

PROCLAMATION NO-----/2022

**A PROCLAMATION ON THE DEFENSE FORCES OF THE FEDERAL
DEMOCRATIC REPUBLIC OF ETHIOPIA**

WHEREAS, the Defense Forces of the Federal Democratic Republic of Ethiopia is organized, to safeguard the country's sovereignty, to embody the equitable representation of nations, nationalities and peoples, and to carry out its functions free of any partnership to any political organization;

WHEREAS, it has been found necessary to have a legal framework for the Defense Forces of the Federal Democratic Republic of Ethiopia by which is directed an consistent with its contemporary commitments and which takes into account its future commitments;

WHEREAS, it has become necessary to revise and consolidate the existing legal framework of the Defense Forces of the Federal Democratic Republic of Ethiopia;

NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE

GENERAL

1. Short Title

This Proclamation may be cited as the "Defense Forces Proclamation No./2022".

2. Definition

In this Proclamation unless the context otherwise requires:

- 1/ "commander" means a person authorized to direct and administer a military unit formed at any level of the Defense Forces of the Federal Democratic Republic of Ethiopia, including the Commander-in-Chief of the Armed Forces;
- 2/ "Ministry" or "Minister" means the Ministry or Minister of the National Defense, respectively;
- 3/ "recruit" means a person newly drawn from the community to render military service in the Defense Forces of the Federal Democratic Republic of Ethiopia

having met the criteria but has not yet completed military training and has not entered into a contract of employment;

- 4/ "member of defense forces" means a person who, after receiving relevant training at the level required, rendering military services upon signing a service agreement for at least 7 or 10 years in the Defense Forces of the Federal Democratic Republic of Ethiopia;
- 5/ "Private soldier" means a military member of the defense forces without rank and who is already serving or who has taken oath or entered into a contract of employment having completed basic military training;
- 6/ "officer" includes those members of the defense forces with military ranks ranging from Second-Lieutenant to General, or equivalent;
- 7/ "general officer" refers to those members of the defense forces with military ranks ranging from Brigadier-General to General, or equivalent;
- 8/ "field marshal" refers to the highest military rank specially given by the President of the Federal Democratic Republic of Ethiopia to a member of the defense forces for military leadership competence of the highest degree demonstrated during a time of great national security emergency;
- 9/ "Higher officer" refers to those members of the defense forces having ranks ranging from Major to Colonel, or equivalent;
- 10/ "Line officer" refers to those members of the defense forces with military ranks ranging from Second-Lieutenant to Captain, or equivalent;
- 11/ "non-commissioned officer" means ranks of those members of the defense forces ranging from Lance-Corporal to Chief Warrant Officer, or equivalent in other services;
- 12/ "mission" means a military duty that any member of the defense forces carries out in the Ministry from the time he has entered into a contract of employment upon taking of an oath till discharged from military service;

- 13/ "honorably discharged" refers to a former member of the defense forces who, having had no disciplinary remarks and served his country properly, was officially and honorably discharged from active service in accordance with the regulations.
- 14/ "active combat mission" means a military mission performed at home or abroad, as the case may be, when the House of Peoples' Representatives of the Federal Democratic Republic of Ethiopia declares the nation is in a state of war or a general mobilization, or the Commander-in-Chief of the Armed Forces gives a standby order or when it is decided that the defense force is on active combat duty and deployed accordingly or a duty performed by the defense force in a state of emergency declared according to the law; at home or abroad as deemed necessary;
- 15/ "member of the national reserve force" means a person recruited according to law to be a member of the national reserve force and waiting to give military service upon taking the necessary training;
- 16/ "military justice organs" is a collective name that refers to military police, military investigator, military attorney, military court and military defense counsel put together;
- 17/ "federal and state security forces" means federal or state police, militia, national security agency, anti-terrorism, customs and immigration forces and organs that directly or indirectly carry out similar activities;
- 18/ "regular justice organs" means federal and regional courts, police, prosecutor and prison centers;
- 19/ "peace-keeping mission" means a mission of peace-making or peace-keeping carried out in a foreign country by the resolution of the United Nations or the African Union or as per military cooperation agreements with allies;
- 20/ "civilian" means any person who is not a member of the defense forces;
- 21/ Any expression in the masculine gender includes the feminine.

3. Scope of Application

This Proclamation shall be applicable on any member of the defense forces as well as on civilians, as the case may be.

PART TWO

MILITARY SERVICE

4. Organization of the Defense Forces

- 1/ The Defense Forces of the Federal Democratic Republic of Ethiopia shall be organized to fight on Land, Air, Naval, Cyber, and Space domains.
- 2/ Each domain, under sub-article (1) of this Article, may have special and reserve forces as may be necessary.
- 3/ The Ministry may organize subordinate units when military exigencies so require.

5. The Missions of Defense Forces:

- 1/ Vehemently defend the sovereignty of the nation, the Constitution and the constitutional system against any threats and attacks by foreign invaders as well as by internal anti-peace elements
- 2/ Work in coordination with the relevant federal and regional security forces.
- 3/ Defend and protect the lives of the people, public and governmental institutions, and developmental infrastructures from man-made and natural disasters
- 4/ Actively participate in international, regional and sub-regional peace-keeping missions
- 5/ Build competent and ready armed forces by carrying out capability building activities that enable the forces to execute the missions described above

6. Recruitment

- 1/ The Ministry may, in accordance with its criteria issued from time to time, recruit persons fit and willing for military services.
- 2/ Recruitment made by the Ministry, under sub-article (1) of this Article, shall embody equitable representation of Nations, Nationalities and Peoples.

- 3/ Without prejudice to the provision in sub-article (1) of this article Cadets shall be recruited from members of the defense forces and directly from the civilian population.
- 4/ The Ministry may enlist high school or university graduates willing to serve in the armed forces, as a national service, for two years after completing the required military training. After completing their service, and if they choose to serve in the National Reserve Force, they will be entitled to specific rights and benefits. The details will be provided in a subsequent guideline.
- 5/ Without prejudice to the provision in sub-article (4) of this article, the Ministry may recruit persons with vocations essential to the accomplishment of its missions and keep them on the ready in the National Reserve Force.

7. Employment

Any military recruit shall conclude a contract of employment in accordance with a directive to be issued by the Ministry.

8. Military Training

- 1/ Any military recruit shall receive basic military training before going into service.
- 2/ Members of the defense forces on active duty shall be trained in diverse skills or educated in diverse fields as the mission requires considering their individual disposition and competence.
- 3/ Anyone who is drawn from the society and satisfies the criteria to be an officer shall receive training that qualifies him for officer service and shall be bestowed upon the rank of Second-Lieutenant upon successfully completing the training.
- 4/ Whenever any assignment to a military position or promotion is made, the necessary training or education that makes the member of the defense forces qualified for such position may be given to him.
- 5/ Any assignment to a military position or promotion to a higher military rank shall be done on the basis of competitiveness and merit, and it shall ensure equitable representation of all the nations, nationalities, peoples, and women.

9. Military Oath

- 1/ Every recruit, upon completion of the basic military training and before going into service, shall take a military oath.
- 2/ Every member of the armed forces shall take a military oath upon his promotion to officer ship.

