



**Conference of the States Parties
to the United Nations
Convention against Corruption**

Distr.: General
16 September 2015

Original: English

Implementation Review Group

Resumed sixth session

Saint Petersburg, Russian Federation, 3-4 November 2015

Agenda item 2

Review of implementation of the United Nations

Convention against Corruption

Executive summary

Note by the Secretariat

Addendum

Contents

	<i>Page</i>
II. Executive summary.....	2
Ethiopia	2



II. Executive summary

Ethiopia

1. Introduction: Overview of the legal and institutional framework of Ethiopia in the context of implementation of the United Nations Convention against Corruption

Ethiopia signed the United Nations Convention against Corruption on 10 December 2003 and ratified it on 26 November 2007, “with a reservation on Article 44 of the Convention.” According to article 9(4) of the Constitution of Ethiopia 1994, which is the supreme law of the land, “[a]ll international agreements ratified by Ethiopia are an integral part of the law of the land.”

While the primary source of law is codified law (mainly the Constitution, proclamations, regulations and directives), both case law (decisions of the federal Supreme Court at a cassation level) and customary law (mainly in rural areas) are also sources of law. The legislative framework of Ethiopia against corruption includes the Criminal Code (“CC”), Criminal Procedure Code (“CPC”), Civil Code, Code of Civil Procedure, Corruption Crimes Proclamation No. 881/2015 (“CCP”), Revised Anti-Corruption Special Procedure and Rules of Evidence (Amendment) Proclamation No. 882/2015 (“Evidence Proclamation”), Revised Federal Ethics and Anti-Corruption Commission Establishment (Amendment) Proclamation No. 883/2015 (“FEACC Proclamation”), Prevention and Suppression of Money Laundering and Financing of Terrorism Proclamation No. 780/2013 (“AML Proclamation”), Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No. 699/2010, Disclosure and Registration of Assets Proclamation No. 668/2010, Civil Servants Disciplinary Measures and Grievance Procedure Proclamation No. 515/2005 (“CSDP”), and the Procedure for Pardon Proclamation No. 395/2004.

Ethiopia follows a federal arrangement of government. At the federal level, a Federal Ethics and Anti-Corruption Commission (“FEACC”) is established, and all nine regional states have separate ethics and anti-corruption commissions, which are fully functional.

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

“Public servant” is defined in article 402(1) CC as “any person who temporarily or permanently performs functions being employed by, or appointed, assigned or elected to, a public office or a public enterprise”; “[p]ublic office” is defined as “any office fully or partially financed by government budget, and which performs the functions of the Federal or Regional Governments”, and “[p]ublic enterprise” means a “Federal or Regional Government enterprise or share company, in which the Government has total or partial share as an owner”. Because all three branches of Government (executive, legislature, judiciary) are included, the definition also covers judges, members of Parliament and the Head of State. Persons performing unpaid functions for the Government are covered in article 2(12) CCP.

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Ethiopia has criminalized active and passive bribery of public officials in articles 403, 404, 408, 409, 427 and 428 of Title III CC (“Crimes Against Public Office”).

The active bribery of foreign public officials and officials of public international organizations is criminalized (art. 427(2) CC), but investigations and prosecutions have not been carried out. Passive foreign bribery is not criminalized.

Ethiopia relies on the general bribery provisions (art. 427 CC) for pursuing cases of active trading in influence. The abuse of real or supposed influence to obtain an undue advantage from an administration or public authority is covered in articles 28 and 29 CCP (Use of Pretended Authority and Traffic in Private Influence). Articles 403, 404(2), 414, 430 and 431 CC cover passive trading in influence.

Ethiopia has partially criminalized active bribery in the private sector (art. 427 CC, art. 27 CCP). Passive bribery in the private sector is contemplated in articles 703 CC and 10 CCP.

