BAHIR DAR UNIVERSITY

SCHOOL OF LAW

DEPARTMENT OF LAW

CRIMINAL PROCEDURE GROUP ASSIGNMENT 1

We are assigned to prepare a charge for the hypothetical case given in accordance with article 38(a) of the Criminal Procedural Code. In our charge below we have included Alternative charges, Concurrent charge and Joinder charge. The first part of our charge provided that an aggravated Robbery as a main charge. The reason behind is the offence is committed by three individuals as a gang fulfilling the first element stipulated under article 671(1). However, it doesn't fulfill the second requirement about violence, which isn't clearly specified in the hypothetical case, we have prepared an Alternative charge of Robbery as per article 670. Likewise, for the crime of Rape and incest we also used alternative charge because since the case only shows as if Mr. Kassahun raped Marta but it doesn't show whether he compels or

intimidate her so that we have included Sexual Outrages as an alternative charge because Marta is a15 year's old girl.

The second part of the charge provides concurrent charge for the reason that there is concurrent of crimes (both material and notional concurrent).

- In the Material concurrence is that one of the defendant, Mr. Kassahun, successively committed crime of Robbery and Rape.
- In the Notional concurrence- since Mr. Kassahun raped his brother's daughter, he committed both rape and incest at the time.

Finally, we have joined the charges because at least one of the crime i.e. Robbery committed by the three accused's together. Hence, we have joined such charges as per article 117 of the criminal procedure code.

Lideta High Court File no.20453/12

Addis Ababa
Date21/06/2016

Police officer's crime files number- 453/12

Public Prosecutor file number-20453/12

Accuser- Public Prosecutor

Accused's

Mr. Kassahun Sex- Male Age- 51 Address – Yibab, Kebele 02, Bahir Dar Unemployed

Mr. Zewdu Sex- Male Age- 47 Address – Bole subcity Kebele 3 Addis Ababa Accountant

Mr. Alemu Sex- Male Age- 52 Address – Bole subcity Kebele 4 Addis Ababa Broker

First count: Aggravated Robbery

Statement of the Offence

Aggravated Robbery contrary to Article 671(1) (a) of 2004 of the Federal Democratic Republic of Ethiopia Criminal Code

Particular of the Offence

The accused's on 25th of May, 2016 at 6:00p.m. Lideta subcity Kebele 2, Addis Ababa with the intent to obtain for themselves unlawful enrichment and with a view to facilitate the abstraction of movable object the property of Mrs. Yabsera Alemneh and by form a gang for such purpose has committed acts of violence against the property of Mrs. Yabsera Alemneh.

Alternative Charge

If it said that the accused's have not committed the aggravated Robbery

Statement of Offence

Robbery contrary to 670 of 2004 of the Federal Democratic Republic of Ethiopia Criminal Code

Particular Offence

The accused's on 25th of May, 2016 at 6:00p.m. Lideta subcity Kebele 2, Addis Ababa with the intent to obtain for themselves unlawful enrichment and with a view to facilitate the abstraction of movable object the property of Mrs. Yabsera Alemneh has committed robbery against the property of Mrs. Yabsera Alemneh.

Witness

1. Mrs. Yabsera Alemneh Address Lideta subcity Kebele 2, Addis Ababa
2. Mr. Natnael Getachew Address Lideta subcity Kebele 2, Addis Ababa

Documentary Evidence

1. Police investigation File Report 4 pages

Public Prosecutor

Tigist Mekonnen

Second Count: on the first offender

Statement of the Offence

Rape contrary to Article 620(1) of the 2004 Federal Democratic Republic of Ethiopia

Particular Offence

The first offender on the 30th day of May, 2016 at 6:00 p.m. Addis Ababa by using force compels Marta to submit to sexual intercourse and raped her.

Third Count: on the first Offender

Statement of the Offence

Incest contrary to Article 654 of the 2004 Federal Democratic Republic of Ethiopia

Particular Offence

The First offender on the 30th day of May, 2016 at 6:00 p.m. Lideta subcity Kebele 4 Addis Ababa intentionally performed sexually intercourse with his brother's daughter, Marta.

Alternative Charge

If it is said that the first offender has not committed Rape

Statement of the Offence

Sexual Outrages contrary to Article 626(1) of the 2004 Federal Democratic Republic of Ethiopia

Particular Offence

The First offender on the 30th day of May, 2016 at 6:00 p.m. Addis Ababa has performed sexual intercourse with 15 years old girl named Marta.

Witness

1. Marta Kebede Address Lideta subcity Kebele 4, Addis Ababa

Documentary Evidence

1. Medical Report that show that Marta Kebede was raped. 3 pages
2. Medical Report that show Marta's Age. 2 pages

3. Police investigation report. 3 pages

Public Prosecutor

Tigist Mekonnen

ASSUMED FACTS

The following Facts are assumed in order to prepared the charge below

1. **Name of the court**- Lideta High Court, Addis Ababa
2. **File no**.- 20453/12
3. **Police officer's crime file number**- 453/12
4. **Witnesses for the first count**- Mrs. Yabsera Alemneh address Lideta subcity Kebele 2, Addis Ababa, Mr. Natnael Getachew Address Lideta subcity Kebele 2, Addis Ababa and Mr. Margeu Yeshwas address Lideta subcity Kebele 2, Addis Ababa.
5. **Witness for the second count and third count**- Marta Kebede Address Lideta subcity Kebele 4, Addis Ababa
6. **Documentary Evidence for the first count**- Police investigation file report 4 pages
7. **Documentary Evidence for the second and third count**- Medical Report that show that Marta Kebede was raped 3 pages, Medical Report that show Marta's Age 2 pages, Police investigation report 3 pages.
8. **Victim for the first count-** Mrs. Yabsera Alemneh's Residence
9. **Name of the Public Prosecutor-** Tigist Mekonnen