10. Duties of Members of the Defense Forces

Every member of the defense forces shall:

- 1/ protect and defend the sovereignty and territorial integrity of the nation.
- 2/ have the duty to obey and enforce the constitution and the constitutional order.
- 3/ have the duty to observe other laws of the country, military laws, rules, directives and standing orders.
- 4/ be obliged to remain in service, even beyond the respective term of service where a standby order is given at a nation-wide level when national security is endangered or during times of war.
- 5/ have the obligation to accept assignments and render services both inside and outside the country, as necessary, in accordance with the relevant regulation.
- 6/ Carry out his functions free of any partisanship to any political organizations.

11. Term of Service and retirement Age

- 1/ Every member of the defense forces, upon recruitment, shall serve for, at least, 7 years.
- 2/ Every member of the defense forces, upon being promoted to the rank of an officer, or upon being trained to acquire any special skill, shall serve for, at least, 10 years; the details of what merit special-skill designation in the view of the Ministry will be provided in a subsequent guideline.
- 3/ Without prejudice to the provision of sub-articles (1) and (2) of this Article where the member of the defense forces is willing to serve for additional time and the

Ministry so agrees, the periods of service may be extended for a further 7 years and 10 years, respectively.

- 4/ The Ministry may suspend both the 7-year and 10-year retirement requests for up to 3 years in the event that the Ministry deems the country is facing a security threat even if a state of emergency has not been declared.
- 5/ The following shall be the retirement age of every member of the defense forces:
 - a) From the rank of Private to Sergeant or equivalent, 45 years of age
 - b) For non-commissioned officers, from Master Sergeant to Command Sergeant Major or equivalent, and, for line officers, from Second Lieutenant to Captain or equivalent, 48 years of age
 - c) For Warrant Officer or equivalent, and, for higher officers, 52 years of age
 - d) For Brigadier General or equivalent, 56 years of age
 - e) For Major General or equivalent, 57 years of age
 - f) For Lieutenant General or equivalent, 58 years of age
 - g) For General and, including equivalent ranks, Field marshal, 60 years of age
- 6/ The Ministry, when it finds it necessary for its mission execution, may extend for a further two years twice the term of service of a member whom it wishes to retain.
- 7/ Without prejudice to the provision of sub- article (6) of this Article , the retirement age of field marshal can be extended for unlimited time with a decision of the Commander-in-Chief of the Armed Forces
- 8/ A term of service shall be extended where:
 - a) the educational qualification, special knowledge, skill and experience of the member of the defense forces is found to be useful for the Ministry;
 - b) it is ascertained that the vacancy could not be filled by promotion or internal transfer;
 - c) it is ascertained by medical evidence that the member of the defense forces is fit for the position or service;
 - d) the member of the defense forces agrees to extend the service.

9/ The power of extending the age of retirement

10/ The power of extending the age of retirement for Chief of Staff, Deputy Chief of Staff, and Force Commanders shall reside with the Commander-in-Chief of the Armed Forces.

11/ The power of extending the age of retirement for all members of the Defense forces, not including the Chief of Staff, Deputy Chief of Staff, and Force Commanders, shall reside with the Chief of Staff.

12. Entitlements

1/ Any member of the defense forces on active duty shall be entitled, in accordance with the relevant internal regulation and directives of the Ministry, to rations, housing, military uniform, transportation and medical care free of charge.

2/ Family members of a member of the defense forces on active duty who have acquired the right of free medical service as well as members of the defense forces who have been discharged from service on the basis of retirement on grounds of injury, ill-health or old age shall have the right of free medical service at public health institutions found in their residential areas in accordance with the agreement to be entered between the federal government and states. The particulars shall be determined by regulation.

13. Incentives for Members of the Defense Force

In order to boost the morale of members of the defense forces in discharging their military service:

1/ Those members of the defense forces having 30 and above years of service shall be entitled to buy one personal automobile free of customs and duties; the details will be provided in a subsequent directive.

2/ Members of the defense forces having 30 and above years of service and who don't have a private house shall get the support of the government in acquiring a plot of land in towns of the region where they are born, for building a private house; in addition, they will be provided a monetary assistance to those members who organize themselves in a housing cooperative to build their houses. The amount of the monetary assistance will be provided in a subsequent directive.

- 3/ without prejudice to sub-article (2) of this Article, for a general officer, the plot of land to be given for building a private house will be in the city of Addis Ababa.
- 4/ Every active member of the defense forces wearing a military uniform and carrying an identification card shall have precedence of receiving service at any service providing facility, public as well as private.
- 5/ Every active member of the defense forces wearing a military uniform and carrying an identification card is entitled to a 10% discount while purchasing a good or service from government-owned organizations.
- 6/ The Ministry shall work together with stakeholders to induce private service providers and commercial enterprises to voluntarily engage in motivational activities such as extending members of the defense forces price discounts, and showing respect and recognition to their patriotism.
- 7/ Every active member of the defense forces wearing a military uniform and carrying an identification card is entitled to free transportation service on publicly-owned city buses and light trains.
- 8/ The Ministry may establish development enterprises that will improve the life of the army, enhance the combat readiness of the army, support the ministry in various activities, and be beneficial to the institution or the national economy, including the Defense Army Foundation, which will be managed by the supervisory authority of the Ministry.

14. Termination of Military Service

- 1/ The following are reasons for termination of military service for any member of the defense forces:
 - a) expiry of his contract of employment;
 - b) his death;
 - c) the member has requested discharge before the completion of his contractual term of service, and his request has been approved;

- d) a medical board testifying his unfitness for further military service owing to serious illness or bodily injury;
 - e) his retirement;
 - f) termination of his service because of being taken as war prisoner or because his condition is unknown for a period of not less than six months after he is reported missing amidst a fight with the enemy;
 - g) where the Ministry has found it impossible to retain him due to structural change or reform;
 - h) his service being confirmed undesirable due to incompetence in the performance of regular military duties, failure in leadership or misconduct;
 - i) where criminally convicted by court and sentenced to imprisonment exceeding two years;
 - j) where the crime is desertion, treason or any other morally outrageous acts, the service shall be terminated though the imprisonment is less than two years;
- 2/ Notwithstanding the provision of paragraph (i) of sub-article (1) of this Article, the convict who has been sentenced to more than two years of imprisonment may be allowed to return to service upon his release, where he has committed the offence while on active duty or to prevent human life or property from danger or he was of good conduct and had served for more than ten years in the defense forces.

15. Recall to Active Military Duty

- 1/ Any former member of the defense forces who has been discharged honorably shall return to active duty, when called upon, during a national emergency in which the sovereignty and integrity of the nation is deemed, by the relevant authorities, threatened.

- 2/ Any former member of the defense forces who has rejoined under Sub-article (1) of this Article may be hired, if found necessary, with the rank he had when he was previously discharged.

16. Compensation for Service and Retirement

- 1/ A member of the defense forces shall, in accordance with the directive to be issued by the Ministry, be entitled to compensation where discharged upon completion of the years of service stipulated in the terms.
- 2/ Where the service of a member of the defense forces is terminated for any reason other than his own motion or fault, before completion of the stipulated term of service he has concluded a contract for, he shall be entitled to fair compensation in accordance with the directive to be issued by the Ministry.
- 3/ The age limits for termination of service specified under sub-articles (5) and (6) Article 11 of this Proclamation shall also be deemed to be retirement age-limits for purposes of the application of pension laws.
- 4/ Where a member becomes permanently unfit for military service or dies due to an injury suffered while on active duty or an occupational disease, the relevant provisions of the public servants pension law shall apply to his entitlements.
- 5/ Where a member has been killed while carrying out his mission, payment of his monthly salary to his legal heirs shall continue uninterrupted; however, the process of transferring the retirement pay to the legal heirs shall be completed within three-month time.
- 6/ Where the medical board of the Ministry has certified that a member cannot support himself due to serious injury sustained while he was still serving, the member shall be entitled to get life-time assistance at a facility for veterans to be established by the government.