Concerning the elements of the offence of bribery, of national and foreign public officials as well as officials of public international organizations, it was clarified that, despite not specifically covered in article 427, the promise of bribery, as well as indirect bribery and third-party benefits are covered in article 404 read together with article 427.

Money-laundering, concealment (arts. 23 and 24)

The elements of the offence of money-laundering are satisfactorily covered, notably in article 29 AML Proclamation. The definition of “predicate offence” in Ethiopian law covers a broad range of offences punishable by a minimum of one year of imprisonment, including all Convention offences. Ethiopia has not furnished copies of its laws to the United Nations, as foreseen in the Convention.

Articles 29 AML Proclamation and 40, 445 and 855 CC address the concealment of proceeds of crime.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Embezzlement and related crimes are defined in article 412, on the unlawful disposal of object in charge, article 413, on appropriation and misappropriation in the discharge of duties, article 415, on the illegal collection or disbursement, and articles 665, 675 and 676, which address the offences of theft and breach of trust.

The requirements related to abuse of functions are covered in articles 407, 411, 416 and 418 CC, which define, respectively the offences of abuse of power, maladministration, undue delay of matters and granting and approving licences improperly. Articles 419, on possession of unexplained property, and 663 CC, on presumption of unlawful or unjustifiable enrichment, adequately cover illicit enrichment in respect of any unexplained enrichment.

Articles 702 CC and 15 CCP cover the embezzlement and misappropriation of property in the private sector.

Obstruction of justice (art. 25)

Obstruction offences are covered in articles 444 and 455 CC, on crimes against whistle-blowers or witnesses as well as on provocation and subornation, respectively.

Threats against the judiciary (art. 449 CC) and obstruction of FEACC officers (arts. 27 and 2(6)(b) FEACC Proclamation, as amended) are covered. There are no specific provisions penalizing obstruction of police or other law enforcement officers.

Liability of legal persons (art. 26)

Ethiopia has established the criminal, administrative and civil liability of legal persons for offences defined in the Convention, as evidenced by article 23(3) and 34 CC. Article 90 CC stipulates criteria for the application of fines to legal persons, and article 405 CC sets forth the concurrent application of administrative penalties and compensation for damages. The Evidence Proclamation also clearly stipulates that it applies equally to natural and legal persons. Penalties foreseen in different laws appear to present disparities.

Participation and attempt (art. 27)

The modalities of participation in and attempt to commit offences, foreseen in the Convention, are covered in the CC. However, the preparation for an offence is not criminalized, except as stipulated in article 26 CC.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

Penalties for offences established in accordance with the Convention against Corruption appear to present disparities, such as the option between “simple imprisonment” (i.e. 10 days to 3 years) and “rigorous imprisonment” up to 7 years for some corruption offences, including bribery under article 417 of the Criminal Code. Other offences carry the possibility of a fine in lieu of imprisonment. Judges exercise discretion in considering mitigating and aggravating circumstances in accordance with articles 82, 84 and 88 CC and sentencing guidelines of the Federal Supreme Court, which also apply to corruption cases.

The President and Prime Minister, as members of Parliament, have immunity from prosecution. Ministers who are members of Parliament also enjoy criminal immunity. Procedures for lifting immunity are in place, requiring the consideration of requests by a parliamentary committee (e.g., art. 56 Evidence Proclamation).

Article 42 (1)(d) and (3) CPC places a certain amount of discretion in the hands of a Minister (the FEACC Commissioner in respect of corruption cases) not to institute proceedings in the public interest. Moreover, the FEACC Proclamation provides for the power of the FEACC Commissioner to withdraw, in accordance with law, corruption investigations and charges, as well as corruption cases pending in court (art. 2(9)(14)). While this has not been exercised, the Commissioner’s decision not to prosecute is not subject to independent review or legal redress.

Disciplinary measures against public officials are taken by an administrative tribunal under the Ministry of Civil Service, including suspension for up to

two months. Moreover, article 67 CSDP allows for the demotion and dismissal of civil servants, even in cases of acquittal from criminal charges. The disciplinary and criminal proceedings are separate and may run in parallel (art. 405 CC).

