

FEDERAL NEGARIT GAZETA
OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
WARGAYSKA FEDERAALKA EE NEGAARIITH
EE JAMHUURIYADA DIMOQRAADIGA FEDERAALKA ITOOBIYA

PROCLAMATION No. 699/2010
A PROCLAMATION TO PROVIDE FOR THE
PROTECTION OF WITNESSES AND
WHISTLEBLOWERS OF CRIMINAL OFFENCES

BAYAAN TIRSI. 699/2010
BAYAANKA ILAALINTA MARKHAATYADA IYO
SOO-TEBIYEYAASHA FALALKA DEMBIYADA

<p>WHEREAS, it is essential to create conducive situations in order to ensure the safety and security of the public by having criminal offenders brought to justice and sustain the right penalty;</p>	<p>MAADAAMA, ay muhiim tahay in la abuuro jawi ku haboon xaqiijinta badbaadada iyo nabadgeliyada dadweynaha, iyadoo xad-gudbayaasha la horgeynayo cadaalada laguna abaal marinayo ciqaabta ku haboon</p>
<p>WHEREAS, providing protection for witnesses and whistleblowers of criminal offences play a significant role for the prevention of crime by uncovering crimes that may cause serious threat to the public</p>	<p>MAADAAMA, ay ilaalinta markhaatiyada iyo kahortaga fal-dembiyeedyadu kaalin muhiim ah ka qaataan sugida amniga, iyadoo la fashilinayo dembiyada halista ku ah bulshada</p>
<p>WHEREAS, it is found necessary to legislate the protection systems that need to be put in place in order to protect witnesses and whistleblowers of criminal offense from direct or indirect danger and attack they may face as a consequence thereof and thereby to ensure their safety;</p>	<p>MAADAAMA, ay lagama maarmaan noqotay in sharci lagu xeeriyo hanaanka ilaalada ee loo baahan yahay inuu jiro si loogu ilaaliyo markhaatiyada iyo soo-tebiyeyaasha fal-dembiyeedyada khatarta ah lagana hortago weerarada tooska ah iyo kuwa dadban ee ay la kulmi karaan, isla markaana la damaanad qaado xaqiijinta nabad-qabkooda</p>
<p>NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution of the Federal Democratic Republic of Ethiopia it is hereby proclaimed as follows:</p>	<p>HADABA, SIDAAS DARTEED, iyadoo laga duulayo Qodobka 55 (1) ee Dastuurka Jamhuuriyada Dimuqraadiga Federaalka Itoobiya, waxaa la bayaamiyay sidan soo socota:</p>

<p style="text-align: center;">PART ONE GENERAL</p>	<p style="text-align: center;"><u>CUTUBKA KOOWAAD</u> <u>GUUD AHAAN</u></p>
<p>1. Short Title This Proclamation may be cited as the “Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No.699/2010.”</p>	<p>1. Ciwaan Gaaban Bayaankan waxaa loogu yeedhayaa “Bayaanka Ilaalinta Markhaatiyada iyo Soo-tebiyeyaasha Fal-dembiyeedyada, Bayaan Tirsi. 699/2010.”</p>
<p>2. Definitions In this Proclamation, unless the context otherwise requires:</p> <p>1/ “whistleblower or witness” means a person who has given or agrees to give information or has acted or agrees to act as a witness in the investigation or trial of an offence;</p> <p>2/ “protected person” means a witness, a whistleblower or a family member of a witness or a whistleblower who has entered into a protection agreement with the Ministry;</p> <p>3/ “relocation” means a type of protection measure that involves temporary or permanent resettling of a protected person by the Ministry in a place, within the country or overseas, other than his place of residence or if the protected person is undergoing a penalty entailing loss of liberty, the transfer of him to another penitentiary;</p> <p>4/ “change of identity” means a type of protection measure that involves modifying and adjusting parts or entire personal data of a protected person to a new situation and may include plastic surgery where necessary;</p>	<p>2. Qeexitaan Bayaankan dhexdiisa, hadii aany macno kale xaaldu Samayn:</p> <p>1/ “<i>Soo-tebiye ama Markhaati</i>” waxaa loola jeedaa qof bixiyey xog ama ogolaada inuu bixinayo xog ama noqday ama ogolaada inuu markhaati ka noqonayo geedi-socodka baadhitaanka ama dacwad ciqaab ah;</p> <p>2/ “<i>Qofka La Ilaalinayo</i>” waxaa loola jeedaa markhaatiga ama Soo-tebiye ama qof ka mid ah qoyska Markhaatiga ama Soo-tebiyaha, kaasoo heshiis ilaalo ah la galay Wasaarada;</p> <p>3/ “<i>Badelaada Goobta Deganaanshaha</i>” waxaa loola jeedaa talaabo ka mid ah hababka ilaalada taasoo keeni karta in qofka la ilaalinayo ay si ku meel-gaadh ah ama si joogta ah Wasaaradu u dejiso goob kale oo aan ahayn goobtii uu horey u deganaa oo dalka gudihiiisa ama dibadiisa ah, ama hadii ay qofka la ilaalinayo lasoo deristo xaalad xoriyad la’aan ah oo uu kala kulmay goobtuu degen yahay, in qofka la ilaalinayo loo wareejiyo goob kale oo lagu ilaaliyo</p> <p>4/ “<i>Badelaada Sumad-sooca</i>” waxaa loola jeedaa talaabo ka mid ah hababka ilaalada taasoo ay ka dhalanayso wax ka badelida iyo dibu-habeynta qeyb ka mid ah ama guud ahaan xogta gaarka ah ee qofka la ilaalinayo, iyadoo loo badelayo xaalad ama muuqaal cusub oo ay ku jiri karto qaliin caag ah hadii loo arko lagama maarmaan</p>

<p>5/ “surveillance protection” means a type of protection measure that includes the conduct of covert protection of a protected person and surveillance and technical recording, by long-distance communication means, of the premises in which he resides;</p> <p>6/ “concealing identity and property ownership” means a type of protection measure that involves temporary creation and use of documents relating to the identity and property of a protected person;</p> <p>7/ “family” includes the spouse or cohabitant, the children, parents, siblings and the children of the spouse or cohabitant of a person;</p> <p>8/ “Ministry” or “Minister” means the Ministry or Minister of Justice, respectively;</p> <p>9/ “Commission” means the Federal Ethics and Anti-Corruption Commission;</p> <p>10/ “person” means natural or legal person;</p> <p>11/ any expression in the masculine gender includes the feminine</p>	<p>5/ “Ilaalada Qarsoodiga ah” waxaa loola jeedaa talaabo ka mid ah hababka ilaalada oo ay ku jiraan ilaalo qarsoon, aaladaha iyo farsamooyinka maqal/muuqaal la socodka taasoo loo adeegsanayo qalabka isgaadhsiinta ee lagala socon karo masaafu ka fog goobta uu degen yahay qofka la ilaalinayo</p> <p>6/ “Qarinta Aqoonsiga Qofka iyo Lahaanshaha Hantida” waxaa loola jeedaa talaabo ka mid ah hababka ilaalada taasoo keenaysa usoo saarinta iyo adeegsiga waraaqo ku meel-gaadh ah oo ku saabsan aqoonsiga iyo lahaanshaha hantida qofka la ilaalinayo</p> <p>7/ “Qoys” waxaa ka mid ah xaaska ama qofka la nool, caruurta, waalidka, warasada iyo caruurta xaaska ama qofka la nool qofka kale caruurta uu dhalay</p> <p>8/ “Wasaarad” ama “Wasiir” waxaa loola jeedaa Wasaarada ama Wasiirka Cadaalada siday u kala horeeyaan</p> <p>9/ “Komishin” waxaa loola jeedaa Komishinka Anshaxa iyo Kahortaga Musuqa</p> <p>10/ “Qof” waxaa loola jeedaa qof bini’aadam ah ama jiritaanka qofnimo sharciyeed</p> <p>11/ Odhaah kasta oo muujinaysa jinsiga labka ah, dhedigana way saameynaysaa si la mid ah</p>
<p>3. Scope of Application</p> <p>1/ The protection under this Proclamation shall be applicable with respect to testimony or information given or investigation undertaken on a suspect punishable with rigorous imprisonment for ten or more years or with death without having regard to the minimum period of rigorous imprisonment:</p>	<p>3. Xadka Fullineed</p> <p>1/ Ilaalada lagu xusay Bayaankan, waxay dhaqan-gal sharciyeed ku noqoneysaa xaaladaha marag-furka ama xogta la bixiyay ama geedi-socodka baadhista lagu sameynayo qof looga shakisan yahay inuu galay dembi lagu muteysan karo ciqaab xabsi adag ah oo toban sano ama wax ka badan, ama ciqaab dil ah, iyadoo aan wax tixgelin ah la siineynin</p>

