

**Needs Assessment Report on the Availability of Legal
Resource Materials**

in

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Ethiopian Lawyers' Association

And

Ethiopian Young Lawyers' Association

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Executive Summary

1. The needs assessment was conducted Adama, Assosa, Bhir Dar, Jigjiga, Mekele, and Hawassa towns to probe the gravity of the availability of legal resource materials at courts and prosecution offices in the named towns. Although the conduct of the needs assessment has been planned to take place in all the above mentioned towns the assessment scheduled to take place at Hawassa has been cancelled due to time constraint.
2. While the data gathering tool employed to solicit information was key informant interview the participants of the assessment were mainly judges drawn from different layers of courts and prosecutors.
3. This assessment report contains the findings of the needs assessment on the problems of availability of legal resource materials (Codes, Proclamations, Regulations, Directives, decisions of the Federal Supreme Court Cassation Bench and other legal texts) which are key tools for the day to day functions of courts and prosecution offices.
4. The report covered the consequences of the shortage of legal resource materials on the functions of courts and Prosecution Office as well as measures taken by judges and prosecutors to address the predicament and the way forward.

PART ONE

1. Background

The Ethiopian Lawyers Association (ELA), was initially organized, in 1965, under the name Advocates' Welfare Association. As the name indicates, it was only organized for social purposes. One year later, in 1966, the Association evolved into the Advocates' Association and registered with the then Ministry of Interior. Later, in 1967, it was renamed the Ethiopian Bar Association. Following the coming into force of the Charities and Societies Proclamation No.621/2009, the Association re-registered as an Ethiopian Society under the new name the Ethiopian Lawyers Association (ELA). The Association currently has 528 members (working in various fields such as private practitioners, judges, prosecutors, academics, policy makers) drawn from Tigray, Amhara, Harari, Dire Dawa Administration, Southern Nations, Nationalities Regional State (SNNPRS) as well as the Addis Ababa City Administration. The ELA is a founding member of Pan African Lawyers' Union (PALU) whose headquarters is found in Addis Ababa, Ethiopia.

The ELA was established with the aim of promoting the interest of its members, the development of the legal profession, the upholding of the rule of law and the independence of the judiciary, the promotion of good governance, human rights as well as the ensuring of the dignity and independence of the profession as well as upgrading the legal skills of practicing lawyers along with the provision of legal aid service to the needy. Currently, the ELA is implementing a 24-month project entitled “Engaging the Justice Sector for Good Governance: Enhancing Justice Sector Stakeholders’ Capacity on Rights Information, Legal Aid, Resource Centre and Legislative Advocacy to Promote Rule of Law” funded by the European Union, EU.

1.1 Structure of the Report

While Part One of the Report deals with the background, Part Two briefly explains s on the objectives and methodology of the assessment. Part Three, which comprises several subsections, covers the findings and analysis of the assessment including perceptions of judges, prosecutors and public defenders on the availability of legal resource materials; perceptions of judges, prosecutors and public defenders on the consequences of unavailability of legal resource

materials; efforts made by judges, and prosecutors to countervail the problem; proposed solutions to Address the problem. Part Four presents conclusions and recommendations.

PART TWO

2. Objectives and Methodology

2.1 Objectives of the Study

The objective of the needs assessment is to:

Assess the availability of legal resource materials vital for actors working within the justice system.

2.1.1 Methodology

2.1.1.1 Interview

The method employed to gather data on the availability of legal resource materials is key informant interview. Judges from different layers of courts as well as prosecutors participated in the interview sessions conducted at Adama, Assosa, Bhir Dar, Jigjiga, and Mekele. A total of number of interviews has been involved in the data collection.

