረጃ 01 ገፅ ኮፒ

2ኛ ከዳግማዊ ሚኒሊክ ሆስፒታል በቁጥር 230/41 2011 በቀን 10/11/2011 ዓ/ም የተፃፈ የግል ተበዳይ ሀሽም ከድርን የጉዳ ሁኔታ የሚገልፅ የህክምና ማስረጃ 01 ገፅ ኮፒ

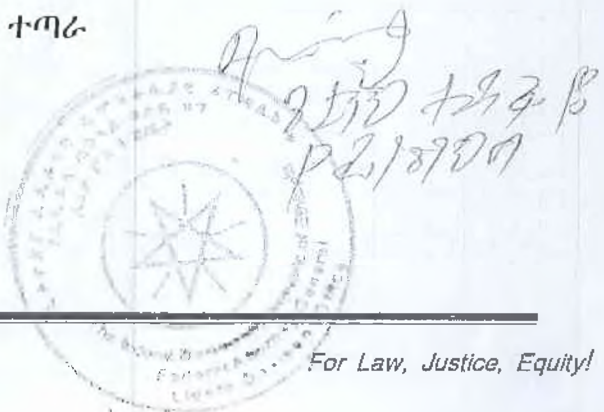
3ኛ የፐላን ምስክርነት ፎርም 01 ገፅ ኮፒ

4ኛ የአደጋ ፕላን የተገኘበት ሰነድ 01 ገፅ ኮፒ

5ኛ የአሽከርካሪ የቴክኒክ ምርመራ 01 ገፅ

መግለጫ :-ተከሳሽ በቀን 21/06/13 -22/06/2011 ዓ/ም ታስሮ በፍ/ቤት ዋስትና ተለቋል።

- ምርመራው በል/ክ/ከተማ ፖሊስ መምሪያ ተጣራ



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የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት

የ [illegible] መ/ቁ. 294195
ቀን [illegible] ገፅ [illegible]

የ [illegible] ምድብ [illegible] ችሎት

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22. [illegible] 3:30 [illegible]
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በኢትዮጲያፌዴራላዊዴሞክራሲያዊሪፐብሊክ
ጠቅላይዐቃቤህግ
The Federal Democratic Republic of Ethiopia
Attorney General
የልደታ ምድብ ጽ/ ቤት
Lideta Branch Office

በቁጥር 3-1728/2493/13
ቀን 24-10-2013

በፌደራል የመጀመሪያ ደረጃ ፍ/ቤት
ስልደታ ምድብ ወንጀል ችሎት
አዲስ አበባ

የል/ም/ጽ/ቤትየወ/መ/ቁ:- 2493/13
የል/ክ/ከ/ፖ/መ/የወ/መ/ቁ:- 406/13

ከሳሽ :---------የፌ/ጠ/ዐ/ህግ
ተከሳሽ :----- መስፍን ታመነ ተዘራ ዕድሜ 35 ዓመት
አድ:- ቂ/ክ/ከተማ ወረዳ 06 የቤ/ቁ 060

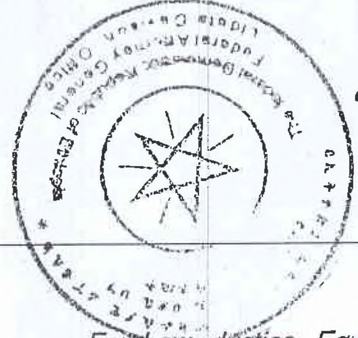
ወንጀሉ

በ1996 ዓ.ም የወጣውን የኢ.ፌ.ዲ.ሪ የወንጀል ህግ አንቀፅ 559 (2) ስር የተመለከተውን ድንጋጌ በመተላለፍ:-

የወንጀሉ ዝርዝር

ተከሳሽ የሌላ ሰውን አካል ወይም ጤንነት የመጠበቅ የሙያ ግዴታ እያለበት በ08/01/2013 ዓ.ም በግምት ከቀኑ 8:30 ሰዓት ሲሆን ል/ክ/ከተማ ወረዳ 09 ክልል ልዩ ቦታው ሸበሌ ሆቴል ተብሎ ከሚጠራው አካባቢ ኮድ 3-23290 ኦ/ሮ የሆነ ተሽከርካሪ የእጅ ፍሬን በመያዝና ታኮ አድርጎ ማቆም ሲገባው ባለማድረጉ ያቆመው ተሽከርካሪ የግል ተበዳይ የጠረፍወርቅ ግርማ የተባለችው ላይ በመንሸራተት በፊት ለፊት የመኪናው አካል እግሯን ሲገጫት መሬት ላይ ስትወድቅ የመኪናው ጎማ አካሏ ላይ በመውጣት በ12ኛው የጀርባ የታችኛው የጎድን አጥንት እና በ1ኛ ና 2ኛ የላይኛው የጀርባ የጎድን አጥንት ላይ ስብራት እና አንገት እና ትክሻ ላይ የለስላሳ ስጋ ጉዳት እንዲደርስባት ያደረገ በመሆኑ በፈፀመው በቸልተኝነት የሚፈፀም ከባድ የአካል ጉዳት ማድረስ ወንጀል ተከሷል።

ፋይሉ ተከፍቶ ለችሎት
ይቅረብ
ቀን 28/10/2013
ፊርማ



መላኬ ይዘንጋው
የፌ/ዐ/ህግ

ለሕግ፣ ለፍትህ፣ ለርትዕ! For Law, Justice, Equity!