Persons convicted of corruption offences may be precluded from employment in State-owned enterprises, in accordance with the provisions of the Labour Proclamation No. 377/2003. However, corruption-related offences are not included among the offences allowing for disqualification from holding public office under article 14(2) of the Federal Civil Servants Proclamation.

The ability to offer immunity from prosecution is available under Ethiopian law, and collaborators of justice may be rewarded for their cooperation in combating corruption. The newly adopted FEACC Proclamation further includes provisions on plea bargaining and withdrawal of cases and charges.

Protection of witnesses and reporting persons (arts. 32 and 33)

The Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No. 699/2010, the FEACC and Evidence Proclamations contain relevant provisions protecting witnesses and whistle-blowers. In practice, FEACC can apply for protective measures to be provided by the police, which has the necessary manpower. However, physical protections are rarely afforded in criminal cases due to the required coordination and the fact that retaliation is rarely detected or reported. Victims are expected to file reports to receive protection as whistle-blowers or to participate as witnesses in proceedings.

Any person who believes he or she is the subject of a reprisal action as a result of having testified or reported may apply to the judiciary to have the measure suspended or reversed. However, it is noted that the existing protections do not extend to persons who report corruption in the private sector.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Confiscation (including value-based) of proceeds of crime is possible in accordance with provisions in the CC, Evidence and FEACC Proclamations. Instrumentalities of crime are covered only in respect of money-laundering (art. 35 AML Proclamation) and dangerous articles (article 140 CC). Evidentiary presumptions facilitate the confiscation of property.

Investigators are legally empowered to search for and seize assets as long as appropriate warrants are obtained. Moreover, the Financial Intelligence Center (FIC) is mandated under article 36 AML Proclamation to freeze and seize assets.

The legal framework for asset management is limited, including the possibility of appointing court receivers to manage property subject to a restraining order. In practice, the management of property before the issuance of a court order is done by investigating agencies, including FEACC and the police, in accordance with the Federal Government Procurement and Property Administration Proclamation No. 649/2009 (“Procurement Proclamation”). The newly adopted Evidence Proclamation provides for the collection, sale and disposal of confiscated assets by appropriate organs, namely FEACC and/or the regional commissions (art. 2(8)(34)(3)).

Bank secrecy does not seem to present any obstacles in the investigation and prosecution of money-laundering or corruption cases. In particular, the police may access relevant records by court order, which appear to be easily and quickly obtained.

Statute of limitations; criminal record (arts. 29 and 41)

As “serious” crimes, corruption-related offences carry longer periods of limitation than other CC offences (for example, 20 years for abuse of power, corrupt practices, acceptance of undue advantages and money-laundering). The period begins from the date of commission of the offence and is interrupted by any investigative steps, but not the self-imposed absence of the offender.

Previous foreign convictions may be considered by the courts during sentencing, according to article 22 CC.

Jurisdiction (art. 42)

Article 11 CC allows for jurisdiction to be exercised over crimes committed in the territory of Ethiopia, including vessels and airplanes. Articles 13 and 18 recognize cases of extraterritorial jurisdiction on the basis of the protective principle, as well as the active and passive personality principles, provided that the criminal was not tried in the foreign country, the act to be tried was prohibited by the law of the State where it was committed and by Ethiopian law, and it was of sufficient gravity to justify extradition.

Although Ethiopia does not extradite its own nationals, it will take over their prosecution if the crimes allegedly committed are also crimes under Ethiopian law (art. 17(1) CC). In cases mentioned in that provision (including extraterritorial jurisdiction over an international crime specified in Ethiopian legislation, or an international treaty or a convention to which Ethiopia has adhered, except in cases of final judgement in the foreign country), Ethiopia may also establish jurisdiction over offences described in the Convention when the alleged offender is present in its territory and it does not extradite him or her.