<p>a) where the offence may not be revealed or established by another means otherwise than by the testimony of the witness or the information of the whistleblower ; and</p> <p>b) where it is believed that a threat of serious danger exists to the life, physical security, freedom or property of the witness, the whistleblower or a family member of the witness or the whistleblower.</p> <p>2/ Notwithstanding the provisions of sub-article (1) of this Article, the Ministry and the Commission may also extend the protections provided under sub-article (1), (1), (m), (o), (p) and (t) of Article 4 of this Proclamation to witnesses and whistleblowers who are not protected persons.</p>	<p>xadka ciqaabta ugu hooseysa ee xabsiga adag ah:-</p> <p>b) Marka aan dembiga lagu ogaan karin ama lagusoo oogi karin hanaan kale oo aan ka aheyn cadeymaha markhaatiga ama xogta Soo-tebiyaha; iyo</p> <p>t) Marka la rumeysan yahay inay jirto khatar kusoo wajahan nolosha, nabad-qabka jidheed. xoriyada ama hantida markhaatiga ama Soo-tebiyaha ama xubin ka mid ah qoyska markhaatiga ama Soo-tebiyaha</p> <p>2/ Iyadoo aan wax tixgelin ah la siineynin xaaladaha ku xusan Qodob-hoosaadka (1) ee Qodobkan, Wasaarada iyo Komishinku waxay sidoo kale hababka ilaalada eek u xusan Qodob-hoosaadka (1) (g) (f), (k) (l) iyo (h) ee Qodobka 4 ee Bayaankan, ku dabakhi karaan markhaatiyada iyo Soo-tebiyeyaasha aan ka midka aheyn dadka la ilaalinayo</p>
<p>PART TWO</p> <p>PROTECTION MEASURES</p>	<p><u>CUTUBKA LABAAD</u></p> <p><u>TALAABOYINKA ILAALADA</u></p>
<p>4. Types of Protection Measures</p> <p>1/ The following protection measures may be employed for a protected person separately or in combination, as the case may be:</p> <p>a) physical protection of person and property;</p> <p>b) providing a secure residence including relocation;</p> <p>c) concealing identity and ownership;</p> <p>d) change of identity;</p> <p>e) provision of self-defense weapon;</p> <p>f) immunity from prosecution for an</p>	<p>4. Noocyada Talaabooyinka Ilaalada</p> <p>1/ Talaabooyinkan ilaalada ah ee soo socda ayaa lagu fullin karaa qofka la ilaalinayo, iyadoo midba mar ama dhamaantood la adeegsanayo, hadba xaaladu siday ku haboon tahay:-</p> <p>b) Ilaalinta qofka iyo hantidiisa;</p> <p>t) In la siiyo hoy degenaansho ah oo amaan ah, iyadoo laga badeli karo goobtii uu horey u degena;</p> <p>j) In la qariyo sumad-sooca qofka iyo hantida uu leeyahay;</p> <p>x) In la badelo sumad-sooca qofka iyo astaamaha lagu karin karo</p> <p>kh) In la siiyo hub uu isku difaaco;</p>

<p>offence for which he renders information;</p> <p>g) prohibiting an accused person from reaching the protected person's residence, work place or school before or after a final judgment is delivered on the crime for which information is given;</p> <p>h) not to disclose the identity of a witness until the trial process begins and the witness testifies;</p> <p>i) hearing testimony in camera;</p> <p>j) hearing testimony behind screen or by disguising identity;</p> <p>k) producing evidence by electronic devices or any other method;</p> <p>l) unless it is deemed confidential, providing information regarding the progress of investigation on what has been whistle blown and advice to a whistleblower;</p> <p>m) providing transport allowance and per diem to a witness summoned to testify;</p> <p>n) covering relocation cost where the protection measure entails relocation;</p> <p>o) suspension or revocation of retaliatory administrative measures or taking any other compensatory measure;</p> <p>p) provision of medical treatment free of charge at government hospitals in case of injury sustained as a result of retaliatory measure;</p>	<p>d) Xasaanad ka dhan ah inaan lagusoo eedeyn karin xog uu bixiyay darteed;</p> <p>r) In eedeysanaha laga mamnuuco tegitaanka guriga, goobta shaqada ama goobta waxbarashada ee qofka la ilaalinayo kahor iyo kadib go'aanka kama danbeysta ah ee laga soo saarayo dembiga uu xogta ka bixiyay;</p> <p>s) Inaan lasoo bandhigi karin xogta markhaatiga ilaa inta uu ka bilaabanayo geedi-socodka dhageysiga dacwada, isla markaana markhaatigu marag-fur ka bixinayo;</p> <p>sh)In Markhaatiga oo cadeymaha lagaga dhageysto maxkamad dadweynaha ka xidhan oo aan mid furan aheyn</p> <p>dh)Markhaatiga oo cadeymaha lagaga dhageysto muuqaal baahiye ama hanaan asturan oo aan la fahmi karin muuqaalkiisa;</p> <p>c) Inuu cadeymaha kusoo gudbiyo aaladaha casriga ah ama hab kasta oo suurto gal ah;</p> <p>g) In lala socodsiiyo xogta geedi-socodka baadhista eek u saabsan arrinta uu soo tebiyay, hadii aysan ahayn mid ay tahay in la qariyo, waana in soo-tebiyaha la siiyo tallada ku haboon xaaladiisa;</p> <p>f) In la siiyo Markhaatiga gunada gaadiidka iyo mida habeen-dhaxa markii loogu yeedho inuu bixiyo cadeymaha markhaatinimo;</p> <p>q) In laga bixiyo kharashka hoyga, markey dhacdo in laga badelo goobtii uu horey u degenaa qofka la ilaalinayo;</p> <p>k) Joojinta ama ka noqoshada talaabo ka qaadis maamul ama talaabo kale oo mag-dhow ahaan looga qaadayo;</p> <p>l) Inuu daaweyn lacag la'aan ka helo cisbitaalada dawlada, markuu dhaawac kasoo gaadho fal aargoosi ah;</p>
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<p>q) covering costs of basic needs in case of incapacity to work as a result of retaliatory measure;</p> <p>r) in case of death as a result of retaliatory measure, covering funeral expenses and provision of pecuniary subsidy to family;</p> <p>s) assisting the protected person to secure job and education opportunity;</p> <p>t) providing or causing the provision of counseling service to the witness or whistleblower.</p> <p>2/ Notwithstanding the provisions of sub-article (1) of this Article, a protected person may not be issued with professional certificate that he does not rightly possess for the sake of protection.</p>	<p>m) In laga bixiyo kharashyada baahiyaha aasaasiga ah, markuu awoodi kari waayo inuu shaqeysto, sababo la xidhiidha xaalad aargoosi ah oo lagula kacay;</p> <p>n) In laga bixiyo kharashka aaska iyo masaariifta qoyskiisa, markuu ku geeriyoodo fal aargoosi ah oo lagula kacay dartiis;</p> <p>w) In laga caawiyo sidii uu qofka la ilaalinayo u heli lahaa fursad shaqo ama mid waxbarasho;</p> <p>h) In loo fidiyo ama la suurto geliyo sidii uu markhaatigu ama Soo-tebiyuhu u heli lahaa adeegyada la-tallinta.</p> <p>2/ Iyadoo aan wax tixgelin la siineynin xaaladaha ku xusan Qodob-hoosaadka (1) ee Qodobkan, qofka la ilaalinayo marnaba looma soo saari karo shahaado xirfadeed oo uusan si sax ah ku muteysanin, iyadoo la eegayo xaalada ilaalada uu ku jiro darteed</p>
<p>5. Determining Types of Protection Measures</p> <p>The following shall be taken into account in determining the type of protection measure to be provided to a protected person:</p> <p>1/ nature of the imminent danger to which the protected person is exposed;</p> <p>2/ where the protected person has a criminal record, whether or not the intended protection measure entails a risk to the public;</p> <p>3/ the damage that the intended protection measure may cause to the rights and lawful benefits of another person;</p> <p>4/ the health and living conditions of the protected person;</p>	<p>5. Go'aaminta Noocyada Talaabooyinka Ilaalada</p> <p>Marka la go'aaminayo nooca ay noqoneyso talaabada ilaalada ee loo fidinayo qofka la ilaalinayo, waa in tixgelin haboon la siiyaa arrimahan soo socda:</p> <p>1/ Dabciga khatarta deg-dega ah ee kusoo wajahan qofka la ilaalinayo;</p> <p>2/ Xaqiijinta in Talaabada ilaalada la damacsan yahay ee loo fidinayo qofka la ilaalinayo, inay dadweynaha halis ku tahay iyo inkale, marka qofka la ilaalinayo uu horey dembiyo usoo galay;</p> <p>3/ Khasaaraha ay talaabada ilaalada ah ee la damacsan yahay ku keeni karto xuquuqaha iyo faa'iidooyinka sharciga waafaqsan ee uu leeyahay qof kale;</p> <p>4/ Xaalada caafimaad iyo duruufaha nololeed ee qofka la ilaalinayo;</p>

