



**Submission from African Rights Monitor
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*Related to the discussion of the country situation in
Ethiopia
and its performance in upholding the
Convention Against Torture and other Cruel, Inhuman
or Degrading Treatment or Punishment*

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Commonly-Used Acronyms

AEUP – All Ethiopian Unity Party

ARM – African Rights Monitor

CAT – UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CCPR – International Covenant on Civil and Political Rights

CSA – Charities and Societies Agency

CSO – Civil society organization

EHRC – Ethiopian Human Rights Commission

FDRE – Federal Democratic Republic of Ethiopia

HPR – House of Peoples’ Representatives

HRW – Human Rights Watch

ICRC – International Committee of the Red Cross

JSRP – Justice System Reform Program

MSF – Medecins Sans Frontieres

NGO – Non-governmental organization

NPEW – National Policy on Ethiopian Women

OLF – Oromo Liberation Front

OMRHO – Oromo Menschenrechts und Hilfsorganisation

ONLF – Ogaden National Liberation Front

PSCAP – Public Sector Capacity Building Program

RCVTE – Rehabilitation Centre for Victims of Torture in Ethiopia

UN – United Nations

UNICEF – United Nations Children’s Emergency Fund

Executive Summary

The following submission to the Committee Against Torture in review of the adherence of the Federal Democratic Republic of Ethiopia to the provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) has been completed by African Rights Monitor, a non-governmental human rights advocacy organization created to monitor human rights violations in African territories in conflict and post-conflict situations. The report is intended to act as a complement to Ethiopia's official submission to the Committee, and to underscore the various human rights violations that remain unreported by the Government.

While Ethiopia has adopted the provisions of CAT into its national Constitution and Criminal Code, gross violations of the Convention's principles occur unchecked throughout the country, particularly in conflict zones within the Ogaden and Oromo regions. Reports state that arbitrary arrest, extrajudicial killing, torture, rape, and infringement of due process of law for detainees are widespread and unchecked throughout the regions. This directly violates multiple articles of CAT, including Articles 2 (no allowance for torture even during times of emergency/war), 3-8 (obligation to investigate, prosecute, and possibly extradite any and all perpetrators of torture with proper legal proceedings and due process), 12 (provision for impartial investigation into any accusations of torture), 13 (allow victims of torture legal redress), and 16 (obligation to prevent any act of torture under a State's jurisdiction).

In addition, the Ethiopian Government has restricted the access of international observers and humanitarian organizations into the conflict regions, prohibiting the delivery of critical services to the population, of whom more than 950,000 are in need of emergency food aid in the Ogaden region alone.¹ While the Government has claimed to have performed an internal investigation into rights violations in the Ogaden, the resulting report has not been seen by any international observatory or UN body, and no prosecutions of perpetrators of torture have yet been made.² The high volume of cases of torture, arbitrary detention and extrajudicial killings in the Ogaden and other areas of Ethiopia have been of such concern to the outside world that a special hearing of the European Parliament was held on the issue in March 2010,³ and a special Foreign Relations bill was drafted by the United States Senate calling on Ethiopia to

¹ UNICEF, *UNICEF Humanitarian Action Ethiopia in 2008*, UNICEF, New York, 2008, p. 2.

² Amnesty International, *Ethiopia: Amnesty International Submission to the UN Universal Periodic Review*, Amnesty International, AFR 25/004/2009, 13 April 2009, p. 4.

³ Please see UNPO, *Hearing on Human Rights in Ogaden – European Parliament*, Unrepresented Nations and Peoples Organization, 18 March 2010, <<http://www.unpo.org/content/view/10849/81/>>.

encourage the release of all detainees and work to ensure humanitarian aid arrives to residents of the Ogaden.⁴

Despite Ethiopia's assurances of having adopted the provisions of CAT into its Constitution and Criminal Code, the magnitude of eyewitness accounts to gross human rights violations at the hands of the State offer critical evidence contrary to the Government's assertions and must be addressed immediately. The authors of this report are concerned with Ethiopia's history of denial and lack of transparency in relation to human rights abuses, particularly related to conflicts in the Ogaden and Oromo regions. This report contains new first-hand accounts of torture from residents of the Ogaden region, in addition to collating all available data and first hand accounts to corroborate the charges of rights violations within the country. The report concludes with eight recommendations for the consideration of the Government of Ethiopia, including:

1. Allow for an independent, international investigation into the reports of mass arrests, torture, and extrajudicial executions of civilians in the Ogaden and Oromo regions by Government forces to be completed by September 2011;
2. Allow free access to independent national and international media into conflict regions immediately;
3. Allow for the immediate prosecution of any and all individuals who have been found responsible for the incidences of arbitrary arrest, torture, and extrajudicial executions;
4. Allow for the immediate release any and all illegal detainees imprisoned under false allegations of suspicious activity related to the OLF, ONLF, or political opposition networks, including Mr. Mahdi Ayub, Mr. Sultan Fowzi, Mr. Ali Abdi, Mr. Bisharo Wa'di and Mr. Bashir Mukhtal;
5. End the practices of torture witnessed at state prisons throughout Ethiopia, including makeshift prison facilities on military bases.

⁴ Committee on Foreign Relations, *H.R. 2003*, United States Senate Committee on Foreign Relations, 110th Congress, 1st Session, October 3, 2007.

Introduction

The following submission to the Committee Against Torture has been completed by African Rights Monitor (ARM), a Washington, DC-based non-governmental human rights advocacy organization created to monitor human rights violations in African territories in conflict and post-conflict situations. Currently ARM is conducting monitoring projects in Ethiopia, Somalia, Kenya and is planning to expand its monitoring projects to Sudan, and the Great Lakes Countries in the following year. ARM strives to educate civil society groups on democracy, human rights and the rights of the press through workshops and seminars that address these issues, believing that civil societies are the pillars of a democracy and yet remain very weak in Africa. Therefore, empowering civil societies will contribute to the foundation of a credible democratic government. The organization aims to advocate for the protection of human rights in African countries by investigating and exposing human rights violations and holding abusers accountable for their inhumane actions. ARM can be contacted by telephone at (+1) 202.642.4493, or through mail at 125 S. Reynold St Apt #J501, Alexandria, VA, 22304, United States of America.

African Rights Monitor has recently focused on the Ogaden and Oromo conflicts in Ethiopia due to the lack of international attention directed to these regions. There is substantial documentation of the crimes committed at the hands of the Ethiopian government by other human rights organizations including Human Rights Watch, the International Crisis Group, Amnesty International, Genocide Watch, Ogaden Human Rights Committee, the International Committee of the Red Cross and the United States State Department. To the debates surrounding Ethiopian conflict zones, ARM contributes more accounts of torture collected from former victims, while also supplying an extensive legal background and framework into understanding the rights violations committed in nation states. ARM grew out of the intellectual and grassroots civil societies movement from Africa and was founded to offer the African perspective to the international human rights forums.

While the situation for human rights in Ethiopia continues to deteriorate, particularly in the conflict regions, Government officials have repeatedly denied any such accusations and assured Committee Against Torture of its positive human rights record: In January of 2010, the Government of Ethiopia underwent examination at the Human Rights Council of the United Nations General Assembly in regards to their performance in preventing the infringement of civil liberties and crimes against humanity within its national borders. Over thirty country delegations were present as part of the Universal Periodic Review and responded with criticisms and recommendations concerning Ethiopia's human rights record. The country's delegation asserted that the Government of Ethiopia has adopted the provisions of international

human rights treaties into its Constitution, Family and Criminal codes, arguing repeatedly that the nation is on track in ensuring human rights for all its citizens. Ethiopia's delegation further claimed that despite the "numerous human rights challenges Ethiopia is facing," the nation is "committed to continuing its cooperation with the United Nations human rights organs."⁵

Despite this optimistic report from Ethiopian officials, national and international civil society organizations in Ethiopia continue to report incidences of widespread arbitrary detention, torture, rape, extrajudicial killings, with political intimidation widespread throughout the nation. The humanitarian situation in the Ogaden and Oromo regions remain of particular concern to multiple independent observers.

Context of Ogaden and Oromo conflicts

Violations mounted at the Somali residents of the Ogaden region have a history that stretches back to the early nineteenth century, and peaked during the Ogaden-Ethiopian war in 1976-78. The legacy of the war is felt even today, as the Ethiopian army continues to commit atrocities against Somali residents of the Ogaden both in recrimination for the past and fear of reprisal uprisings. In addition, the Oromo region has a long history of conflict and boundary disputes: residents of the region belong to the Oromo ethnic group, which despite being the largest ethnicity in Ethiopia, has been marginalized politically and possesses little actual power.

Since 2007, the Ethiopian army has significantly scaled up its offensive against the 4.4 million residents of the Ogaden, killing thousands of civilians and committing countless instances of torture in the process.⁶ The Ethiopian National Defence Forces (ENDF) have burned over 200 villages in the region and forcibly relocated a large percentage of the population, resulting in 60,000 Somali fleeing to Kenya as asylum seekers in 2008 alone.⁷ More than one thousand rape cases have been documented, in addition to tens of thousands of cases of arbitrary detention without trial.⁸ Such acts explicitly violate multiple provisions of CAT, including Articles 3-9 which prohibit arbitrary arrest and guarantee equal judiciary review for all detainees and accused persons, in addition to Articles 2 and 16 which stipulate that all State parties shall use all means to prevent acts of torture in territories under their jurisdiction.⁹

⁵ Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010, paras 23-24.

⁶ Unrepresented Nations and Peoples Organization, *Ogaden Overview*, accessed May 2010, <<http://www.unpo.org/content/view/10714/302/>>.

⁷ Human Rights Watch, *From Horror to Hopelessness: Kenya's Forgotten Somali Refugee Crisis*, HRW, Kenya, March 2009, p. 1.

⁸ Coalition of Ogaden Civil Societies, *Paper to the Hearing on the Ogaden by the European Parliament*, Ogaden Europeans Communities, Ogaden Women's Relief Association, and Ogaden European Youth Union, March 16, 2010, p. 10.

⁹ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)).

The UN has estimated that since February 2009, conflict in both the Oromo and Ogaden regions has displaced around 200,000 people.¹⁰ UNICEF estimates that over 950,000 people require emergency food assistance in the Ogaden region alone - of whom 642,016 live in areas restricted to international organizations by the Ethiopian Government.¹¹ In a Humanitarian Action Report from 2008, UNICEF expresses fear of escalating violence in both regions and the resulting potential damage towards the livelihood of civilians, particularly women and children. Both areas have now been re-mined by the Ethiopian Army, already maiming tens of thousands of children.¹² Such an act is a clear instance of cruel, inhuman treatment and is prohibited under Article 16 of CAT which considers any instances of inhuman treatment with the same severity as acts of torture.