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የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት

የ .... ቁ. 283464
ቀን 16/4/2013 ገፅ 06

የ [illegible] ምድብ [illegible] ችሎት

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2. [illegible]
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22. ከሳሽ [illegible]
23. ተከሳሽ [illegible]
24. [illegible]

16-4-13 [illegible] 2000/[illegible] 0656678 [illegible]

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴራል ጠቅላይ ዐቃቤ ሕግ
የልደታ ምድብ ጽ/ቤት
The Federal Democratic Republic of Ethiopia
Federal Attorney General
Lideta Branch Office

ቁጥር -3-3392/2/20/12
Ref.No
ቀን 16/06/12
Date

በፌዴራል የመጀመሪያ ደረጃ ፍ/ቤት

ለልደታ ምድብ ወንጀል ችሎት

<u>አ/አበባ</u>

የፌ/ጠ/ዐ/ል/ም/ጽ/ቤ/መ/ቁ.2/20/12

የል/ክ/ከ/ፖ/መ/መ/ቁ.954/11

ከሳሽ፡- የፌ/ጠ/ዐ/ህግ

ተከሳሽ፡- ታሪኩ አብሽሮ አሌን እድሜ 29 ዓመት

አድ፡- ቂ/ክ/ከተማ ወረዳ 06 የቤ/ቁ 101

<u>ወንጀሉ</u>

በ1996 ዓ.ም የወጣውን የኢ.ፌ.ድ.ሪ የወንጀል ህግ አንቀጽ 559(2) ስር የተመለከተውን በመተላለፍ፤

<u>የወንጀሉ ዝርዝር</u>

ተከሳሽ የሌላን ሰው አካል ወይም ጤንነት የመጠበቅ የሙያ ግዴታ እያለበት በቀን 16/05/2011 ዓ.ም 12:30 ሲሆን በልደታ ክ/ከተማ ወረዳ 08 ልዩ ቦታው ጽዮን ጃንቦ አውስ እየተባለ ከሚጠራው አካበቢ የሰሌዳ ቁጥር ኮድ-2-01888 አ/ሮ የሆነውን ተሽከርካሪ ከጨፌ ሜዳ ወደ አምስተኛ አቅጣጫ በማሽከርከር የግል ተበዳይ ተክለ ብርሃን ተኩ የተባለውን ከግራ ወደ ቀኝ የአስፓልት መንገድ ሲያቋርጥ ለእግረኛ ቅድሚያ መስጠት ሲገባው በመከልከል በተሽከርካሪው አካል በግራ በኩል በመግጨት በራስ ቅል ቆዳው ላይ አነስተኛ መሰንጠቅና መለስተኛ የተከሻና የደረት ክፍል አጥንቶች የሚያገጣጥም የአጥንቶች ስብራት ጉዳት እንዲደርስ ያደረገ በመሆኑ በፈፀመው በቸልተኝነት የሚፈፀም ከባድ የአካል ጉዳት ማድረስ ወንጀል ተከሷል፡፡

ጌቱ ሰቁሌ

የፌ/ዐ/ህግ

የማስረጃ ዝርዝር

ሀ. የሰው

1. ተክለብርሃን ተኩ ምህረትአብ (የግል ተበዳይ) አድ፡- ል/ክ/ከተማ ወረዳ በግተራ አካባቢ፡፡
2. እመቤት ታደሰ አስማማው (ቀጥተኛ) አድ፡- ቂ/ክ/ከተማ ወረዳ 04 የቤ.ቁ. 16/39፡፡
3. ዋ/ሳጅን ስንታየሁ በቀለ (የሙያ ምስክር) አድ፡- ኮ/ቀ/ክ/ከተማ ቀበሌ 09/10 የቤ.ቁ. 801፡፡