Ethiopia is able to exchange information and cooperate with foreign competent authorities in cases of concomitant investigations, prosecutions or judicial proceedings in respects of the same conduct.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

Ethiopia has adopted measures for blacklisting companies and contract rescission in the Procurement Proclamation. Moreover, general conditions of contract provide for the automatic annulment of contracts on the grounds of unethical or illegal behaviour. The withdrawal of licences by the licensing authorities on grounds of corruption or criminal activity is possible.

Aggrieved persons may apply to the courts for compensation both in civil and criminal instances.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

FEACC is accountable to the Prime Minister, as set forth in article 3(1) of the FEACC Proclamation. Its independence is stipulated in article 4 of the same

Proclamation, which determines that the Commissioner and Deputy Commissioner may not be removed on grounds other than as provided in article 14.

The Ethiopian Federal Police, an autonomous federal government organ accountable to the Ministry of Federal Affairs, investigates simple corruption cases not involving public officials, by delegation from FEACC, which remains responsible for further prosecution. For cases involving public officials, the police will notify FEACC of any relevant reports and the case may be investigated either by FEACC or the police in partial delegation from FEACC. For more complex cases, joint investigations by FEACC and the police may be done, in accordance with the Ethiopian Federal Police Commission Establishment Proclamation No. 720/2011. While the police and FEACC have participated in joint trainings, capacity-building and inter-agency coordination could benefit from further strengthening.

The FEACC Proclamation obliges officers of public offices and enterprises to report instances of corruption that they encounter and to cooperate with FEACC in the investigation of offences. Moreover, FEACC conducts various outreach activities and awareness-raising involving the private sector and civil society. FEACC and FIC also conduct regular training on reporting of corruption and money-laundering.

2.2. Successes and good practices

- The evidentiary presumption of intent to obtain an undue advantage or to cause injury to the right or interest of a third person (art. 403 CC), with consequent inversion of the burden of proof, was positively noted as conducive to the effective investigation and pursuit of corruption offences.

2.3. Challenges in implementation

The following actions are recommended to further strengthen the existing anti-corruption framework:

- Consider criminalizing passive bribery by foreign public officials and officials of public international organizations (art. 16);
- Furnish a copy of the money-laundering provisions and any subsequent amendments thereto to the Secretary-General of the United Nations (art. 23(2)(d));
- Establish or strengthen relevant protections against retaliation for police and other law enforcement officers (art. 25(b));
- Review the effectiveness, proportionality and dissuasiveness of applicable penalties for legal persons and ensure their full application in practice (art. 26(4));
- Consider calculating the period of limitations from the time of discovery of an offence and allowing for interruption or suspension where the offender has evaded the administration of justice (art. 29);
- Harmonize the punishment for Convention offences to reflect the varying degree of offences, and monitor the imposition of penalties by the judiciary in light of existing sentencing guidelines, to ensure the effectiveness of applicable sanctions (art. 30(1));

- Review and consider revising the scope of immunities of public officials, in particular ministers and members of parliament, as well as the applicable procedures for lifting such immunities (art. 30(2));
- Revisit existing procedures and adopt measures to ensure that prosecutorial discretion is subject to adequate safeguards and exercised to maximize the effectiveness of law enforcement measures, pending the adoption of a relevant regulation in accordance with the FEACC Proclamation (art. 30(3));
- Consider amending legislation to include corruption-related offences among those allowing for disqualification from holding public office (art. 30(7));
- Amend legislation on confiscation and asset tracing to include instrumentalities of crime for offences other than money-laundering, and adopt measures to strengthen the administration of frozen, seized and confiscated property, including proceeds and instrumentalities of crime (art. 31);
- Adopt measures to strengthen the protection of witnesses, experts and victims in corruption cases, as well as cooperating offenders, and ensure that appropriate mechanisms are set up for whistle-blower reporting, as well as the protection of whistle-blowers in the private sector (arts. 32, 33, 37(4));
- Consider enhancing the existing blacklisting procedures by providing for information exchange from FEACC to the procurement authority with regard to investigations or convictions of persons and companies (art. 34);
- Continue efforts to enhance the capacity and resources of the criminal justice institutions engaged in the fight against corruption and money-laundering, including FEACC, the police and FIC, especially under the mandates of the new anti-corruption laws, as well as for institutions responsible for international cooperation, and take measures to strengthen the legal and operational independence of FIC (art. 36);
- Strengthen the outreach and cooperation with civil society, including by raising awareness of corruption and education, in order to also encourage the reporting of corruption (art. 39);
- Consider ensuring jurisdiction over participatory acts to money-laundering committed outside Ethiopia (art. 42).