17. Leave

Any member of the defense forces shall be entitled to an annual leave and other leaves in accordance with the directive to be issued by the Ministry.

18. Military Discipline

Where any member of the defense forces violates provisions of military laws, regulations, directives or standing orders and the offence committed is so minor that it cannot be brought to a military court the case shall be disposed of in accordance with the defense forces' disciplinary regulation.

19. Complaints

Any member of the defense forces shall have the right to make a complaint and obtain a decision, in accordance with the defense forces' administrative regulation, where he has suffered an administrative wrong or is aggrieved by a disciplinary measure taken against him. Every commander shall have the duty to give timely decisions on such complaints.

PART THREE

PROMOTION, SERVICE AND DISCHARGE

20. Ranks

There shall be military ranks of servicemen in each of the armed services – namely, the Ground Forces, the Air Force and the Navy; the details will be determined in a subsequent regulation.

21. Procedure of Promotion

- 1/ Where there is vacancy for promotion, a member of the defense forces shall be promoted in rank on the basis of excellence in the performance of military duties, the observance of discipline and in qualities of leadership and in accordance with a directive on promotions to be issued by the Ministry.
- 2/ The Chief of the General Staff, the Council of Commanders, Force Commanders, Command Commanders, and the Heads of Main Departments and equivalent units shall have the power to confer promotions.
- 3/ Promotions to the General officer ranks and to the rank of Field Marshal shall be approved by the Head of State when the names of candidates have been presented by the Chief of the General Staff after careful screening and selection.

22. Obligatory Service

- 1/ Any member of the defense forces having received the benefit of specialized training or schooling shall, subsequent to its completion, have the obligation to serve for double the period the training or schooling took for completion.
- 2/ Without prejudice to the provision of sub- article (1) of this Article, given the special nature of the professions as well as the high cost incurred to acquire the skills involved, the time of service for specialists shall be determined by a directive to be issued by the Ministry.

23. Power to Discharge from Military Service

Discharging of any member from military service before the retirement age due to structural change, reform, incompetence or other similar reasons shall be performed as follows:

- 1/ Decision to discharge a General officer shall be made by the Commander-in-Chief of the Armed Forces.
- 2/ Decision to discharge line and higher officers shall be made by the Chief of the General Staff.
- 3/ Without prejudice to the provision of this article in sub article (2), the Council of Commanders shall give its comment on any proposal regarding the discharge of a Lieutenant Colonel or a Colonel.
- 4/ Decision on discharge of a non-commissioned officer shall be made by Force and Command Commanders in consultation, through the Human Resource Main Department, with the Chief of the General Staff

24. Transfer to Another Government Office

- 1/ Where the Government finds it necessary a member of the defense force may be transferred permanently to another Government organization or public enterprise.
- 2/ Where the Ministry find it necessary and where the recipient Government organization or Public enterprise and the transferee so agrees, a member of the

defense force may be transferred permanently to another government organization or Public enterprise.

- 3/ Where the government or the Ministry finds it necessary, a member of a defense force may transferred temporarily to another government organization or public enterprise.
- 4/ The rights and duties of any member of the defense force who has been transferred permanently to another government organization or public enterprise shall be governed by the laws that govern the government organization or public enterprise he has been transferred to.

PART FOUR

POWERS AND DUTIES OF THE MINISTER,

CHIEF OF THE STAFF AND COUNCIL OF DEFENSE COMMANDERS

25. Powers and Duties of the Minister

The Minister shall have the powers and duties to:

- 1/ ascertain that the defense forces are loyal to, and stand firm in upholding the Constitution;
- 2/ submit and secure decisions on matters of defense which need to be deliberated upon and decided by the Council of Ministers;
- 3/ initiate laws, policies and strategies governing the defense forces and ensure their implementation upon approval;
- 4/ prepare and submit the annual budget of the Ministry to the concerned government organ and supervise implementation of same upon approval;
- 5/ supervise public enterprises placed under the supervisory authority of the Ministry and defense forces' foundations and ensure that they are fulfilling their responsibilities provided under their establishment laws;
- 6/ engage in relationships in respect of defense matters with foreign governments and governmental and non-governmental offices and organizations;

- 7/ coordinate nation-wide mobilization campaigns based on government decision.
- 8/ organize and direct higher education and research institutions that shall build and enhance the capabilities and capacities of the defense forces;
- 9/ ensure that the resources of the Ministry are utilized to accomplish intended purposes.

26. Powers and Duties of the Chief of the General Staff

The Chief of the General Staff shall have the powers and duties to:

- 1/ lead the Headquarters of the Armed Forces, and preside over the meetings of the Council of Commanders;
- 2/ defend the territorial integrity and sovereignty of the country, execute a state of emergency law, in the event of violations of peace and security beyond the power of regional states, work out a plan for getting the situation under control, and implement same upon approval;
- 3/ organize, train and equip the National Defense Forces in a way that safeguards the sovereignty and national security of the country;
- 4/ ensure the readiness of the Armed Forces at all times;
- 5/ command the Armed Forces and direct military operations, subject to the directive and decision of the Commander-in-Chief of the Armed Forces;
- 6/ advise the Commander-in-Chief of the Armed Forces and the Minister on military matters.

27. Powers and Duties of the Armed Forces Deputy Chief of Staff

The Armed Forces Deputy Chief of Staff shall have the powers and duties to:

- 1/ act on behalf of the Chief of the General Staff in the event of his absence;
- 2/ based on the direction given by the chief of the general staff, coordinate the activities of Main Departments;
- 3/ perform other duties assigned to him by the Chief of the General Staff.

28. Powers and Duties of the Council of Defense Commanders

The Council of Defense Commanders shall have the powers and duties to:

- 1/ deliberate and advise on military operational, strategic and organizational matters;

- 2/ examine the budget requirements of the defense forces;
- 3/ examine the proposal of candidates designated for promotion to the rank of Brigadier General and make recommendations;
- 4/ examine the performance reports of candidates designated for promotion to the ranks of Lieutenant Colonel and Colonel, and approve the promotions;
- 5/ when necessary, give counsel to the Chief of Staff regarding members proposed for promotion to the rank of Major General;
- 6/ approve discharge from service before the retirement age of officers with the rank of Lieutenant Colonel and Colonel where the discharge is necessitated due to incompetence, structural change, reform, or other similar reasons;
- 7/ Advise the Chief of the General Staff on military matters.

29. Members of the Council of Defense Commanders

- 1/ The Council of Defense Commanders shall have the following members:
 - a) Chief of the General Staff (Chairperson)
 - b) Deputy Chief of Staff (Member)
 - c) Force Commanders (Member)
 - d) Main Department Chiefs (Member)
 - e) Command Commanders (Member)
 - f) Inspector-General (Member)
- 2/ Where it is deemed necessary for the purpose, the Chief of the General Staff may summon additional commanders of the various units of the defense force to attend without vote at a meeting of the Council of Commanders.