ለ. የሰነድ

1. ተከሳሽ በወ/መ/ስ/ስ/ህግ ቁጥር 27(2) መሰረት ለፖሊስ የሰጠው የእምነት ቃል 02 ገጽ፡፡
2. ተከሳሽ በወ/መ/ስ/ስ/ህግ ቁጥር 35 መሰረት የሰጠው የእምነት ቃል 01፡፡
3. በተከሳሽ ላይ የደረሰውን የአካል ጉዳት በተመለከተ በካርድ ቁጥር 552000 በቀን 27/06/2011 ዓ.ም የቀረበ የህክምና ማስረጃ ከነ አማርኛ ትርጉሙ 02 ገጽ፡፡
4. የአደጋ ፕላን ማንሻ ፎርም ቅጽ 17 01 ገጽ፡፡
5. በክሳችን ላይ የጠቀስነው ተሽከርካሪ የቴክኒክ ምርመራ ውጤት 01 ገጽ፡፡
6. የፕላን ምስክርነት ፎርም 01 ገጽ፡፡
7. [illegible]

መግለጫ

- ተከሳሽ ከቀን 16/05/2011 ዓ.ም -17/05/2011 ዓ.ም ታስሮ በፍ/ቤት ዋስ ተለቋል፡፡
- ምርመራው በል/ክ/ከ/ ፖሊስ መምሪያ ተጣራ፡፡

18-6-2011

3P

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት

የ.................................. ቁ 278117
ቀን 10/03/2012 ገፅ 02

የ______________ ምድብ ______________ ችሎት

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25. [illegible]

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪ. ቤክ
የፌዴራል ጠቅላይ ዐቃቤ ሕግ
የልደታ ምድብ ጽ/ቤት
The Federal Democratic Republic of Ethiopia
Federal Attorney General
Lideta Branch Office

ቁጥር 3-0515/0307/12
Ref.No
ቀን 02/12/11
Date

በፌዴራል የመጀመሪያ ደረጃ ፍ/ቤት

ለልደታ ምድብ ወንጀል ችሎት

<u>አዲስ አበባ</u>

የል/ፍ/ፅ/ቤ/ወ/መ/ቁ 0307/12
የጎ/ቁ/አ/ፖ/ወ/መ/ቁ 38/12

ከሳሽ.................የፌ/ጠ/ዐ/ህግ

ተከሳሽ........... ኤርሚያስ ካህሳይ መሀመድ ዕድሜ 29

አድራሻ:- ልደታ/ክ/ከተማ ወረዳ 07 የቤ/ቁጥር 1210

ወንጀሉ

በ1996 ዓ/ም የወጣዉን የኢ.ፌ.ዲ.ሪ የወንጀል ህግ አንቀጽ እና 555(ሐ) ስር የተመለከተዉን በመተላለፍ

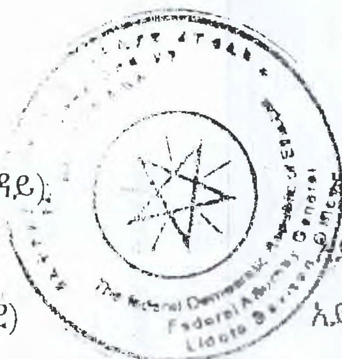
የወንጀሉ ዝርዝር

ተከሳሽ በሰው አካል ላይ ጉዳትን ወይም የጤና ጉዳለትን ለማድረስ በማሰብ በቀን 20/11/2011 ዓ.ም በግምት ከምሽቱ 5:30 ሰዓት ሲሆን በልደታ ክ/ከተማ ወረዳ 7 ልዩ ቦታው ተክለሃይማኖት ይሳቅ አበራ ሆቴል ተብሎ በሚጠራው አካባቢ የግል ተበዳይ ወንደሰን ዮናስን በቦክስ አፉን በመምታት የላይኛው የፊት ለፊት ሶስት ጥርሶችና የታችኛው የፊት አንድ ጥርስ እንዲሰበሩና አንድ ጥርስ እንዲነቃነቅ እንዲሁም የላይኛው ከንፈሩ እንዲያብጥና ደም እንዲፈስው ያደረገ በመሆኑ በፈፀመው ከባድ አካል ጉዳት ማድረስ ወንጀል ተከሷል ::

ሄኖክ ዘውዱ
የፌ/ዐ/ህግ

የማስረጃ ዝርዝር

<u>ሀ.የሰዉ</u>



1ኛ.ወንድወሰን ዮናስ (የግል ተበዳይ) አድ:- ልደታ/ክ/ከተማ ወረዳ 07 የቤ/ቁጥር 427
2ኛ.ሲሳይ ቦጋለ (ቀጥተኛ) አድ:- የካ/ክ/ከተማ ወረዳ የቤ/ቁጥር ተከራይ
3ኛ.አቡበከር ኑሪዲን (አካባቢያዊ) አድ:- ልደታ/ክ/ከተማ ወረዳ 07 የቤ/ቁጥር 427
4ኛ.ዘምዘም ወሊዱ (አካባቢያዊ) አድ:-ልደታ ክ/ከተማ ወረዳ 07 የቤ/ቁጥር 427

