

**Convention Against Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment**

Committee Against Torture

**Written information for the examination of the Ethiopia's initial
report under Article 20 (1) of the Convention.**

45th Session

Submission by Oromia Support Group (OSG)

1. Introduction

Ethiopia, with a population of almost 85.2 million people, is the second most populous country in Sub-Saharan Africa. It is a land in which human rights abuses have become part and parcel of daily political life. George B.N. Ayittey, president of the Free Africa Foundation in Washington ranked him a worse dictator than the Marxist dictator he ousted nearly two decades ago¹. Accordingly, ‘Zenawi has clamped down on the opposition, stifled all dissent, and rigged elections’². Ethiopia receives nearly \$1 billion in foreign aid each year. The recent re-election of the ruling party, the Ethiopian People Revolutionary Democratic Front (EPRDF), with 99.6% of the vote means that at the end of the current term they will have been in power for a minimum of 25 years.

Among the many nationalities in Ethiopia, the Oromos occupy an important position both geographically and socio-economically. The Oromos account for largest portion of Ethiopia’s projected 85.2 million population; the regional state of Oromia contains 75% of its forest resources, and is significant in terms of imports and foreign exchange. The Oromo people however remain marginalized in the political field and human rights abuses are common in Oromia.

2. General Legal frame work under which Torture, Inhumane and degrading treatment is prohibited

Since 1994 Ethiopia is the state party to Convention against Torture (CAT). Both the substantive and procedural laws prohibit the practice in the strongest terms possible and penalize acts constituting torture. In addition to the international human rights instruments to which the country is a signatory, the constitution of the Federal Democratic Republic of Ethiopia unequivocally prohibits inhumane and degrading treatment or punishment under Article 18. A corollary of this general prohibition is the right to security of the person, which accords everyone due protection against bodily harm. According to the constitutional provision, everyone has the right to protection against cruel, inhumane or degrading treatment or punishment. Although the Constitution does not explicitly use the term “torture” in its formulation, there could be no doubt that the practice is altogether banned within the extended meaning of the broad prohibition of “cruel or inhumane and degrading treatment or acts”. The fact that the right to be protected from torture and other forms of cruel, inhumane and degrading treatment or acts has consciously been added to the list of those rights and freedoms immune from suspension or limitation by the Council of Ministers when imposing a state of emergency decree, clearly demonstrating its importance. The Constitution also places torture on the list of crimes against humanity whose prosecution cannot be barred by a statute of limitation and whose penalties cannot be commuted either by pardon or amnesty by any

¹ Foreign Policy publication Prime Minster is ranked 9th in The Worst of the Worst leaders of the world. http://www.foreignpolicy.com/articles/2010/06/21/the_worst_of_the_worst?page=0,9

² Ibid

state organ, including the legislature (FDRE Constitution Article 24(1))

The Criminal Code, which has been revised and enacted in 2005, penalizes the act of any public servant charged with the arrest, custody, supervision, escort or interrogation of a person if he or she treats the victim concerned in an improper or brutal manner or in a manner incompatible with human dignity, especially through the use of cruelty by way of physical or mental torture. Such a criminal offence is punishable with up to rigorous imprisonment of no less than 10 years, plus a fine in serious cases. The punishment is even heavier when it concerns public officials who may have ordered the act to be committed under the guise of their constitutional or statutory authority. The Criminal Procedure Code enacted in 1961 also enumerates specific acts that a police officer or any person in authority is not allowed to commit during investigation. In order for any act of criminal investigation not to result in the violation of the rights of persons in custody, the Criminal Procedure Code emphatically bans the use of improper methods, including any kind of inducement or treatment in the course of interrogating suspects.

Ethiopia is a party to various UN human rights treaty bodies. One such legal instrument is the Convention Against Torture and Other Cruel or Degrading Behaviour or Treatment (CAT), to which Ethiopia has been a party since 1994. Since this international instrument is now part of the domestic legal apparatus, the definition of torture in the nation's domestic legal system therefore shares the same meanings attached to the notion as by this instrument of comprehensive application.³ Although the country was obligated to submit its initial report in 1995 and submit subsequent reports every four years from there on as required under art. 19 of the Convention, the Government submitted its first report 14 years later, in July 2009.