2.4. Technical assistance needs identified to improve implementation of the Convention

Ethiopia indicated that it would require technical assistance in the following areas:

- Other assistance: file management and automation (art. 15); awareness-raising and training for judges and prosecutors (art. 35);
- Summary of good practices/lessons learned (arts. 16, 22, 32 and 37);
- On-site assistance by an anti-corruption expert (arts. 16, 21, 23, 31, 32, 33 and 36);
- Capacity-building for authorities responsible for identifying and tracing property or instrumentalities for purposes of confiscation; for establishing and

managing protection of witnesses, experts and reporting persons (arts. 31, 32, 33 and 37);

- Model agreement and arrangement (art. 37).

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

At the time of ratification, Ethiopia made a general reservation¹ to article 44, despite the Constitution's article 9 (4) declaring international agreements as an integral part of the law of the land. The reservation is being reconsidered. Extradition is regulated in the Criminal Code (arts. 11, 12 and 21), AML Proclamation (arts. 38 and 44) and two bilateral treaties with Djibouti and Yemen.

Offences established in accordance with the Convention against Corruption are extraditable under Ethiopia's treaties, which impose a one-year imprisonment threshold for an offence to be extraditable, provided that the offence is recognized under Ethiopian law. Article 21 CC allows for the extradition of foreigners for offences criminalized in Ethiopia that do not directly and principally concern the Ethiopian State.

Reciprocity is recognized in Ethiopia as a basis for extradition and international criminal cooperation for the exchange of information, and Ethiopia has responded to several requests on that basis. Extradition is otherwise subject to dual criminality, which is evaluated considering the underlying conduct rather than the strict terminology of offences. Extradition is limited to the extent that not all offences established under the Convention have been criminalized.

The grounds for refusal of extradition are outlined in the existing treaties and the AML Proclamation for money-laundering cases (art. 45). Ethiopia consults the requesting State before refusing extradition as a matter of practice.

Extradition for purposes of executing a penalty may be granted pursuant to Ethiopia's bilateral treaties where the punishment imposed is at least 6 months' imprisonment. Any portion of a foreign sentence that has not been served for crimes with either principal or subsidiary Ethiopian jurisdiction may be enforced in Ethiopia (arts. 12(3) and 20(2) CC). The CC and AML Proclamation codify the principle of *aut dedere, aut judicare*.

While the AML Proclamation stipulates FIC as competent to receive extradition requests (arts. 46 and 47), the Ministry of Justice is the Central authority for international cooperation in general.

Under Ethiopia's bilateral extradition treaties, requests for extradition shall be submitted through diplomatic channels. The bilateral extradition treaty with Yemen establishes a simplified extradition procedure if a person arrested admits the crime.

¹ <http://treaties.un.org/doc/Publication/CN/2008/CN.1257.2007-Eng.pdf>.

Since 2010, Ethiopia has received five extradition requests from Djibouti, the Sudan and the United States of America. Three of the requests were not processed due to non-extradition of nationals.

The transfer of prisoners to and from Ethiopia can proceed in cases of subsidiary jurisdiction of Ethiopian courts on the basis of Articles 20 (1) and (2) and 12(3) CC, which address the enforcement of foreign sentences. There is no legislation or practice on the transfer of criminal proceedings.