T.N

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪ. ብሊክ
የፌዴራል ጠቅላይ ዐቃቤ ሕግ
የልደታ ምድብ ጽ/ቤት
The Federal Democratic Republic of Ethiopia
Federal Attorney General
Lideta Branch Office

ቁጥር______________
Ref.No
ቀን______________
Date

ለ.የሰነድ

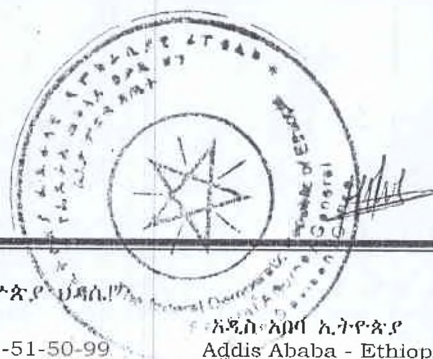
-ከዶ/ር በላይ ደስታ ልዩ የጥርስ ህክምና ክሊንክ በቀን 23/11/2011 ዓ/ም በቁጥር 3514/19 የተፃፈ የህክምና ማስረጃ 01 ገፅ

መግለጫ-

-ተከሳሽ ከቀን 24/11/2011 ዓ.ም—26/11/2011 ድረስ ታክሞ ስለመሆኑ ለማሳየት የሚቀርብ፡፡

-ምርመራው በጎ/ቁ/፫/ጣቢያ ተጣራ ::

7-12-2011



T.N

ፋክስ FAX 0115-51-77-75 | ፖ.ሣ.ቁ P.O.Box 1370 | ስልክ Tel 0115-51-50-99 | አዲስ አበባ ኢትዮጵያ Addis Ababa - Ethiopia

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት

የ [illegible] መ/ቁ. 297623
ቀን 29/03/14 ገፅ 2

የ [illegible] ምድብ [illegible] ችሎት

1. [illegible]
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በኢትዮጲ. ያፌዴራላዊ ዴሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ህግ
The Federal Democratic Republic of Ethiopia
Attorney General
የልደታ ምድብ ጽ/ ቤት
Lideta Branch Office

ቁጥር 3-1048/00694/14
ቀን 29-2-14

በፌደራል የመጀመሪያ ደረጃ ፍ/ቤት

ለልደታ ምደብ ወንጀል ችሎት

አዲስ አበባ

የል/ም/ጠ/ዐ/መ/ቁ------ 00694/14

የወ/መ/ቁ 123/14

ከሳሽ.........የፌ/ጠ/ዐ/ህግ

ተከሳሽ.........ዳንኤል ነማጋ እስማኤ ዕድሜ 43 ዓመት

አድ. ል/ክ/ከ/ወ/03 የቤ.ቁ 807

ወንጀሉ

በ1996 ዓ/ም የወጣውን የኢ.ፌ.ዴ.ሪ የወንጀል ህግ አንቀጽ 556/2/ሀ/ ስር የተመለከተውን በመተላለፍ፡፡

የወንጀሉ ዝርዝር

ተከሳሽ በሌላ ሰው አካል ወይም ጤንነት ላይ ጉዳት ለማድረስ በማሰብ በቀን 12/01/14 ዓ/ም በግምት ከቀኑ 10:00 ሰዓት ሲሆን በል/ክ/ከ/ወ/07 ክልል ልዩ ቦታው ጉላ ሚካኤል ተብሎ ከሚጠራው አካባቢ የቤት ቁጥር 807 ከሆነው ውስጥ የግል ተበዳይ ሱራፌል ንማጋ እስማኤ የተባለውን በጠርሙስ የፊት ለፊት ግንባሩን በመምታት ግንባሩ 1በ1 ሳንቲ ሜትር እና 0.3 ሳንቲ ሜትር ጥልቀት ያለው ቁስለት ጉዳት እንዲደርስበት ያደረገ በመሆኑ በፈፀመው ታስቦ የሚፈፀም ቀላል የአካል ጉዳት ማድረስ ወንጀል ተከሷል፡፡

ጌቱ ስቱሌ

የፌ/ዐ/ህግ

ማስረጃ

ሀ/የሰው

1. ሱራፌል ናማጋ እስማኤ /የግል ተበዳይ/ አድ. ል/ክ/ከ/ወ/07 የቤ.ቁ 807/ለ

ራ/

44

ቁጥር ________________
ቀን ________________

2. አዲስ ደገፋ አለሙ /ቀጥተኛ/ — አድ. ል/ክ/ከ/ወ/07 የቤ.ቁ 807/ለ
3. እልፍነሽ መንጀታ ሱራቡ /አካባቢያዊ/ — አድ. ል/ክ/ከ/ወ/07 የቤ.ቁ 807/ለ