2. Summary of reports by human rights advocates

The Ethiopian government's human rights record has been criticized by human rights organizations, including Amnesty International (AI)⁴, Human Rights Watch⁵, and Survival for Tribal Peoples⁶, The International Commission of Jurists (ICJ), The Committee to Protect Journalists⁷, Oromia Support Group (OSG)⁸, the Ethiopian Human Rights Council (EHRCO)⁹, Oromo Human Rights and Relief Organization (OMHRO)¹⁰, International Federation of Human Rights (IFDH¹¹), Society for Threatened Peoples International¹² Reporters without Borders¹³, Human Rights League of the Horn of Africa (HRLHA)¹⁴, US State Department reports on human rights practices, and the European Union (EU),

³ UN Human Rights Committee (HRC)

⁴ AI INDEX:AFR 25/06/95 DSTR:SC/CO/GR

⁵ <http://www.hrw.org/wr2k3/africa5.html>

⁶ Menschenrechtsverletzungen in Äthiopien, 2000 Genf <http://www.gfbv.de/inhaltsDok.php?id=273&stayInsideTree=1>

⁷ VOA Broadcasting on 2s March 1999 in E/CN.4/2005/NGO/329

⁸ Trevor Truman Human rights violation in Ethiopia, http://vsites.unb.br/ics/dan/geri/boletim/trueman2_1999.pdf

⁹ See For example regular report no.22 www.ehrco.net

¹⁰ For example Human rights Violation in Ethiopia report No.3 by OMRHO

¹¹ Ethiopia: Human rights defenders under pressure fidh report no.417/2- April 2005

¹² Commission On Human rights Sixty-first session written statement E/CN.4/2005/NGO/231

¹³ Reporters without borders Ethiopia - 2004 Annual Report released 03-05.2004 www.rsf.org

¹⁴ <http://www.humanrightsleague.com/> see HRLHA reports

etc. Various individuals who by themselves were victims or were part of the government or Human rights researcher were witnessed the human atrocities conducted by EPRDF regime.

Since 1992, and for the last consecutive 18 years, AI's annual report¹⁵ has always enclosed documentation regarding human rights violations in Ethiopia, including torture¹⁶.

On 27 October 1994 EU openly showed it's concerned on Human rights violation in Ethiopia and passed a resolution that calls the Ethiopian government to bind with its own constitution and covenants it agreed¹⁷.

The International Commission of Jurists (ICJ)¹⁸ expressed that, 1 May 1995 – EPRDF administration is exercising extra-judicial killings, torture and “disappearance “.¹⁹

The European Parliament has passed resolutions criticizing the Ethiopian government for its human rights record, in every year since 1997²⁰. On 18 September 1997, the European Parliament called on the Ethiopian government to put an end to politically motivated persecutions and to abuses such as extra judicial killings, disappearances, torture, detention, rapes and arrests, in accordance with its constitution²¹.

Human Rights Watch, in its World Report 2001²², released 8 February 2002, stated “The government jailed civil rights advocates, political rivals, students and journalists without formal charges, and police used lethal force against unarmed civilians The minister of education acknowledged that Ethiopia's justice system had major deficiencies”

The 2001 and 2002 US State Department reports on human rights practices in Ethiopia²³ are more critical than any before. For example, ‘Security forces committed a number of extra-judicial killings and at times beat and mistreated detainees. Prison conditions are poor. Arbitrary arrest and detention and prolonged pre-trial detention remain problems.’²⁴ This is remarkable because several organizations have criticized State Department reports for being too lenient. Examples of human rights violations may be seen in the attached press releases or, for example, the detailed report by Amnesty International, *Ethiopia. Accountability, past and present, human rights in transition*, April 1995.