PART THREE

3. Findings and Analysis

3.1 Perceptions of Judges, Prosecutors and Public Defenders on the Availability of Legal Resource Materials

The Acting President of the Adama Woreda Court remarked that “the court doesn’t have access to appropriate materials such as proclamations, regulations and directives, decisions of the Federal Supreme Court Cassation Bench as well as other reference materials”. He moreover said, “Occasionally, we get the Cassation Bench decisions in soft copy... In particular, it is difficult to access the regional laws” (Bahir Ababiya - Acting President of the Adama Woreda Court). Similarly, the Adama High Court President on his part stated, “there are no legal reference

materials as well as laws in the court. Regional laws are particularly unavailable even in the market” (Asha Amin- Adama High Court President). A Public Prosecutor at Adama Zone Justice Office reaffirmed the preceding statement by adding that “there are no legal resource materials in the office. We do not have access to laws. Cassation Bench decisions and reference materials are not available” (Halima Amano, Adama City Zone Justice Office Public Prosecutor). Likewise, a Public Prosecutor at Adama Woreda Justice Office said, “Lack of resource material is a major problem in this office. We do not access laws including Federal Supreme Court Cassation Bench decisions. Individual prosecutors have more materials than what the office possesses” (Zewdu Mulugeta -Adama Woreda Justice Office Public Prosecutor). Another Public Prosecutor remarked, “We hardly access copies of relevant laws, proclamations as well as the Federal Supreme Court Cassation Bench Decisions. It is clear that these materials are vital for our day to day activities as legal professionals and public prosecutors” (Gurmesa Befuta Public Prosecutor- Adama).

Informants from Assosa echoed strikingly similar views with the earlier interviewees. The Assosa Woreda Court Judge aggrieved that there are no Codes of Law in the court not to mention Proclamations and other pieces of legislation. “We do not have Codes and Proclamations at all in this court. We use our own Codes and other legal materials available” (Mihiret Fekadu- Assosa Woreda Court Judge). On the other hand, a High Court Judge at Assosa stated that “limited legal resource materials are available” and they are using them. According to him, “The problem is not that much grave” (Mohamed Alhasson-Assosa Zone High Court Judge). Furthermore, Acting President of the Regional Supreme Court and Cassation Bench Judge noted that,

Resource materials are not available adequately. The materials on hand are not sufficient. This is the Regional Supreme Court Cassation Division which is the highest judicial organ in the region, but we do not have adequate legal materials. It is a pity to witness the dearth of material especially in this bench (NegimedinAlmahadi-Acting President of the Regional Supreme Court and Cassation Bench Judge).

Likewise, the Regional Supreme Court judge from Bahir Dar remarked that as a rule,

We do not access current legal resource materials. While parent legislations may be available, the amendments of these proclamations are

not supplied. As a result, we face problems. Relevant legal resource materials should have been reserved in the library but this never happened. When new legislations are promulgated, they are not dispatched to stakeholders and courts. Courts are required to take judicial notice, but due to lack of access to the legislations, we sometimes do not even know about their existence. Consequently, we are forced to face immense problems” (Solomon Regional Supreme Court judge).

Another interviewee opined that,

Legal resource materials including most recent proclamations and decisions of cassation benches are not accessible. Obviously, the availability of these resource materials is vital for making appropriate decisions. It would have been good if these resource materials were made easily available and reserved in the library” (Mulu Mekonen, First instance court children bench judge).

The respondent further said, “Most of the time we get and use these materials capitalizing on our own effort” (Mulu Mekonen, First Instance Court Children Bench Judge). On the other hand, Municipal Court judges at Bahir Dar stated that “although all legal resources materials necessary for the functions of the court are not fully supplied, essential law books have been bought by the Court and are made available” for reference. According to them, they carry out their activities “by borrowing the hard copies and soft copies of materials necessary for their work”.