ለ/የሰነድ

- በክሳችን ላይ የተመለከተውን የአካል ጉዳት ለማስረዳት ከጥቁር አንበሳ ስፔሻላይዝድ ሆስፒታል በቁጥር IC 147468 በቀን 19/01/14 ዓ/ም የቀረበ የህክምና ማስረጃ 01 ገጽ

መግለጫ፡- ተከሳሽ ከቀን 12/01/14 እስከ 18/01/14 ዓ/ም ድረስ በእስር ቆይቶ በፍ/ቤት ዋስ ተለቋል፡፡

- ምርመራው በጉ/ቁ/ፖ/ጣ/ተጣራ፡፡

45

የመ/መ/ቁ:- 152700

ቀን:- 09/05/14 ዓ.ም

01

የፌደራል መጀመሪያ ደረጃ ፍርድ ቤት

ቦሌ ምድብ ---------- ወ/ችሎት

ዳኛ:- [illegible]

ከሳሽ:- የፌ/ጠ/ዐ/ሕግ [illegible]

ተከሳሽ/ሾች:- 1. [illegible]

2. [illegible]

3. ----------

4. ----------

5. ----------

6. ----------

መዝገቡ ለዛሬ የተቀጠረው የዐ/ሕግ ክስና ማስረጃ ለመስማት ነው፡፡ ፍ/ቤቱ በቅድሚያ የተከሳሽን ማንነት በወ/መ/ሥ/ሥ/ሕ/ቁ 128 መሠረት እንደሚከተለው አረጋግጧል፡፡

[illegible]

የተከሳሽ ሙሉ ሥም ------------------- ዕድሜ ---------- የትምህርት ደረጃ ---------- ስራ ------------------- መኖሪያ አድራሻ ------------------- ክ/ከ ወ ---------- የቤት ቁጥር ----------

የተከሳሽ ሙሉ ሥም ------------------- ዕድሜ ---------- የትምህርት ደረጃ ---------- ስራ ------------------- መኖሪያ አድራሻ ------------------- ክ/ከ ወ ---------- የቤት ቁጥር ----------

የተከሳሽ ሙሉ ሥም ------------------- ዕድሜ ---------- የትምህርት ደረጃ ---------- ስራ ------------------- መኖሪያ አድራሻ ------------------- ክ/ከ ወ ---------- የቤት ቁጥር ----------

የተከሳሽ ሙሉ ሥም ------------------- ዕድሜ ---------- የትምህርት ደረጃ ---------- ስራ ------------------- መኖሪያ አድራሻ ------------------- ክ/ከ ወ ---------- የቤት ቁጥር ----------

የተከሳሽ ሙሉ ሥም ------------------- ዕድሜ ---------- የትምህርት ደረጃ ---------- ስራ ------------------- መኖሪያ አድራሻ ------------------- ክ/ከ ወ ---------- የቤት ቁጥር ----------

የተከሳሽ ሙሉ ሥም ------------------- ዕድሜ ---------- የትምህርት ደረጃ ---------- ስራ ------------------- መኖሪያ አድራሻ ------------------- ክ/ከ ወ ---------- የቤት ቁጥር ----------

ለተከሳሽ/ሾች ክሱ በችሎት ለነቦለት/ላቸው ከተረዳ/ዱ በኋላ ክሱን እንቃወማለን በማለት ድርጊቱን በተመለከተ [illegible]

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት

የ .... ምድብ የ [illegible] ቁ 135488

.... ችሎት ቀን 09/05/2014 ገጽ 06

1. [illegible]
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20. [illegible]
21. ቀን. 13/05/2014
22. [illegible]
23. [illegible]
24. [illegible]
25. [illegible]

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፍትሕ ሚኒስቴር
ጠቅላይ ዐቃቤ ሕግ ዘርፍ የቦሌ ቅ/ጽ/ቤት
The Federal Democratic Republic of Ethiopia
Ministry of Justice
Prosecutor General Division. Bole Branch

ቁጥር 2231/2014
ቀን፡-09/05/2014

በፌዴራል የመጀመሪያ ደረጃ ፍ/ቤት
ለቦሌ ምድብ ወንጀል ችሎት
<u>አዲስ አበባ</u>

የቦሌ ም/ጠ/ዐ/ሕ/መ/ቁ. 2231/2014
የአራብሳ ፖ/መ/ወ/መ/ቁ.347/2014

ከ ሣ ሽ------------ የፌ/ጠ/ዐ/ሕግ
ተ ከ ሣ ሽ ------------1. ሽፈራው እስጢፌል ዮሀንስ ዕድሜ 22 ዓመት
አድራሻ፡- ለሚ ኩራ ክ/ከተማ/ወረዳ 06 የቤ/ቁ. አዲስ
2. እያሱ ማቲዮስ መንገሻ ዕድሜ 24 ዓመት
አድራሻ፡- ቦሌ ክ/ከተማ/ወረዳ 06 የቤ/ቁ. አዲስ