In preparing this report, ARM strives to complement the information presented by Ethiopian officials in relation to their performance in upholding CAT, particularly in addressing the gaps in reporting from the conflict regions of Oromo and Ogaden. While Ethiopia has clearly made significant strides in adopting the provisions of CAT from a legal and legislative standpoint, the implementation of such legal processes and provisions remains nearly nonexistent. Government officials and Army personnel have severely violated the Convention's Articles repeated times, particularly in its treatment of civilians and political detainees in the Oromo and Ogaden regions.

Methodology of Work

African Rights Monitor has completed this submission after extensive background research into all available data and eyewitness accounts of conditions on the ground in Ethiopia, with a particular focus on the Oromo and Ogaden conflict regions. The writing of the report relied mainly on firsthand reporting of events as transmitted directly to members of ARM, in addition to other civil society organizations, academic, UN, and government sources.

Description of specific events, including instances of arbitrary arrest, killings, and torture are derived from eyewitness accounts as reported directly to ARM, and also to independent academic and non-governmental sources, including Human Rights Watch and Amnesty International. All three organizations have considerable networks within Ethiopia and the diaspora, and work to collect personal accounts and experiences of rights violations and abuses occurring in Ethiopia. The unique role ARM is able to offer in

¹⁰ OCHA, *UN: Resource conflicts in Oromia displace 200,000 people, malnutrition rates increasing*, United Nations Office for the Coordination of Humanitarian Affairs October 6, 2009.

¹¹ UNICEF, *UNICEF Humanitarian Action Ethiopia in 2008*, UNICEF, New York, 2008, p. 2.

¹² UNICEF, *UNICEF Humanitarian Action Ethiopia in 2008*, UNICEF, New York, 2008, p. 3.

producing this report is not only to add more key eyewitness accounts to torture in Ethiopia, but additionally to comprehensively present a sampling of all existent testimonies and offer further commentary based on a significant understanding of the region and its legal frameworks.

In addition to the firsthand reporting, demographic data and statistics were obtained directly from UN and government reports, including UNICEF situation analyses, United States State Department human rights reports, and information produced by the Government of Ethiopia. Any and all legal reporting was collected directly from Ethiopian state reports, including the FDRE Constitution and the nation's official submission to the CAT committee from 2009.

The following sections of the report will address the multiple rights violations occurring in Ethiopia as they relate to the most relevant Articles of CAT, providing a legal framework and background to help understand the extent to which the actions breach international and national laws.

1. General legal framework for the conflicts

Under international law, the conflicts in the Ogaden and Oromo regions are classified as non-international, or internal armed conflicts in which both the Ethiopian Government and any and all citizen groups within the country are subject to international humanitarian law as signatories to CAT.¹³ As Ethiopia has adopted nearly every article of CAT into its national Constitution and/or Criminal Code, any violations regarding provisions against torture, arbitrary arrest and detention, unfair trials, and violations of the right to life defy not only Ethiopia's international agreements with CAT, but also their own national legislation.¹⁴ Individuals can be held criminally responsible for violations of international humanitarian and human rights law, and any human rights abuses committed as part of a widespread or systematic attack against a civilian population are deemed crimes against humanity.¹⁵

¹³ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 105.

¹⁴ Constitution of the Federal Democratic Republic of Ethiopia, August 21, 1995. Article 13.2 of Chapter Three states: "The fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia."

¹⁵ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 105.

Indeed, under Article 2 of CAT, signatories agree that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”¹⁶ Ethiopia’s official submission to the CAT’s Committee in 2009 declares support for Article 2 and adds that Article 18 of the Federal Constitution “provides for the prohibition against torture and other forms of cruel, inhuman and degrading treatment or punishment is not at all derogable under any circumstance.”¹⁷ Even in states of emergency, including invasion or collapse of law and order, “the right to be protected from torture would not be subject for derogation.”¹⁸

Furthermore, according to the Government’s 2009 submission to the CAT’s Committee, the Constitution has also envisaged the establishment of a State of Emergency Inquiry Board, specifically designed to investigate the improper use of torture and infringement of rights within emergency settings.¹⁹ It appears, however, that much of Ethiopia is functioning as if under emergency rule with no pretext for investigation or legal recourse, as HRW explains: “It’s ridiculous to say there’s an independent judiciary in our region,’ a former regional judge [from Ogaden] told Human Rights Watch. ‘All of the region is under emergency rule. The military has the last word on all matters, whether administrative or humanitarian.’”²⁰

In light of the Government’s own admission that no special legal provision for torture under emergency settings are permitted in Ethiopia, the actions perpetrated by the State’s Army in the Ogaden and Oromian regions are thus violations to the full extent of international human rights law. The following sections will go into further detail as to the various forms of human rights violations and the Articles of CAT infringed therein.

¹⁶ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 2.2.

¹⁷ Committee against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, p. 5, para 9.

¹⁸ Committee against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, p. 5, para 9.

¹⁹ Committee against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, p. 5, para 10.

²⁰ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 93.

Article 1: Definition of torture

Under Article 1 of CAT, torture is defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person” for purposes of punishment, intimidation, discrimination, or in the process of obtaining third party information.²¹

As made clear in Ethiopia’s official submission to the CAT Committee in 2009, the Government has adopted this explicit definition of torture within the Federal Criminal Code. Under Article 424 of the Code, “*Any public servant* charged with the arrest, custody, supervision, escort or interrogation of a person who is under suspicion, under arrest, summoned to appear before a Court of justice, detained or serving a sentence, who, in the performance of his duties, improperly induces or gives a promise, *threatens or treats the person concerned in an improper or brutal manner*, or in a manner which is incompatible with human dignity or his office, *especially by the use of blows, cruelty or physical or mental torture*, be it to obtain a statement or a confession, or to any other similar end, or to make him give a testimony in a favorable manner, *is punishable with simple imprisonment or fine*, or in serious cases, with rigorous imprisonment nor exceeding ten years and fine.”²²

Furthermore, the Crimes against Person and Health section of Ethiopia’s Criminal Code also claims that any wilful physical or mental injury is punishable regardless of the person who commits the crime.²³ Any public servant that orders or commits crimes against a person is thus criminally liable. The Code’s “abuse of power” provision likewise states that any public servant who “misuses his official position or the power proper to his offices, whether by a positive act or culpable omission” is punishable.²⁴ The Criminal Code is explicit in disallowing criminal punishment in the form of torture; any punishment or penalty must always uphold human dignity.

²¹ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 1.

²² Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 1, par 16, emphasis added.

²³ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 1, par 17.

²⁴ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 1, par 18.

The adoption of CAT's definition of torture within Ethiopia's Criminal Code is necessary and laudatory from a legal standpoint. However, the following sections of this report will clearly enumerate the counts on which Ethiopia has failed to uphold this definition of torture and its requisite punishment to those who infringe its precepts.

Article 2: Prevention of all acts of torture

Under Article 2 of CAT, all signatories agree "to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction."²⁵ The Article is also explicit in stating that any order from a superior officer or a public authority can not be used as justification to inflict torture.²⁶ Furthermore, as explicated above, torture can not be justified under any circumstances whether due to internal political instability, war or threat of war, or any other public emergency.

Box 1: Interview with former Jigjiga prisoner, F.H., conducted by ARM, July 2010.

"I was arrested by the Ethiopian State Security on June 1, 2007, and spent some time in complete isolation in a dark cell in the Garabase Military Camp which is located at Jigjiga. In the camp I suffered a lot because of the torture and various types of physical punishment adjusted to me. They used to torture me with electric wires because they wanted to forcefully make me confess that I was a supporter of the ONLF, despite the fact that I was neither supporter nor member of the said group. Later on, I was transferred to the Jigjiga Police where ICRC officials visited me on June 24, 2007; they assisted me by providing me with a mattress and various utensils as my family members were not allowed to visit me. Finally, I was released on June 15, 2008 under the condition to coordinate with State Security and Army officers, which was of course a very dangerous matter.

Two days after I was released, I was informed that I would be killed if I failed to cooperate with the assigned State Security and Army officers; I immediately understood that I had to leave the country. At the time security agents were looking for me, I managed to leave my home in Jijiga; I was hiding in the same city for two nights, and then I left for Kenya. Ultimately, I arrived in Nairobi, looking for safety and hoping that the UNHCR will grant me the status of refugee, thus offering a peaceful sanctuary to live my life in dignity. Here in Nairobi, I have faced a lot of difficulties, living with terrible anxiety because of the free movement and the unlawful activities of many Ethiopian security agents."

Ethiopia's official submission to the Convention's Committee in 2009 states that the Federal Constitution expressly prohibits all acts of torture.²⁷ According to the submission, "everyone has the right to protection against cruel, inhuman or degrading treatment or punishment."²⁸ While the Constitution does not differentiate between instances of torture committed by civilians or officials, there are specific directives

²⁵ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 2.

²⁶ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 2.

²⁷ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 2, para 20.

²⁸ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 2, para 20.

and regulations that prohibit torture in relation to Ethiopian Defense Forces, police, and prison administrations. Constitutional decree allows prisoners to be informed of their rights when they first arrive at the detention facilities. In addition, prison wardens must perform their duties in a manner that respects the human dignity of prisoners. In order to ensure that the rights of prisoners are protected, evaluatory mechanisms have been put in place, including the provision for site inspection visits by parliamentarians, NGOs, religious leaders, and international organizations.²⁹

Despite these Constitutional measures, torture continues unabated in Ethiopia, in many cases by order of officials in law enforcement and Defense Forces units. According to a 2009 Human Rights Report on Ethiopia drafted by the US State Department, “there were numerous credible reports that security officials tortured, beat, and mistreated detainees.”³⁰ Opposition political party leaders and their supporters have reported systemic abuse and intimidation by the federal police and regional militias. In Maekelaw, the Central Police Investigation Headquarters in Addis Ababa, physical abuse is used to extract confessions, in direct violation of Article 15 of CAT.³¹ The methods of torture employed by investigators include being blindfolded and hung by the wrists for several hours. Victims are bound by chains and beaten repeatedly, often subjected to solitary confinement ranging from several days to several months. Instances of mental torture have also been reported, including harassment, humiliation, and the placement of heavy objects to hang from prisoners’ genitals. Despite such reports, the Ethiopian Government has systematically denied any instances of torture in both Maekelaw and other detention centres.³²

In the Ogaden region, the Ethiopian Defense Forces, Federal police and regional militias have arrested, detained, and tortured hundreds of civilians alleged to be members of the Ogaden National Liberation Front (ONLF). These civilians are imprisoned for several months or even years. The government security forces target specific groups in the population, including market traders, school and university students, business leaders, and opposition leaders. Arrested civilians are detained on suspicions of spying for ONLF or providing financial or material support to the rebel forces.

