

Rethinking the Pre-Trial Detention Law of Ethiopia: An International Law and Constitutional Law Perspective

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Abstract : The existing criminal procedure law which is the main determinant of the phenomena of pre-trial detention is under revision in Ethiopia. The drafting work is completed and submitted for approval to the House of Peoples Representatives. The drafters of the draft law claim that the existing law is not in harmony with the constitutionally and internationally recognized principles pertinent to pretrial detention regulation. Further, the drafters allege that the drafting process is dictated by human rights principles recognized in the FDRE constitution and international human rights instruments ratified by Ethiopia. This article aims to assess the plausibility of the claims of the drafters. For that purpose, this article uses the standards and guidelines articulated by international human rights standard setters as bench marks to juxtapose and judge the existing law and the draft criminal procedure and evidence code (DCrimPEC). The study found that the many aspects of the pre-trial detention law of Ethiopia are not in compliance with international law standards in the existing criminal procedure law. The DCrimPEC is aimed to harmonize the existing law with the constitution and international law standards. In this regard, the study found that the DCrimPEC has made significant changes on pre-trial detention policies which are not in harmony with the principle of presumption of innocence. However, there are still gaps.

Keywords : pre-trial detention, right to personal liberty, right to bail, Ethiopia

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