<u>ወ ን ጀ ሉ</u>

በ1996 ዓ.ም የወጣውን የኢ.ፌዲሪ የወንጀል ሕግ አንቀፅ 32/1/ሀ/ እና 665/1/ ስር የተመለከተውን በመተላለፍ፣

<u>የ ወ ን ጀ ሉ ዝ ር ዝ ር</u>

ተከሣሾች በግብረአበርነት የማይገባውን ብልፅግና ለራሱ ለማግኘት ወይም ለሌላ ሰው ለማስገኘት በማሰብ በቀን 03/05/2014 ዓ.ም ከቀኑ በግምት 7፡00 ሰዓት ሲሆን በለሚኩራ ክ/ከ/ወ 06 ልዩ ቦታው አራብሳ ሰፈራ ተብሎ ከሚጠራው አካባቢ የግል ተበዳይ ፍቃዱ ተፈራ ንብረት የሆነ መገላ መልክ ያለው የዋጋ ግምቱ 6000/ስድስት ሺ ብር/ የሆነ በግ ከወሰዱ በኋ በቀን 04/05/2014 ዓ.ም በግምት 2፡30 ሰዓት 1ኛ ተከሳሽ በጉን በገመድ አስረው ከፊት ሆኖ ሲጎትት 2ኛ ተከሳሽ ደግሞ ከኋላ ሆኖ በእጁ እየገፋ አራብሳ ሰፈራ ጋር ሲሄደ በዐ/ህግ ምስክር አማካኝነት የተያዙ በመሆኑ በዋና ወንጀል አድራጊነት ተካፋይ በመሆን በፈፀሙት ስርቆት ወንጀል ተከሰዋል፡፡

<u>በአማራጭ የቀረበ ክስ</u>

<u>ወ ን ጀ ሉ</u>

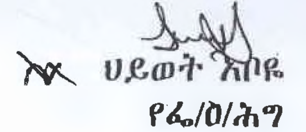
በ1996 ዓ.ም የወጣውን የኢፌዲሪ የወንጀል ሕግ አንቀፅ 32/1/ሀ/ እና 682/3/ ስር የተመለከተውን በመተላለፍ፣

<u>የ ወ ን ጀ ሉ ዝ ር ዝ ር</u>

ተከሣሾች በግብረአበርነት ዕቃው የተገኘው በአንድ ንብረት ላይ በተፈፀመ ወንጀል ምክንያት መሆኑን ማወቅ ሲገባቸው ወይም ሳያረጋግጡ በቀን 03/05/2014 ዓ.ም በለሚኩራ ክፍለ ከተማ ወረዳ 06 ልዩ ቦታው አራብሳ ሰፈራ አካባቢ በግምት ከቀኑ 7፡00 ሰዓት ሲሆን ባታወቀ ግለሰብ የተሰረቀውን ንብረት

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፍትሕ ሚኒስቴር
ጠቅላይ ዐቃቤ ሕግ ዘርፍ የቦሌ ቅ/ጽ/ቤት
The Federal Democratic Republic of Ethiopia
Ministry of Justice
Prosecutor General Division. Bole Branch

የግል ተበዳይ ፍቃዱ ተፈራ የሆነ የዋጋ ግምቱ 6000/ስድስት ሺ ብር/ የሆነ መገላ መልክ ያለው በግ 1ኛ ተከሳሽ በጉን በገመድ አስረው ከፊት ሆኖ ሲጎትት 2ኛ ተከሳሽ ደግሞ ከኋላ ሆኖ በእጁ እየገፋ አራብሳ ሰፈራ ጋር ሲሄድ በዐ/ህግ ምስክር አማካኝነት የተያዙ በመሆኑ በዋና ወንጀል አድራጊነት በፈፀሙት በቸልተኝነት የመሸሸግ ወንጀል ተከሰዋል፡፡



ህይወት አበቤ
የፌ/ዐ/ሕግ

<u>የማስረጃ ዝርዝር</u>

<u>ሀ/ የሰው፣</u>

1. ፍቃዱ ተፈራ ደምሴ/የግል ተበዳይ/ አድ፣ ለሚኩራ ክ/ከ/ወ 06 የቤ/ቁ አዲስ
2. አለሙ ተሰማ ምርመጂ /ቀጥተኛ ምስክር/ አድ፣ቦሌ ክ/ከ/ወ 06 የቤ/ቁ አዲስ