<p>5/ competence of the protected person to adapt himself with the intended protection measure;</p> <p>6/ cost to be incurred for the protection;</p> <p>7/ the relationship of the protected person with other protected persons;</p> <p>8/ obligations and limitations imposed on the protected person according to law, if any;</p> <p>9/ other similar appropriate considerations provided by the Ministry.</p>	<p>5/ Suurto galnimada inuu qofka la ilaalinayo si habsami leh kula qabsan karo talaabada ilaalada ee la damacsan yahay;</p> <p>6/ Kharashka ku baxaya hawl-galka ilaalada;</p> <p>7/ Xidhiidhka ka dhaxeynaya qofka la ilaalinayo iyo dadka kale ee sidiisa oo kale ku jira xaaladaha ilaalada;</p> <p>8/ Waajibaadyada iyo xeyn-daabyada lagusoo rogayo qofka la ilaalinayo, hab waafasan sharciga, hadii ay jiraan</p> <p>9/ Arrimaha kale ee la midka ah, ee ay soo jeediso Wasaaradu, ayna haboon tahay in la tixgeliyo.</p>
<p style="text-align: center;">PART THREE APPLICATION FOR PROTECTION AND PROTECTION AGREEMENT</p>	<p style="text-align: center;"><u>CUTUBKA SADEXAAD</u> <u>CODSIGA ILAALADA IYO HESHIISKA</u> <u>ILAALINTA</u></p>
<p>6. Application for Protection</p> <p>1/ An application for protection may be made:</p> <p>a) by a person eligible for protection under Article 3 of this Proclamation; or</p> <p>b) where the eligible person is unable to apply, by investigator, a public prosecutor or any interested person on behalf of such person.</p> <p>2/ An application for protection to be submitted in accordance with sub-article (1) of this Article shall consist of:</p> <p>a) information on the identity and address of the eligible person;</p> <p>b) the offense related to the whistle blowing, testimony or investigation that constitute the ground for protection;</p>	<p>6. Codsiga Ilaalada</p> <p>1/ Codsiga ku saabsan ilaalada, waxaa soo gudbin kara:</p> <p>b) Qof muteysay in la ilaaliyo, hab waafaqsan xaaladaha ku xusan Qodobka 3 ee Bayaankan; ama</p> <p>t) Marka uusan qofku awoodi karin soo gudbinta codsiga, Baadhaha booliska ah, Xeer-ilaaliye ama qof kasta oo daneynaya, isagoo wakiil ka ah qofka la ilaalinayo.</p> <p>2/Codsiga ilaalada ee loo soo gudbinayo, hab waafaqsan Qodob-hoosaadka (1) ee Qodobkan, waa inuu ka koobnaadaa:</p> <p>b) Xog ku saabsan astaamaha iyo ciwaanka qofka muteystay in la ilaaliyo;</p> <p>t) Dembiga ay la xidhiidho xogta uu soo tebiyay, cadeynta uu markhaatiga ka yahay ama geedi-socodka baadhitaanka dembiga kalifaya in la ilaaliyo;</p>

<p>c) the danger that may likely sustain against the eligible person</p> <p>d) any criminal charge or civil case, debt or decision of court depriving rights, brought against him before his application for protection; and</p> <p>e) any other appropriate information required by the Ministry</p>	<p>j) Khatarka suurto galka ah ee soo gaadhi karta qofka muteystay ilaalada;</p> <p>x) Eedeyn dembi ama dacwad madani ah, amaah ama go’aan maxkamadeed oo isaga ka dhan ah, kana xayuubinaya xuquuqihiisa, kahor intuuusan soo gudbinin codsiga ku saabsan ilaalada</p> <p>kh)Xog kasta oo ku haboon inuu bixiyo, markey ka dalbato Wasaaradu</p>
<p>7. Decision on Application for Protection</p> <p>1/ Where an application for protection is submitted in accordance with Article 6 of this Proclamation by persons other than the investigator or public prosecutor, the Ministry, shall, solicit the opinion of investigator or public prosecutor before delivering decision.</p> <p>2/ The Ministry shall, in accordance with the provisions of Article 3 of this Proclamation, decide on an application made for protection within 30 days from receipt of the application.</p> <p>3/ The Ministry may take urgent protection measures where it believes that grave danger is likely to occur to the life, physical security or property of the applicant until decision is given on the application.</p> <p>4/ Where the Ministry rejects the application for protection, it shall notify the applicant in writing by stating the reasons thereof</p>	<p>7. Go’aan Ka Gaadhista Codsiga Ilaalada</p> <p>1/ Markuu codsiga ilaalada soo gudbiyo qof ka baxsan baadhaha ama xeer-ilaaliyaha, hab waafaqsan Qodobka 6 ee Bayaankan, waa inay Wasaarada dalbataa aragtida baadhaha ama xeer-ilaaliyaha, kahor intayna go’aan kasoo saafirin codsiga.</p> <p>2/ Wasaaradu, waa inay go’aan kaga soo saartaa codsiga ilaalada mudo 30 cisho gudahood ah, laga bilaabo maalinta codsiga loosoo gudbiyo.</p> <p>3/ Wasaaradu, waxay sii qaadi kartaa talaabooyin ilaalo oo deg-deg ah, hadii ay u aragto inay dhici karto khatar culus oo ku wajahan nolosha, nabad-qabka jidheed ama hantida codsada, ilaa inta go’aan laga soo saarayo codsigiisa.</p> <p>4/ Markey Wasaaradu diido codsiga ilaalada, waa inay qoraal ku wargelisaa codsaha, iyadoo xusaysa sababaha ay ku diiday codsiga ilaalada</p>
<p>8. Protection Agreement</p> <p>1/ Where the Ministry decides to implement one or more of the protection measures</p>	<p>8. Heshiiska Ilaalada</p> <p>1/ Markay Wasaaradu go’aan ku gaadho dhaqan gelinta mid ama wax kabadan talaabooyinka ilaalada ee ku xusan Qodob-</p>

<p>specified under sub-article (1) from (a) to (d) of Article 4 of this Proclamation, it shall enter into protection agreement with the protected person.</p> <p>2/ Where the protected person is a minor or a judicially interdicted person, the protection agreement shall be concluded with his parent or guardian.</p> <p>3/ Where a protection agreement entered into under sub-article (2) of this Article continues to operate after the cessation of the legal incapacity, the protected person shall conclude the agreement by himself.</p>	<p>hoosaadka (1) (b) ilaa (x) Qodobka 4 ee Bayaankan, waa inay heshiis ilaalada ku saabsan la gashaa qofka la ilaalinayo</p> <p>2/ Marka qofka la ilaalinayo uu yahay caruur ama qof uu sharcigu ka xayuubiyey masuuliyada oo aan awood sharci laheyn, heshiiska ilaalada waa in lala galaa waalidka ama ilaaliyaha sharciga ah ee qofka la ilaalinayo.</p> <p>3/ Marka uu sii jirayo heshiiska ilaalada ee loo galay hab waafaqsan Qodob-hoosaadka (2) ee Qodobkan, kadib dhamaadka mudada ay ku egtahay awood la'aanta sharciyeed, waa inuu heshiiska ilaalada ah lala galo qofka la ilaalinayo</p>
<p>9. Special Protection Agreement</p> <p>1/ Notwithstanding sub-article (2) of Article 8 of this Proclamation, the Ministry may enter into a special protection agreement with a minor where:</p> <p>a) the minor is giving information or testimony against his parent or guardian;</p> <p>b) the minor has no parent or guardian;</p> <p>c) his parent or guardian could not be found notwithstanding reasonable efforts to find them; or</p> <p>d) his parent or guardian is unreasonably withholding his consent or unable to give his consent for any reason.</p> <p>2/ A special protection agreement entered into with a minor shall be presented, for approval, to the Federal High Court within ten days from the date of signature.</p> <p>3/ An application to be submitted to the</p>	<p>9. Heshiiska Ilaalada Gaarka ah</p> <p>1/ Iyadoo aan wax tixgelin la siineynin xaaladaha ku xusan Qodob-hoosaadka (2) Qodobka 8 ee Bayaankan, Wasaaradu waxay heshiiska ilaalada la geli kartaa qof aan qaan-gaadh aheyn, markii:-</p> <p>b) Qofka caruurta ah uu xog ka bixinayo ama markhaati ku yahay waalidkii ama ilaaliyihisa sharciga ah</p> <p>t) Qofka caruurta ah uusan lahayn waalid ama ilaaliye sharci ah</p> <p>j) Waalidka ama ilaaliyihisa sharciga ah aan la heli karin isla markaana aan loo baahnayn in dadaal lagu bixiyo raadintiisa</p> <p>x) Waalidka ama ilaaliyaha sharciga ah uu sabab la'aan ogolaan waayo ama uusan awood u laheyn inuu ogolaansho bixiyo.</p> <p>2/ Heshiiska ilaalada gaarka ah ee lala galayo qof caruur ah, waa in loo gudbiyaa maxkamada sare ee Federaalka, si ay u ansixiso laguna horgeeyo mudo toban cisho gudahood ah, laga bilaabo maalinta lawada saxiixo heshiiska.</p>