On 16 July 2002 the European Union (EU) has demanded a public inquiry into disturbances in Southern Ethiopia, which left at least 128 dead. EU Ambassadors held a meeting with officials from the Ethiopian ministry of foreign affairs, during which they requested that a "transparent, public and open"

¹⁵ Ethiopia, *Accountability, past and present, human rights in transition*, April 1995, Amenity International 2004

¹⁶ AI INDEX: AFR 25/06/95, DISTR: SC/CO/GR

¹⁷ B4-0284 and 305/94 European parliament. Resolution on Human Rights in Ethiopia October 27,1994

¹⁸ ICJ summary report by Reuter 01.05.1995

¹⁹ <http://www.unhcr.org/refworld/country,,MARF,,ETH,,469f3887a,0.html>

²⁰ See for example http://www.ethiopolitics.com/articles/resolutiononEthiopia_EU07.htm

²¹ Minutes of European Parliament Resolution on Human Rights in Ethiopia, 16(f) B-4.0785/97, 18 September 1997

²² Human Rights Watch World Report 2001 Ethiopia, Human Rights developments, New York 8February 2002

²³ U.S. Department of State Country Reports on Human rights practices-2002 Ethiopia 31 March 2003

²⁴ U,S Department of State Country Reports on Human rights Practices-2001, Ethiopia 4 March 2002

inquiry be launched into what an EU diplomat described as an atrocity. The EU urged the Ethiopian government, those who are responsible for the atrocities in Tepi and Awassa to be prosecuted.

Oromia Support Group (OSG) since its establishment in 1994 has always reported on Human rights violation including list of tortured victims in Ethiopia²⁵.

Sue Pollock in March 1996²⁶ prepared a very comprehensive report on human right violations in Ethiopia. Her report was with substantial witness and victim reports. Photos included in her reports can be found in the appendix.

3. Reported Torture Methods and Torture Places

According to the Sue Pollock report (1996)²⁷ and AI report (1995)²⁸, torture methods employed against prisoners by government military or security officers include the following:

3.1 Torture methods

- Tying the prisoner with plastic strings around the upper arms pinned together behind the back, and leaving the victim tied up for several hours or even a few days, causing intense pain, swelling and paralysis of the fore-arms and hands, which may be permanent;
- Tying prisoners in other ways, or hanging them up by ropes, then beating them, and beatings on the soles of the feet (also called falana);
- Beatings with sticks and guns butts and whipping with electric cable, while the victims are forced into a kneeling or prostrate position;
- Death threats, with guns held at the head;
- Electric shock
- Kicking and beating with guns, metal bars, sticks, and stones, whilst victim's limbs are tied or manacled with chains and handcuffs (British and Italian made).
- Carrying a heavy rock 70-80Kg on back whilst going up and down stairs for several hours.
- Hanging 2-3 Kg of weights on men's testicles for hours.
- Castration
- Being made to lie naked and still all-night, under threat of shooting by guard if seen to move.
- Removal of finger and toe nails
- Confined to a "small dark room" in the same for up to 4 months.
- The rape of women, impalation of vaginas, and electric shocks

3.2 Places of Torture

Torture has generally been committed outside official places of detention such as police stations and prisons. It has been reported in the following circumstances:

²⁵ www.Oromo.org

²⁶ <http://oromo.org/osg/pr100296.htm>

²⁷ 10th February, 2006, the Glasgow Herald

²⁸ Ethiopia Accountability past and present AI INDEX: AFR 25/06/95

- Beatings at the time of arrest;
- Torture in secret security prisons or safe houses or military camps in different parts of the country, including Addis Ababa;
- Prisoners taken into the bush to be tortured;
- In an area of armed conflict, peasants or nomads tied in public and left there as an example to others;

In rural areas where political oppositions are active, or where the security forces suspect that the oppositions have support or shelter

4. Specific sample cases of Ethiopia's government for its violation of the Convention against Torture

The testimonies of two individuals are presented below. We approached Subject A and Subject B and they were willing to share with us what happened to them while in prison in Ethiopia. Currently, Subject A is living in Germany whilst Subject B lives in Norway, both as recognized refugees. To begin with Subject A, an extract of his testimony on TASSC (Torture Abolition and Survivors Support Coalition) 13th Annual Conference, June Survivors Week 2010 held in Washington DC was taken with his explicit permission for this purpose.

4.1. Subject A's Case

I was born on 15.01.1962 in Nedjo district, Ethiopia. I belong to the Oromo Nation, one of the largest nations in Africa. Currently I am living in the Federal Republic of Germany.