PART FIVE

MILITARY JUSTICE ORGANS

30. Establishment

The following military justice organs are hereby established to carry out tasks relating to military justice in the defense forces:

- 1/ Military Police,
- 2/ Military Investigator
- 3/ Military Prosecutor,
- 4/ Military Courts, and
- 5/ Military Defense Counsel.

31. Power and Duties of the Military Police

The Military Police shall have the powers and duties to:

- 1/ prevent the commission of crimes in the defense forces;
- 2/ maintain order and security in and around military camps and offices;
- 3/ administer military correctional and detention sites and rehabilitate inmates;
- 4/ execute and enforce decisions and orders of military or regular courts and of commanders.

32. Reporting

- 1/ Any member of the defense forces shall have the obligation to report the commission of a military offence to an immediate leadership or to the nearest military or regular police or prosecutor.
- 2/ A victim of a crime falling under the jurisdiction of a military court may lodge a charge himself before the military court where the military prosecutor fails to do so.
- 3/ A commander, investigator or prosecutor to whom a crime is reported under sub-article (1) of this Article shall carry out his duties within reasonable time and in accordance with the relevant Criminal Procedure Code and this Proclamation.

33. Arresting a Suspect

- 1/ Any member of the defense forces who has arrested a suspect in accordance with the provisions of the Criminal Procedure Code and of this Proclamation shall report to the nearest military unit leadership within a reasonable time.

- 2/ The commander who received the report under sub-article (1) of this Article shall hand the suspect to the military investigator or regular police within a reasonable time and in accordance with the law.
- 3/ Where there is sufficient ground for suspicion of an imminent and dangerous act of crime or threat to security in military camps, offices or barracks, commanders at all levels may conduct an arrest or a search.
- 4/ arrest or search made in accordance with sub article (3) of this article, shall be reported to the relevant organ, and the suspect shall be brought to a court of law, or the property seized shall be handed over to the regular police within forty-eight hours excluding the time for transportation.

34. Investigation

- 1/ Where crime has been committed, or there is a tip-off or sufficient ground for suspicion that it has been committed, a military investigator, a regiment commander, or a battalion commander, and above shall investigate or order the investigation of the crime.
- 2/ Where disagreement arises regarding the initiation or discontinuation of the investigation between the investigator and the commander, the stalemate shall be resolved by the final decision of the next higher-ranking commander. The commander making the final decision shall provide the crime investigation unit with a written report of the decision reached regarding the initiation or discontinuation of the investigation and related matters.
- 3/ Where the decision of the commander to withdraw investigation is found illegal, he shall be liable.
- 4/ Where a crime falling under the jurisdiction of a military court is committed, intensive and impartial investigation shall be carried out in accordance with the relevant provisions of the Criminal Procedure Code and this Proclamation.
- 5/ Any crime falling under the jurisdiction of a military court shall be investigated by military crimes investigation department organized at every level, or by a specially organized investigation team, or by the regular police.

- 6/ Where crimes falling under the jurisdiction of the regular police or regular courts are committed in military camps or military holdings as stated under sub-article (1) of this Article, the commanders or military investigators shall gather evidence which could be easily lost and carry out preliminary investigation and submit the finding to the concerned regular police.

35. Execution of Sentence

- 1/ A member of the armed forces sentenced by a military court for less than two years shall serve the sentence in a military prison; whereas a member sentenced for two years and above shall serve the sentence in a civilian prison.
- 2/ Issues relating to the transfer, pardon or amnesty and such other related rights of inmates shall be entertained by civil or military prisons where the inmate is located.

36. Powers and Duties of the Military Prosecutor

A military prosecutor shall have the powers and duties to:

- 1/ institute criminal charges on any criminal matters falling under the jurisdiction of military courts;
- 2/ report to and consult the concerned commander where he decides to institute a criminal charge;
- 3/ direct criminal investigations;
- 4/ conduct, when necessary, research on institutional legal frameworks, provide training, generate ideas and submit them for decision by the higher authorities.
- 5/ represent the Ministry in courts of law, and deal with all judicial and legal matters in the Ministry's behalf.
- 6/ regularly visit military prisons and their inmates, inspect their conditions, and take appropriate, corrective measures.
- 7/ Perform proper activities pertaining to any human rights issues within the Ministry.

37. Power to Withdraw Criminal Charges on Military Offence

- 1/ The Minister may order the withdrawal of a criminal charge on military offence specified in the Criminal Code falling under the jurisdiction of military courts if the following conditions are met:
 - a) where the accused regretted for the commission of the military offence he has committed;
 - b) where it is assessed that withdrawal of the charge would not result in serious damage to the institution and the nation and it is believed that the accused would become a good citizen and contribute positively to the institution or the nation;
 - c) where the accused was previously of good character and has no previous criminal record; and
 - d) where the accused compensated in cash or in kind or in service for the offence which was committed on the property or money of the institution, or made a binding commitment to provide such compensation.
- 2/ Where the military criminal charge was brought concurrently with ordinary criminal charge, the order for withdrawal shall only apply to the military criminal charge.
- 3/ Any decision to withdraw a military criminal charge shall not have acceptability unless it is made in writing and the reasons thereof are stated.

38. Military Defense Counsel

- 1/ A military defense counsel shall render advocacy service to persons being investigated or suspected of military offences.
- 2/ A military defense counsel shall render advocacy service in the appellate and cassation courts if he has stood in the primary court representing an accused.
- 3/ If a member of the defense forces or a civil employee of the Ministry is brought before a federal or regional state court in connection with a crime committed

while carrying out a military or public duty, the Ministry shall provide him with a defense counsel.

- 4/ A person charged with an offence before a military court shall have the right to be represented by legal counsel of his own choice.
- 5/ Notwithstanding the provisions of sub-article (4) of this Article, for the purpose of keeping confidential information relating to national security, the court may decide that the defense counsel be chosen from among the members of the defense forces.

39. Hierarchy of Military Courts

Military courts to be established in the defense forces shall have the following hierarchy:

- 1/ The Primary Military Court; and
- 2/ The Appellate Military Court.

40. Jurisdiction of Primary Military Court

- 1/ The Primary Military Court shall have jurisdiction over the following matters:
 - a) Persons responsible for military offences provided in Article 284 to Article 337 of the Criminal Code;
 - b) Offences of murder and rape among the members of the armed forces provided in Article 539 through Article 544 of the Criminal Code; in addition, Offences committed in transgression of international law and offences of bodily assault resulting bodily injury provided in Article 269 through Article 283 of the Criminal Code;
 - c) Any offence committed at home by a member of the defense forces while on active combat duty;
 - d) Any offence committed by a member of the defense forces or a civilian on mission along with a section of an army deployed abroad while on task or active combat duty;

- e) Any offence committed by civilians, members of the regular police force or militia deployed along with members of the defense forces on grounds of general mobilization or the declaration of a state of war;
 - f) Any offence committed by prisoner of war after being captured;
 - g) Offences falling under the jurisdiction of military courts committed by recruits after entering into training camps or members of national reserve force after entering into military training camps or joining the regular defense forces;
 - h) Cases involving whether or not persons taken prisoner during a time of war are prisoners of war.
- 2/ If part of the offences an accused is charged with falls under the jurisdiction of a military court and a part thereof under the jurisdiction of a regular court, all charges shall be brought before the military court.

41. Jurisdiction of an Appellate Military Court

- 1/ The Appellate Military Court shall have appellate jurisdiction on cases disposed of by the Primary Military Court.
- 2/ The Appellate Military Court shall have the power to confirm, vary or reverse the decision of the Primary Military Court.

