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ETHIOPIAN HUMAN
RIGHTS COMMISSION

PREPARED BY ETHIOPIAN
HUMAN RIGHTS COMMISSION

National Inquiry into Persons Deprived of Liberty



Photo Credit: Israel Solomon, Media and Communications Department, EHRC

Executive Summary

March 2024

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EXECUTIVE SUMMARY

The Ethiopian Human Rights Commission (EHRC) is an independent federal state body established as per the Federal Constitution (Article 55/14). The EHRC reports to the House of Peoples' Representatives in accordance with the Establishment Proclamation No. 210/2000 (as amended by Proclamation No. 1224/2020). The EHRC is a national human rights institution with a broad mandate of promoting and protecting human rights.

National Inquiry is an investigation into a systemic human rights problem in which the public is invited to participate. National human rights institutions use national inquiry to study systemic and complex human rights problems and recommend solutions. A national inquiry involves public hearings, which are open to the media and useful to raise awareness about human rights. The findings and recommendations from public inquiries are used to improve the implementation of human rights.

In line with its mandate, the EHRC conducted a national inquiry into the systemic violations of the rights of persons deprived of liberty, the first of its kind in the country. The national inquiry covered four regions, namely, Somali, Amhara, and Oromia, and in the region previously known as the Southern Nations, Nationalities, and Peoples' Region (SNNPR). The objective of the national inquiry is to investigate and document systemic violations of the right to liberty, provide victims the platform to voice what happened to them, provide the opportunity for dialogue, create awareness about causes and prevalence of arbitrary detentions, and recommend solutions. As part of the inquiry, the EHRC organized public hearings between 4 July 2022 and 26 April 2023 and prepared a report containing the methodology, key findings, and recommendations of the national inquiry.

1. METHODOLOGY

The EHRC conducted a national inquiry into the systemic violations of the rights of persons deprived of liberty for the first time in Ethiopia. The subject of the inquiry (i.e, rights of persons deprived of liberty) was selected based on identified patterns in complaints received from victims, their families, or witnesses, and EHRC's findings from the monitoring of police stations, detention centers, and prisons. The inquiry was limited to deprivations of liberty that occurred between April 2018 and April 2023 in four regions of Ethiopia, namely Amhara, Oromia, Somali, and SNNPR, which were selected mainly on the ground of larger population size and wider geographical areas. The inquiry process included preparation of a preliminary study, guiding documents, a national launching workshop, appointment of inquiry commissioners and staff, and the conduct of public hearings.

Documents that guide the inquiry process were prepared based on the preliminary study and international best practices. The documents include the *Guidelines for Selection of Stakeholders*, *Public Hearing Guidelines*, *Questions for Evidence Leaders*, and *Informed Consent Forms*. The preparation of the documents benefited from the support and review of international experts with experience in conducting national inquiries in other African countries.

Inquiry Commissioners and Staff

The EHCR Chief Commissioner, Daniel Bekele (PhD), appointed Rakeb Messele (Deputy Chief Commissioner), Abdi Jibril (PhD) (Commissioner for Civil, Political and Socio-Economic Rights), Rigbe Gebrehawaria (Commissioner for Disability Rights and the Rights of Older Persons) as well as Meskerem Geset who was Commissioner for Women and Children's Rights at the time of the national inquiry, to constitute a panel of inquiry commissioners. The panel of Commissioners was supported by a group of staff composed of 28 members and included evidence leaders, legal experts, rapporteurs, audio recorder, logistic officers, language interpreters, evidence and documentation officer, protocol personnel, finance officers, and coordinators.

The panel of Commissioners and the staff (the National Inquiry Team) attended a training by an international technical expert. Training manuals, reports and other materials from other national human rights institutions (NHRIs) were used to draw on international experiences and best practices. The National Inquiry Team was guided by core values of EHRC (independence, inclusion, solidarity with victims/vulnerable people, and factual and ethical work founded on equality, dignity, and justice).