<p>Federal High Court under sub-article (2) of this Article shall contain:</p> <p>a) the reasons justifying the protection; and</p> <p>b) the special protection agreement entered into with the minor.</p> <p>4/ The court to which an application is submitted under sub-article (2) of this Article may set aside, approve or amend the special protection agreement by taking into account the realization of the best interest and security of the minor.</p> <p>5/ If the special protection agreement is set aside in accordance with sub-article (4) of this Article, the Ministry shall discharge the minor from protection.</p> <p>6/ A special agreement approved or amended in accordance with sub-article (4) of this Article shall constitute a binding agreement.</p>	<p>3/ Codsiga ansixinta heshiiska ee loo gudbinayo maxkamada sare ee Federaalka, sida ku xusan Qodob-hoosaadka (2) ee Qodobkan, waa inuu ka koobnaadaa:-</p> <p>b) Sababaha loogu baahday ilaalada; iyo</p> <p>t) Heshiiska ilaalada gaarka ah ee lala galay qofka caruurta ah</p> <p>4/ Maxkamada loo gudbiyay codsiga ansixinta ee ku xusan Qodob-hoosaadka (2) ee Qodobkan, way diidi kartaa, ansixin kartaa ama wax ka-badelid ayay ku sameyn kartaa heshiiska ilaalada gaarka ah, iyadoo tixgelinaysa danaha iyo nabad geliyada qofka caruurta ah</p> <p>5/ Markay maxkamadu diido ansixinta heshiiska ilaalada gaarka ah, hab waafaqsan Qodob-hoosaadka (4) ee Qodobkan, waa inay Wasaaradu joojisaa hawl galka ilaalada qofka caruurta ah.</p> <p>6/ Heshiiska ilaalada gaarka ah ee la ansixiyo ama wax ka badelid lagu sameeyo hab waafaqsan Qodob-hoosaadka (4) ee Qodobkan, wuxuu noqonayaa heshiis dhaqan gelin sharciyeed leh</p>
<p>10. Entry into Force of Protection Agreement</p> <p>A protection agreement shall come into force as of the date of signing between the protected person and the Ministry</p>	<p>10. Dhaqan galka Heshiiska Ilaalada</p> <p>Heshiiska ilaaladu, wuxuu dhaqan gal sharciyeed yeelanayaa, laga bilaabo taariikhda ay wada saxiixaan qofka la ilaalinayo iyo Wasaaradu</p>
<p>11. Obligations of Parties to the Protection Agreement</p> <p>1/ A protected person shall have the obligation to:</p> <p>a) provide true, clear and complete information or evidence or testimony for investigation or prosecution in relation to the</p>	<p>11. Waajibaadyada Dhinacyada Heshiiska Ilaalada</p> <p>1/ Qofka la ilaalinayo waxaa saaran waajibaad ah:-</p> <p>b) Inuu bixiyo xog cad, run ah oo dhameystiran ama cadeymo ama marag-fur ku saabsan baadhitaan ama geedi-socodka</p>

<p>case which is the subject matter of the protection agreement;</p> <p>b) complete correctly the form prepared by the Ministry for the purpose of obtaining personal information;</p> <p>c) refrain from activities that may obstruct the protection measure;</p> <p>d) accept and implement orders and directives relating to the protection;</p> <p>e) when requested by the Ministry, undergo medical examination and produce the result thereof;</p> <p>f) when requested by the Ministry, receive counseling or undergo medical treatment in relation to narcotic drugs or alcohol addiction and produce the result thereof;</p> <p>g) inform the Ministry any criminal charge brought against him or deprivation of rights while under protection, if any;</p> <p>h) inform the Ministry immediately of a new occurrence that may affect the protection measure;</p> <p>i) agree to be under surveillance protection;</p> <p>j) strive to sustain himself economically; when the type of protection is provision of basic needs; and</p> <p>k) carry out other obligations deemed necessary by the Ministry.</p>	<p>dacwad ciqaab ah taasoo xidhiidh la leh nuxurka heshiiska ilaalada ah</p> <p>t) Inuu si sax ah u buuxiyo foomka ay Wasaaradu u diyaarisay ujeedada ah inay hesho xogta shaqsiyadeed oo dhameystiran</p> <p>j) Inuu ka fogaado arrimaha caqabada ku noqon kara talaabooyinka ilaalada</p> <p>x) Inuu ogolaado, uuna dhaqan geliyo amarada iyo tilmaamaha la xidhiidha hawl galka ilaalada;</p> <p>kh)Markay Wasaaradu ka codsato inuu maro baadhitaan caafimaad isla markaana uu keeno natiijada kasoo baxda baadhitaankaas</p> <p>d) Markay Wasaaradu ka codsato inuu u hogaansamo in lagu sameeyo la-tallin, ama daaweyn caafimaad oo ku saabsan maandooriyeyaasha ama Aalkahoolada uu la qabatimay/caadeystay, natiijada kasoo baxdana uu usoo gudbiyo Wasaarada;</p> <p>r) Inuu ku wargeliyo Wasaarada, marka dacwad ciqaab ah lagusoo oogo ama talaabo lagu xayirayo xuquuqihiisa, mudada uu ku jiro xaaladaha ilaalada;</p> <p>s) Inuu si deg-deg ah u ogeysiiyo Wasaarada, dhacdo kasta oo cusub, taasoo saameyn ku yeelan karta talaabooyinka ilaalada;</p> <p>sh)Inuu ogolaado in lagu rakibo/xidho qalabyada lagula socon karo xaaladiisa si loo ilaaliyo;</p> <p>dh)Inuu iska bixiyo kharashyada ka baxsan baahiyaha aasaasiga ah, marka nooca hawl galka ilaalida aysan qeyb ka ahayn in laga bixiyo kharashyadan; iyo</p> <p>c) Inuu fulliyo waajibaadyada kale ee ay Wasaaradu lagama maarmaan u aragto</p>
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<p>2/ The Ministry shall have the obligations to:</p> <p>a) not to restrict the right and freedom of the protected person more than the extent deemed essential;</p> <p>b) notify to the protected person in advance, to refrain from any activity that may obstruct the protection measure;</p> <p>c) inform the amount of cost of basic needs to be provided to the protected person and its duration;</p> <p>d) ensure that the protected person get the necessary counseling services while under protection; and</p> <p>e) take all necessary measures to ensure the effectiveness of the protection measures under the protection agreement.</p>	<p>2/ Wassaarada waxaa saaran waajibaadyada ah:-</p> <p>b) Inaysan xuquuqaha iyo xoriyaadka qofka la ilaalinayo saarin xayiraado ka badan inta loo arko inay muhiim u yihiin hawl galka ilaalada</p> <p>t) Inay ugu horeynba ku wargeliso qofka la ilaalinayo inuu ka fogaado xaalad kasta oo caqabad ku noqon karta talaabooyinka ilaalada;</p> <p>j) Inay ku wargeliso qofka la ilaalinayo, cadadka kharashyada loogu tala galay in lagu bixiyo baahiyihiisa aasaasiga ah iyo mudada uu soconayo kharashkaasi;</p> <p>x) Inay xaqiijiso inuu qofka la ilaalinayo si haboon u helo adeegyada la-tallinta ee lagama maarmaanka ah, mudada uu ku sugan yahay xaaladaha ilaalada; iyo</p> <p>kh) Inay qaado dhamaan talaabooyinka lagama maarmaanka ah ee lagu xaqiijinayo ka midho dhalinta talaabooyinka ilaalada ee ku xusan heshiiska ilaalada dhexdiisa</p>
<p>12. Termination of Protection Agreement</p> <p>1/ A protection agreement shall be terminated:</p> <p>a) upon the expiry of the validity period fixed in the agreement;</p> <p>b) upon the death of the protected person;</p> <p>c) where the protected person voluntarily renounce the agreement;</p> <p>d) in the case of an agreement concluded under sub-article (2) of Article 8 of this Proclamation, where termination of the agreement is demanded, in writing, by the parent or guardian of the protected person;</p> <p>e) where a minor or judicially interdicted person refuses, upon secession of his legal</p>	<p>12. Joojinta Heshiiska Ilaalada</p> <p>1/ Heshiiska ilaalada, waa in la joojiyaa:-</p> <p>b) Markay dhamaato mudada uu jirayo ee lagu xadiday/cayimay heshiiska dhexdiisa</p> <p>t) Markuu geeriyoodo qofkii la ilaalinayay</p> <p>j) Markuu qofka la ilaalinayo rabitaankiisa uga baxo heshiiska ilaalada</p> <p>x) Xaalada heshiiska lagu galay hab waafaqsan Qodob-hoosaadka (2), Qodobka 8 ee Bayaankan, hadii joojinta heshiiska uu qoraal ku dalbado waalidka ama ilaaliyaha sharciga ah ee qofka la ilaalinayo</p> <p>kh)Markay qofka la ilaalianayo ee aan qaan gaadhka aheyn ama uu sharcigu ka xayubiyay</p>