42. Power of the Federal Supreme Court

The Federal Supreme Court shall have power of cassation over any final decision of military court which contains a basic error of law.

43. Execution of Decisions, Orders and Rulings of Military Courts

Decisions, orders and rulings rendered by military courts in relation to their jurisdiction shall bind every person. The military courts shall have the power to punish, in accordance with the law, any person or organ that disobeys same.

44. Execution of Death Sentence

A death sentence may not be executed unless approved by the Head of State. Death sentence may not be executed prior to ascertaining that it has not been commuted by pardon or amnesty.

45. Procedural Laws to be Applied by Military Courts

- 1/ Military courts shall in disposing of cases apply the Criminal Procedure Code, and, as necessary, the Civil Code and evidentiary law;
- 2/ Where in rendering decision judges of military courts have differences of opinion, the matter shall be decided by majority vote.

46. Appointment, Term of Office and Removal of Military Court Judges

- 1/ An officer rendering military service and having legal skills or any civilian serving as a judge in regular courts may be appointed as judge of a military court.
- 2/ Primary Military Court judges shall be appointed by the Minister.
- 3/ Appellate Military Court judges shall be appointed by the Commander-in-Chief of the Armed Forces upon the recommendation of the Minister.
- 4/ Term of office of judges of the Primary Military Court as well as the Appellate Military Court shall be five years.
- 5/ Judges shall be removed from office where they are unable to carry out their duties due to illness or where they are found guilty of a disciplinary or criminal offence.
- 6/ Judges shall be removed from office by the organ which appointed them.
- 7/ Notwithstanding the provisions of sub-article (4), (5) and (6) of this Article, any judge who is a member of the defense forces is needed for another assignment, he may be removed from office before the expiry of his term of office by the order of the Chief of the General Staff upon notifying the organ which appointed him.

47. Sitting at Military Courts

- 1/ The case of an accused person whose offence is punishable by a simple imprisonment not exceeding three years may be tried by one judge.
- 2/ The case of an accused person whose offence is punishable by a rigorous imprisonment exceeding three years or deciding on the legal status of prisoners of wars shall be tried by not less than three judges.
- 3/ The number of judges sitting at the Appellate Military Court may not be less than three and the presiding judge shall be a civilian.
- 4/ Notwithstanding to the provisions of sub-article (2) and (3) of this Article, the following issues may be carried out by one judge even if the number of judges to sit at a particular bench is not met:
 - a) Ascertaining the legal adequacy of a charge;
 - b) Adjourning a session or a case where evidences of the parties are not produced on sufficient grounds;
 - c) Giving orders for the arrest and appearance of an accused or a witness who failed to appear having been summoned or giving the appropriate order where the non-appearance is due to failure in serving the summon;
 - d) Order of re-adjourning a case that adjourned for examination but the examination is not completed.
- 5/ Notwithstanding to the provisions of sub-article (2) and (3) of this Article, the following issues may be carried out by two judges even if the number of judges to sit at a particular bench is not met:
 - a) Giving the appropriate order on objection to a charge or on application for bail;
 - b) Hearing a petition of appeal;
 - c) Reading a judgment rendered by three judges to the parties.
- 6/ Among the judges sitting at a Primary Military Court at least the presiding judge shall have higher or equivalent rank with that of the accused person.

- 7/ Where there is no equivalent rank with that of the accused person, the presiding judge shall be assigned by the Commander-in-Chief of the Armed Forces.

48. Withdrawal of Judges

- 1/ A judge shall not sit in a case where he is related by consanguinity or affinity with one of the parties or the advocate thereof or where he believes that there is any other reason that prohibits him from rendering a fair decision or an application requesting removal is brought against him for any other reason and the application is accepted.
- 2/ A judge may not sit in a case where the accused is a member of the unit he directs or otherwise knows the case in advance.
- 3/ An application for removal of a judge shall be brought before the trial opens or soon after the party becomes aware of the reason for making such an application.
- 4/ The judge against whom an application for removal is made, shall withdraw where he found the application acceptable, or shall refer the matter for decision to other judges where he found the application unacceptable.
- 5/ The remaining judges shall decide on the application without the participation of the judge against whom the application for removal is made.

49. Independence of the Judiciary

- 1/ Military courts and judges shall carry out their duties independent of any influence from any governmental body or official, non-governmental or private organizations, or any person.
- 2/ A judicial disciplinary committee of military court composed of two judges from military courts, two judges from regular courts and one member from commanders shall be established with the power to follow up and monitor the discipline, performance, accountability and independence of military courts and judges.

- 3/ The judicial disciplinary committee of military courts shall be established by the Commander-in-Chief of the Armed Forces upon the recommendation of the Minister.
- 4/ When an application or complaint alleging disciplinary offence against a judge is submitted to the judicial disciplinary committee of military courts, the committee shall investigate the matter and submit its result to the organ having the power to appoint the judge.
- 5/ The judicial disciplinary committee of military courts shall evaluate the performance of military court judges and propose its recommendation thereon.
- 6/ The judicial disciplinary committee of military court shall draw up its own directive to enable it to carry out its responsibilities.

50. Reporting Authorities

To ensure fair and independent justice in the institution:

- 1/ The Military Investigator and the Military Prosecutor shall report to the Chief of Staff.
- 2/ Military courts and the Defense Counsel shall report to the Minister.

PART SIX

MEDALS, CERTIFICATES AND PRIVILEGES OF AWARDEES

51. The following are medals and certificate to be bestowed upon members of the defense forces:

- 1/ Awarded by the Government
 - a) The Distinguished Medal of the Black Lion
 - b) The Highest Medal of the Victory of Adwa
- 2/ Awarded by the Ministry
 - a) The Medal of Battlefield Heroism First Class
 - c) The Medal of Battlefield Heroism Second Class
 - d) The Medal of Battlefield Heroism Third Class

- e) The Medal of Gold Star for Heroic Loyalty
- f) The Medal of Silver Star for Heroic Loyalty
- g) The Medal of Distinguished Performance
- h) The Medal with Palm Leaf for Participation in the Armed Struggle
- i) The Medal without Palm Leaf for Participation in the Armed Struggle

3/ Awarded by Forces, Commands and Main Departments

- a) The Medal of Distinguished Commandership First Class
 - b) The Medal of Distinguished Commandership Second Class
 - c) The Medal of Distinguished Commandership Third Class
 - d) The Medal of Distinguished Combatant First Class
 - e) The Medal of Distinguished Combatant Second Class
 - f) The Medal of Distinguished Combatant Third Class
 - g) The Medal of Distinguished Combat Support or Combat Service Support First Class
 - h) The Medal of Distinguished Combat Support or Combat Service Support Second Class
 - i) The Medal of Distinguished Combat Support or Combat Service Support Third Class
 - j) The Medal of Military Service First Class
 - k) The Medal of Military Service Second Class
 - l) The Medal of Military Service Third Class
 - m) The Medal of Military Service Fourth Class
 - n) The Medal of Military Service Fifth Class
 - o) The Medal of Military Service six Class
 - p) The Medal of the Wounded
 - q) Combat Certificate

4/ Certificate signed by the Head of State shall be given alongside the medals indicated in (1)(a) and (1)(b) of this article.