²⁹ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 2, para 24.

³⁰ State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1.c, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

³¹ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 15.

³² State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

Box 2: Testimony of former torture victim, as reported to HRW, June 2008

Muhumed, an 18-year-old student, told Human Rights Watch how he had been detained at military camps in Dhageh Medow for three months in 2004 (when he was 15), for 19 days in May 2006, and for nine months in December 2006. He told Human Rights Watch about the beatings and torture he endured during his last detention:

I was taken out from my home the last time and they brought me to the military camp and they beat me for three hours. They accused me of being with the ONLF and giving them help. I told them I was a student...At first they beat me on my head with sticks, and then they beat me with an electric rope all over my body. One was kicking me. Then they tied my hands behind my back. Then they spoke to me for hours, they said if I tell them the truth they would release me. I told them, "I told you the truth already, before you beat me. I have no information about what you are talking about." One of them then kicked me in the face and I lost a tooth. I was in a lot of pain. The next two nights they beat me the same way. They tied me out in the sun for the whole day, next to the guard house.

Source: Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, pp. 64-65.

The majority of those arrested on charges related to the ONLF are held in military bases, federal police prisons, and local, administrative detention centres. Some are also housed in unofficial detention centres. Human Rights Watch reported four or five detention centres in and around the town of Jigjiga. The Regional Central Prison, known as "Jail Ogaden", houses around 400 to 600 prisoners. The most notorious prison is Jigjiga's Kebele 4, where several hundred prisoners are held, many in

underground cells, while political prisoners of "national security" interest and are detained in Jigjiga's Kebele 5.³³ Detainees in the prisons have little or no judicial protection, while those laws regarding the treatment of detainees and limiting the period of detention without charge are ignored.³⁴ Former detainees from Ogaden detention facilities have also reported cases of extrajudicial executions. In the town of Dhagahbur, the army extrajudicially executed two students and two nomads at the military base.³⁵

In the Oromo region, the Oromo Support Group has reported similar instances of abuse and torture, including 3,981 extra-judicial killings and 943 disappearances.³⁶

Government security forces have arrested thousands of Oromo civilians, most of whom are held in unofficial detention centres where torture, beatings and rapes are rampant. Oromo political opposition leaders have also been subjected to arbitrary detention in Kaliti prison. The Hanover-based Oromo Human Rights and Relief Organisation (Oromo Menschenrechts und Hilfsorganisation – OMRHO) have

³³ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 63. Please also see inset text box for a personal testimony of a former prisoner from Jigjiga.

³⁴ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 64.

³⁵ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, pp. 58-59.

³⁶ Oromo Support Group, OSG Press Release , No. 43, July 2006-2007, <http://oromo.org/osg/pr43.htm#Western_Oromia_>.

reported a total 243 political detainees.³⁷ Out of the 243 detainees, 225 have been waiting for judicial proceedings, while the remaining detainees have been shot, tortured to death or deceased due to lack of medical care. Just as in the Ogaden region, the government forces arrest on civilians on mere suspicion of being part of the Oromo Liberation Front (OLF). Once again, there is no judicial oversight and no protection against torture for the detained prisoners.

The text of Article 2 is explicit in prohibiting acts of torture under any circumstances. In light of the gross instances of torture, arbitrary arrest, and extrajudicial killings levelled at detainees, members of political opposition groups, and residents of the Ogaden and Oromo regions, the Government of Ethiopia is in clear violation of its mandates. Acts of torture are most often performed at the orders of Ethiopian Government officials, police administrators, and members of the Defense Forces. While the State has argued that it is engaged in protective measures against rebellions in Oromo and Ogaden, torture remains impermissible despite superior orders and during any state of war or national emergency under Article 2, leaving Ethiopian officials in violation of the Convention and its precepts on multiple counts.

Article 3: Expulsion, deportation, and extradition

Under Article 3 of CAT, extradition or refoulement of any person to a state "where there are substantial grounds for believing that he would be in danger of being subjected to torture" is prohibited.³⁸ Signatories must assess the danger that a person faces in the receiving state as well as the state to which a person might be extradited to. Ethiopia's official submission to the Convention's Committee in 2009 states that the principle of "non-refoulement" is included under Ethiopian law.³⁹

Under Article 9 of the Refugee Proclamation No. 409/2004, refugees can not be expelled except on the ground of national security. If the state issues an expulsion order, the refugee is entitled to due process and can file a petition challenging the expulsion order.⁴⁰ Ethiopia's Immigration Proclamation asserts that a person may be deported if he/she lacks means of support, is a notorious criminal, has a drug habit, furnishes fraudulent information, or is a threat to Ethiopia's national security. The Ethiopian Foreign

³⁷ Oromo Support Group, OSG Press Release , No. 43, July 2006-2007,

<http://oromo.org/osg/pr43.htm#Oromo_political_detentions_in_Kaliti_prison_>

³⁸ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 3.

³⁹ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 3, para 26.

⁴⁰ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 3, para 26.

Ministry deals with issues of extradition. The process of extradition is determined by bilateral and multilateral treaties that Ethiopia has entered into with other nations. The National Intelligence Force carries out the extradition order if the refugee is determined to be a threat to public order and Ethiopia's national security. A final decision made by the Intelligence Force can be challenged and a new petition can be filed with the Appeal Hearing Council, which consists of representatives from the National Intelligence and Security, the Ministry of Foreign Affairs, the Ministry of Justice, and the Ministry of Federal Affairs. The United Nations High Commissioner is usually present at the appeals hearing as an observer.⁴¹

In 2009, Ethiopia passed a new Anti-Terror Law which waters down the rights given to refugees under both international law and Ethiopia's previous proclamations on refugee protection.⁴² Refugees that are deemed to be a threat to national security can be easily be deported without any due process. The law likewise restricts the powers of human rights groups and international organizations. Under the "war against terror" banner, Ethiopia is part of a group of countries that engage in the process of rendition. Ethiopian refugees who have fled political oppression to temporary homes in the Sudan, Kenya, Yemen and Gulf states are often deported back to Ethiopia.⁴³

Within these processes of extradition and rendition, the obligation to consider the possibility of torture for those citizens/refugees extradited has been waived. At the same time that the protective rights for extradited citizens held within both Article 3 and also Ethiopia's Refugee Proclamation are weakened through new legislation and anti-terrorist measures, the number of refugees and displaced persons in Ethiopia has soared. Just in the past year, conflict in both the Oromo and Ogaden regions has displaced around 200,000 people according to UN estimates.⁴⁴ In addition, 60,000 Somali residents from Ogaden fled to Kenya as asylum seekers in 2008 alone.⁴⁵ The mass displacement is a result of violence perpetrated by the Ethiopian Government against residents of the Oromo and Ogaden. Those civilians who have fled Ethiopia have no recourse for aid or judicial review when faced with instances of torture in their new home, often refugee camps in Kenya with poor living conditions.

⁴¹ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 3.

⁴² Omaeyr Rado, "Ethiopia: Fears Over New Anti-Terror Law," Africa Inter-Press News Services, Addis Ababa, 23 July 2009, <<http://allafrica.com/stories/200907240004.html>>.

⁴³ UNHCR, "UNHCR condemns deportation of Ethiopian refugees by Sudan," Press Releases, 11 October 2007, <<http://www.unhcr.org/470e1bd74.html>>.

⁴⁴ OCHA, *UN: Resource conflicts in Oromia displace 200,000 people, malnutrition rates increasing*, United Nations Office for the Coordination of Humanitarian Affairs October 6, 2009.

⁴⁵ Human Rights Watch, *From Horror to Hopelessness: Kenya's Forgotten Somali Refugee Crisis*, HRW, Kenya, March 2009, p. 1.

With the passing of the new Anti-Terror Law, citizens can be extradited with none of the protective provisions afforded in Article 3 of CAT. In addition, the increased internal violence in Ethiopia is forcing citizens to flee with no aid or recourse from the Ethiopian State. This situation for citizens displaced or extradited is not only precarious for their own safety and welfare, but also undercuts the Ethiopian Government's claim to uphold CAT and its precepts, particularly Article 3.

Article 4: Acts of torture, attempts, participation, and penalties

Under article 4 of CAT, signatories must criminalize “all acts of torture, any attempt to torture, or any act by any person which constitutes complicity or participation in torture.”⁴⁶ All these shall be punishable and any punishment shall be appropriate to the gravity of the crime. Ethiopia's official submission to the Convention's Committee in 2009 states that the Criminal Code criminalizes all forms of torture and issues penalties ranging from five years to twenty years of rigorous imprisonment, and in exceptional cases life imprisonment or death.⁴⁷ The Criminal Code criminalizes all acts of physical and mental torture that might result in the maiming of a person or endangering his/her life, while also treating instances of attempted torture with the same degree of severity as those of intended torture.⁴⁸

Ethiopia's submission also lists various administrative and regulatory measures which govern how the Ethiopian Defense Forces, police, and prosecutors should counter torture, including:

- Federal Police Commission Proclamation No. 313/2003
- Federal Police Commission Administrative Regulations No.86/2003
- Federal Prosecutor Administrative of Ministers Regulations 44/1998
- Defense Forces Administrative Directive/Regulation⁴⁹

⁴⁶ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 4.

⁴⁷ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 4, para 33.

⁴⁸ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 4.

⁴⁹ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 4.

The Federal Police Commission Proclamation and Regulations guarantee that the human and democratic rights of prisoners are protected: those police officers who violate the rights of the prisoners shall face disciplinary measures. The Defense Forces Directive regulates the behaviour of Force members, and expressly prohibits undue maltreatment of civilians when Force members engage in defensive activities.

In addition to these regulations, Article 28 of Ethiopia's Federal Constitution states that there is no statute of limitation for crimes against humanity such as genocide, summary executions, forcible disappearances, or torture.⁵⁰ Crimes against humanity including torture can not be commuted by amnesty or pardon from the legislature or any state organ.

However, Ethiopia's new Anti-Terror law undercuts these previous measures and regulations which explicitly criminalize torture. The strict new law authorizes arrests, searches, and investigations of civilians without court warrants and little regulation on due process.⁵¹ The law violates the basic civil liberties of all citizens, stating that "whosoever writes, edits, prints, publishes, publicises, disseminates, shows, makes to be heard any promotional statements encouraging... terrorist acts is punishable with rigorous imprisonment from 10 to 20 years."⁵² However, the definition of "terrorist acts" as the legal text continues is extremely broad and ambiguous and as such could be used to criminalize non-violent political dissent.⁵³ Under the new law, persons "advancing a political, religious, or ideological cause and intending to influence the government" are subject to inquiry as terrorists, and may be imprisoned for 15 years to life, or even put to death.⁵⁴ Furthermore, the definition of terrorism within the law includes acts that do not involve violence or injury to people or property: a peaceful demonstration that disrupts traffic could therefore be considered terrorism.⁵⁵

⁵⁰ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 4, para 39.