<p>incapacity, to consent to the continuation of the agreement in accordance with sub-article (3) of Article 8 of this Proclamation;</p> <p>f) where the circumstance that necessitated the protection ceases to exist prior to the expiry date of the agreement;</p> <p>g) where the conduct of the protected person renders ineffective the protection measure of himself or the others; or</p> <p>h) where the protected person violates his obligations under sub-article (1) of Article 11 of this Proclamation.</p> <p>2/ The Ministry shall, before terminating a protection agreement in accordance with sub-article (1) (f), (g) or (h) of this Article, inform the protected person as to when and why the protection agreement is to terminate and give him the opportunity to present his opinion in writing.</p> <p>3/ The Ministry shall decide the continuation of the protection agreement where it finds that the opinion given by the protected person is acceptable.</p> <p>4/ The Ministry shall terminate the protection agreement where the protected person fails to respond within one month from receipt of notification under sub-article (2) of this Article or where the opinion he has submitted is not acceptable.</p> <p>5/ Where protection agreement is terminated on the basis of this Article the Ministry shall notify same to the concerned organs.</p>	<p>awooda masuuliyadeed, ka dhamaato ama uu qofku ka gudbo xaaladii awood la'aanta aheyd, isla markaana uu ogolaan waayo sii socoshada heshiiska ilaalada ah, hab waafaqsan Qodob-hoosaadka (3) Qodobka 8 ee Bayaankan</p> <p>d) Markay joogsadaan xaaladihii ama duruufihii sababay talaabooyinka ilaalada, kahor intaysan dhamaanin mudadii heshiiska lagu galay</p> <p>r) Marka hab dhaqanka qofka la ilaalinayo uu sabab u noqdo fashil ku yimaada talaabooyinka ilaalintiisa ama ilaalinta dadka kale; ama</p> <p>s) Marka qofka la ilaalinayo uu ku xad-gudbo waajibaadyada ku xusan Qodob-hoosaadka (1) Qodobka 11 ee Bayaankan.</p> <p>2/ Wasaaradu, kahor intaysan heshiiska u joojinin hab waafaqsan xaaladaha lagu xusay Qodob-hoosaadka (1) (d) (r) ama (s) ee Qodobkan, ku wargelisaa qofka la ilaalinayo sababta iyo wakhtiga uu heshiisku joogsanayo, isla markaana ay qofka fursad u siiso si uu qoraal ugusoo bandhigo aragtidiisa ku aadan joojinta heshiiska</p> <p>3/ Wasaaradu, waa inay go'aan la gaadhaa sii socoshada heshiiska ilaalada, markay ku qanacdo in aragtida uu soo gudbiyay qofka la ilaalinayo ay tahay mid la aqbali karo.</p> <p>4/ Wasaaradu, waa inay joojisaa heshiiska ilaalada, marka qofka la ilaalinayo uu ku guul dareysto soo gudbinta jawaabtiisa mudo bil gudaheed ah, laga bilaabo taariikhda lasoo gaadhsiiyay ogeysiiska ku xusan Qodob-hoosaadka (2) ee Qodobkan, ama hadii aragtida uu soo gudbiyay ay tahay mid aan lagu qanci karin</p> <p>5/ Markii heshiiska ilaalada loo joojiyo hab waafaqsan xaaladaha lagu xusay Qodobkan, Wasaaradu waa inay sidoo kale ogeysiisaa hay'adaha ama laamaha kale ee ay khuseyso.</p>
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<p>13. Extension of Protection Agreement</p> <p>1/ A protected person may apply to the Ministry for the extension of a protection agreement for additional period.</p> <p>2/ The Ministry shall, where it is convinced that the threat which necessitated the protection still exists, extend the protection agreement for additional period.</p> <p>3/ The Ministry, on its own motion, may decide to extend special protection agreement entered pursuant to Article 9 of this Proclamation, when necessary.</p>	<p>13. Kordhinta Mudada Heshiiska Ilaalada</p> <p>1/ Qofka la ilaalinayo, wuxuu Wasaarada ka codsan karaa in loo kordhiyo mudada heshiiska ilaalada, looguna daro wakhti dheeraad ah</p> <p>2/Markay ku qanacdo Wasaaradu inay weli jirto khatatii sababtay in qofka la ilaaliyo, waa inay kordhiso mudada heshiiska kuna darto wakhti dheeri ah oo ku haboon</p> <p>3/ Wasaaradu, waxay go'aamin kartaa kordhinta mudada heshiiska ilaalada gaarka ah ee lagu galay hab waafaqsan Qodobka 9 ee Bayaankan, markay u aragto lagama maarmaan in la kordhiyo mudada heshiiska</p>
<p style="text-align: center;">PART FOUR APPLICATION OF CONCEALING IDENTITY AND PROPERTY OWNERSHIP AND CHANGE OF IDENTITY</p>	<p style="text-align: center;"><u>CUTUBKA AFRAAD HIRGELINTA QARINTA SUMAD- SOOCA IYO LAHAANSHAHA HANTIDA IYO BADELAADA ASTAAMAHA QOFKA</u></p>
<p>14. Concealing Identity and Property Ownership</p> <p>1/ A protected person, whose identity and property ownership has been concealed, may enter into a legal obligation that may have an impact on third parties by using the document issued to him upon obtaining the consent of the Ministry.</p> <p>2/ Where the request submitted to the Ministry in accordance with sub-article (1) of this Article is not accepted, the protected person may, upon notifying the Ministry, appoint an agent to enter into a legal obligation in his real name</p>	<p>14. Talaabada Qarinta Sumad-sooca iyo Lahaanshaha Hantida</p> <p>1/ Qofka la ilaalinayo ee ay tahay in la qariyo astaamaha sumad-sooca iyo lahaanshaha hantidiisa, wuxuu geli karaa heshiis dhaqan gal sharciyeed leh oo saameyn ku yeelan kara qod sadexaad, isagoo adeegsanaya dhukumintiyoo loosoo saarayo qofka, kadib markay ogolaato Wasaaradu.</p> <p>2/ Markay Wasaaradu ogolaansho siin weydo oo ay diido codsiga ku xusan Qodob-hoosaadka (1) ee Qodobkan, qofka la ilaalinayo wuxuu magacaabi karaa wakiil u gala heshiisyada sharciga waafaqsan, iyadoo heshiiska lagu galayo magaca dhabta ah ee qofka la ilaalinayo, Wasaaradana la ogeysiinayo</p>
<p>15. Change of Identity</p>	<p>15. Talaabada Badelaada Astaamaha Sumad-sooca Qofka</p>