I initially graduated from a Teachers Training College, Ethiopia. Later I was awarded Doctor of Veterinary Medicine, DVM, and Degree from Moscow Veterinary Academy. I served in Ethiopia in my profession, both as high school biology teacher and a veterinarian for more than 12 years. Currently, I'm living in the Federal Republic of Germany, having been granted political asylum. I am married and a father of two children. I was abducted from my office by a group of TPLF/EPRDF soldiers, detained incommunicado in military camps and tasted the brutal torture. I was detained for one year and twenty six days in four detention centres, and appeared in front of court 35 times and at three different courts for one and the same case. My court case took a solid four years before it was concluded.

I decided to make this case public as it was not well exposed by anybody or any humanitarian organization on one hand, and to indicate the depth of human right abuses committed by the TPLF/EPRDF regime specially in the countryside of Oromia which still continued intensively and remained fully uncovered by any national or international human rights advocating groups. It is unfortunate that most human right abuses committed by the TPLF in the countryside of Oromia remain hidden from the International Community, and this in turn favoured the TPLF regime to mask its gross human right violations under its

white paper constitution.

The harsh torture I faced in detention centres and the happenings what I saw on my prison colleagues initiated me to expose these hidden genocidal acts. Unless the perpetrators of human right abuse are brought in front of a court of justice, the process of human right abuse seems to the perpetrators just and legal; and this encourages them to continue with atrocities. In fact, what I write here may seem to many as a fiction or an exaggeration. But, all are true and can be proved by all possible means. Some two months before being detained I was asked to be a member of the ruling party EPRDF by Mr. Fekadu who was the Menasibu district assistant administrator. I rejected the request and told him that I like to serve my people in my profession. Some weeks later I was called to the district administration by the ruling party cadre and again asked to be member of their party. When I reject his request he was very much disappointed and started to raise various intimidating questions. I took a firm stand not to join them. It was months later that I was abducted. It was a time when special commando force was sent from Hurso Military Centre of Eastern Oromia in January 1996. It was part of this commando force operating in Mendi area that extra - judicially killed many Oromos under torture. I was also a victim of this operation. By this force, thousands of civilians like farmers, business-men, civil servants, students, elders and women were arbitrarily detained and brutally tortured. The property of many civilians who have been detained at the same time with me was also confiscated.

It was on 23rd of February,1996, at about 9 o'clock in the morning that three fully armed EPRDF soldiers guided by a police man named Kebede Defersa, took me from my office to the military camp known as "Esapa" in Mendi town, Western Oromia region. In this military camp I was taken into a small room for interrogation. On the gate of this room one of the soldiers searched for what was in my pocket and confiscated all including my identity card. I was then pushed into this room and been interrogated by a group of four soldiers. The chief of this group, a Tigrean man, ordered me a list of clandestine OLF members in that area or elsewhere to expose. Fortunately, I knew no OLF members active at that time and I couldn't give them any name. He further warned me by pointing a loaded pistol at my face, that he is ready to execute me unless and otherwise I obey his order. In addition he said "You were a member of the Union of Oromo Students in Europe (UOSE), when you were abroad."

Because I had nothing to tell him they shifted me in the afternoon at about 14:00 to HENA military camp by a car with plate number 2. 00108 (this car belongs to Ghimbi administration office) guarded by eight highly armed soldiers. This military camp, Hena, was a known torturing and killing centre as it is located outside the town near the Forest of Henna River. After arriving in this military camp, I noticed a lot of Oromo detainees. As a result of torture some of them were unable even to sit. For example: a business man and Reverend (who after being shot with a bullet on his arm in (Finfinnee) Addis Ababa, escaped the assassination attempt and came to Mendi) had been detained. Some others were unable to lie down or walk. For example: A Pharmacy owner and in his sixties; a trader; a young businessman. These were among those severely tortured, beaten to such an extent they could hardly walk. One died years later due to the post torture trauma complications. I used to see these detainees in this military camp during the latrine

hours as I was held incommunicado for fourteen days in a separate cell measuring 2m x 2m in size. This cell, in which I was held, was constructed from metals, and acted just like a cooking oven in the hot climate.