⁵¹ AFP, "Ethiopia adopts strict anti-terrorism bill," Addis Ababa, July 7, 2009, <http://www.google.com/hostednews/afp/article/ALeqM5hMqgOlskPvo1m_dSE35D1rFeICNw>.

⁵² AFP, "Ethiopia adopts strict anti-terrorism bill," Addis Ababa, July 7, 2009, <http://www.google.com/hostednews/afp/article/ALeqM5hMqgOlskPvo1m_dSE35D1rFeICw>.

⁵³ HRW, "Analysis of Ethiopia's Draft Anti-Terrorism Law," Human Rights Watch, June 30, 2009, <http://www.hrw.org/en/news/2009/06/30/analysis-ethiopia-s-draft-anti-terrorism-law#_Defining>.

⁵⁴ HRW, "Analysis of Ethiopia's Draft Anti-Terrorism Law," Human Rights Watch, June 30, 2009, <http://www.hrw.org/en/news/2009/06/30/analysis-ethiopia-s-draft-anti-terrorism-law#_Defining>.

⁵⁵ HRW, "Analysis of Ethiopia's Draft Anti-Terrorism Law," Human Rights Watch, June 30, 2009, <http://www.hrw.org/en/news/2009/06/30/analysis-ethiopia-s-draft-anti-terrorism-law#_Defining>.

This law in its current form nullifies all protection afforded to citizens under Article 4 of CAT, the Ethiopian Constitution, the Criminal Code, and previously-instated administrative regulations/directives. The law infringes on the freedoms of expression and speech and expands the powers of the police without any due process. It also expands the power of arrest, search and seizure. Under this law, there is no judicial oversight as security forces are not required to secure court warrants in order to search people or property. If the security force has reasonable suspicion that an act of terrorism will be committed, they are authorized to make an arrest without following due process.⁵⁶

The law also allows detention with charge: While it reaffirms the constitutional right of coming before court within 48 hours, it also permits the police to request additional investigation periods of 28 days each from a court before filing charges, up to a maximum of four months.⁵⁷ The law also authorizes police officers to ask for blood samples and other bodily fluids, handwriting, hair and finger prints without court warrant, with permission to use force if suspects refuse to cooperate.⁵⁸

Within court processes, the law sets new evidentiary standards as hearsay or indirect evidence can now be admitted in court without any limitation.⁵⁹ In addition, intelligence reports can also be admitted without revealing the source, meaning confessions extracted by use of torture or threat of torture can be admitted, in direct violation of Article 15 of CAT.

Article 4 ensures that any and all forms of torture are considered criminal acts in the state territories of all signatories to CAT. The anti-terror law nullifies the regulatory directives previously in place for Ethiopian police and defence forces, and essentially permits law enforcers to engage in forms of torture and cruel punishment, rather than reinforcing the criminalization of torture as mandated in Article 4.

⁵⁶ HRW, "Analysis of Ethiopia's Draft Anti-Terrorism Law," Human Rights Watch, June 30, 2009, <http://www.hrw.org/en/news/2009/06/30/analysis-ethiopia-s-draft-anti-terrorism-law#_Detention >.

⁵⁷ HRW, "Analysis of Ethiopia's Draft Anti-Terrorism Law," Human Rights Watch, June 30, 2009, <http://www.hrw.org/en/news/2009/06/30/analysis-ethiopia-s-draft-anti-terrorism-law#_Detention >.

⁵⁸ HRW, "Analysis of Ethiopia's Draft Anti-Terrorism Law," Human Rights Watch, June 30, 2009, <http://www.hrw.org/en/news/2009/06/30/analysis-ethiopia-s-draft-anti-terrorism-law#_Detention >.

⁵⁹ HRW, "Analysis of Ethiopia's Draft Anti-Terrorism Law," Human Rights Watch, June 30, 2009, <http://www.hrw.org/en/news/2009/06/30/analysis-ethiopia-s-draft-anti-terrorism-law#_Detention >.

Box 3: Interview with former torture victim, B.P. , conducted by ARM, July 2010.

Ardo Shugri Ahmed was detained in Sagag, Nogob region, Ogaden 3 July until 14th, 2009. On the July 3, the local commander of the Army called a meeting and was randomly asking the women and asking to condemn ONLF members and tell him their collaborators in the town. He picked Ardo and asked her to speak. She told him that she was a mother of five and pregnant and have difficulty even standing there and she new nothing about ONLF. He started slapping her and ordered one of the soldiers to take her to the camp. The soldier shoved her along biting her with a thick stick. She was asked to sit in front of the makeshift office of the commander. She stayed there until the evening without food or water. The guards even refused her to sit in the shade.

Later in the evening, the soldiers took her to the local school, which they was used as prison during the night. In the day time the prisoners were kept at the camp languishing at the sun, being watched by the guards, and the whole community passing by. At night, the soldier torturers would force them- her and 30 other prisoners, mostly women but with few men also, to strip and then march them to a place behind the camp. She would be beaten with wires, while naked. At one time the soldier asked the other male detainee to dig a shallow grave and put her inside asked her to say her prayers before the decapitated her. She fainted and later found herself in the school-prison. She was disoriented for a while and though she was dead. The torturers included members of the local militia who took part in the beating and acted as translators. That even added to the shaming of the victims as they were from the local area and standing in front of them naked was the very humiliating Ardo said. Ardo said that there was a young man and his step mother among the prisoners and when the soldiers forced them to strip naked, the old women would refuse to take off her underwear and they would beat her until she would become unconscious, why crying please don't humiliate me in front of my step son.

Ardo also witnessed the rape of many young women in front of her. She was lucky and was not raped due to her advanced pregnancy. One of the raped girls bit one of the soldiers and she was taken to the countryside and later her body was found shot in the head.

Article 6: Investigation and other measures regarding a suspect of torture in the Ethiopian Territory

Article 6 of CAT stipulates that after proper examination, “signatories may take into custody any person who is alleged to commit the offences referred to in Article 4.” Critically, “the custody of person or the legal measures against him may continue only for such time as necessary to enable any criminal or extradition proceedings.”⁶⁰

Ethiopia’s official submission to the Convention’s Committee in 2009 asserts that all criminal proceedings in the State are executed on the basis of the Criminal Procedure Code.⁶¹ The process usually starts with an accusation, followed by police investigation which gathers the necessary evidence and

⁶⁰ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 6.

⁶¹ *Committee Against Torture, Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 6, para 45.

summons the suspect for interrogation. After the investigation is completed, the case is referred to the prosecutor and the suspect can potentially then be released on bond and criminal proceedings commence. Suspects of foreign origin have the right to contact their foreign embassies, and all international customs and treaties are applicable within the following court proceedings.⁶² As Ethiopia's Criminal Code reiterates, "police, the Ministry of Justice, the Ministry of Foreign Affairs and the National Intelligence Security Service are the Government organs involved in the custody, other comparable measures, inquiry, notification, criminal proceeding, and extradition concerning foreigners suspected of crimes."⁶³ Failure of police or other officials in ensuring the due process of law in these proceedings will result in the intervention of the Ministry of Foreign Affairs.

Despite such measures, according to the US State Department's 2009 Human Rights Report on Ethiopia, "authorities regularly detained persons without warrants and denied access to counsel and family members."⁶⁴ Under the Criminal Code, suspects must be brought before the court within 48 hours, a requirement repeatedly violated in actual judicial proceedings. There is a functioning bailing system, but the police do not honour this requirement and in most cases, the suspect can not afford the release bonds as the cost of the bail is set very high. Furthermore, police officers often ignore court orders to release suspects on bail, while many suspects are continuously held at unofficial detentions with no access to family or legal counsel. Suspects that can not afford legal counsel are held in detention centres as public defenders are severely under-staffed and poorly trained.⁶⁵

On April 24, the Government arrested alleged members of Ginbot Seven, an opposition group that was charged with terrorism. Members of the group were held for a month or so, while relatives of the defendants were left in the dark as to their whereabouts. The suspects had no pre-trial counsel, and the majority of the detainees testified of undergoing torture while in custody of the security forces at unofficial detention centres. After a hasty trial, the Government sentenced 40 members, 35 of whom were sentenced to life while 5 were sentenced to death.⁶⁶

⁶² Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 6, para 45.

⁶³ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 6, par 46

⁶⁴ State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

⁶⁵ State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

⁶⁶ State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

Ethiopia has also repeatedly denied rights to foreign citizens under its jurisdiction. In 2007, hundreds of Somalis were renditioned from Kenya. Among them is Bashir Makhtal, a Canadian citizen who has been held in underground isolation. Mr. Makhtal faced unsubstantiated allegations and was held for a prolonged period without trial. While detained, Makhtal was tortured and denied access to his Consulate.⁶⁷

In addition to Makhtal, many Somalis continue to linger in Ethiopia's unofficial detention centres. With the recent passing of the anti-terrorism law which expands police powers with no judicial oversight, the infringement of due process in legal matters will continue to worsen. The cases above are only a small sample of those which have occurred in Ethiopia, and show clearly that the Government has no regard for either its own laws or international laws when it comes to criminal proceedings.

Article 7: Prosecution of a person suspected of having committed acts of torture and related crimes

Under Article 7 of CAT, beyond proper investigation and judicial examination of perpetrators of torture and other inhuman crimes, State signatories agree to prosecute those perpetrators, taking their decision "in the same manner as in the case of any ordinary offence of a serious nature under the law of that State."⁶⁸

As has been elucidated above, Ethiopia possesses the necessary legal tools to prosecute those that commit acts of torture, with a full due process of investigation and arrest already in place. However, the Government has completely neglected its duty to both investigate and prosecute its own security forces in the Ogaden and Oromo as they continue to commit acts of torture. In June 2008, Human Rights Watch produced a comprehensive report of the violations being committed by the Ethiopian Defense Forces in the Ogaden for State review. The Government's response to the systemic abuse has consistently been one of denial, dismissing reports of systematic abuse as fabrications.