- 5/ Certificate signed by the Chief of Staff shall be given alongside the medals indicated in (2)(a) through (2)(f) of this article.
- 6/ Certificate signed by the Minister shall be given along side the medals indicated in paragraph (g) of sub article (2) of this article.
- 7/ The names of the combat support and combat services support units in which the awardees of the medals belong shall be inscribed; and certificates signed by the relevant awarders shall be sent to the respective units of the awardees.
- 8/ The dimension, shape and contents of the medals, ribbon and certificate specified under sub-articles (1) to (3) of this Article shall be elaborated in a subsequent regulation.

52. The Distinguished Medal of the Black Lion

- 1/ The Distinguished Medal of the Black Lion is the highest award that is bestowed to an Ethiopian individual, military unit or group that has made an immense contribution to safeguard the existence and sovereignty of the nation from grave danger, has performed extraordinary feats of heroism and service to protect the territorial integrity and unity as well as the Constitutional Order of the State.
- 2/ An awardee of the Distinguished Medal of the Black Lion will receive the following honors and entitlements:
 - a) To be accorded a sit, during national public ceremonies, at a place designated for senior government officials
 - b) To be issued a special identification card signed by the Head of State
 - c) The possibility that, in the federal capital city, a school, a hospital, a road, a bridge, a public square, or some other similar public property may be named after him; in addition, a monument may be erected for him.

53. The Medal of the Victory of Adwa

- 1/ The Medal of the Victory of Adwa is the highest award that is bestowed to an Ethiopian individual, military unit or group that has performed unparalleled feats of bravery in the battlefield.

- 2/ An awardee of the Medal of the Victory of Adwa:
 - a) shall take a seat in the place reserved for high government officials during national holiday ceremony;
 - b) shall receive a special identity card signed by the Head of the State;
 - c) may have at his birth place a school, a hospital, an avenue, a public square or any other similar memorial named after him.
- 3/ A school, a hospital, an avenue, a bridge, a public square or any other similar memorial in the federal capital city may be named after an individual who has been awarded the Medal of the Victory of Adwa for the second time. In addition a statue may be erected for the awardee.
- 4/ A military unit or group awarded with the Medal of the Victory of Adwa shall be entitled to receive a special certificate autographed by the Head of State.
- 5/ The provision of paragraph (c) of sub-article (2) and sub-article (3) of this Article shall apply to military unit and group, with birth place substituted by the place where the heroic deed was performed.

54. The Medal of Battlefield Heroism First Class

- 1/ The Medal of Battlefield Heroism First **Class** is an award that may be bestowed upon an Ethiopian individual, military unit or group that has, beyond the call of ordinary duty, achieved outstandingly honorable feats of bravery in a battlefield.
- 2/ An awardee of the Medal of Battlefield Heroism First **Class** shall:
 - a) Take a seat in the place reserved for high government officials during national holiday ceremony;
 - b) Receive a special identity card autographed by the Commander-in-Chief of the Armed Forces.
- 3/ A school, a hospital, an avenue, a public square or any other similar memorial in his birth place may be named after an individual who has been awarded the Medal of Battlefield Heroism First **Class** for the second time.

- 4/ A school, a hospital, an avenue, a public square or other similar memorial in the federal capital city may be named after an individual who has been awarded the Medal of Battlefield Heroism First **Class** for the third time or the Medal of Battlefield Heroism First **Class** and the Medal of the Victory of Adwa.
- 5/ A special certificate autographed by the Commander-in-Chief of the Armed Forces shall be given to a military unit or group awarded with the Medal of Battlefield Heroism First **Class**.
- 6/ The provisions of sub-article (3) and (4) of this Article shall be applicable to a military unit and group, with birth place substituted by the place where the heroic deed was performed.

55. The Medal of Battlefield Heroism Second Class

- 1/ The Medal of Battlefield Heroism Second Class is an award that is bestowed to an Ethiopian individual, military unit or group that has, beyond the call of ordinary duty, achieved very honorable feats of bravery in a battlefield.
- 2/ An awardee of the Medal of Battlefield Heroism Second Class shall:
 - a) take a seat in the place reserved for high government officials during national holiday ceremony;
 - b) receive a special identity card autographed by the General Chief of Staff.
- 3/ A military unit or group awarded with the Medal of Battlefield Heroism Second **Class** shall be entitled to receive a special certificate autographed by the Chief of the General Staff.

56. The Medal of Battlefield Heroism Third Class

- 1/ The Medal of Battlefield Heroism Third **Class** is an award that is bestowed to an Ethiopian individual, military unit or group that has, beyond the call of ordinary duty, achieved honorable feats of bravery in the battlefield.
- 2/ An awardee of the Medal of Battlefield Heroism Third **Class** shall be entitled to receive a special identity card autographed by the Chief of the General Staff.

- 3/ An awardee of the Medal of Battlefield Heroism Third **Class** for the second or more time shall take a seat specifically reserved for him during national holiday ceremony.
- 4/ A military unit or group awarded with the Medal of Battlefield Heroism Third **Class** shall be entitled to receive a special certificate autographed by the Chief of the General Staff.

57. The Medal of Gold Star for Heroic Loyalty

- 1/ The Medal of Gold Star for Heroic Loyalty is bestowed to an Ethiopian military commander of any level who, abducted and held captive by the enemy in difficult conditions, has exhibited a great feat of loyalty to his country outside of actual battlefield environment, such as by not revealing national secrets or by similar other heroic deeds.
- 2/ An awardee of the Medal of Gold Star for Heroic Loyalty receives the honor and entitlements of an awardee of the Medal with Palm Leaf for Participation in the Armed Struggle, save the award itself.

58. The Medal of Silver Star for Heroic Loyalty

- 1/ The medal of Silver Star for Heroic Loyalty is bestowed to an Ethiopian individual or military unit or group that has exhibited a great feat of loyalty to the country outside of actual battlefield environment.
- 2/ An awardee of the Medal of Silver Star for Heroic Loyalty receives the honor and entitlements of an awardee of the Medal without Palm Leaf for Participation in the Armed Struggle.

59. The Medal of Distinguished performance

- 1/ The Medal of Distinguished performance is an award that is bestowed to a person, military unit or group that has through mental labor or by way of invention or in any other field scored distinguished and unparalleled achievement for the mission of the defense forces.
- 2/ An awardee of the Medal of Distinguished performance shall:

- a) be accorded a seat in the place reserved for high government officials during national holiday ceremony;
 - b) receive a special identity card autographed by the Minister.
- 3/ A military unit or group awarded with the Medal of Distinguished performance shall be entitled to receive a special certificate autographed by the Minister.

60. The Medal with Palm Leaf for Participation in the Armed Struggle

- 1/ The Medal with Palm Leaf for Participation in the Armed Struggle is awarded to all fighters who served for not less than ten years in the struggle from 1975 to May 28, 1991 to remove the Derg (Workers' Party of Ethiopia) regime and establish peace and democracy in Ethiopia.
- 2/ An awardee of the Medal with Palm Leaf for Participation in the Armed Struggle shall receive a special identity card autographed by the Chief of Staff.

61. The Medal without Palm Leaf for Participation in the Armed Struggle

- 1/ The Medal without Palm Leaf for Participation in the Armed Struggle is awarded to all fighters who served for less than ten years in the struggle from 1975 to May 28, 1991 to remove the Derg (Workers' Party of Ethiopia) regime and establish peace and democracy in Ethiopia.
- 2/ An awardee of the Medal without Palm Leaf for Participation in the Armed Struggle shall receive a special identity card autographed by the Chief of Staff.