A public prosecutor from Bahir Dar too complained that they “do not access these materials promptly.” The respondent expressed the gravity of the problem by saying that they have no way of tracing or checking “even if conflicting laws are enacted.” The respondent also noted, “since we do not get published laws on a timely basis, we encounter a lot of problems. For instance, we hear that the Federal Cassation Bench Decisions reached its 14th volume. However, we haven’t access to any one of them.” (Getahun Hunde –Public Prosecutor Justice Bureau). On the other hand, one public prosecutor espoused a slightly different view by stating, “we acquire Proclamations and Decisions of the Federal Cassation Bench promptly. However, since Directives are not posted on the website, we could not access them”. The respondent further remarked, “Whenever we face such kinds of problem, we strive to search for the resource on our own.” According to him, while “resource materials are more or less accessible at regional level, the problem at the Woreda level is dire and attempts are being made to give out these materials

by copying them on CDs. Although they are not adequate, there are also books in the library as well” (Temesgen Melaku-Public Prosecutor). Another Public Prosecutor stated that,

We access legal resources materials. As the decisions of the Cassation Bench of the Federal Supreme Court are available in the Justice Bureau, we access them. Even if I do not have it at hand, obviously, it can be obtained from someone. We also have internet access. As legal resource materials are tools for legal professionals, even if we do not have them all we can get them from others and use them” (Public Prosecutors’-Bahir Dar).

Appeal Court Prosecutor from -Jigjiga discussed in detail the problem they often face with respect to availability of legal resource materials. According to him,

Most of the time, we do not access to up-to-date reference materials. For instance, we scarcely access Proclamations, Directives, and Decisions of Cassation Bench. Attention has never been given to make these resources materials readily available to us. There is no focal person/body who tracks the enactment of new legislation as well as any one responsible for purchasing and supplying them when they are published. I would say the supply line is disjointed (Mohammed Husein- Appeal Court Prosecutor-Jigjiga).

According to this informant,

The Justice bureau does not provide newly enacted Proclamations. There is no one who buys and supplies these reference materials. What matters is the urge for the work to be done not the provisions of the resource materials critical for the work. Of course every prosecutor has the Codes. There is no one who does not have them. And yet there is a shortage of both the Amharic and English version of the Criminal Procedure Code as well as the Penal Code (Mohammed Husein- Appeal Court Prosecutor - Jigjiga).

Respondents drawn from courts, Prosecution Office as well as the Public Defender’s Office at Mekele unanimously said that they have never encountered problems of accessing legal resource materials. A Public Prosecutor from the Tigray Region Justice Bureau remarked that “legal resource materials are available. We have also internet access so that we can download soft copies” (Tigray Region Justice Bureau Public prosecutor). Similarly, another interviewee from Public Defenders Office stated that” there is no problem of legal resource materials. Law books are available” (Haile Kebede - Public Defender Office,). The Mekele Woreda Court President on his part said, “as far as legal resource materials are concerned, there is no problem in this court. We access laws and the Federal Supreme Court Cassation Bench Decisions”. The same

respondent, however, noted that “occasionally, we do face problems in accessing commentaries. Nonetheless, this is not a major problem”(Mitiku Berhe-Mekele Woreda Court President). The only problem identified by one High Court Judge is the delay in making the resource materials readily available and accessing the soft copies of regional laws. According to this respondent, “materials are accessible. However, sometimes we do not access them soon enough. We also face difficulties in finding soft copies of regional laws” (Abreha Berhe-Mekele High Court Judge). In the same way, the Regional Supreme Court President remarked that,

Legal resource materials are accessible. The regional Supreme Court usually buys Proclamations as well as the decisions of the Federal Supreme Court Cassation Bench and distribute to Zone and Woreda Courts including judges at all levels. All benches have adequate copies of laws (Hiryti Mihreteab, Regional Supreme Court President).

She further said, “The regional laws enacted before 2000 EC are consolidated. But laws promulgated since 2000 EC are not consolidated, and yet they are accessible” (Hiryti Mihreteab Regional Supreme Court President). Like all his counterparts, the Regional Supreme Court Criminal Bench Judge reaffirmed that,

Legal resource materials are accessible”. He further said, “We access Proclamations, Codes and decisions of the Federal Supreme Court and so on. Even if there is shortage, judges should get hold of these materials on their own initiatives since a lawyer should always update herself/himself with current developments. Unavailability of legal resource materials results in disconnection from the law (Regional Supreme Court Criminal Bench Judge).