Contrary to the Government's stance, reports of torture, extrajudicial killings, and the infringement of due process of law in the Ogaden continue to emerge, even from within the security forces themselves: a former Ethiopian Defense Forces soldier confirmed the abuses that continue to happen in the Ogaden in a testimony to HRW. "Soldiers are not given orders to rape in town, bush and in detentions. But they are

⁶⁷ State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

⁶⁸ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 7.

told the people they are fighting are the enemy who have been misled and [are] stubborn. If they kill, the commander asks who was the person killed. The soldier would need to classify the victim as an ONLF member/supporter or other enemy, for instance. The commander registers the death as such [ONLF] without any further questions. If the soldier rapes, the commander does not ask [questions]. The soldier has been told, for instance, that people from Zone 5 are difficult, stubborn, extreme Islamists who do not agree with the government; that the land belongs to Ethiopia and it is compulsory for everybody to follow the rule.”⁶⁹

Despite the scale and credibility of such reports, “Human Rights Watch is unaware of any instances since 2007 in which soldiers have been disciplined or punished for committing acts of torture.”⁷⁰ This is a clear and blatant violation of the duties Ethiopia must uphold as signatory to Articles 4-7 of CAT which outline the necessary measures to be taken to investigate and prosecute perpetrators of torture. Ethiopia has adopted the provisions of Articles 4-7 into its federal Criminal Code, and yet there no investigation has yet gone forward to arrest and prosecute members of the Defense Forces who have conducted severe acts of torture to the civilian populations of the Ogaden and Oromo regions.

⁶⁹ Human Rights Watch, *Collective Punishment: The Ethiopian Government Response*, HRW, New York, June 11, 2008, <<http://www.hrw.org/en/node/62175/section/20>>.

⁷⁰ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 58.

Box 4: Interview with former political prisoner, W.G., conducted by ARM, July 2010

In mid 2007, a massive operation against the armed forces of the ONLF and their supporters took place in the Somali administrative zone; during this process, military and security agents of Ethiopia committed gross violations against civilians in the region, involving brutal means of interrogation, arrests, accusations of civil servants, and incommunicado. Prior to these events, I had not been involved in any political activities in the region, neither had I been member of any opposition party. I had however been arrested in Jijjiga on June 14, 2003 when I was a mere schoolboy at the Jijiga Junior Secondary School. I was then taken to the heavily guarded camp of Jijjiga town (Garabase Military Camp) where I was subjected to brutal interrogation and torture on daily basis. Scars appearing on my left shoulder to this day date back to that period of imprisonment. My torturers were constantly using threats to oblige me to admit that I was an ONLF member until I was forced to do so. I was locked in a very small underground cell. After three months, I was finally released on September 30, 2003. As it can be easily surmised, during this 3-month period, my family had absolutely no information about my whereabouts. During the aforementioned period of massive operations against the armed forces of the ONLF, I was arrested in my College Campus in Addis Ababa on September 1, 2007. I was taken to the Shoramere Military Camp; without any trial and legal procedure I was released on September 25, 2007. After my release I pursued regularly my studies in the College, and everything seemed to go well. Suddenly, one day, whilst I was waiting to take an exam, three men of the Security Dept (Ministry of Interior), accompanied by two men of the National Army came to the gate of university and contacted me via phone. They told me that I should go and meet them immediately, and started threatening that they would punish me if I did not. I then went to meet them, missing my exam, and I was subsequently taken to a military camp.

They instructed me to cooperate with them by providing them with all necessary information about ONLF sympathizers in the College. I told them that I can't do this job; they then gave me a deadline of 10 days to cooperate with them, warning me of the dire consequences in case I failed to do so. After this incident, I decided to leave Ethiopia and seek political asylum in Kenya. I left Addis Ababa, and I reached the immigration office at the Moyale border point on 28th December 2007, intending to ask an exit visa and proceed to Kenya. This point lies at a distance of 771 km in the southwest of Addis Ababa. There, unfortunately, as soon as the immigration officer heard my name, he confiscated all documents in my bag including my passport, my college ID, and a recommendation letter from the ICRC office in Jijjiga.

Then, the immigration officer at Moyale ordered my arrest and immediate deportation back to Addis Ababa; first, I was however detained in Moyale for 2 days and then they took me, handcuffed, they placed me in a military lorry and thus I was returned to Addis Ababa. There, I was imprisoned in an underground cell of the Makalawe prison; so dark it was that I could not distinguish between day and night. In the first phase of his detainment none of my relatives had an idea about my situation and whereabouts. Later, my family came to know the details of my arrest and my situation, and they came to the prison where they were not allowed to meet me. In the Makalawe prison, I was tortured with electric wires and I was repeatedly threatened by security agents; once I was even thrown in a cell full of snakes. I was continuously handcuffed during a period of three months. My family members submitted meanwhile an appeal to the court; I was then subsequently brought before the court without having a lawyer to defend me, and the end result was that I was released with the recommendation to work closely with security agents and inform them on the activities of the ONLF.

I went back to my College, but within 10 days, two security agents and four military men came again to the campus with the purpose to arrest me; as soon as I saw them coming to the entrance, I managed to escape from the backward gate, and I kept hiding myself in the city for 4 days and then I decided to leave Ethiopia for Kenya at all costs. I crossed into Kenya on 24th April 2008, via Nagelle – Dolo – Sufka – Mandera – Nairobi, without any legal document, because - as I mentioned earlier - Ethiopian security agents had confiscated all my documents in Moyale, before my last arrival to and imprisonment in Addis Ababa. Recently, I came to know that Ethiopian security agents arrested some of my relatives and even confiscated their phones; I got the information that they managed to find my telephone number in the mobile telephone of one of my relatives. As a matter of fact, on May 22, 25 and 28, two unknown people, whom I have reasons to identify with Ethiopian security agents called me from Ethiopia and they threatened me saying that they know where precisely I am, adding that they intended to follow me wherever I may go.

Article 9: Mutual judicial assistance

Under Article 9 of CAT, signatories agree to cooperate and supply necessary evidence in a case where criminal proceedings are brought against a state for violating CAT.⁷¹ Ethiopia's official submission to the Convention's Committee in 2009 states that the Government engages in such cooperation by entering into international agreements and bilateral treaties, executing judicial decisions, exchanging information and documents, and pursuing suspected criminals. Furthermore, Ethiopia claims "judicial assistance in the forms of requesting evidence, execution of judgment and extradition are envisaged both in the Civil Procedure Code and the Criminal Procedure Code."⁷²

While on the surface it may appear that Ethiopia is adhering to Article 9 for the reasons stated above, it is clear the Ethiopia fails to present all "necessary evidence" of torture in Ethiopia. This shadow report provides some of the evidence missing from Ethiopia's submission, and proves that Ethiopia is not fully cooperative because of its continued denial and lack of proper investigation into instances of Government-sanctioned torture in the Ogaden and Oromo regions.

The imprisonment of Canadian citizen Bashir Makhtal, and the failure of Ethiopia to cooperate with Canada or justify Makhtal's imprisonment with sufficient evidence is a stark and pressing example of Ethiopia's failure to comply with Article 9. As an article in the *Toronto Star* explains, "Makhtal, an ethnic Somali from the Ogaden region of Ethiopia, was arrested at the Kenya-Somalia border in December 2006 and sent to Ethiopia in shackles on a top-secret flight in January 2007. He was held for about 18 months before he was allowed to see a lawyer or consular officials."⁷³ The fact that Makhtal was held for such a long period of time without legal representation is in violation of international law in and of itself, but perhaps more concerning is the suspicion that "Makhtal's only apparent crime seems to have been that he is the grandson of the founder of the Ogaden National Liberation Front, a group dedicated to winning independence for the oil-rich region in Ethiopia."⁷⁴ Still, Ethiopia convicted Makhtal of terrorism and has sentenced him to life in prison. Makhtal is still being unlawfully detained in Ethiopia, and the government

⁷¹ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 9.

⁷² Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, par 50.

⁷³ Black, Debra, "Family of jailed Canadian wants Ethiopian PM excluded from G20." *Toronto Star*. The Star, 9 June 2010. Web. 10 Aug. 2010. <<http://www.thestar.com/news/canada/article/821135--family-of-jailed-canadian-wants-ethiopian-pm-excluded-from-g20>>.

⁷⁴ Black, Debra, "Family of jailed Canadian wants Ethiopian PM excluded from G20." *Toronto Star*. The Star, 9 June 2010. Web. 10 Aug. 2010. <<http://www.thestar.com/news/canada/article/821135--family-of-jailed-canadian-wants-ethiopian-pm-excluded-from-g20>>.

has failed to provide sufficient evidence of Makhtal's "terrorism." The Canadian Somali Congress also accuses Ethiopia of torture and illegal detainment of Bashir Makhtal: "The abuses Bashir suffered at the hands of the Ethiopian government include the illegal rendition from Kenya to Ethiopia on January 20, 2007, denial of consular access and legal counsel for a period of two years and until recently, being subjected to trial by way of a military tribunal. Important evidence provided by Mr. Makhtal was ignored and he was accused of engaging in military activity in Ethiopia during a period of time when he was physically in Toronto. It is common knowledge that the Ethiopian judicial system is not independent, that torture is routine and that there is no guarantee of due process."⁷⁵ Transport minister John Baird and The Canadian Somali Congress are still working to resolve the "illegal Ethiopian detention"⁷⁶ of Makhtal.

The case of Makhtal is one specific instance in which the Ethiopian State has violated the articles of CAT without presenting proper evidence for its own prosecution of State officials. Ethiopia's submission to the Committee Against Torture fails to name any actual incidence of torture within its territory, despite repeated evidence of such crimes, not only in the case of Makhtal, but also the thousands of displaced persons affected by violence in Ogaden and Oromo. Ethiopia has not fully complied with the mandates of this Article by ignoring evidence of torture within its area of jurisdiction. Such defiance flaunts the international agreements and treaties which the State is Signatory to.

Article 10: Education and information

Under Article 10 of CAT, signatories agree to train, educate and inform all individuals interacting with those facing arrest, imprisonment or interrogation of the prohibition against torture.⁷⁷ As discussed above under Article 4, Ethiopia possesses multiple regulatory directives and prohibitions against torture designed specifically for members of the police and Defense Forces. Indeed, as Ethiopia's official submission to the Convention's Committee in 2009 states, the State has measures in place to provide such training in police and military academies and training institutions, as well as to law enforcement officials and prison wardens, in collaboration with the International Committee of the Red Cross (ICRC), Ministry of Justice, Federal Justice Training Institute, and other civic associations. According to the report, this human rights training is "focused on the protection of the rights of persons suspected, investigated, arrested, or detained. These rights included the right to protection from torture and cruel, inhuman or

⁷⁵ Canadian Somali Congress, *Canadian Somali Congress condemns the unjust conviction of Canadian citizen Bashir Makhtal in Ethiopia and calls on the Canadian government to save Bashir from possible execution*, July 28, 2009.

⁷⁶ Canadian Somali Congress, *Canadian Somali Congress condemns the unjust conviction of Canadian citizen Bashir Makhtal in Ethiopia and calls on the Canadian government to save Bashir from possible execution*, July 28, 2009.