62. Medals honoring the participation

For special missions carried out by the Ethiopian Defense Forces outside the jurisdiction of either the United Nations or the African Union, the Ministry may arrange for medals honoring the participation of individuals, units or groups.

63. The Medal of Distinguished Commandership First Class

- 1/ The Medal of Distinguished Commandership First Class is awarded to a member of the Defense Forces who, by improving his personal capabilities within the existing complex military environment, has enhanced the capability of others in his unit, group or the institution thereby enabling them to cope up with contemporary military developments

and thoughts; who, because of his exemplary command qualities, has won the respect and acceptance of others; who is able to execute his mission, at the highest possible degree, in a short time and at little cost (except not to a degree that would win the Medal of Battlefield Heroism); and who has built staff and combat forces.

2/ The awardee of the Medal of Distinguished Commandership First Class shall have the following honors and entitlements:

- a) To be accorded a seat, during ceremonies and events held by the Ministry, at a place reserved for senior officials of the Ministry.
- b) To receive a special certificate autographed by Force Commanders, Command Commanders, Main Department Heads or others with equivalent rank or position.

64. The Medal of Distinguished Commandership Second Class

1/ The Medal of Distinguished Commandership First Class is awarded to a member of the Defense Forces who, by improving his personal capabilities within the existing complex military environment, has enhanced the capability of others in his unit, group or the institution thereby enabling them to cope up with contemporary military developments and thoughts; because of his exemplary qualities, has won the respect and acceptance of others; who is able to execute his mission at a higher degree, in a short time and at little cost (except not to a degree that would win the Medal of Battlefield Heroism); and who has built staff and combat forces.

2/ The awardee of the Medal of Distinguished Commandership First Class shall have the following honors and entitlements:

- a) To be accorded a seat, during ceremonies and events held by the Ministry, at a place reserved for senior officials of the Ministry.
- b) To receive a special certificate autographed by Force Commanders, Command Commanders, Main Department Heads or others with equivalent rank or position.

65. The Medal of Distinguished Commandership Third Class

- 1/ The Medal of Distinguished Commandership Third Class shall be awarded to a member of the Defense Forces who has built in his unit as well as in himself a high level of competence that enabled him and the unit to respond appropriately to situations by thoroughly understanding them; has mastered good command skills; because of his exemplary qualities, has won the respect and acceptance of others; who is able to execute his mission in a short time and at little cost (except not to a degree that would win the Medal of Battlefield Heroism; and who has built staff and combat forces.
- 2/ The recipient of the Medal shall have the following honors and entitlements:
 - a) To be accorded a seat, during ceremonies and events held by the Ministry, in a place of honor to be designated for him.
 - b) To receive a special certificate autographed by Force Commanders, Command Commanders, Main Department Heads or others with equivalent rank or position.

66. The Medal of Distinguished Combatant First Class

- 1/ The Medal of Distinguished Combatant First Class shall be awarded to a member of the Defense Forces who has demonstrated during peace time a high level of military, physical and psychological readiness that ensures the success of missions under complex and challenging circumstances; earned the honor of being the first to be selected for any mission; won the trust and confidence of his superiors as well as his colleagues as a soldier capable of carrying out any assigned missions (except one that accords the Medal of Distinguished Battlefield Heroism).
- 2/ A recipient of the Medal shall have the following honors and entitlements:
 - a) To be accorded a seat, during ceremonies and events held by the Ministry, at a place reserved for senior officials of the Ministry.

- b) To receive a special certificate autographed by Force Commanders, Command Commanders, Main Department Heads or others with equivalent rank or position.
- c) The Medal of Distinguished Combatant First Class may be awarded to a unit that demonstrated accomplishments that meet the criterion described in sub-article (1) of this article.

67. The Medal of Distinguished Combatant Second Class

- 1/ The Medal of Distinguished Combatant Second Class shall be awarded to a member of the Defense Forces who has demonstrated during peace time a high level of military, physical and psychological readiness that ensures the success of missions under complex and challenging circumstances; earned the honor of being the first to be selected for any mission; won the trust and confidence of his superiors as well as his colleagues as a soldier capable of carrying out any assigned missions (except one that accords the Medal of Distinguished Battlefield Heroism).
- 2/ A recipient of the Medal shall have the following honors and entitlements:
 - a) To be accorded a seat, during ceremonies and events held by the Ministry, at a place reserved for senior officials of the Ministry.
 - b) To receive a special certificate autographed by Force Commanders, Command Commanders, Main Department Heads or others with equivalent rank or position.
 - c) The Medal of Distinguished Combatant Second Class may be awarded to a unit that demonstrated accomplishments that meet the criterion described in sub-article (1) of this article.

68. The Medal of Distinguished Combatant Third Class

- 1/ The Medal of Distinguished Combatant Third Class shall be awarded to a member of the Defense Forces who has demonstrated during peace time a high level of military, physical and psychological readiness that ensures the success of missions under complex and challenging circumstances; won the trust and

confidence of his superiors as well as his colleagues as a soldier capable of carrying out any assigned missions (except one that accords the Medal of Distinguished Battlefield Heroism).

2/ A recipient of the Medal shall have the following honors and entitlements:

- a) To be accorded a seat, during ceremonies and events held by the Ministry, in a place of honor to be designated for him.
- b) To receive a special certificate autographed by Force Commanders, Command Commanders, Main Department Heads or others with equivalent rank or position.
- c) The Medal of Distinguished Combatant Second Class may be awarded to a unit that demonstrated accomplishments that meet the criterion described in sub-article (1) of this article.

69. The Medal of Distinguished Combat Support or Combat Services Support First Class

1/ The Medal is awarded to an individual member or unit of the Defense Forces that, based on the readiness and competence required by the complex contemporary military missions and beyond what is professionally demanded, has helped the defense forces in peace time to be fit and ready militarily, technologically and psychologically; that, during combat and under difficult situations, has continually delivered a high level of combat support or combat service support thereby enabling the forces to effectively carry out their missions.

2/ An awardee, whether individual member or unit, shall receive a special certificate signed by a force commander, command commander, head of a main department or an official with equivalent rank or position.

70. The Medal of Distinguished Combat Support or Combat Services Support Second Class

1/ The Medal is awarded to an individual member or unit of the Defense Forces that, based on the readiness and competence required by the complex contemporary military missions and beyond what is professionally demanded, has helped the defense forces in peace time to be fit and ready militarily, technologically and psychologically; that, during combat and under difficult situations, has

continually delivered a high level of combat support or combat service support thereby enabling the forces to effectively carry out their missions.

- 2/ An awardee, whether individual member or unit, shall receive a special certificate signed by a force commander, command commander, head of a main department or an official with equivalent rank or position.

71. The Medal of Distinguished Combat Support or Combat Services Support Third Class

- 1/ The Medal is awarded to an individual member or unit of the Defense Forces that, based on the readiness and competence required by the complex contemporary military missions and beyond what is professionally demanded, has helped the defense forces in peace time to be fit and ready militarily, technologically and psychologically; that, during combat and under difficult situations, has continually delivered a high level of combat support or combat service support thereby enabling the forces to effectively carry out their missions.
- 2/ An awardee, whether individual member or unit, shall receive a special certificate signed by a force commander, command commander, head of a main department or an official with equivalent rank or position.