3.1.1 Discussions

The findings of the needs assessment by and large show that most of the courts and Prosecution Offices are in dire situation in terms of accessing legal resource materials.. Respondents drawn from Adama, Assosa, Bahir Dar, and Jigjiga courts and prosecution offices unanimously concurred that their offices experience shortage of legal resource materials including Proclamations, Regulations, Directives as well as the decisions of the Federal Supreme Court Cassation Bench. In some offices scarcity of Codes is a widespread problem. In some regions judges complain that there are no Codes in the courts not to mention Proclamations and other legislations. Particularly, the problem is worse at the Woreda level. It is also indicated that although courts are required to take judicial notice on legislations, they do not even know the

existence of the latter let alone take judicial notice. Consequently, in some regions individual prosecutors or judges have more materials than what the Office or courts possess. Some respondents also complained that they do not have internet access to download online materials. Respondents noted that one reason lurking behind the problem is absence of focal person/body responsible for tracking the enactment of new legislations as well as purchasing and supplying them to the Courts and to the Prosecution Office as soon as they are published. On the other hand interviewees drawn from Mekele courts and Prosecution Offices unanimously said that they have never encountered a problem of access to relevant legal resource materials. They also said since they enjoy internet access they can download online resource materials as well.

3.2 Perceptions of Judges, Prosecutors and Public Defenders on the Consequences of Unavailability of Legal Resource Materials

A prosecutor from Somalia Regional State spelled out what they often face due to inaccessibility of newly promulgated Laws/Proclamations. According to him, “whenever... (Prosecutors) institute a charge... (they) use the Criminal Code.” Invoking his personal experience, the respondent further remarked,

once the Federal Police officers were accused of opening fire on a vehicle carrying persons suspected of being contrabandists and three persons were killed as the result of the incident. The Kebri Dhar High Court ruled that the accused be punished with life imprisonment, 20 years rigorous imprisonment etc., as per the degree of their participation in the offence. The case has been brought to the Regional Supreme Court through appeal. The defense lawyers from the Federal Police Commission invoking a certain Proclamation, put forward a preliminary objection arguing that the Region’s High Court which handed down the sentence had no jurisdiction as the accused were employees of the Federal Government. Unfortunately, we did not have the copy of that particular Proclamation. The judges did not know about the existence of the stated Proclamation either. The only arsenal we had, at the time, was resorting to rebutting the preliminary objection by asserting that even if the accused were employees of the federal government, the crime was committed within the territory of the regional state and hence the court had jurisdiction to try the case (Mohammed Husein- Appeal Court Prosecutor).

The same respondent went on, “no matter what their status is, we use the available laws even if they are repealed” (Mohammed Husein - Appeal Court Prosecutor). According to him, the problem, lurking behind this mess is “absence of law library” (Mohammed Husein- Appeal Court

Prosecutor). The respondent noted that the dearth of relevant proclamations and other legal resource materials results in “professional fault. It also results in losing a case. Particularly, the likelihood of losing a case referred to the Federal Supreme Court from the Regional Supreme Court through appeal is very high” (Mohammed Husein- Appeal Court Prosecutor). Similarly, the Assosa Woreda Court Judge pointed out that “due to the inaccessibility of Codes and relevant Proclamations, the quality of judgment is compromised. Judges could not keep themselves informed either” (Mihiret Fekadu-Assosa Woreda Court Judge). The same respondent further noted,

At times a single Code is made available for six benches. Since every one of us needs to consult the same Code it gets difficult to dispose a case within the prescribed time frame. Hence, legal resource materials should be made available in all benches and in the hands of every judge” (Mihiret Fekadu-Assosa Woreda Court Judge).

Acting President of the Adama Woreda Court on his part remarked, owing to the dearth of relevant legal resource materials judges “are facing lots of problems such as case delay, adjournment of cases for a long time which exposes clients for unnecessary expenses and the like” (Bahir Ababiya Acting President of the Adama Woreda Court). The same respondent also identified other consequences. He says the unavailability of legal resource materials “reduces the quality of judgment. It hinders judges from appreciating issues from different perspectives while rendering judgment- (Bahir Ababiya- Acting President of the Adama Woreda Court) Equally, the Adama High Court President suggested that “the problem is grave in the sense that it may result in miscarriage of justice” (Asha Amine, Adama High Court President). Acting President of the Regional Supreme Court and Cassation Bench Judge from Assosa also commented.