⁷⁷ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 10.

degrading treatment or punishment.”⁷⁸

It is true that Ethiopia has been developing a legal framework for educating Government personnel about the regulations against torture; more of these initiatives are spelled out in Ethiopia’s submission to the Covenant on Civil and Political Rights (CCPR). For instance, the Ministry of Justice is developing a human rights institute to enhance the “overall capacity of the law enforcement officials in the field of human rights and constitutionalism.”⁷⁹ The Government has acknowledged that there still exists a general lack of awareness of human rights instruments on the part of the country’s law enforcement officials and prison guards and admits to “isolated practices violating the rights of persons under detention and in prison,” which have prompted several human rights awareness promotion campaigns throughout the country.⁸⁰ A comprehensive impact assessment of these initiatives has not yet been carried out, but the Government sees them as successful at this point in time.⁸¹

On the other hand, The Ethiopian Human Rights Commission’s (EHRC) Prisons’ Visit Report from July 2008 states that “general trainings on principles of human rights and trainings on treatment of prisoners have not been delivered to prisons.”⁸² The only trainings mentioned in the EHRC’s report were a few trainings organized by the NGO Prison Fellowship and the ICRC for prison officials. According to EHRC, “since these few trainings were not extended to all wardens, it is not possible to say that there is full awareness on the rights and treatment of prisoners.”⁸³

Additionally, there is little information in regards to the content and substance of Ethiopia’s training program, and the supposed educational campaigns and trainings have not, so far, been sufficient to prevent state officials from inflicting torture on individuals. In other words, Ethiopia may be providing

⁷⁸ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, par 51.

⁷⁹ Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights CCPR/C/ETH/1, 28 July 2009, Article 7.65.

⁸⁰ Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights CCPR/C/ETH/1, 28 July 2009, Article 7.62.

⁸¹ Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights CCPR/C/ETH/1, 28 July 2009, Article 7.64.

⁸² Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, para 76.

⁸³ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, para 76.

these trainings because they are mandatory and still be communicating to officials that torture is acceptable and tolerated (or at least will not be punished). This type of superficial compliance with Article 10 should not be tolerated. There is a wealth of evidence showing that Ethiopia promotes and condones torture. In fact, torture is so commonplace and so severe that “detainees frequently reported being beaten and tortured to the point of unconsciousness...Torture, beatings, and sexual violence all appear to be an officially tolerated practice by military commanders, and there are incidents of base commanders personally participating in all such abuses.”⁸⁴ Moreover, Human Rights Watch documented torture at military bases in Jijiga, Wardheer, Kabridahar, Dhagahbur, Shilabo, Fiiq, Hamaro, Dhuhun, Qoriley, Gabagabo, Isku Dholey, Higlaleey, Dhagahmadow, Garbo, Yu’ub, Sheygoosh, and Harar, proving that beatings and torture are a routine and widely tolerated practice at military bases.”⁸⁵ HRW interviewed “more than 30 victims of severe beatings and torture at military bases and has documented several dozen additional cases from family members of victims and former detainees.... Many additional cases of beatings and torture were documented involving army soldiers on patrol or when staying at temporary military bases during patrols.”⁸⁶

What’s more, there is a clear lack of knowledge and education in general as regards Ethiopian law. As The World Bank’s assessment of Ethiopia’s Legal and Judicial Sector reflects, “the publication and dissemination of laws and legal reference materials are extraordinarily limited...Judges at lower judicial levels complained that they do not have copies of laws or updates, particularly at the district levels...Practices are not uniform, and neither citizens nor public officials have copies or even knowledge of all the new laws. Laws and regulations are often inconsistent or contradictory, and efforts to revise and update legislation are not being undertaken in a consolidated manner.”⁸⁷

This serious dearth of information “leads to arbitrariness, unfairness, unpredictable results, and undermines credibility and confidence in the official judicial system.”⁸⁸ What follows, naturally, is that Ethiopian citizens also lack access to, and confidence in, the judicial system. Additionally, “there is little evidence of dissemination of information to the general community about their rights and responsibilities under the formal legal system. Large segments of the population are completely unaware of the existence or the nature of laws, legal rights, the official legal system, or courts, and there are few effective methods

⁸⁴ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 69.

⁸⁵ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 67.

⁸⁶ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 67.

⁸⁷ World Bank, *Ethiopia: Legal and Judicial Sector Assessment*, The World Bank, Washington DC, 2004, p. 26-27.

⁸⁸ World Bank, *Ethiopia: Legal and Judicial Sector Assessment*, The World Bank, Washington DC, 2004, p. 29-30.

to create and build awareness, or provide legal services or advice. Literacy rates are low and media coverage is poor, hindering education and informational campaigns. Even where awareness exists, the public has little confidence in the courts.”⁸⁹

While the Ethiopian Government asserts that training measures and information campaigns are in place for both civilians and police/army officers to help prevent instances of torture, outside investigations by groups such as the ICRC and World Bank have shown the insufficiency of such measures. Legal measures are misunderstood or ignored not only by members of the judiciary, but also by civilians as they are arrested, detained, or under trial. The numerous reports of beatings, torture, and lack of due process in the treatment of detained civilians at the hands of Ethiopian officials clearly shows the inadequacy of an information or training campaigns instituted by the State in accordance with Article 10. Gaps in the implementation of information programs, in addition to blatant violations of anti-torture directives by Ethiopian officials, show that despite legal frameworks in place in support of CAT, the Ethiopian State remains in clear violation of the Convention and its principles.

Article 11: Rules on arrest, detention or imprisonment

Under Article 11 of CAT, signatories agree to systematically review “interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.”⁹⁰

Ethiopia’s official submission to the Convention’s Committee in 2009 upholds that the necessary rules on arrest, detention, and imprisonment are in place in Ethiopia and comply with Article 11. Ethiopia’s submission lists numerous legislative measures and directives which reinforce these rules, spelling out specifically the rights these laws guarantee individuals and prisoners. All rules and regulations closely follow the “Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1988” and aim to guarantee fundamental human rights and protection against torture.⁹¹ (For a full list of those laws which apply to Article 11, please refer to Box 4).

⁸⁹ World Bank, *Ethiopia: Legal and Judicial Sector Assessment*, The World Bank, Washington DC, 2004, p. 30.

⁹⁰ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 11.

⁹¹ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, para 52-55.

The principal features of these directives relevant to the prevention of torture include:⁹²

- The right to sufficient sunlight and air; and adequate toilet and bath facilities
- The right to immediately inform of the detention to one's family
- In time of sickness, the right to be treated in clinics and a hospital, if necessary
- The right to complain before the head official orally or in writing
- The right to consult one's lawyers and the right to visit by family on the basis of schedule issued by the office
- Permit prisoners to talk to lawyers and religious counsellors, without the prison wardens hearing the conversation.

All in all, Ethiopia claims to have a legal framework in compliance with Article 11. Additionally, Ethiopia grants "EHRC, parliamentary groups, international organizations such as the ICRC, and interested NGOs" the right to inspect prisons and detention centres, and takes recommendations by those institutions into consideration in order to correct violations.⁹³ The Ethiopian Human Rights Commission did, in fact, complete a report

Box 5: Ethiopian laws related to procedures of Arrest, Detention, or Imprisonment

The Criminal Procedure Code (which deals with the procedure in the enforcement of criminal laws), the Federal Wardens Administration Council of Ministers Regulations No. 137/2007, the Code of Conduct for Law Enforcement Officials, the "Standing Rules of Engagement" of the Defence Forces, the Treatment of Federal Prisoners Council of Ministers Regulations No. 138/2007, the Federal Police Commission Administration Regulations 86/2003, the Duties and Responsibilities of the Investigation Police Officer Directive (in which an investigation police officer is bound "to ensure statements of the accused are made voluntarily" and "to respect human and democratic rights of the suspected and the witnesses"), the Duties and Responsibilities of the Detention Police Guard Directive (which ensures the "safety of those detained for investigation"), the Duties and Responsibilities of the Detainee Administration Division (which ensures "prisoners obtain necessary food and medication, to allow prisoners take fresh air, to separate the rooms of men and women detainees, to address prisoners' complaints, to allow the use of library by prisoners, recreational and traditional sports, and to ensure the protection of human and democratic rights of prisoners"), the Duties and Responsibilities of Head of Clinic Directive (which agree "to diagnose and treat prisoners and refer those beyond their capacity to higher medical centres and to take immediate measures when a contagious disease occurs"), a notice/directive for treatment of an arrested suspect. Additionally, the standards for the treatment of prisoners are spelled out in The Proclamation on the Establishment of Federal Prisons Commission 365/2003, the Federal Wardens Administration Council of Ministers Regulations No. 137/2007, and the Treatment of Federal Prisoners Council of Ministers Regulations No. 138/2007.

Source: Committee Against Torture, Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, para 52-55.

⁹² Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, para 52-55.

⁹³ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, par 56.

on “Situations of Detention Places in Ethiopia.” The EHRC monitored more than 35 detention sights and evaluated “the rights of detainees as enshrined by the FDRE Constitution and on the treatment of prisoners.”⁹⁴ The EHRC claims that some violations of the rights of prisoners were “then and there effectively addressed” while EHRC was present and monitoring the situation.⁹⁵ EHRC notes that while they observed many good practices in some detention sites, almost all lacked “one or another basic necessities, including food provisions.”⁹⁶ EHRC’s report includes recommendations for increasing the compliance with human rights standards, and in return, Ethiopia’s report implied their willingness to consider these recommendations.⁹⁷

While Ethiopia has clearly spelled out a number of legal measures intended to prevent torture, and has mentioned their willingness to consider recommendations from third parties who inspect detention centres, they fail to show how they themselves “systematically review” these legislative measures to determine whether they are, in fact, sufficiently meeting their goals of preventing torture and guaranteeing human rights. In addition, the actual implementation of prison review by international NGOs has been faced with severe regional biases. The Government of Ethiopia has intentionally barred outside observers from certain prison facilities in the country out of fear of reports surfacing on the widespread occurrences of torture and abuse therein: when the ICRC conducted a national visit of regional prisons throughout Ethiopia in 2000, the organization was prohibited from visiting any sites within Ogaden.⁹⁸

Moreover, the repeated evidence presented in this report proves that these laws are not effectively protecting individuals against torture. While the laws are in place, the execution is certainly not sufficient. Ethiopia’s report fails to acknowledge the fact that, despite Ethiopia’s legal framework, human rights are being violated and changes must be made in order to prevent continued torture and human rights violations.

⁹⁴ Ethiopian Human Rights Commission, *Situations of Detention Places in Ethiopia*, <<http://www.ehrc.org.et/ReportsandFindings/SituationofDetentionPlacesinEthiopiaReport/tabid/100/Default.aspx>>.