On the date I was detained, 23rd of February, in the dark evening at about 9:00, I was taken out of my cell for torture to the hill side of Hena River by two soldiers. Prior to my detention, I had information that Mr. Taha Isa, also an Oromo, was assassinated in this military camp. So, when the soldiers terrorized me by saying that they are going to execute me I felt completely in a panic. When I reached the hill side, two other soldiers were already waiting for me in that dark night having a hand Battery to commit the torture against me. Then after, one of the soldiers took off me all my clothes, including my underwear, tied my arms firmly together to the back to the extent of blocking blood circulation, and kneeled me down on the gravel. After sometimes due to the ceasing of blood circulation my fingers felt ready to burst. It was the most painful thing I have ever experienced. Then, a group of three soldiers began to beat me, kick me, insult me, and do everything at their disposal to dehumanise me. When they were unable to extract any information, Mr. Ahimed, the chief of the group, inhumanly knocked me down with his pistol after which I lost consciousness. I do not remember how they took me back to my cell that night.

The second morning, 24th of February, when I regained consciousness, I found myself in my cell, my mouth full of clotted blood, and my tooth broken. Also on the 2nd day, in the evening, at about the same time, 9 o'clock, two soldiers took me out of my cell to the same torturing site near Hena River. They repeated all the torturing methods they used against me a day before. After a long time interrogation and torture, one of the soldiers came up with fresh human excreta on the tip of a stick, and inserted it into my mouth. When I began to vomit endlessly, they laughed at me. Then after, they pulled me back to my cell.

In the following days, 25th Feb 1996 until 1st March 1996, the torture only took place during the night. Different groups of soldiers would take me to a torturing room situated in the centre of that military camp at least once per day. This torturing room where interrogations and torture were committed every day was equipped with one metallic table, sticks, wined electric wires and ropes. Every day during the interrogation apart from beatings by these torturing instruments pointing a loaded pistol at my face was a common sadistic practice. On 2nd of March, another horrible terrorizing method had happened. Instantly at about 9 o'clock an automatic gun fire begun from different directions onto the camp. An order was continuously given to the soldiers from the commander to "take a measure". The gun fire ceased after some 15 minutes of continuous fire. Then the camps become completely silent.

During the next morning all the soldiers were called for a meeting except those who are assigned to watch us. I tried very politely to communicate with the guard assigned to watch out my cell. He didn't feel comfortable. By looking at his surroundings and after being sure that no other soldier was following him, he began to tell me the case. He said, "There were soldiers who were assigned to execute you during yesterday's night gun fire, but they didn't accomplish their task and that is why an evaluation meeting is going on now". I asked him who fired the gun. He told me that "it was from us, the soldiers in this camp

assigned to do”. I asked him why that was. He told me that “it was a constellation to assassinate you all. The gun fire was arranged as if the OLF opened it on the camp to help you escape. And there were soldiers assigned to assassinate you during this fire. At the end those who were assigned didn’t accomplish their task and the plan has already failed. It was arranged in such a way to publicize at the end that you died in the gun fire between us and the OLF. You are lucky that you are alive today and have to say thanks to God”. When he tells me all these happenings I was trying to read his face to be sure that he is lying and terrorizing us. But I noticed a deep sorrow on his face and even his eyes were full of tears. After telling me this history he just told me to be far from him.

Fabrication of false evidences “Confessions”

On 3rd of March, 1996, Mr. Ahimed, the chief of the soldiers, selected 12 detainees including me from the military camp and organized us as into a group. The formation of this group was a necessary precondition so that the authorities could persecute us together as an outlet of OLF who were involved in political activities. But in reality, most of us in this group didn’t even know each other before being detained, let alone being involved together in political engagements. This group consisted of 12 Individuals.

After the formation of this group, Mr.Ahimed ordered all of us, to put our signature on a fake document “confession” prepared by them. I was ordered by Mr. Ahimad to re-write this document on behalf of all and I did it. Our demand to read and know the content of the document before we put our signature was automatically rejected. We were given two choices: one was to sign on it and remain alive, and the second was to reject to sign and immediately be killed. None of us took the second option and we all put our signature on it without having the slightest information on its contents. After the signature, I was again ordered to read the document on behalf of the group and I did it, and it was recorded by a radio tape. It was this time that we came to know that one of the main contents of the document was ‘a confession’ that “ we (the 12 detainees) were a group of OLF members who gave logistic and informational support to the OLF , and now condemn the OLF as a terrorist and anti-peace organization, and ask the EPRDF for amnesty”. Later on when we appeared in front of court this document was produced as evidence against us.