We are giving judgment on the basis of practice rather than on the basis of law due to the unavailability of the decisions of the Federal Supreme Court Cassation Bench. When a decision passed by this court is reversed by the Federal Supreme Court Cassation Bench it not only disheartens the judges sitting in the Regional Cassation Bench but also exposes people to additional expenses and inconvenience” (Negimedin Almahadi- Acting President of the Regional Supreme Court and Cassation Bench Judge).

A judge from the Regional Supreme Court from Bahir Dar revealed the adverse effects of unavailability of relevant legislations. According to him, due to “unavailability of Proclamations

cases are unduly deferred. Wrong decisions are given on the basis of repealed laws. We could not also give final decisions as we are not sure” (Solomon Guade, Amhara Regional State Supreme Court Judge). The same informant noted, “Organs whose sole task is enforcing rights and obligations do not have access to laws means there is an ensuing crisis. Cases are deferred to search for the relevant laws and this will undermine the efficacy of courts’ performance” (Solomon Guade Amhara Regional State Supreme Court judge). A judge from the First Instance Court Children Bench on her part stated that “we are required to apply the appropriate laws to the case at hand. Yet the inaccessibility of appropriate legislation is causing delay” (Mulu Mekonen, Amahar Region First Instance Court Children Bench Judge). Interviewees from the Bahir Dar Municipal Court observed, “the Proclamation in your hand might have been repealed. If you use a repealed Proclamation, then you will commit injustice” (Guade Kebede, Berhanu Maru, and Yeshiwork Debebe- Bahir Dar Municipal Court judges). The interviewees further complained, “Most of the time, regular courts repeatedly adjourn cases due to unavailability of appropriate laws. Although we are claiming to support the poor, we are squandering their time and their resources” (Guade Kebede, Brhanu Maru, and Yeshiwork Debebe, Bahir Dar Municipal Court judges).

A Public Prosecutor from the Justice Bureau at Bahir Dar argued,

At times we may institute a charge invoking repealed laws. In addition, there were also instances where we dropped cases which should have been litigated. This would highly affect the interest of the State (Getahun Hunde –Public Prosecutor Justice Bureau).

The respondent goes on to say,

The scarcity of relevant laws impedes the work of prosecutors in two ways. One, there is a likelihood of instituting charges based on archaic or repealed laws and thereby violates the rights of accused persons. Besides, we will be unable to prosecute newly designated offences (Getahun Hunde –Public Prosecutor Justice Bureau).

Another Public Prosecutor pointed out “instituting a charge with repealed laws” is one of the consequences of inaccessibility of the latest pieces of legislation. According to him, “this is a predicament both for the accused persons and the Prosecutors.” (Temesgen Melaku-Amahra Region-Public Prosecutor) According to this respondent, the second adverse effect of

unavailability of relevant Proclamations is that it” will cause undesirable consequences in terms of time, effort and quality of a charge” (Temesgen Melaku--Amahra RegionPublic Prosecutor). A Public Prosecutor from Jigjiga said,

Since I do not have many Proclamations at hand, I rely very much on the Codes. Even the judges do not have Proclamations essential for litigating and adjudicating a case as it should be. If we encounter audacious and well-informed advocates, we will obviously get in trouble because we cannot challenge him. When an advocate pursues his case invoking provisions from a Proclamation of which we do not even know its enactment leave alone possess it, what we do is urge him to show a copy of the Proclamation (Mohammed Husein- Appeal court prosecutor).

According to him,

More often advocates who very much rely on Proclamations are federal level advocates. Advocates working in the regions rely on Codes since they do not have relevant Proclamations. I got a copy of the Anti-terrorism Proclamation from the Judicial Training Center. Even after having the copy of this Proclamation we haven't made use of it. Similarly, judges do not refer and apply the Anti-terrorism Law while giving decisions on persons accused of terrorism. Instead, they apply the Criminal Code (Mohammed Husein- Appeal Court Prosecutor).