⁹⁵ Ethiopian Human Rights Commission, *Situations of Detention Places in Ethiopia*, <<http://www.ehrc.org.et/ReportsandFindings/SituationofDetentionPlacesinEthiopiaReport/tabid/100/Default.aspx>>.

⁹⁶ Ethiopian Human Rights Commission, *Situations of Detention Places in Ethiopia*, <<http://www.ehrc.org.et/ReportsandFindings/SituationofDetentionPlacesinEthiopiaReport/tabid/100/Default.aspx>>.

⁹⁷ See: Ethiopian Human Rights Commission, *Situations of Detention Places in Ethiopia*, <<http://www.ehrc.org.et/ReportsandFindings/SituationofDetentionPlacesinEthiopiaReport/tabid/100/Default.aspx>>; and Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, para 56.

⁹⁸ State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1.c, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

Article 12: Investigation into allegations of torture

Under Article 12 of CAT, signatories agree to conduct “a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed.”⁹⁹ Ethiopia’s official submission to the Convention’s Committee in 2009 maintains that “allegations of crimes of torture, cruel, inhuman, and degrading treatment or punishment are investigated immediately and without discrimination” and that “Criminal investigation is carried out on the basis of the Criminal Procedure Code.”¹⁰⁰ Ethiopia’s submission to the Human Rights Committee in 2009 also emphasizes the right to investigation, and states that in some regions such as Oromo, “the justice bureau of the state government has been providing considerable assistance to victims of torture by representing the complainants and bringing the perpetrators to justice” and there exists an “organ called the Human Rights Protection Department under Oromo’s Bureau of Administration and Security Affairs whose mandate is to monitor detention to ensure that unlawful acts resulting in the violation of the human rights of persons under detention are not committed by means of arbitrary action.”¹⁰¹

The evidence provided in this report shows that torture is frequent and is often committed by Government officials and the police, the very people responsible for reporting and investigating these violations. It is clear that most of these officials are not reprimanded for their actions, and it appears that the threat of legal repercussions for committing acts of torture are miniscule, and certainly do not pose significant enough threat to prevent torture offenders from committing these crimes against humanity. As HRW describes, “mass detentions without any judicial oversight are routine. Hundreds—and possibly thousands—of individuals have been arrested and held in military barracks, sometimes multiple times, where they have been tortured, raped, and assaulted.”¹⁰² In fact, “almost all persons formerly held in military detention interviewed by Human Rights Watch suffered severe beatings and torture...detained women and girls have routinely been raped at military bases and Human Rights Watch has also documented several dozen extrajudicial executions in military bases, sometimes carried out in front of

⁹⁹ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 12.

¹⁰⁰ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, par 57.

¹⁰¹ Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights CCPR/C/ETH/1, 28 July 2009, Article 7.53-54.

¹⁰² Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 4.

other detainees in order to terrorize them into confessing involvement with the ONLF.”¹⁰³

However, despite such evidence, the Ethiopian Government has not produced any impartial inquiry into crimes committed in the Ogaden, and continues to deny reports of violence and torture in the region. In response to the repeated denials and lack of transparency from the Ethiopian state regarding rights violations in conflict regions, a UN delegation from France presented a request to Ethiopian officials to establish an independent inquiry commission into the human rights violations in Ogaden, particularly in wake of the 2007 military offensive in the region. In response to France’s request, Ethiopian officials asserted curtly that they had already sufficiently investigated the region for any rights violations, and that “no sovereign state has an obligation to establish an international commission of inquiry.”¹⁰⁴ While this Government-commissioned investigation was allegedly carried out in late 2008, the reports produced from investigators have not been reviewed by the United Nations, nor any external arbitrators, and have resulted in no change in Defense Forces tactics.¹⁰⁵

Such denial of instances of torture and instances of cruel punishment has become routine in the current Ethiopian regime: after Ethiopian government troops attacked and killed 424 Anuak civilians in the Gambella region in December 2003, international NGOs called on the Government to arrest those responsible for the attack and launch an official investigation. Four months later in an interview with Reuters, Ethiopian Prime Minister Meles Zenawi dismissed the reports of the massacre as a “fiction,” claiming that “only people who had been killed by the military in the area were armed Anuak insurgents who had staged cross-border raids from Sudan.” This absolute denial was in the face of numerous eyewitness testimonials to the massacre and a full list released by NGO Genocide Watch with the names of all 424 victims.¹⁰⁶

With mounting cases of torture stacked up against them, it is the duty of the Ethiopian state to conduct a proper, impartial investigation of any and all allegations as dictated in Article 12 of this Convention. The State’s continued denial of acts of Government-sanctioned torture and violence within its jurisdiction pose a serious threat to Ethiopia’s record as signatory to CAT.

¹⁰³ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 64.

¹⁰⁴ Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010, p. 10.

¹⁰⁵ Amnesty International, *Ethiopia: Amnesty International Submission to the UN Universal Periodic Review*, Amnesty International, AFR 25/004/2009, 13 April 2009, p. 4.

¹⁰⁶ Genocide Watch, *World Organization Against Torture and Genocide Watch respond to Ethiopian Prime Minister’s denial of massacres of Anuaks in interview with Reuters*, Genocide Watch, Washington, 5 May 2004.

Article 13: Right to complain

Under Article 13 of CAT, signatories agree that “any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.”¹⁰⁷

Ethiopia’s official submission to the Convention’s Committee in 2009 states that the Criminal Procedure Code guarantees the right to complain and to protection from retaliation. Under this code, police are obligated to investigate complaints, and victims can appeal to higher authorities if a police refuses this duty. Prisoners are guaranteed the same right to complain, and can also petition to higher authorities, such as the federal crime investigation department or to the head office of prison administration, in the case that the prison guards or officer fails to investigate the complaint. Moreover, complaints can be made anonymously, and “if there is fear of retaliation, police officers may be assigned to protect victims, their families and witnesses.”¹⁰⁸

Ethiopia’s submission as regards Article 13 is unconvincing. It is clear from the evidence presented in this report that torture and abuse at the hands of police and Government officials are common and ineffectively regulated, if not condoned outright. The Ethiopian Human Rights Commission’s Prisons’ Visit Report from July 2008 confirms that even though prisoners have the right to complaint to prison officials, in some prisons, “prisoners’ committees and wardens harass prisoners to discourage the submission of complaints.”¹⁰⁹ Citizens with complaints are likely to have difficulty finding the appropriate authority to complain to, given the prevalence of corrupt officials. Moreover, an individual may face retaliatory measures before reaching the high-level officials that will actually protect him or her. The resulting fear of retaliation is thus still a huge deterrent to victims. Additionally, Ethiopia’s report says nothing about educating the public regarding their rights to complain and to protection. The legal process for voicing complaints and appealing decisions can be complicated, and the government cannot assume victims have the knowledge or ability to take advantage of the legal tools at their disposal.

¹⁰⁷ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 13.

¹⁰⁸ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, par 58-9.

¹⁰⁹ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, par 74.

Article 14: Remedies for victims

Under Article 14 of CAT, signatories ensure a “victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.”¹¹⁰ Ethiopia’s official submission to the Convention’s Committee in 2009 states that rights to compensation are spelled out in the Common Core Document and the Civil Code. These codes state that victims of torture have “the right to institute civil suits against wrong doers and claim compensation,” even if the accused is a civil servant or the State itself.¹¹¹

While Ethiopia may have the legal framework to officially comply with Article 14, it is not clear whether, in practice, these laws can be considered “enforceable.” There is no evidence presented as to how many individuals are able to effectively claim this right, but it is clear that the majority of torture victims are not receiving remedy for the abuses they faced. The only centre dedicated to granting remedy and rehabilitation to victims of torture, the Rehabilitation Centre for Victims of Torture in Ethiopia (RCVTE), located in Addis Ababa, is now under threat of closing since its international funding was cut off with the Parliament’s passing of the “Charities and Societies Proclamation” in January 2009. This controversial new law forbids all foreign funding and support to Ethiopian civil society organizations (CSOs), severely limiting the functioning power of any and all non-governmental associations in the nation, including the RCVTE.¹¹² In addition, strenuous new registration measures under the newly formed Charities and Societies Agency (CSA) were put into place, and CSOs stepped immediately into action through cutting staff and programming in anticipation of the new bureaucratic processes.¹¹³ Many NGOs are also now beginning to censor themselves to a higher degree, fearing further government reprisals or disfavour from officials.¹¹⁴

These new measures threaten the work of RCVTE, established in 1993 and committed to contributing to the improvement of the lives for victims of torture, with an average of 240 patients per year, most of

¹¹⁰ *Convention Against Torture*, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)), Article 14.

¹¹¹ Committee Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Ethiopia*, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment CAT/C/ETH/1, 28 July 2009, Article 9, par 60.

¹¹² Human Rights Watch, “*One Hundred Ways of Putting Pressure: Violations of Freedom of Expression and Association in Ethiopia*”, HRW, New York, March 2010, p. 44.

¹¹³ Human Rights Watch, “*One Hundred Ways of Putting Pressure: Violations of Freedom of Expression and Association in Ethiopia*”, HRW, New York, March 2010, p. 45.

¹¹⁴ Human Rights Watch, “*One Hundred Ways of Putting Pressure: Violations of Freedom of Expression and Association in Ethiopia*”, HRW, New York, March 2010, p. 46.

whom were tortured under the previous government, while 5% are victims of torture under the current regime. The centre provides medical and psychological assistance to victims, but is limited only to working in Addis Ababa, leaving many torture victims from Ethiopia's rural areas with no recourse for rehabilitation and support.¹¹⁵

¹¹⁵ For more information on RCVTE and its activities, please contact Dr. Yared Tilahun at rctve@ethionet.et.

Conclusion and Recommendations

The level of abuse and torture levelled at civilians in Ethiopia remains dire, despite repeated official guarantees to the contrary. The widespread incidents of arbitrary detention, torture, extrajudicial killing, and lack of due process for detainees at the hands of the Ethiopian Government can no longer be tolerated by the international community. As a signatory to CAT, Ethiopia is under strict obligation to uphold the articles and principles therein, and yet has routinely denied any and all violations towards human rights mounted at its citizens.

While Ethiopia has claimed it has sufficiently investigated the allegations of human rights violations in both its national prisons and the Ogaden and Oromo conflict regions, any reports produced by Government investigators have remained inaccessible to external observers. Such denial and lack of transparency is not in keeping with international standards of human rights, and as a signatory to CAT, Ethiopia has a duty to uphold such standards and cease all activities which flout the provisions of the Convention.