Mutual legal assistance (art. 46)

There is no law on mutual legal assistance (MLA) in Ethiopia, although some provisions are contained in the AML Proclamation (art. 38). Ethiopia's Criminal Justice Policy of 9 August 2009 (art. 3.22.2) provides that cooperation is "based on bilateral or multilateral agreements or arrangements or, in some instances, on national law". Ethiopia considers and has had experience in applying the Convention as a legal basis for MLA. There is one MLA treaty in place with the Sudan, which covers only assistance regarding the service of summons or other judicial documents and the obtaining of evidence (art. 23).

Dual criminality is required for MLA (art. 40 AML Proclamation; treaty with the Sudan). As a matter of practice, requests that are deemed non-coercive and not explicitly against Ethiopian law would be considered favourably.

The AML Proclamation (art. 39) outlines the forms of MLA that can be afforded in money-laundering cases and their required format (arts. 48 and 49). Bank secrecy is not an obstacle to MLA (art. 13 AML Proclamation; arts. 7 (5) and 12 (g) FEACC Proclamation). Ethiopia would render assistance even in tax or fiscal matters, although there has been no such experience to date.

The AML Proclamation (art. 40) outlines grounds for refusal of MLA (see also arts. 1, 8 and 9 of the treaty with the Sudan), and requires those to be communicated promptly to requesting States.

The Ministry of Justice is the central authority for international cooperation according to the Criminal Justice Policy and article 16 (14) of Proclamation No. 691/2010 "Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia". The Criminal Justice Policy further provides that requests be transmitted through diplomatic channels. The AML Proclamation outlines that requests shall be made in Amharic or English or accompanied by a translation in Amharic or English (art. 47).

The timely execution of requests and matters related thereto are not specified.

The AML Proclamation (art. 50) observes the confidentiality requirement. As a matter of practice, Ethiopia would postpone assistance where a request interferes with an ongoing investigation or proceeding and consult with a requesting State before postponing or refusing assistance.

The safe conduct of witnesses, experts and other persons for MLA, while not codified, would be afforded as a matter of practice and is partially reflected in the Sudan treaty (art. 25). The voluntary transfer of prisoners is not addressed.

Ethiopia has not codified limitations on the use of information or evidence obtained through MLA. There is no law or previous experience in the use of

videoconferencing for obtaining and transmitting evidence. The spontaneous sharing of information is permissible in theory, but Ethiopia has had no practical experience to date. Government records, as long as not classified, could in principle be provided, although this is not codified.

Ethiopia does not regulate the issue of costs in line with the Convention.

Since 2010, Ethiopia has received eight requests for mutual legal assistance in criminal matters from: Egypt, Kenya, Pakistan, Switzerland, Turkey, United Arab Emirates and Yemen (four of which have been honoured, and four of which were pending at the time of review); only one of these requests related to corruption.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

Law enforcement cooperation is done through the Eastern Africa Police Chiefs Cooperation Organization, INTERPOL, the Asset Recovery Inter Agency Network for Eastern Africa and the StAR/INTERPOL Asset Recovery Focal Points network. The Federal Police Commission, FIC and the Customs and Revenue Authority cooperate based on a number of bilateral arrangements, in particular with neighbouring countries. Ethiopia could consider the Convention a basis for law enforcement cooperation but has not done so to date.

Ethiopian border commissions have conducted joint investigations in terrorism and organized crime cases, despite an absence of legislation, but not in corruption cases.

Article 46 of the Revised Anti-Corruption Special Procedure and Rules of Evidence Proclamation (434/2005) permits the use of special investigative techniques in Ethiopia's efforts to combat corruption, including the interception of telephonic correspondence, telecommunications and video cameras, etc. The police are also allowed to employ controlled delivery techniques in criminal cases, including internationally.