72. The Medals and Ribbon of Military Service

The following medals and ribbon are awarded to any member of the Defense Forces who has not exhibited any serious ethical and disciplinary shortcomings provided that the length of service indicated in each case is met:

- 1/ The Medal of Military Service First Class – for not less than 40 years of service
- 2/ The Medal of Military Service Second Class – for not less than 35 years of service
- 3/ The Medal of Military Service Third Class – for not less than 30 years of service
- 4/ The Medal of Military Service Fourth Class – for not less than 25 years of service
- 5/ The Medal of Military Service Fifth Class – for not less than 20 years of service
- 6/ The Medal of Military Service Sixth Class – for not less than 12 years of service
- 7/ The Military Service Ribbon – for 7 years of service

73. The Medal of the Wounded

The medal of the wounded is an award that is bestowed to a person who has been wounded in a battlefield.

74. Additional Privileges of the Medal Awardees

Without prejudice to other provisions of this Proclamation, an awardee who is bestowed with any of the medals specified under Article 51 (1) and (2), and paragraph (o) of sub-article (3) shall:

- 1/ receive free medical treatment in public hospitals and health centers;
- 2/ be given priority to pursue education in public educational institutions;
- 3/ be given priority to employment where his qualification satisfies the job descriptions required by government offices, organizations and institutions for a given position.

75. Posthumous Award of Medals

- 1/ The appropriate medal shall be registered in the name of a person who dies after having accomplished a feat worthy of medal award.
- 2/ Without prejudice to the provision of sub-article (1) of this Article the medal shall be given to his elder descendant; in the absence of a descendant to his spouse; in the absence of a spouse to his heir in accordance with the relevant law of succession.

76. Receiving Foreign Medals or Other Prizes

Any member of the defense forces shall not receive medal or other prize from foreign country without permission from the Ministry. However, this provision does not prohibit receiving a medal or prize awarded for participating in peacekeeping missions.

77. Forfeiture of Medals, Ribbons and Certificates

The medal, ribbon or certificate shall be forfeited from an awardee, where:

- 1/ it is discovered that the medal, ribbon or certificate was bestowed upon the awardee on the basis of wrong evidence; or

2/ such an awardee has been found guilty, by a court, of offences provided from Article 246 to Article 252 of the Criminal Code.

78. Medals precedence

The order of rank of medals shall be in accordance with the order of lists provided under Article 51 (1) of this Proclamation.

79. Award and Wearing of Medals and Ribbons

The award and wearing of medals and ribbons provided under this Proclamation *and* the details of implementation criteria shall be determined by a directive to be issued by the Council of Ministers.

80. Medals Entitling Monetary or in Kind Awards

Medals entitling monetary or in kind awards shall be:

- 1/ The Medal of the Black Lion
- 2/ The Medal of the Victory of Adwa
- 3/ The Medal of Battlefield Heroism First Class
- 4/ The Medal of Battlefield Heroism Second Class
- 5/ The Medal of Battlefield Heroism Third Class
- 6/ The Medal of Gold Star for Heroic Loyalty
- 7/ The Medal of Silver Star for Heroic Loyalty
- 8/ The Medal of Distinguished Labor
- 9/ The Medal of Distinguished Commandership First Class
- 10/ The Medal of Distinguished Commandership Second Class
- 11/ The Medal of Distinguished Commandership Third Class
- 12/ The Medal of Distinguished Combatant First Class
- 13/ The Medal of Distinguished Combatant Second Class
- 14/ The Medal of Distinguished Combatant Third Class
- 15/ The Medal of Distinguished Combat Support or Combat Service Support First Class
- 16/ The Medal of Distinguished Combat Support or Combat Service Support Second Class

17/ The Medal of Distinguished Combat Support or Combat Service Support Third Class

81. Type of the Award and Beneficiaries

- 1/ A monetary award to an individual or a group shall be given in whole to the awardee himself if surviving or to his heir if deceased.
- 2/ An award to a military unit shall be in kind and utilization thereof shall be determined by the directive of the Ministry.
- 3/ The amount of monetary award to each medal shall be determined by directive of the Ministry.
- 4/ Without prejudice to the provisions from sub-article (1) to (3) of this Article, an awardee of a medal of higher rank in accordance with this Proclamation shall be entitled to higher monetary award.

PART SEVEN

MISCELLANEOUS PROVISIONS

82. Budget

- 1/ The annual budget of the Ministry shall be allocated by the government.
- 2/ Notwithstanding to the provision of sub-article (1) of this Article, the Ministry may utilize the following revenues for purposes of building defense capacity upon obtaining the approval of the Prime Minister:
 - a) revenue generated by engaging idle facilities of defense institutions in peace times, in income generating activities;
 - b) the proceeds of disposal of properties which are no more required for defense purposes;
 - c) dividends from enterprises put under its supervisory authority; and
 - d) revenues generated from peace keeping deployments.

- 3/ The Ministry shall ensure that the procedures and standards provided in the federal government financial administration laws are complied with in respect of the administration of the budget and revenues referred to in sub-article (1) and (2) of this Article and cause the auditing of same by the Auditor General or an auditor designated by him.

83. Procurement and Property Administration

- 1/ The Ministry shall, by itself, procure, administer and dispose property in accordance with the federal government procurement and property administration laws.
- 2/ Notwithstanding to sub article (1) of this proclamation, the Ministry may import equipment and weapons intended for national defense purposes free of customs duties and tax.
- 3/ The Ministry may import goods and services needed for national defense purposes free of customs duties.
- 4/ The Ministry may not be required to present customs declaration and documents to be attached thereto with respect to equipment and weapons referred to in sub-article (2) of this Article, to present the equipment and weapons for inspection and documents for examination.

84. Books of Accounts

- 1/ The Ministry shall keep complete and accurate books of accounts.
- 2/ Without prejudice to the provision of Article 83 (4) of this Proclamation the books of accounts and financial documents of the Ministry shall be audited by internal auditor.
- 3/ Documents regarding military weapons and combat equipment procurement books of accounts, and payment documents for intelligence, which are designated as top secret for the purpose of defending national interest and security by the Prime Minister upon the recommendation of the Minister and the Chief of the General Staff, may not be disclosed to anybody.

85. Power to Issue Regulation and Directive

- 1/ The Council of Ministers may issue regulation necessary for the implementation of this Proclamation.
- 2/ Without prejudice to Article 25 and Article 26 of this Proclamation, the Commander-in-Chief of the Armed Forces shall issue detailed directive on the respective powers and duties of the Minister and the Chief of the General Staff.
- 3/ Without prejudice to the provision of sub-article (1) of this Article, the Ministry may issue directive necessary for the implementation of this Proclamation.

86. Duty to Cooperate

- 1/ All federal justice organs, including the Federal Supreme Court, the Attorney General, the Federal Police Commission and the Federal Prisons Administration, shall, in their respective field of assignment, have the responsibility of cooperating with and building the capacity of the military justice organs, and supporting and making them take part in the various justice sector reform programs.
- 2/ All the federal and regional state executive organs shall have the obligation to cooperate on matters covered under this Proclamation.

87. Repealed Law

The Defense Force Proclamation No. 1100 /2019 and 1232/2021 is hereby repealed.

88. Effective Date

This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, _____/2022

SAHLEWORK ZEWDE

PRESIDENT OF THE FEDERAL

DEMOCRATIC REPUBLIC OF ETHIOPIA