<p>1/ The Ministry shall decide to apply change of identity only where it ascertains that other types of protection measures are incapable of protecting the security of the protected person.</p> <p>2/ The protected person shall discharge his legal obligations towards third parties before change of his identity becomes effective.</p> <p>3/ Notwithstanding sub-article (2) of this Article, the Ministry may, where it ascertains that the protected person is unable to discharge his obligations, allow the change of identity to become effective upon settling the obligations by itself.</p>	<p>1/ Wasaaradu, waa inay go'aamisaa oo keliya badelaada astaamaha sumad-sooca qofka la ilaalinayo, markay xaqiijiso in dhamaan noocyadii kale ee talaaboyinka ilaalada aysan shaqeyn karin, si loo sugo nabad geliyada qofka la ilaalinayo</p> <p>2/ Qofka la ilaalinayo, waa inuu fuliyaa wixii waajibaad ah ee dad kale ka saaran, kahor intaan la dhaqan gelinin talaabada badelaada astaamaha sumad-soociisa</p> <p>3/ Iyadoo aan la tixgelinaynin xaaladaha ku xusan Qodob-hoosaadka (2) ee Qodobkan, Wasaaradu markay xaqiijiso inuusan qofka la ilaalinayo fullin karin waajibaadyada saaran ee ay tahay inuu kasoo baxo, waxay ogolaanaysaa talaabada lagu badelayo astaamaha sumad-sooca qofka, iyadoo wasaaradu xalinaysa waajibaadyadii lagu lahaa ee uu fullin kari waayay</p>
<p>16. Rights and Obligations Continuing After Change of Identity</p> <p>1/ A protected person may appoint an agent to enjoy the rights and discharge obligations that may continue after change of identity.</p> <p>2/ The Ministry shall require the protected person to discharge his obligation where it learns that he has a legal obligation that he is not aware of.</p> <p>3/ Where the protected person is unable or unwilling to discharge his obligations under sub-article (2) of this Article, the Ministry may settle the obligations by itself or terminate the protection agreement, as the case may be.</p>	<p>16. Xuquuqaha iyo Waajibaadyada sii jiraya kadib Badelaada Sumad-sooca Qofka</p> <p>1/ Qofka la ilaalinayo wuxuu magacaabi karaa wakiil u qaabilsan ka faa'iideysiga xuquuqaha iyo fullinta waajibaadyada sii jiri kara kadib talaabada badelaada astaamaha sumad-soociisa</p> <p>2/ Wasaaradu, waa inay qofka la ilaalinayo ka dalbataa inuu fulliyo waajibaadyadii lagu lahaa kahor intaan la badelin astaamaha sumad-soociisa ee uusan ku baraarugsanayn jiritaankooda</p> <p>3/ Marka qofka la ilaalinayo uu awoodi kari waayo ama uusan dooneynin inuu fulliyo waajibaadyada lagu xusay Qodob-hoosaadka (2) ee Qodobkan, Wasaaradu waxay fulinaysaa waajibaadyadii qofka lagu lahaa ama waxay joojinaysaa heshiiska ilaalada, hadba siday xaaladu ku haboon tahay</p>

<p>17. Issuance of New Personal Documents</p> <p>1/ The Ministry shall, where it decides to implement a protection measure involving the change of identity, enter the particulars of the original and the new identity of the protected person in records specifically designed for such purpose. It shall keep the records in such a way that unauthorized persons may not trace the original identity of the protected person from the new identity information or vice versa.</p> <p>2/ Bodies competent to issue identification and other related documents shall have the duty to issue appropriate new documents to the protected person on the basis of information provided to them by the Ministry.</p>	<p>17. Usoo Saarida Aqoonsiyada Cusub ee uu Qofku Yeelanayo</p> <p>1/ Wasaaradu, markay go’aan ku gaadho hirgelinta talaabada ilaalada ah ee keenaysa ama sababaysa badelaalada astaamaha sumad-sooca qofka, waa inay si faah-faahsan ugu diiwaan gelisaa xogta astaamaha sumad-soocii hore iyo xogta astaamaha sumad-sooca danbe ee qofka la ilaalinayo, diiwaanka loogu tala galay. Waana inay Wasaaradu suurto gelisaa inaan xogaha ku jira diiwaankaas ayna fahmi karin astaamaha sumad-soocii hore iyo kan danbe ee qofka la ilaalinayo, cid ka baxsan dadka ku shaqada leh, hadii ay arkaan xogta astaamihii hore ama xogaha astaamaha cusub ee qofka</p> <p>2/ Hay’adaha ku shaqada leh, waxaa waajib ku ah inay usoo saaraan dhukumintiyada aqoonsiga iyo kuwa kale ee la xidhiidha oo muujinaya astaamaha sumad-sooca cusub ee qofka la ilaalinayo, iyagoo ka duulaya xogaha ay Wasaaradu usoo gudbis</p>
<p>18. Communications of the Protected Person</p> <p>Any communication regarding the rights and obligations of a protected person whose identity and property ownership has been changed or concealed shall be made through the Ministry with his consent.</p>	<p>18. Xidhiidhaha Qofka la Ilaalinayo</p> <p>Xidhiidh kasta oo saameynaya xuquuqaha iyo waajibaadyada qofka la ilaalinayo ee astaamaha sumad-soociisa iyo lahaanshaha hantidiisa la badelay ama la qarinyo, waa in loo sii maraa Wasaarada oo ka duulaysa ogolaanshaha qofka</p>
<p>19. Pre-Protection Offences</p> <p>1/ Where court orders that a protected person attend a criminal trial for an offence he committed before the entitlement of protection, the Ministry shall produce him before the court.</p> <p>2/ Where the protected person appears before it in accordance with sub-article(1) of this</p>	<p>1. Dembiyada La galay Kahor Xaalada Ilaalada</p> <p>1/Markay Maxkamad amar ku bixiso inuu qofka la ilaalinayo hor yimaado maxkamada, si loo dhageysto dacwada ciqaabta ah ee uu ku saabsan dembi uu galay kahor intuu mutaysanin talaabada ilaalada ah, Wasaaradu waa inay hor geysaa maxkamada</p> <p>2/ Markuu qofka la ilaalinayo maxkamada ku horyimaado hab waafaqsan Qodob-hoosaadka</p>

<p>Article, the court shall conduct the proceeding in such a way that the participation of the protected person may not prejudice the purposes of the protection.</p>	<p>(1) ee Qodobkan, waa inay maxkamadu geedi-socodka dhageysiga dacwada u maamushaa hanaan aan wax u dhimeynin ujeedooyinka talaabada ilaalada loogu tala galay maadaama uu ka qeyb gelayo qof la ilaalinayo</p>
<p>20. Pre-Protection Testimony</p> <p>A protected person required to appear as a witness for criminal offence committed before the implementation of the protection agreement shall be served with summons and appear before court through the Ministry.</p>	<p>20. Markhaati ka noqoshada Dembi la galay Ilaalada Kahor</p> <p>Marka qofka la ilaalinayo looga baahdo inuu markhaati ka noqdo dacwad ciqaab ah oo la galay kahor hirgelinta heshiiska ilaalada, waa in yeedhitaan loo diraa uuna maxkamada horyimaado, iyadoo lala kaashanayo Wasaarada</p>
<p>21. Civil Suit in Original Identity</p> <p>1/ Where necessary, a protected person may take part in a civil proceeding in his original identity with the consent and directions of the Ministry.</p> <p>2/ Where the Ministry disapproves the participation of a protected person in a civil proceeding in his original identity, the protected person may participate in the proceeding through his agent.</p>	<p>21. Kaga Qeyb Gelida Dacwad Madani ah Sumad-sooca Rasmiga ah</p> <p>1/ Iyadoo la raacayo ogolaanshaha iyo tilmaamaha ay bixiso Wasaaradu, qofka la ilaalinayo wuu kaga qeyb geli karaa sumad-soociisa rasmiga ah, dacwad madani ah, markay lagama maarmaan tahay inuu kaga qeyb galo</p> <p>2/ Markay Wasaaradu ogolaan weydo inuu qofka la ilaalinayo sumad-soociisa rasmiga ah kaga qeyb qaato dacwad madani ah, waxaa dacwada uga qeyb galaya wakiil uu isagu magacaabo</p>
<p>22. Restoration of Original Identity</p> <p>1/ The Ministry shall decide to restore the original identity of a protected person:</p> <p>a) where the time prescribed in the protection agreement expires or it believes, prior to the expiry of the agreement, that protection measures other than change of identity could ensure the security of the protected person; and</p>	<p>22. Dib-usoo Celinta Sumad-soocii Rasmiga ahaa</p> <p>1/ Wasaaradu, waa inay go'aamisaa dib usoo celinta sumad-soocii rasmiga ahaa ee qofka la ilaalinayo:-</p> <p>b) Markay dhamaato mudadii loogu tala galay heshiiska ilaalada ama kahor intayna dhamaanin mudada uu jirayo heshiisku, hadii ay Wasaaradu ku qanacdo in talaabooyinka kale ee ilaalada ah ee ka baxsan badelaada astaamaha sumad-sooca qofka, lagu xaqiijin karo nabad geliyada qofka; iyo</p>