3.2. Successes and good practices

- In evaluating dual criminality for purposes of extradition, Ethiopia considers the underlying conduct rather than the strict terminology of offences (art. 44 para. 2).

3.3. Challenges in implementation

- Ethiopia is encouraged to withdraw its reservation to article 44 to allow it to use the Convention as a legal basis, to notify the Secretary-General accordingly, and to consider adopting additional treaties pending the withdrawal (art. 44, para. 6).
- As a matter of priority Ethiopia is urged to expedite the adoption of the Draft Directive on International Cooperation and include elements of the Convention which are not yet reflected to address shortcomings in implementing the Convention (e.g., art. 44, paras. 3-5, 7-10, 16; art. 45; art. 46, paras. 1, 3-5, 9-12, 15-29).

- Ensure that all offences established in accordance with the Convention are extraditable, including by amending article 21 CC accordingly (art. 44, para. 8).
- While the general processing of extradition requests takes 70-80 days, adopt measures to expedite extradition procedures and to simplify evidentiary requirements for offences under the Convention (art. 44, para. 9).
- Continue to ensure that it applies the principle of *aut dedere aut judicare* (art. 44, para. 11).
- Continue to ensure that fair treatment protections are applied in practice in accordance with domestic laws and treaties (art. 44, para. 14).
- Codify its practice of consulting requesting States before refusing extradition (art. 44, para. 18).
- Take steps towards swiftly putting in place comprehensive legislation and procedures on international cooperation to allow Ethiopia to render assistance in respect of offences under the Convention (art. 46, para. 1).
- Adopt measures to ensure that in assessing dual criminality restrictions, the purposes of the Convention are taken into account, and ensure that non-coercive assistance is provided in the absence of dual criminality (art. 46, para. 9).
- Notify the Secretary-General of its central authority and acceptable languages for MLA and take steps to strengthen the operation of the central authority, to ensure the speedy and proper execution of requests (art. 46, paras. 13-14).
- Address the timely execution of requests (art. 46, para. 24).
- Pending the entry into force of the draft Directive on International Cooperation, Ethiopia is urged to consider adopting additional MLA treaties (art. 46, para. 30).
- Establish and enhance data-collection systems to provide for the accurate and timely tracking and reporting of data on international cooperation requests (e.g., underlying offences, timeframe for responding to requests and any grounds for refusal) (arts. 44 and 46).
- Continue to strengthen law enforcement cooperation in matters involving offences under the Convention, including with States outside the region (art. 48, para. 1).
- Ethiopia may wish to adopt measures on the use of special investigative techniques (including electronic or other forms of surveillance, undercover operations and controlled delivery) and to ensure the admissibility of evidence derived therefrom (art. 50).

3.4. Technical assistance needs identified to improve implementation of the Convention

- Capacity-building programmes for law enforcement and justice authorities responsible for international cooperation in criminal matters; development of a

system or database to register requests for extradition and MLA and to track the underlying offences involved (arts. 44, 45, 46 and 47).

- Legal advice and good practices to establish a comprehensive legislative framework and procedures on international cooperation. The draft Directive for International Cooperation on Criminal Matters will be codified in the Criminal Procedure Code and should be aligned to the provisions of the Convention (arts. 44, 45, 46 and 47).
- On-site assistance by an anti-corruption expert to guide the development of the central authority (arts. 44 and 46).
- Model agreements/arrangements to develop clear systems and processes for incoming and outgoing requests, including templates for the preparation of requests, standardized practices in responding to and preparing requests and tracking the execution of requests to ensure follow-up (arts. 44, 45, 46 and 47).
- Technological assistance to strengthen the relationship of Ethiopia's law enforcement agencies with their counterparts abroad, including to encourage the informal sharing of information and intelligence on crime and criminal groups. Ultimately, supporting the establishment of a national police information and communication centre within the National Police, coordinating all law enforcement agencies in Ethiopia, to ensure such exchanges at the international level (arts. 48, 49 and 50).