On 4th of March, a group of EPRDF members consisting of a policeman, Mr. Kebede Defersa, a district lawyer, Mr. Fikru, and another policeman, Mr. Yadesa, who was also Mendi district court prosecutor,(all of them EPRDF members) came to Hena military camp with yet another ready document to prosecute us. By the order of the chief of the military camp, Mr. Ahimed, we signed on this document also, despite not having the slightest information of its contents, due to being held at a gun point. This was a second fake document on which we signed as a group in this military camp at gun point. On 5th of March, a meeting was organized for the residents of Mendi town by the TPLF/EPRDF soldiers near “Esapa” military camp under the shade of mango trees. In fact, the meeting was guarded heavily by armed soldiers, and was under intimidation. We, the 12 detainees who have already signed on the documents in Hena military camp, were also brought in front of that public on the back of one pick up Toyota highly guarded with soldiers. The purpose of the meeting was to bring to the attention of the residents the documents on which

we signed in the military camp, and to make them listen to the 'confession voice' recorded by radio tape. Mr. Ahimed additionally briefed to the public that I was a member of the Union of Oromo Students in Europe and an OLF member, who came back to Ethiopia to carry out the OLF mission after it was pulled out of the Transitional Government of Ethiopia. After his briefings about each and every one of us for the public, he demanded the public to support his idea in order to take action against us. By intimidating the public and feeding those with fabricated evidences, Mr. Ahimed tried to execute us, most likely in front of the public or in another form he likes.

But, the opinion of the residents was quiet contrary to the demands of the soldiers. For example: Mr Mijena Gameda, and Mr. Abate, elders of Mendi town, and Mr. Chali the then Mendi town Municipality head, one by one gave their opinions opposing what the soldiers have committed against us. They further stated that they knew us from the beginning and we were normal civilians, and respected people in that community life, and what the soldiers are telling them is far from the truth and demanded for our immediate release. This idea of elders was fully supported by that public, which angered the soldiers and as a result, we were shifted to the police station 150 km away from that area, Mendi.

Shift from Military Camp to Police Station and Prison.

On the 6th of March, 1996, twelve of us were shipped from Hena Military Camp to police station by a police defender vehicle highly guarded by a police man named Mr. Kitaba Guta, Mr. Gure, and others, whom I couldn't know their names. The 12th person, along with us paid for the soldiers in front of me 920 Ethiopian Birr on their request as a bribe and was not shipped with us. On the way to the police station soldiers were terrorizing us, as if they were going to assassinate us elsewhere on the way. Fortunately, they dropped us in the Police Station.

There all of us were held in one separate room with one TPLF spy, who was purposely assigned to gather information. On this day, during the evening, two representatives of the local Zone Administration came to the Police Station and took me out from my room to a torturing room for another interrogation. When I entered that room and saw torturing equipments once again I panicked. These two people further interrogated me. When they failed to get any information they began insulting and degrading me. Finally late at night, I was brought back to my room. When I was back all my co-detainees in the room didn't sleep and were under panic and waiting for their turn as they had a painful experiences of night time torture. The interrogation from the administration started and ended on me.

It was a common practice for the local Zone administrators to take out detainees from police stations and kill or torture. For example: an Oromo young boy was taken from the police station in April, 1996, by the local Zone Assistant Administrator, Mr. Danyachew Shiferaw, and a policeman named Kitaba Guta; his dead body was discovered some weeks later at a place named Gaba Sanbata, 24 km from Ghimbi town along the side of the road. Another Oromo young boy was also taken out from the police station by the zonal administrators in April 1996 in the dark night and severely tortured. We were held in this police

station till 11.03.1996, and then transferred to the zonal prison by the order of Mr. Kumara, the then Ghimbi district court judge without any persecution charge.

Pending court appointments.