3.2.1 Discussions

Respondents described in detail the ramification of inaccessibility of appropriate legislations on the works of courts, prosecutors and public defenders. According to them, the consequences of the problem ranges from repeated adjournments to instituting charges with repealed laws, to reversal of decisions at appellate courts not to mention the wasting resources, energy and time of the accused person and the State alike. The repercussions of unavailability of relevant Proclamations and other legal resource materials to courts are several. First, due to inaccessibility of the latest legislations, Prosecutors institute charges using repealed laws. In some regions, the overriding practice is that no matter what the status of the law is, Prosecutors use the available legislation even if they are repealed. Second, cases are unduly deferred to look for relevant laws. This will undermine the efficacy of courts' performance. Third, courts will be forced to repeatedly adjourn cases due to inaccessibility of relevant laws. Repeated adjournments in turn expose clients to unnecessary expenses. Fourth, the likelihood of giving wrong decisions on the basis of repealed laws is very high and this may result in miscarriage of justice. Fifth,

unavailability of relevant laws may result in professional fault as well. Sixth, it may also result in losing a case. Particularly, the likelihood of losing a case referred from the Regional Supreme Court through appeal to the Federal Supreme Court is very high.

3.3 Efforts Made by Judges, and Prosecutors to Countervail the Problem

The Acting President of the Adama Woreda Court described the various measures taken by courts to alleviate the virtual absence or shortage of relevant legal resource materials. According to him, “we try to get copies of some materials using the limited budget made available. We also try to get the materials from individuals on our own effort, and sometimes we order attorneys to come up with those laws” (Bahir Ababiya-Acting President Adama Woreda Court-). The respondent further remarked,

Although we haven't got the way out along institutional lines, judges are making personal efforts to tackle the problem on their own. More often than not, we get soft copies of decisions of the Federal Supreme Court Cassation Bench informally from Oromia Judicial Training Institute. Sometimes we also borrow laws from attorneys themselves” (Asha Amine-Adama High Court President).

A Public Prosecutor from Adama Zone Justice Office said, “We are doing our level best to get materials from attorneys or other persons. We are also trying to use internet resources and access documents in soft copy” (Halima Amano Adama Zone Justice Office Public Prosecutor). The Adama Woreda Justice Office Public Prosecutor on his part stated that, “currently we are trying to get materials from other lawyers individually. But it is not a lasting solution for the problem” (Zewdu Mulugeta Adama Woreda Justice Office Public Prosecutor). The Assosa Woreda Court Judge stated that “currently, we are using our personal Codes and are borrowing materials from colleagues” (Mihiret Fekadu Assosa Woreda Court Judge). Likewise, Acting President of the Regional Supreme Court and Cassation Bench Judge from Assosa remarked,

We access materials on our own efforts, say, by searching through internet. The court has always been planning to solve the problem, but the plan has never been put into practice. At times, the Federal Government gives us support but the Region cannot even collect materials given by the Federal Government. I would say the region cannot get solutions to the problem on its own(Negimedin Almahadi, Acting President of the Regional Supreme Court and Cassation Bench Judge).

A Regional Supreme Court judge on his part said,

Whenever we get directives, we copy them on our own initiative. We also download internet resource materials particularly from Legal Review and use them. We also search materials shelved in the library, borrow from friends, request courts to buy what we think are relevant resource materials (Solomon Regional Supreme Court judge).

One more respondent said, “we tried to resolve the problem through borrowing from friends as well as obtaining from the Regional High Court” (W/o Mulu Mekonen-Amhara Region First Instance Court Children Bench Judge).

3.3.1 Discussion

The findings of the needs assessment show that both judges and prosecutors alike have been struggling to tackle the problem using different strategies. Using their own Codes, borrowing resource materials from colleagues, using online resource materials are among the schemes they adopted to cope with the challenge. The findings show that although individual efforts made by judges and prosecutors to countervail the problem have given momentary relief, it did little in terms of giving lasting solution to the problem.