<p>b) it ascertains that change of identity may not entail a major impact on the status of third parties such as marriage and paternity or maternity.</p> <p>2/ The Ministry shall notify the protected person and give him the opportunity to forward his opinion before restoring his original identity pursuant to sub-article (1) of this Article.</p> <p>3/ A protected person shall, upon restoration of his original identity, return the new personal identification and other related documents to the Ministry.</p> <p>4/ The Ministry shall ensure that the protected person has been provided, by the concerned bodies, with personal identification and other related documents in his original identity upon return of his new personal identification and other related documents in accordance with sub-article (3) of this Article.</p> <p>5/ Bodies competent to issue personal identification and other related documents shall have the duty to issue the required documents to the protected person in his original identity on the basis of information provided to them by the Ministry.</p> <p>6/ The Ministry shall ascertain that the legal obligations of the protected person entered into in his new identity remain intact after restoration to the original identity.</p>	<p>t) Markay xaqiijiso inaan badelaada astaamaha sumad-sooca aysan saameyn weyn ku yeelanaynin cid sadexaad, sida guurka iyo aabanimada ama hooyanimada qofka</p> <p>2/ Wasaaradu, waa inay ku wargelisaa isla markaana ay fursad siiso qofka la ilaalinayo si uu aragtidiisa uga dhiibto, kahor intaan la go'aaminin dib usoo celinta astaamaha sumad-soocii rasmiga ahaa, hab waafaqsan Qodob-hoosaadka (1) ee Qodobkan.</p> <p>3/ Qofka la ilaalinayo waa inuu Wasaarada kusoo celiyaa warqadaha aqoonsiga cusub iyo dhukumintiyada kale ee la xidhiidha, iyadoo isagana dib loogu soo celinayo sumad-soociisii rasmiga ahaa</p> <p>4/ Wasaaradu, waa inay xaqiijisaa in hay'adaha ku shaqada leh ay siiyaan qofka la ilaalinayo warqadaha aqoonsiga iyo dhukumintiyada kale ee la xidhiidha oo muujinaya sumad-soociisii rasmiga aheyd, markuu dib usoo celiyo dhukumintiyada la xidhiidha sumad-sooca cusub ee lagu xusay Qodob-hoosaadka (3) ee Qodobkan</p> <p>5/ Hay'adaha ku shaqada leh bixinta warqadaha aqoonsiga iyo dhukumintiyada kale ee la xidhiidha, waxaa waajibaad ka saaran yahay inay qofka la ilaalinayo siiyaan aqoonsiga sumad-soociisa rasmiga ah iyo dhukumintiyada kale ee uu u baahan yahay, iyadoo raacaya xogaha ay usoo gudbisoo Wdsaaradu</p> <p>6/ Wasaaradu, waa inay xaqiijisaa in waajibaadyada sharciga waafaqsan ee uu qofka la ilaalinayo ku galay sumad-soociisaan rasmiga ahayn, la fulinayo kadib markii qofka dib loogu soo celiyo sumad-soociisii rasmiga aheyd</p>
<p>PART FIVE MISCELLANEOUS PROVISIONS</p>	<p><u>CUTUBKA SHANAAD</u> <u>QODOBO KALA DUWAN</u></p>
<p>23. Responsibilities of Organs of Justice</p>	<p>23. Masuuliyadaha Hay'adaha Cadaalada</p>

<p>1/ The concerned court shall have the responsibility to ensure that protection measures provided in sub-article (1) from (g) to (k) of Article 4 of this Proclamation are taken as may be appropriate.</p> <p>2/ The concerned prosecutor:</p> <p>a) shall have the responsibility to carry out the functions of a prosecutor provided for under sub-article (1) (b) of Article 6 of this Proclamation; and</p> <p>b) may apply to court for the enforcement of protection measures provided for under Article 4 sub article (1) from (g) to (k) and (t).</p> <p>3/ The concerned investigator shall have the responsibility to carry out the functions of an investigator provided for under subarticle (1) (b) of Article 6 of this Proclamation.</p>	<p>1/ Maxkamada ay khuseyso, waxaa masuuliyad ka saaran tahay xaqiijinta in talaabooyinka ilaalada ah ee ku xusan Qodob-hoosaadka (1) laga bilaabo xarafka (r) ilaa (c) Qodobka 4 ee Bayaankan, loo dhaqan geliyo sida ugu haboon</p> <p>2/ Xeer-ilaaliyaha ay khuseyso:-</p> <p>b) Waxaa masuuliyad ka saaran tahay fullinta waajibaadyada xeer-ilaaliyaha ee lagu xusay Qodob-hoosaadka (1) (t) Qodobka 6 ee Bayaankan; iyo</p> <p>t) Waa inuu maxkamada ay khuseyso ka codsadaa ogolaanshaha lagu dhaqan gelinayo talaabooyinka ilaalada ah ee lagu xusay Qodob-hoosaadka (1) laga bilaabo xarafka (r) ilaa (c) iyo (h), Qodobka 4 ee Bayaankan</p> <p>3/ Dembi-baadhaha ay khuseyso, waxaa masuuliyad ka saaran tahay fullinta waajibaadyada dembi-baadhaha ee lagu xusay Qodob-hoosaadka (1) (t), Qodobka 6 ee Bayaankan</p>
<p>24. Confidentiality</p> <p>1/ Records and information relating to a protected person shall be classified as strictly confidential and kept accordingly.</p> <p>2/ Any person may not have access to the records referred to in sub-article (1) of this Article except with the authorization of the top leadership of the Ministry.</p> <p>3/ Notwithstanding sub-article (1) of this Article, beneficiary of protection or former beneficiary of protection:</p> <p>a) consents to the disclosure;</p>	<p>24. Ilaalinta Sirta</p> <p>1/ Diiwaanada iyo xogaha qofka la ilaalinayo, waa inay noqdaan kuwo si adag oo haboo loo asturay, loona xafido hab ku wanaagsan ilaalintooda</p> <p>2/ Qofna waa inuusan fursad u helin inuu wax ka ogaado diiwaanada iyo xogaha qofka la ilaalinayo ee ku xusan Qodob-hoosaadka (1) ee Qodobkan, marka laga reebo qof ogolaansho cad ka haysta hogaaminta sare ee Wasaarada</p> <p>3/ Iyadoo aan tixgelin la siineynin xaaladaha ku xusan Qodob-hoosaadka (1) ee Qodobkan, marka qof ku sugan xaalada ilaalada ama qof horey uga faa'iideystay talaabooyinka ilaalada:-</p>

<p>b) has already disclosed the information;</p> <p>c) where disclosure of the information is necessary to investigate a criminal offense punishable with ten or more years of rigorous imprisonment or death; or</p> <p>d) his testimony found necessary to prove the innocence of another suspect in the criminal case; the Ministry may disclose the information.</p> <p>4/ To disclose the information of beneficiary of protection or former beneficiary of protection on the basis of sub article (3) (c) or (d) of this Article the following shall have to be taken into consideration:</p> <p>a) the impact of disclosure of information on beneficiary of protection or former beneficiary of protection; and</p> <p>b) absence of alternatives other than disclosing the information.</p> <p>5/ A person to whom information is disclosed in accordance with sub-article (3) of this Article shall use it only for the purpose for which it has been disclosed</p>	<p>b) Ogolaado in lasoo bandhigo,</p> <p>t) Isagu soo bandhigay xogta,</p> <p>j) Soo bandhigida xogtu ay lagama maarmaan u tahay baadhitaanka fal dembiyeed ciqaabtiisu gaadhayso ilaa toban sano ama in ka badan oo xabsi adag ah ama ciqaab dil ah lagu muteysan karo; ama</p> <p>x) Cadeymihiisa markhaatinimo ay lagama maarmaan u yihiin in lagu xaqiijiyo dembi la'aanta qof kale oo looga shakisan yahay fal-dembiyeedkaas Wasaaradu way soo bandhigi kartaa xogaha iyo diiwanada dadka la ilaalinayo</p> <p>4Marka lasoo bandhigayo xogaha qof ku sugan xaaladaha ilaalada ama mid qof horey uga faa'iideystay talaabooyinka ilaalada, sida ku xusan Qodob-hoosaadka (3) (j) ama (x) ee Qodobkan, waa in la tixgeliyaa arrimahan soo socda:-</p> <p>b) Saameynta ay soo bandhigida xogtu ku yeelan karo qofka ku sugan xaaladaha talaabooyinka ilaalada ama qof horey uga faa'iideystay talaabooyinka ilaalada; iyo</p> <p>t) Inaysan jirin ama aysan suurto gal ahayn hanaan kale oo aan ka aheyn in lasoo bandhigo xogtan mooyee, oo lagaga maarmi karo</p> <p>5/ Qofka loosoo bandhigay xogta iyo diiwaanada ku xusan Qodob-hoosaadka (3) ee Qodobkan, waa inuu xogta ama diiwaanada u adeegsadaa oo keliya ujeedooyinkii loo soo bandhigay</p>
<p>25. Submission of Grievance</p> <p>1/ Any person who has applied for protection or a person who is or was under protection may submit to the Minister his grievance</p>	<p>25. Soo Gudbinta Cabashada</p> <p>1/ Qofka codsaday talaabo ilaalo ah ama qofka ku sugan xaalada ilaalada ama qof horey uga faa'iideystay talaabooyinka</p>