Pending court appointments under the TPLF regime is nothing other than endlessly appearing in front of court under legal coverage. It is a means of killing the moral of detainees in order to create fear in others. I, with the other ten of my colleagues, was held for more than two weeks in the military camps under the control of soldiers in very harsh conditions. Though our 'case' could have been handled in the Mendi district court, we were transferred to Ghimbi on 6th of March, and appeared in front of the local district court on 10th March. This was not at all a relevant court to handle our case. On this court proceeding, the then Ghimbi district court judge, Mr. Kumera, who handled our case, told us that his court has nothing to do with our case, and briefed us that the Ghimbi zone administration ordered him to give us pending court appointments every two weeks. During this court appearance he also ordered the Ghimbi police station to transfer us to the Ghimbi zone prison. In one year being in Ghimbi prison we attended twenty pending court appointments. This was deliberately done as a pretence so as to act as if our case was being legally handled. Till then, we were not provided with any warrant and persecution charges against us. Exactly a year later, on 11th of March 1997, we were again transferred to Oromia police commission to Addis Ababa from where we were released on a bail of 5,000 Ethiopian Birr each after six days.

On 17th of March, 1997, we appeared in front of Oromia higher court and provided with accusation charge No.26 /88 and with case No. K: 4 /426 /929 /88. The charge states that all of us, the 12 detainees, were a group of OLF members who supported the OLF financially on an unknown day, during an unknown month, and with an unknown amount of money, in the year 1995 in Mendi.

The documents we signed at a gun point in Hena military camp was produced by the Oromia higher court persecutor as written evidence against us. The fake document was produced as if we voluntarily confessed and as if it was our deed. But, we strongly protested against the persecution and explained to the court that we have not been to the court in Mendi, and that we have signed in military camp at a gun point on many documents the contents of which we did not know. Upon hearing this, the middle judge of the Oromia Supreme court, Mr. Taka Daba, who had handled our case, released all of us on the next day's hearing on 18th of March, with a bail of 5,000 Ethiopian Birr each, and also ordered us to attend the next appointment. He also ordered the prosecutor to substantiate his evidences. On the next hearings, the prosecutor could not come up with any concrete evidence against us, and simply asked for further pending court appointments. That way, we again attended another 12 pending court appointments in Oromia Supreme court in Finfinnee (Addis Ababa), travelling on our own cost some 590 km. On the court proceeding held at Oromia Supreme court on 9. 12. 1998, Mr. Ahimedin the then president of Oromia Supreme Court, handled our case and ordered us to attend the next court proceedings in another Oromia zone, Jimma, around 350 km from Addis Ababa. Though our case has nothing to do with Jimma town it was deliberately done to make us

suffer more. After attending two other pending court appointments in Jimma , on the third hearing on 23 02 1999, the middle judge, Mr. Mideksa Guyasa, with his right and left judges finalized our case and released all of us free on legal grounds without having consulted with the Oromia council of administration.

This decision angered the Oromia council of administration, and for which they blamed Mr. Mideksa for his action. A committee was formed to investigate and report why and how he finalized our case without making prior consultation with them. The committee formed by Oromia council of administration studied the case and did the necessary investigations and reported that Mr. Mideksa made the decision on legal grounds. Though the report from the committee did not indicate any mistake of Mr. Mideksa, the Oromia council of administration removed Mr. Mideksa from his job. This fact indicates that there is no rule of law and the court is forced to work according to the directives from the administration and not on independent legal grounds. Pending court appointments are usually endless in Ethiopia. Sometimes it continues for years and people may attend for more than a hundred times. It is a means of psychologically and economically weakening the victim on one hand and it also shows a lack of an independent judiciary system in the county on the other.

The case of Subject B

Subject B, who was in his early thirties, lived in a peasant association, close to Mendi town. He was abducted by TPLF/EPRDF soldiers at the beginning of 1996 and held secretly in Jarso and Kiltu Karra military camps. In his absence his residence was searched and his property including cash was looted by TPLF soldiers. It was in Jarso and Kiltu Karra military camps that Subject B was subjected to the “number 8” type torture (that is tying the arms tightly together to the back to the extent of blocking blood circulation) followed by severe beating. After tying him in the “number 8” type, a Tigrean man named Mr. Birhane (Yohannes), began to break his hand fingers one by one by turning them at their base to the back side at intervals of hours. The torturers broke his fingers one by one at intervals of hours so as to make him feel more pain. After breaking all his fingers they threw him back to his cell. In this method, all the 10 fingers of his hands were broken. Before this was finished, Subject B had already lost his consciousness. As he came back to his consciousness, he was unable to eat, drink, wear his clothes, and even to use the toilet. He felt himself totally helpless and hopeless. The torture committed against Mohamed spread a great fear and terror amongst other detainees. He was also denied access to treatment, including first aid. Lastly, thanks to the other detainees, who assisted him in feeding, wearing, performing massages, aiding him in the toilet and in other routine life actions in the detention, Mohammed was able to remain alive after the horrendous levels of torture performed on him.