3.4 Proposed Solutions to Address the Problem.

Findings of the needs assessment show measures that need to be taken by relevant government bodies as well as by the Ethiopian Lawyers Association (ELA). The Acting President of the Adama Woreda Court suggested that,

The Regional Justice Office should discharge its duties. Proclamations and other laws should be made available promptly in courts. In addition, Cassation Bench decisions should be made available online so that they can easily be accessible (Bahir Ababiya - Adama Woreda Court Acting President Judge).

Regional Supreme Court judge from Bahir Dar came up with a set of recommendations including making “laws and reference books readily available in libraries, if possible post on websites and increase their accessibility..., work with courts and try to resolve the problem, conduct studies and organize conferences to address the problem (Solomon Goraw -Amhara Region Supreme Court Judge). The same respondent also proposed that “directives having nationwide character and unpublished should be dispatched through courts. Lawmaking bodies

post whatever laws they enact on the internet. This will increase the accessibility of laws” (Solomon – Amhara Region Supreme Court Judge). Municipal Court Judge from Bahir Dar also suggested that “it will be good if Proclamations and other legislations are reserved in libraries. Moreover, to take judicial notice, relevant authorities should consolidate and distribute all laws through hard and soft copies” (Guade Kebede, Brhanu Maru, and Yeshiwork Debebe- Bahir Dar Municipal Court). Same respondents also opined that “those who enact the Proclamations or Regulations should also rethink about the accessibility of these laws as well” (Guade Kebede, Berhanu Maru, and Yeshiwork Debebe- Municipal Court). In the same vein, the Assosa Court Judge said, “The solution to the problem is to reserve these resource materials in a library for reference” (Mihiret Fekadu Assosa Court Judge). Public Prosecutor from Jigjiga proposed the following: “one to organize well-furnished library. Two, the Federal Supreme Court should launch a radio and TV program that familiarizes the general public as well as actors in the justice system with the newly enacted laws with brief explanations of the gist of the newly promulgated laws and the repealed ones and similar other stuff on television and radio” (Mohammed Husein- Appeal Court Prosecutor-Jigjiga).

The Adama Zone Justice Office Public Prosecutor proposed, “Materials should be accessible at least in soft copy. There must be a website developed only for this purpose so that we can access soft copies of the materials” (Halima Amano Adama Zone Justice Office Public Prosecutor). Likewise, the Adama Woreda Justice Office Public Prosecutor said, “We should have internet access to download online resource materials. Resource materials should also be available on line. The Regional Justice Bureau should support this” (Zewdu Mulugeta-Adama Woreda Justice Office Public Prosecutor) Another Public Prosecutor from Adama suggested, “the Bureau should bring relevant law books to the office” (Gurmesa Befuta Public Prosecutor-Adama). Similarly, a Public Prosecutor from Bahir Dar recommended measures such as “codification; distributing newly enacted legislations and the Supreme Court Cassation Bench Decisions to justice organs and among the society” (Getahun Hunde –Public Prosecutor Justice Bureau). Another Public Prosecutor proposed, “All legislations should be reachable. They must be reserved in such a way that they can easily be accessed. They should also be reserved in the library for the use of the general public as well.”(Temesgen Melaku- Amahara Region Public Prosecutor Bahir Dar). The respondent further added, “copying all relevant laws on CD and consolidating all legislations in

hard copies are the solution for the problem”(Temesgen Melaku-Amahara Region Public Prosecutor Bahir Dar).