In light of the arguments and evidence presented above, the following recommendations for the consideration of the Government of Ethiopia:

1. Allow for an independent, international investigation into the reports of mass arrests, torture, and extrajudicial executions of civilians in the Ogaden and Oromo regions by Government forces to be completed by September 2011;
2. Allow free access to independent national and international media into conflict regions immediately;
3. Begin to close gaps in the implementation of torture education and information training programs for police, judicial, and Defense Forces to ensure that members of such forces understand the criminality of any and all acts of torture, cruel and inhuman treatment;
4. Allow external bodies, including the ICRC, to monitor the adherence of the Government of Ethiopia to the Geneva Conventions, specifically those which guarantee the protection of civilians in areas of armed conflict;

5. Allow for the immediate prosecution of any and all individuals who have been found responsible for the incidences of arbitrary arrest, torture, and extrajudicial executions;
6. Allow for the immediate release any and all illegal detainees imprisoned under false allegations of suspicious activity related to the OLF, ONLF, or political opposition networks, including; Mahdi Ayub; Sultan Fowzi Ali Abdi; Bisharo Wa'di and Bashir Mukhtal.
7. End the practices of torture witnessed at state prisons throughout Ethiopia, including makeshift prison facilities on military bases;
8. Allow the residents of Ethiopia, particularly those marginalized in the Ogaden and Oromian regions, to enjoy their full political rights as defined by the Ethiopian Constitution and international instruments that are verifiable by independent bodies.

Annex I: Further testimonials of instances of torture from the Ogaden Region, as collected by African Rights Monitor, 2010

1. Victim 1:

Victim 1 was born in Qabridahar, Ogaden Region of Ethiopia, a young orphaned girl, was subjected to brutal torture and raped by the Ethiopian Government's security agents. She retains critical physical injuries, including lesions visible on her breasts due to electroshock torture conducted on the tips of her breasts by the Security and Peace administration head, Abdi Mohamud Omar (Abdi ilay) and his associates.

On 05/09/2006, she was arrested by security agents in DireDawa town. They kept her two nights, then she was transferred to Garab'ase Military base in Jijiga city. While there, she was placed in an underground cell for 7 days. During this period, they tortured her with various means; usually they used to punish her physically from 9:00 am to 12:00 am by beating. As Victim A explains, in the afternoon, "they used to handcuff me, placing me upside-down and beating me hard. During night time from 8: 00 pm-12:00 pm, they used to torture me with electric cables. Currently, I still suffer from the electric torture as I feel pain in my breast and thigh."

2. Victim 2:

Victim 2 was born 1981 in Qabridahar, studied at a Primary School in Qabridahar and Secondary School in Jijiga. While Victim 2 was an Ethiopian Regional Supreme Court judge with legal immunity, he was illegally arrested on 08/09/2006 at Dire Dawa without any formal charge by Abdi Mohamud Omar and Awaday, Head of the Security and Peace Coordination Bureau and Head of Military Intelligence, respectively.

After days of imprisonment in different military camps and prisons, he was transferred to Jijiga, where he was beaten, brutally interrogated, and harassed in an underground cell of military garrison, Garab'ase. He was transferred to Ayar-hail, a military camp where he was visited by a delegation of ICRC. An Ethiopian Federal Mobile High Court ordered his release, involving bail money, on 25/12/2007. Since that development took place unbeknownst to his earlier custodians (the security forces), within hours after he was released, they attempted to re-arrest him again. It became thus clear that he had to find a secure place to live, and through a difficult and risky itinerary he managed to reach Nairobi.

3. Victim 3:

Victim 3 was born 1987 in Jigjiga, Ogaden region of Ethiopia. Victim 3 was arrested by Ethiopian security on 17/6/2004 while she was attending her classes in Jigjiga senior secondary school. While in prison, she was arrested and ill-treated: she was gang raped and her right leg was broken by the Ethiopian intelligence agents.

As Victim 3 explains: “They handcuffed me and arrested me in a solitary, dark cell. In the cell, I used to eat a small piece of dry Ethiopian Injera once every two days. During this hard time, two of security agents broke my right leg, a mark from which is still visible. I became unconscious for their beating, when I recovered, I escaped alone into the Jijiga environs.”

After she recovered from the operation in the leg, she started her study in ADMAS College in Addis Ababa, Department of General Management on March 2005. “After the completion of two semesters, three plain-clothed security persons came to my home. They asked my name, took me to a nearby car, handcuffed me, and took me to military barrack in Addis Ababa city where I was detained for two days,” says Ilhan. In the third day, she was transferred to Ayar-hayl (military detention) in Jijiga (the same site that security agents had previously maltreated her).

4. Victim 4

Victim 4 was born in 1980 in the Lukjelow refugee camp as part of the Ogaden war (1977/8) in Somalia. Victim 4 underwent his primary and secondary education in Qabridahar and Jigjiga respectively. He completed his Bachelor of Science in Urban Planning from Ethiopian Civil Service College in the summer of 2006.

“While I was serving for the Ogaden Welfare and Development Association (OWDA); I was detained, beaten and harassed in Dalad village of Qabridahar on February 27, 2007 as a result of my career and the military’s suspicion against NGOs. When I shifted my career in May 2007 to the Water Bureau of the Somali region under the World Bank-financed WASH program as a Technical and Training Skills specialist, I was forced to cut 15% of my monthly salary (\$465.12) to the government’s campaign of counter insurgency under the Security and Peace Coordination Bureau (SPCB) headed by Abdi Ilay from July 2007 to May 2008 without my consent. Not only was my salary paid to the campaign, but also my

own life was risked after I was forced to participate in the operation myself on November 25, 2007; I was sent to Kabridahar under the leadership of my bureau's boss, Mohamed Y. aided (Fuluus), though I was not trained in Para military tactics, I participated in a clash between ONLF rebels and government backed militia and military forces.”

Furthermore, Victim 4 was targeted by the security forces who accused him of being an anti-government element, particularly Wolde-adwa, Abdi Ilay, and Biniyam, the Deputy Commissioner of Police, SPCB head, and Ethiopian National Security-Jigjiga Area Head, respectively. In this situation, Victim 4 had been publicly harassed, threatened with extended prison terms and even execution by the mentioned office bearers.

Faced with this environment of intimidation, Victim 4 decided to leave his country and impose self-exile. Not only Victim 4 is a refugee in Kenya, but his entire family including his mother and five other siblings are asylum seekers registered under UNHCR after undergoing torture and threats of death.

5. Victim 5

Victim 5 was born in 1984 in Degahbur town of the Ogaden region, Ethiopia. Victim 5 studied for his primary and secondary education in Degahbur and Jigjiga, respectively. To complete his higher education, he enrolled at the Agricultural Technical and Vocational Training College in Agarfa, Oromia region of Ethiopia. Victim 5 was also a member of the District Council Parliamentary of the Aware district, and also headed the Pastoral Development Coordination Office in the Aware district from 2004 to 2006.

Without charge and formal legal trial, Victim 5 was detained for months in jail multiple times, and suffered torture and abuse. Victim 5 was detained in the Degahbur police station and transferred to Jigjiga (Garab'ase military barrack) from September 10, 2003 to March 21, 2004. While in military custody, Victim 5 underwent inhumane treatment and torture: “They used to enforce strict food sanctions and beatings, handcuffed me for more than 72 hours, and hung me upside down and naked from a tree,” says Victim 5. More brutal interrogations were done by colonel Minalu, an Ethiopian Military Commander. Victim 5 was detained again in Jigjiga from June 1st, 2007 until May 7th, 2008 by Colonel Minalu and Abdi Mahamud Omar (Abdi Ilay), Military Commander and the Ogaden Region's Security Head, respectively.

Victim 5 was again detained in Addis Ababa from November 15, 2008 to April 7th, 2009. In this detention, Victim 5 experienced harsh interrogations with severe torture such as the placement of cold water over his body while naked on floor by Engidaw and his associates, members of the National Security Office.

6. Victim 6

Victim 6 was born in the 1960s in Qabridahar town, Ogaden Region. She is the mother of 7 children.

Victim 6 had been arrested several times by Ethiopian military and security forces, each time undergoing severe instances of torture. One such instance occurred on 19/03/2001 in Qabridahar, where she was arrested and then transferred to the Jijiga Military barrack. As she explains, “while in Qabridahar custody, they used to beat me with heavy sticks, left me without food for 48 hours, and forbade me access to judiciary institutions. When transferred to Jijiga, I was forced to pay a bail of 25, 000 Eth. Birr (U.S.\$3000) which was illegal and unconstitutional. I was freed then freed on March 20, 2004.”

However, that never guaranteed for Victim 6’s safety from persecution: Victim 6 was again targeted by security forces in Jijiga who re-arrested her on January 2008. She managed to escape, however, and left her homeland to the neighboring country of Kenya.

7. Victim 7

Victim 7 was born in 1986 in Aware District of the Ogaden region. Victim 7 went to Primary School in Aware, and Intermediate and Secondary School in Jijiga. Later she joined the Harar Senior Nursing College in the Department of Midwifery.

Victim 7 was arrested on April 7th 2003 by regional police personnel in Jijiga town without any charge. She stayed in jail for a period of nine months, and was released without any legal procedure. On March 11th, 2004, the Jijiga police forces arrested her again for a period of 6 months. “Throughout this period they interrogated and tortured me and I did not have health services and food in the jail,” explained Victim 7.

Victim 7’s home was raided by Ethiopian security agents and police forces in early December, 2009. Fortunately, she was not at home at that time, and managed to escape from the impending persecution.

8-Victim 8

Victim 8 was born on 17th June 1983 in Degahbur, Ogaden Region of Ethiopia. He completed his primary and secondary education in Jijiga. Victim 8 got his Bachelor's Degree in Computer Science from the International African University in Khartoum-Sudan from 2003 to 2006. Victim 8 worked from July 2007 to May 2008 in the IT Department of the Finance Bureau in Jijiga, the capital of Ethiopia's Somali Region (Ogaden).

Ethiopian soldiers and security caught him on 28th May 2008 putting him in different military detention where he met untold inhumane torture. He was continuously physically beaten and denied access to communicate with his family. He underwent intimidation and continuous threat of being killed if he did not confess that he is an Ogaden National Liberation Front (ONLF) supporter. After being released, the Ethiopian Intelligence and the Head of the Security Mr. Abdi Mohamed Omar ordered prohibited him from returning to his job posting.

Victim 8 headed to Addis Ababa where he got a job in the Money Remittance Company of KAAH. But unfortunately, "a group of the Federal Police and intelligence caught me once again in the early morning of 11th Feb. 2009 when all were asleep", narrates Victim 8. "They took me to one of the most infamous federal police investigation stations, Ma'ikalawi, where they forced me to confess that I am a supporter of ONLF and that I give information to the Humanitarian Organizations that get into the country", tells Victim 8. Mr. "Commander Alemayu and Abraham tortured me in humanly: beating hardily with Kalashnikovs while I was handcuffed at back, and beating me with sticks made of iron wire."

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