In the month of February, 1996, he was transferred to Hena military camp and was yet again subjected to extreme torture. The improperly healed fingers and accompanying deep scars on his arms are life-long symbols of the TPLFs cruel acts performed throughout his life. He is a farmer and a holder of many

families and still alive. Some weeks later, he was transferred to Ghimbi prison like all other prisoners in that military camp, and was held for more than one year and three months. He was held in prison without any trial or charge, but attended many pending court appointments in Ghimbi district court where he was released either without conviction or without the court asking him an excuse for mistreating him without any tangible background.

Conclusion

In short, under the current Ethiopian regime, the following acts are undertaken: Arrests of Oromos without warrant; Forcible detention of individuals in jail or detention centres for months, or even years, without charge or without bringing them before a court of law after a charge has been made; interference with the judicial processes by the political authorities; fabrication of evidence; use of force or threats to self implicate the accused; severe sentencing motivated by political vendetta; interference of military force in civilian legal affairs. All these are what I have personally witnessed. These acts of the Ethiopian government against the Oromo people is a violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protects the right to life, the right to liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law.

Because of the fact that I was detained my family who were largely dependent on me for their living were left to hunger. It was also a reason for my spouse to drop her schooling in order to assist me in detention. The physical and mental torture I suffered in detention left behind a big non-curable scar not only for me, but also to my family and close friends. I remember all those days and events with tears of sadness throughout my life. I cannot forget those innocent civilians like Mr.Aklilu Tilahun and Mr.Birhanu Melka who went under similar torture with me but could not survive any further, and hence passed away leaving bad memories with us and their families.

4.2 Arrest, Torture and Deportation of Refugees

The security situation in Ethiopia generates large numbers of refugees, a substantial proportion of which are Oromo.

After they flee they also face unparalleled atrocities either by hosting governments or by the cross border raids undertaken by the Ethiopian government.

Forced repatriation of Oromos in Somaliland, Djibouti, Kenya, Sudan, Yemen and Somalia is very common. Such an outlaw deal the Ethiopian Government has with neighbouring countries immensely exposes Oromo refugees to torture after they are deported to Ethiopia.

The example case of Subject B is just one out of many. He had fled Ethiopia in 2002 to escape political harassments which included extra-judicial killings, kidnappings and imprisonments without charges and trials. He obtained a refugee status in Somaliland in 2003. He has been living in Somaliland as a refugee with ten of his children. The fate and whereabouts of his children are not known since he has been arrested and deported to Ethiopia.

This act violates **Article 3 (1.)** of CAT which says; No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

5. INQUIRED UNDER TAKINGS BY THE ETHIOPIAN GOVERNMENT

As the effectiveness of the Torture Convention, like that of many other human rights conventions, would depend to a large extent on the supervision system. We urge the Committee Against Torture to:

1. Initiate an investigation on torture practices in Ethiopia;
2. Take effective legislative, administrative, judicial or other measures to prevent acts of torture.
3. No State party may expel or extradite a person to a State where there are substantial grounds for believing that he would be in danger of being subjected to torture (article 3);
4. Ensure that acts of torture are serious criminal offences within its legal system (article 4)
5. Extradite a person suspected of the offence of torture or submit the case to its own authorities for prosecution (article 7);
6. Ensure that its authorities make investigations when there is reasonable ground to believe that an act of torture has been committed (article 12);
7. Ensure that an individual who alleges that he has been subjected to torture will have his case examined by the competent authorities (article 13);
8. Ensure to victims of torture an enforceable right to a fair and adequate compensation (article 14).
9. Ensure that law enforcement officials execute in accordance with its constitution. The constitution of Ethiopia Concerning Human Rights PART ONE which covers Article 15 the Right of Life, Article 16 The Right of the Security of a person, Article 17 Right of Liberty, Article 18 Prohibition against inhuman treatment, Article 19 Right of a person Arrested Article 20 of a person accused and Article 21 concerning a person held in custody all protect the individual rights of a person