<p>on a decision of the concerned officer of the Ministry within 15 days from receipt of the decision.</p> <p>2/ The Minister shall decide on a grievance submitted in accordance with sub-article (1) of this Article within 10 consecutive working days. The decision of the Minister shall be final and may not be appealable to court.</p>	<p>ilaalada, wuxuu Wasaarada ugusoo gudbin karaa cabashadiisa ka dhanka ah go'aan uu gaadhey sargaalka ay khuseyso ee ka tirsan Wasaarada, muddo 15 maamlmood gudahood ah, laga bilaabo markuu soo gaadho go'aanka uu ka cabanayo</p> <p>2/ Wasaaradu, waa inay, cabashada lagu soo gudbiyay hab waafaqsan Qodob-hoosaadka (1) ee Qodobkan, go'aan kaga soo saartaa muddo 10 maalmood oo maalmo shaqo oo isku xiga. Go'aanka Wasiirku, waa mid kama danbeys ah oo aan racfaan looga qaadan karin maxkamada</p>
<p>26. Credibility of Testimony</p> <p>The fact that a witness is entitled to protection in accordance with this Proclamation may not be invoked as a ground to diminish the credibility of his testimony</p>	<p>26. Ku Kalsoonaanta Cadeymaha Markhaatiga</p> <p>Xaqqiqada jirta ee ah inuu qofka markhaatiga ah ku muteystay talaabooyinka ilaalida, hab waafaqsan Qodobada Bayaankan, looma cuskan karo in hoos loogu dhigo qiimaha ama kalsoonida la siinayo cadeymaha markhaatiga</p>
<p>27. Agreement with other Bodies</p> <p>1/ The Ministry may conclude agreements with organs of federal or regional states for the implementation of protection granted pursuant to this Proclamation.</p> <p>2/ The government may conclude bilateral or multilateral treaties in order to provide effective protection to witnesses and whistle blowers.</p>	<p>27. Heshiisyada Lala Gelayo Hay'adaha Kale</p> <p>1/ Wasaaradu, waxay heshiis la geli kartaa hay'ado ka tirsan dawlada federaalka ama kuwa dawlad-deegaanada, si loo hirgeliyo hawlgalada ilaalada ah ee loo fullinayo hab waafaqsan Bayaankan</p> <p>2/ Dawladu, waxay geli kartaa Axdiyo labba dhinac ama dhinacyo badan kawada dhaxeeya, si ilaalo haboon ay u helaan markhaatiyada iyo Soo-tebiyeyaashu</p>
<p>28. Duty to Cooperate</p> <p>Every person shall have the duty to cooperate for the implementation of this Proclamation, when requested by the Ministry</p>	<p>28. Waajibaadka Gacan-siinta</p> <p>Qof kasta waxaa waajibaad jka saaran yahay, inuu gacan siiyo dhaqan gelinta Qodobada Bayaankan, markay Wasaaradu ka codsato</p>
<p>29. Penalty</p>	<p>29. Ciqaab</p>

<p>1/ Any protected person who:</p> <p>a) contravenes sub-article (1) (a) of Article 11 of this Proclamation shall be punishable with rigorous imprisonment not exceeding ten years. Where, however, in a criminal case, the accused person has been wrongly convicted or has incurred rigorous imprisonment of more than ten years in consequence of the witness's act, the witness may himself be sentenced to the punishment which he has caused to be wrongfully inflicted;</p> <p>b) without good cause fails to return the new identification and other related documents in accordance with subarticle (3) of Article 22 of this Proclamation shall be punished with simple imprisonment up to three years or with fine up to Birr 10,000 or with both;</p> <p>c) refuses to cooperate with the Ministry in accordance with Article 28 of this Proclamation shall be punishable with not less than six months simple imprisonment or with fine not exceeding Birr 10,000 or with both;</p> <p>d) contravenes sub article (1) (c) of Article 11 of this Proclamation and perform activity that obstructs the protection shall be punishable with rigorous imprisonment not less than one year and not exceeding five years or with fine not less than Birr 50,000 and not exceeding Birr 500,000 or with both.</p> <p>2/ Any person who violates other provisions of this Proclamation shall be punishable in accordance with the relevant provisions of the Criminal Code.</p>	<p>1/ Qofka la ilaalinayo, markuu:-</p> <p>b) Ku xad gudbo Qodob-hoosaadka (1) Qodobka 11 ee Bayaankan, wuxuu ku muteysanayaa ciqaab xabsi adag ah oo aan ka badneyn toban sanno. Hase yeeshee, hadii geedi-socodka dacwad ciqaab ah, ee deysanaha si khalad ah loogu xukumo ama lagu rido ga'aan ciqaab xabsi adag ah oo ka badan toban sanno, iyadoo laga duulayo cadeymaha markhaatiga, waa in markhaatigaas lagu xukumaa ciqaab u dhiginta oo la siman midi uu sababta u noqday in si khaldan loogu rido ee deysanahaas;</p> <p>t) Ku guul-dareysto inuu soo celiyo aqoonsiyada cusub iyo dhukumintiyada kale ee la xidhiidha, hab waafaqsan Qodob-hoosaadka (3) Qodobka 22 ee Bayaankan, iyadoo uusan haysanin cudur daar lagu qanci karo, waxaa lagu ciqaabayaa xabsi fudud oo ilaa sadex sanadood ah;</p> <p>j) Diido inuu gacan siiyo Wasaarada, hab waafaqsan Qodobka 28 ee Bayaankan, waxaa lagu ciqaabayaa xabsi fudud oo aan ka yareyn 6 bilood ama ganaax aan ka badneyn 10,000 Birr, ama labadaba</p> <p>x) Ku xad gudbo xaaladaha lagu xusay Qodob-hoosaadka (1) (j), Qodobka 11 ee Bayaankan, isla markaana uu ka shaqeeyo arrimo caqabad ku noqonaya hawl galka ilaalada, waxaa lagu ciqaabayaa xabsi adag oo aan ka yareyn hal sanno iyo ganaax aan ka yareyn 50,000 Birr, kana badneyn 500,000 Birr, ama labadaba</p> <p>2/ Qof kasta oo ku xad gudba Qodabada kale ee Bayaankan, waa in lagu ciqaabaa hab waafaqsan qodabada khuseeya ee Xeerka Dembiyada</p>
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<p>30. Transitory Provision</p> <p>Any protection agreement concluded before the coming into force of this Proclamation shall, in so far as it is consistent with the provisions of this Proclamation, be deemed to have been entered into according to this Proclamation</p>	<p>30. Qodabada Kala Guurka ah</p> <p>Heshiiska Ilaalada ku saabsan ee la galay wixii ka horeeyay mudada uu dhaqan galay Bayaankani, markay waafaqsan yihiin Qodobada Bayaankan, waxaa loo arkayaa in loo galay hab waafaqsan Bayaankan, wuxuuna yeelanayaa dhaqan gelin sharci</p>
<p>31. Power to Issue Regulation and Directive</p> <p>1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.</p> <p>2/ The Ministry may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.</p>	<p>31. Awooda Soo Saarista Xeer-nidaamiye iyo Awaamiir</p> <p>1/ Gollaha Wasiiradu, waxay soo saari karaan xeer-nidamiyeyaasha lagama maarmaanka u ah dhaqan gelinta Bayaankan</p> <p>2/ Wasaaradu, waxay soo saaraysaa Awaamiirta lagama maarmaanka u ah dhaqan gelinta Bayaabka iyo Xeer-nidaamiyeyaasha loosoo saaray hab waafaqsan Qodob-hoosaadka (1) ee Qodobkan</p>
<p>32. Inapplicable Laws</p> <p>No law or customary practice may, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.</p>	<p>32. Sharciyada Aan Dhaqan galka Laheyn</p> <p>Sharci kasta ama hab dhaqan kasta oo ka hor imanaya Qodobada Bayaankan, kuma yeelanayaan dhaqan gal sharci arrimaha lagu xeeriyay Bayaankan</p>
<p>33. Effective Date</p> <p>This Proclamation shall enter into force on the date of its publication in the Federal Negarit Gazeta</p>	<p>33. Mudada Dhaqan Galka</p> <p>Bayaankani, wuxuu dhaqan galayaa Taariikhda lagusoo daabaco Wargeyska Federaal Negarit Gazzetta</p>
<p>Done at Addis Ababa, this 11th day of February, 2011</p>	<p>Addis ababa, 11 February, 2011</p>
<p>GIRMA WOLDEGIORGIS PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA</p>	<p>GIRMA WOLDEGIORGIS MADAXWEYNAHA JAMHURIYADA DIMOQRAADIGA FEDERAALKA EE ITOBIYAI</p>