<u>ለ/ የፅሁፍ፣</u>

- ተከሣሽ በወ/መ/ሥ/ሥ/ህ/ቁ. 27/2/ መሠረት ለፖሊስ ጣቢያ የሰጠው የእምነት ቃል 03 ገጽ

<u>ሐ/ ገላጭ፣</u>

- ጠፋ የተባለው በግ እና ተከሳሾች ይዘውት የሚያሳይ ምስል 01 ገፅ

<u>መግለጫ፣</u>ተከሣሽ ከቀን 04/05/2014 ዓ.ም ጀምሮ በእስር ላይ ይገኛሉ፡፡

- መዝገቡ በRTD የቀረበ ነው፡፡

N.A
ፋክስ FAX 0115-51-77-75 | ፖ.ሣ.ቁ P.O.Box 1370 | ስልክ Tel. 0115-51-50-99 | አዲስ አበባ ኢትዮጵያ Addis Ababa - Ethiopia

ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት

የ [illegible] ምድብ የ [illegible] ቁ. 130551

[illegible] ችሎት ቀን 23-2-2014 ገጽ 03

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[illegible] 23/2/14 [illegible] 3000 [illegible]

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ሕግ
The Federal Democratic Republic of Ethiopia
Attorney General

ቁጥር 4038/13
Ref.No
ቀን 9/11/2013
Date

በፌዴራል የመጀመሪያ ደረጃ ፍ/ቤት
ለቦሌ ምድብ ወንጀል ችሎት
<u>አዲስ አበባ</u>

የቦሌ ም/ጠ/ዐ/ሕ/መ/ቁ. 4038/2013
የሰሚት ፖ/ወ/መ/ቁ. 686/13

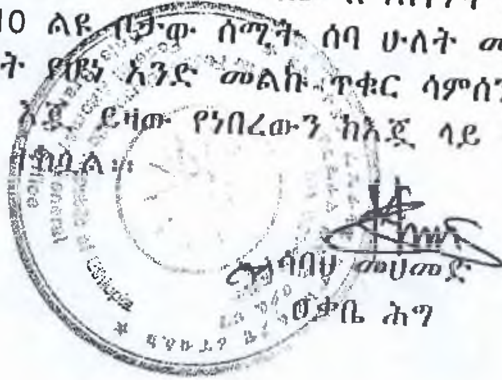
ከ ሣ ሽ------------ የፌ/ዐ/ሕግ
ተከሳሽ -------------- ዳዊት ሙሉጌታ አብርሃ እድሜ. 27 ዓመት
አድ- የካ ክ/ከተማ/ወረዳ 13 የቤ/ቁ. -

<u>ወ ን ጀ ል</u>

በ1996 ዓ.ም የወጣውን የኢ.ፌዲሪ የወንጀል ሕግ አንቀፅ 669/3/ለ/ ስር የተመለከተውን በመተላለፍ፣

<u>የ ወ ን ጀ ሉ ዝ ር ዝ ር</u>

ተከሳሽ የማይገባውን ብልጽግና ለራሱ ለማግኘት ወይም ለሌላ ሰው ለማስገኘት አስቦ በ23/08/2013 ዓ.ም ከሌሊቱ 6፡00 ሰዓት ሲሆን በቦሌ ክ/ከ/ወ/10 ልዩ ቦታው ሰሚት ሰባ ሁለት መስቀለኛ መንገድ አካባቢ የግል ተበዳይ ወ/ሪት ማህሌት ነብዩ ንብረት የሆነ አንድ መልኩ ጥቁር ሳምሰንግ A31 ሞባይል ግምቱ 12,000 /አስራ ሁለት ሺ ብር/ የሆነ በቀኝ እጇ ይዛው የነበረውን ከእጇ ላይ ነጥቆ ይዞ ሲሮጥ የተያዘ በመሆኑ በፈጸመው ከባድ የስርቆት ወንጀል ተከሷል።



ገባባው መሀመድ
ዐቃቤ ሕግ

<u>የማስረጃ ዝርዝር</u>

<u>ሀ/ የሰው፣</u>

1. ወ/ሪት ማህሌት ነብዩ በቀለ /ተበዳይ/ አድ- ጉለሌ ክ/ከ/ወ/20 የቤ.ቁ 410
2. አቶ ይድነቃቸው አያሌው መብራት /ቀጥተኛ ምስክር/ አድ- ቦሌ ክ/ከ/ወ/10 የቤ.ቁ -

<u>ለ/ የፅሁፍ፣</u>

- ተከሳሽ በወ/መ/ስ/ስ/ህ/ቁ 27/2/ መሰረት ለፖሊስ የሰጠው የእምነት ቃ 01 ገጽ

<u>መግለጫ፣</u>

- ተከሳሽ ከ23/05/2013 ዓ.ም ጀምሮ እስከ 29/05/2013 ዓ.ም ታስሮ በፍ/ቤት ዋስትና ተለቋል፡፡

ሸፋይል ከፋች
ወንጀል ፋይል ቴክኒክ ለችሎት ይገባ
12-11-2013

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት 03
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
FEDERAL FIRST INSTANCE COURT
ቁጥር 131572
No.
12/02 ቀን ፳፻ 2014 ዓ.ም
አዲስ አበባ/Addis Ababa