Respondents have also reacted on the Ethiopian Lawyers Association’s intention to donate books and other legal resource materials useful for the function of courts and prosecution offices. The Acting President of the Regional Supreme Court and Cassation Bench at Assosa said, “if there is anyone willing to support the court by providing resource materials, the court is ready to contribute” (Negimedin Acting President of the Regional Supreme Court and Cassation Bench Judge). On the same way, the Acting President of the Adama Woreda Court responded, “if the Ethiopian Lawyers Association supports by providing resource materials, the court is very much cooperative to give any support needed” (Bahir Ababiya-Acting President of the Adama Woreda Court Judge). The Adama High Court President on his part remarked, “if the Ethiopian Lawyers Association supports us in providing resource materials the court, at any rate, is willing to contribute its part”(Asha Amine, Adama High Court President). Likewise, the Adama Zone Justice Office Public Prosecutor too suggested, “if the Ethiopian Lawyers Association supports the Office by providing legal resources materials, the Office is also willing to contribute its part” (Halima Amano Adama Zone Justice Office Public Prosecutor). The Bahir Dar Municipal Court Judges remarked, “So long as the purpose is to ensure justice, we hope you (ELA) will cooperate in supplying the resource materials even if we keep them in the store”(Guade Kebede, Brhanu Maru, Yeshiwork Debebe- Municipal Court Judges).

3.4.1 Discussions

The findings of the needs assessment brought to the limelight a good number of proposals to address inaccessibility of legal resource materials pervasive across regions. It also indicated that law making bodies should rethink on how to disseminate newly promulgated laws far and wide as well as how these laws can easily be accessible to judges, prosecutors and other stakeholders in user friendly ways. Another recommendation put forward is organizing libraries and furnishing them with legal resource materials in places convenient for judges and prosecutors. Consolidation of laws in a user friendly manner has also been suggested. One more recommendation that emerged from the findings of the needs assessment is the launching a website solely dedicated to disseminate legal information not to mention the newly enacted laws

to reach judges, prosecutors, and PDOs working both in the center and periphery. A corollary to the preceding recommendation is that internet access to judges, prosecutors and PDOs should be made available to enable them access online resource materials. The House of Representatives and Regional Councils should also launch radio and TV programs familiarizing actors in the justice sector and the general public with the newly promulgated or amended legislations together with brief explanations.

PART FOUR

4. Conclusions and Recommendations

Below are the conclusions and recommendations that emerged from the needs assessment.

4.1 Conclusions

The findings of the needs assessment by and large show that most of the courts and prosecution offices are in dire situation in terms of accessing legal resource materials. There is unanimity among the respondents on the shortage of legal resource materials including Proclamations, Regulations, Directives as well as the decisions of the Federal Supreme Court Cassation Bench. Absence of focal person/body responsible for tracking the enactment of new legislations as well as purchasing and supplying them to the courts and to the prosecution office as soon as they are published is identified as the major cause for the problem. The findings show that the consequences of unavailability of legal resource materials range from repeated adjournments to instituting charges with repealed laws to reversal of decisions at appellate courts not to mention the wasting resources, energy and time of the accused person and the State alike. On the other hand the findings revealed that there is concurrence among respondents drawn from Mekele based courts, prosecution and public defender's offices on the availability of relevant legal resource materials.

The findings of the needs assessment show that in some regions individual prosecutors or judges have more materials than what the office or courts possess. To overcome the problems judges and prosecutors alike have been struggling to tackle the problem through borrowing from

colleagues and using online resource which did little in terms of giving lasting solution to the problem.

The findings of the needs assessment brought to the limelight a number of proposals to address inaccessibility of legal resource materials prevalent across regions. It also indicated that law making bodies should rethink on how to disseminate newly promulgated laws far and wide as well as how these laws can easily be accessible to judges, prosecutors and other stakeholders in user friendly ways.

4.2 Recommendations

To address the problems and fill the gaps identified through the needs assessment the following measures are recommended:

Regional state courts and justice bureaus should,

- Organize libraries and furnishing them with legal resource materials in a location convenient for judges and prosecutors.

MoJ and regional justice bureaus should,

- Consolidate the Federal and state laws in a user friendly way.

The House of Representatives and regional states councils should,

- Launch a website solely dedicated to disseminate legal information so that judges, prosecutors, and PDOs both in the center and periphery easily access newly enacted laws; and
- Launch radio and TV programs with the view to familiarizing actors in the justice sector and the general public with the newly promulgated or amended laws.

Regional states courts' and Justice Bureaus should

- Make internet access readily available to judges, prosecutors and PDOs to enable them utilize online resource materials;