National Launching Workshop

A national workshop was organized to launch the inquiry process on 17 February 2022. The participants of the workshop came from the Ministry of Justice, regional justice bureaus, federal and regional police commissions, federal and regional prison commissions, civil society organizations working on the rights of persons deprived of liberty, International Committee of the Red Cross (ICRC), media professionals, European Union Technical Assistance Unit, and EHRC commissioners and staff. A survey was conducted during the workshop to gather the views and recommendations of participants on the scope of the national inquiry. The respondents, specifically from SNNPR, identified problems relating to the rights of persons deprived of liberty, including arrest without warrant, disproportionate use of force, and poor conditions of detention.

Public Hearings

An important stage of the national inquiry is conducting public hearings. Four cities, namely, Adama, Bahir Dar, Hawassa and Jigjiga were selected for the public hearings mainly on the ground of convenience to participants. Participants were victims, witnesses, government officials, academia, religious leaders, elders, representatives of civil society organizations (CSOs), and other relevant stakeholders. They were selected based on the *Guidelines for Selection of Stakeholders for the National Inquiry*, and the *Public Hearing Guidelines*.

The preparation for each public hearing included calls for submissions, public outreach through regional and national media, and courtesy visits. Victims and witnesses were interviewed at least a week before the scheduled public hearing where

they were pre-screened for diversity, including gender, geography, religion, disability and others. During the pre-screening stage they were informed to bring any evidence related to their testimony. Additional documentary evidence was also collected by EHRC where needed. Victims and witnesses were provided with orientation on what their testimony at a public hearing may entail and were given the option to give their testimony at a confidential hearing. Before the hearing started on the public hearing day, they filled in and signed an informed consent form after the content of the form was explained to them in the language they understood.

Scholars from universities were selected based on the relevancy of the submissions they made before the public hearings. Elders, community leaders, religious leaders, and representatives of the civil society organizations were formally invited to the public hearings. The government officials, mainly from regional supreme courts, prison commissions, police commissions, peace and security bureaus, justice bureaus, and their respective zonal offices and, in some cases, from woreda offices, were invited through regional governments.

Ahead of the public hearing, EHRC engaged with the local media to announce the public hearing, explain its objectives and process and encourage relevant government authorities to engage in the public hearing and implementation of the inquiry's recommendations.

Each public hearing was led by three Inquiry Commissioners. All hearings began with the statement of the chair of the Inquiry Commissioners outlining the objectives and process of the hearings. The chair requested all victims, witnesses and other participants to take an oath before testifying. In exceptional cases where a statement was taken without an oath for religious and other reasons, that was clearly indicated. Each public hearing lasted for three days. On the first day (and half of the second day), testimonies of victims and witnesses were heard. The rest of the second day was allocated to hear testimonies and research findings from representatives of CSOs, religious institutions, elders, community leaders, and researchers. The third day was allocated to government officials to provide replies, explanations and make commitment for change. Confidential hearings were conducted simultaneously. The Inquiry Commissioners held a press conference at the end of the public hearing, which summarized the findings and recommendations.

A total of four public hearings were conducted. The first public hearing was held in Hawassa from 4-7 July 2022; the second was in Jigjiga from 19-22 December 2022; the third was in Bahir Dar from 28- 30 March 2023; and the last was in Adama from 24 - 26 April 2023. The hearings were conducted in Amharic with simultaneous translation into Afan Oromo in Adama and Af Somaliga in Jigjiga.

A total of 365 persons (31 females and seven persons with disabilities) participated in the hearings. A total of 86 victims and witnesses (around 24% of the total participants) testified (66 persons testified in public hearings, while 20 persons testified in confidential hearings). Eight researchers from higher education institutions and eight local and one international CSOs representatives participated in the public hearings. The hearings were conducted in line with the *do-no-harm principle*. The Inquiry team conducted a risk assessment before conducting the public hearing and developed

mitigation measures. Inquiry Commissioners reminded government authorities of their duties to protect the safety and security of victims and witnesses and not to resort to retaliatory acts. Victims and witnesses were given a contact address to reach out to in case of harm, harassment, or intimidation. The inquiry team regularly followed up on victims or witnesses who feared the threat of retaliation by government officials.