ዳኛ---መስፍን ታደሰ

ከሳሽ:-------የፌዴራል ጠቅላይ ዐቃቤ ህግ--አቶ.ተስፋዬ ገበየሁ------------------ቀረቡ

ተከሳሽ:-አቶ/ወ/ሮ. ፋቅት ሽሎሳ ----------------------------------ቀረቡ

መዝገቡ የተቀጠረዉ ፖሊስ ተከሳሽን እና ምስክር እንዲያቀርብ ነበር፡፡ተከሳሽ ቀርበዋል፡፡ተከሳሽ ክሱ ደርሶኛል ተለዋጭ ቀጠሮ ከህግ ባለሙያ ጋር ተመካክሬ ቃሌን ሰጣለዉ ብለዋል፡፡

ዐቃቤ ህግ ተቃዉሞ የለንም በማለት አሳስበዋል፡፡

ትዕዛዝ

- የተከሳሽን የእምነት ክህደት ቃል ለመቀበል ተቀጥሮዋል፡፡ ቀጠሮ ለዕለት 02/03/2014 ዓ.ም 3:30 ላይ ተቀጥሮዋል፡፡
- ተከሳሽ በቂ የሆነ የሁለት ሺነ ብር(2000ብር) ብር ዋስትና ማቅረብ ከቻሉ ጉዳያቸዉን ዉጪ ሆነዉ መከታታል ይችላሉ፡፡ካላገኙ ማረሚያ ቤት ይቆዩ ብለናል፡፡

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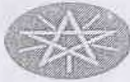

በኢትዮጵያ ፌደራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ሕግ
The Federal Democratic Republic of Ethiopia
Attorney General

በፌዴራል የመጀመሪያ ደረጃ ፍ/ቤት
ለቦሌ ምድብ ወንጀል ችሎት
<u>አዲስ አበባ</u>

የቦሌ ም/ጠ/ዐ/ሕ/መ/ቁ 4287/2014
የአየር መንገድፖ/ጠ/መ/ቁ.501/2014

ከ ሣ ሽ------------ የፌ/ዐ/ሕግ
ተ ከ ሣ ሽ -------------- ፍቅሩ ኤቢሳ ፊይሳ ዕድሜ 28 ዓመት
አድራሻ፡ቦሌ ክ/ከተማ/ወረዳ 01 የቤ/ቁ. ተከራይ

<u>ወ ን ጀ ሉ</u>

በ1996 ዓ.ም የወጣውን የኢ.ፌዲሪ የወንጀል ሕግ አንቀፅ 665/1/ ስር የተመለከተውን በመተላለፍ፣

<u>የ ወ ን ጀ ሉ ዝ ር ዝ ር</u>

ተከሣሽ የማይገባውን ብልፅግና ለራሱ ለማግኘት ወይም ለሌላ ሰው ለማስገኘት በማሰብ በቀን 29/07/2013 ዓ.ም በግምት ከቀኑ 7:00 ሰአት ሰአት ሲሆን በቦሌ ክ/ከወረዳ 01 ልዩ ቦታው ቦሌ አለም አቀፍ ኤርፖርት ተርሚናል 02 ተብሎ ከሚጠራው አካባቢ ንብረትነቱ የግል ተበዳይ የወ/ሪት ትዕግስት አዲስ የሆነ ሳምሰንግ ጋላክሲ ኖት 10 የሆነ ሞባይል ግምት ብር 18,000/አስራ ስምንት ሺህ ብር / የሚያጣውን ንብረት ይዛው ከነበረው ሴት ቦርሳ ተንጠላጣይ ቦርሳ ውስጥ ወስዶ ከተሰወረ በኋላ በክትትል የተያዘ በመሆኑ በፈጸመው የስርቆት ወንጀል ተከሷል ፡፡

ሰይፉ ጥላሁን
ዐቃቤ ሕግ

<u>የማስረጃ ዝርዝር</u>

<u>ሀ/ የሰው፣</u>

1. ወ/ሪት ትዕግስት አዲስ ዘንጋው /ተበዳይ/ አድ፡ ቦሌ ክ/ከ/ወ 03 የቤ/ቁ ተከራይ
2. አቶ ሙሉጌታ ደሴ አድኔ /ቀጥተኛ/ አድ፡ቦሌ ክ/ከ/ወ 09 የቤ/ቁ ተከራይ
3. ኮን/ል ዳንኤል ኢብሶ ታረሴ /ተከሳሽን በክትትል የያዘ /አድ፡ ቦሌ ክ/ከ/ወ 01 የቤ/ቁ ካምፕ

<u>መግለጫ፣</u>ተከሣሽ ከ08/08/2013ዓ.ም ጀምሮ 26/08/2013ዓ.ም ታስሮ በፍ/ቤት ዋስትና ተለቋል ፡፡

E.H

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