In sum, oral testimonies, documentary evidence, observation of some victims who exhibited the scars of the injuries they suffered, research findings and expert opinions, views of religious and community leaders, responses of government officials, and CSO submissions were used as sources of data. In cases of explicit denial of testimonies of victims, witnesses or other participants by the government officials, the inquiry team sought additional information or data for corroboration.

2. KEY FINDINGS

From the national inquiry, the EHRC found that most of the deprivation of liberty occurred in specific contexts such as violent conflicts, a state of emergency, and the sixth general election.

The EHRC found the followings in SNNPR, Somali, Amhara, and Oromia regions:

- **Torture and ill treatment**, including incommunicado detention, enforced disappearance, intrusive body searches in prisons, and poor conditions of detention such as lack of adequate food, water, overcrowded detention centers, sanitary services, and medical care;
- **Arbitrary detention**, including detention in informal places, arrest without warrant, repeated and prolonged detention as a means of preventing the exercise of rights, detention of family members of suspects, detention in violation of bail granted by court, and arrest of individuals who sue the government in civil cases);
- **Denial of access to counsel**, including denial of access to legal counsel during arrest or detention or failure to provide legal counsel at the cost of the state;
- **Denial of family visits** by detention center guards;
- Sexual harassment and gender-based violence;
- **Lack of awareness** about human rights;
- Loss of livelihood; and
- Lack of a remedy and reparation for the violations.

Some violations and problems are systemic and rather show patterns of violation that apply to a significant number of the population. The perpetrators of the violations were militias, kebele administrators, police officers, members of special police, members of National Defense Forces, prison wards, and government officials.

3. RECOMMENDATIONS

Federal and regional governments (including the police, prisons, Ministry of Just/justice bureaus) should implement the following recommendations:

- Conduct a proper and complete criminal investigation, prosecute perpetrators, and take disciplinary measures to hold perpetrators accountable, and
- Design and implement reparation mechanisms to provide compensation to the victims.

Police

- Prevent detention of family members of a suspect (when the police is unable to arrest the suspect), and take administrative measures against responsible police officers,
- Obtain arrest warrant before arresting suspects (except in cases of flagrant offences and other exceptions),
- Inform suspects the grounds of their arrest and their right to remain silent in the language they understand,
- Employ proportionate use of force and firearms,
- Abolish informal or illegal detention centers, including detentions at kebele administrations,
- Allow families, relatives, religious advisers, and legal counsel to visit detainees,
- Ensure that persons in custody receive medical care,
- Treat persons deprived of liberty with dignity, eradicating the practice of torture and other ill treatments, and conduct timely investigation to avoid repeated remands,
- Improve human rights awareness of police officers through training,
- Investigate police officers who perpetrate violations of suspects' rights for crime and subject them to disciplinary penalty, and ensure their accountability,
- Implement recommendations of the prosecution, and
- Execute court orders without any exception.

Prisons

- Improve conditions of detentions,
- Ensure that prisoners have access to adequate food, medical care, water and sanitation,
- Investigate infringement of prisoners' rights and ensure accountability of prison wards,
- Improve human rights awareness of prison wards through training,
- Allow visits by families, relatives, religious advisers, and legal counsel of prisoners and treat them with dignity, (preventing sexual harassment and assault of visitors, especially female visitors, under the pretext of security search), and
- Separate prisoners by age, sex, and gravity of crimes.

Ministry of Justice and Justice Bureaus

- Develop standardized checklist for monitoring detention centers and prisons,
- Strengthen human rights awareness raising programs,
- Regularly monitor police stations, detentions centers, and prisons, communicate monitoring findings and recommendations, and follow up implementation of the recommendations,
- Build capacity of stakeholders in the justice sector, and
- Propose legal and institutional reforms to improve mechanisms of reparation for victims of human rights violations.