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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

## Report

March 2024

[www.ehrc.org](http://www.ehrc.org)

## MESSAGE FROM DEPUTY CHIEF COMMISSIONER



**Rakeb Messele**

Deputy Chief Commissioner

The report on the findings from the National Inquiry into deprivation of liberty is the first of its kind in Ethiopia. The National Inquiry investigated the patterns of human rights violations associated with deprivation of liberty in four regions, including the use of public hearings in four cities, namely Adama, Bahir Dar, Jigjiga and Hawassa. National inquiry is one of the most effective strategies available to national human rights institutions for investigating and drawing attention to pressing human rights issues. It also constitutes a resource efficient way of addressing violations that are widespread or systemic and contribute significantly to educating and raising awareness of stakeholders and the broader community about these issues.

The public hearings provided the opportunity to entertain a wide range of perspectives and the platform, especially for victims and witnesses to ask critical questions to those with responsibilities relating to deprivation of liberty. A total of 365 persons participated in the private and public hearings of whom nearly one third were victims and witnesses. In addition to relevant criminal justice sector government authorities, the public hearings involved civil society organizations, academia, and general public. The information and evidence provided by different stakeholders, including victims, witnesses, academia, civil society organizations, religious and traditional leaders, officials, and others, assisted the National Inquiry to determine the underlying causes and patterns of human rights violation in relation to deprivation of liberty. The coverage these hearings received in mainstream media, especially at regional level, also increased the awareness raising and educational value of these sessions. In addition, although the four regions were selected based on the significance of the problem, geographical size, and the size of the population, the findings and recommendations are cross-cutting and relevant to all the regions of Ethiopia.

Indeed, as also captured in the Executive Summary of this report, the findings of the report show most violations related to deprivation of liberty occur in specific contexts such as conflict, state of emergency and overall violent or inappropriate response to popular demands such as those related to issues of self-administration. The recommendations, many of which were echoed at the public hearings themselves, equally applicable to the criminal justice sector nationwide, require the government (both federal and regional) to take a combination of legislative, administrative, judicial, financial, educational, and other measures.

The scale of these corrective measures also makes indispensable the active engagement of a broad spectrum of actors in addition to the state. This report is, therefore, addressed to and is relevant to civil society organizations, academia, media

and human rights workers and advocates involved and engaged in the criminal justice system.

The Ethiopian Human Rights Commission wishes to acknowledge the support of the European Union, within the framework of a multi-partners programme on Criminal Justice System Reform, which made the first national inquiry on deprivation of liberty possible. Other components of the programme, also implemented with other stakeholders in the criminal justice sector, include dissemination of these findings and advocacy on the implementation of the recommendations.

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## ABBREVIATIONS

<b>AEDP</b>	All Ethiopian Democratic Party
<b>African Charter</b>	African Charter on Human and Peoples' Rights
<b>African Commission</b>	African Commission on Human and Peoples' Rights
<b>AIDS</b>	Acquired Immunodeficiency Syndrome
<b>AHRRA</b>	Addis Hiwot Rehabilitation and Reintegration Association
<b>ANDM</b>	Amhara National Democratic Movement
<b>Art</b>	Article
<b>ASVS</b>	Association of Somali Region Victims and Survivors
<b>AU</b>	African Union
<b>CAT</b>	Convention against Torture and Other Cruel, Inhumane Degrading Treatment or Punishment
<b>CCTV</b>	Closed-Circuit Television
<b>CPR</b>	Criminal Procedure Code
<b>CRC</b>	Convention on the Rights of the Child
<b>CSOs</b>	Civil Society Organizations
<b>EHRC</b>	Ethiopian Human Rights Commission
<b>EHRCO</b>	Ethiopian Human Rights Council
<b>EPRDF</b>	Ethiopian People's Revolutionary Front
<b>ETB</b>	Ethiopian Birr
<b>EWLA</b>	Ethiopian Women Lawyers Association
<b>EZEMA</b>	Ethiopian Citizens for Social Justice
<b>FDRE</b>	Federal Democratic Republic of Ethiopia
<b>FEP</b>	Freedom and Equality Party
<b>HIV</b>	Human Immunodeficiency Virus
<b>HoF</b>	House of Federation
<b>HoPR</b>	House of Peoples' Representatives
<b>HRC</b>	Human Rights Committee
<b>HRLHA</b>	Human Rights League of the Horn of Africa
<b>ICCPR</b>	International Covenants on Civil and Political Rights
<b>ICRC</b>	International Committee of the Red Cross
<b>IDPs</b>	Internally Displaced Persons
<b>IGAD</b>	Intergovernmental Authority for Development
<b>ISIS</b>	Islamic State of Iraq and Syria
<b>NAMA</b>	National Movement of Amhara
<b>NDRMC</b>	National Disaster Risk Management Commission
<b>NEBE</b>	National Electoral Board of Ethiopia
<b>NGOs</b>	Non-governmental Organizations
<b>NHRIs</b>	National Human Rights Institutions
<b>NI</b>	National Inquiry
<b>OCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>OLA</b>	Oromo Liberation Army
<b>OLF</b>	Oromo Liberation Front

<b>OLLAA</b>	Oromo Legacy Leadership and Advocacy Association
<b>OMN</b>	Oromia Media Network
<b>ONLF</b>	Ogaden Liberation Front
<b>PP</b>	Prosperity Party
<b>KPDP</b>	Kucha People’s Democratic Party
<b>RTD</b>	Real-Time Dispatch
<b>SEPDM</b>	Southern Ethiopia Peoples Democratic Movement
<b>SNNPR</b>	Southern Nations, Nationalities, and Peoples Region
<b>SOE</b>	State of Emergency
<b>TPLF</b>	Tigray Peoples Liberation Front
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>WPDF</b>	Wolaita People’s Democratic Front
<b>WSLF</b>	Western Somali Liberation Front

## 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.



Photo Credit: Canva/Ruhey

# CHAPTER ONE

## INTRODUCTION

## 1.1 About the Ethiopian Human Rights Commission

The Constitution of the Federal Democratic Republic of Ethiopia (FDRE), which was adopted in 1994, empowers the House of Peoples' Representatives to establish 'a Human Rights Commission and determine by law its powers and function' (Art. 55(14)). In 2000, the House of Peoples' Representatives adopted the Ethiopian Human Rights Commission Establishment Proclamation No. 210/2000. The Establishment Proclamation was amended in 2020 by Proclamation No. 1224/2020, which gives the Commission additional autonomy to administer its budget and human resource.

As a national human rights institution, the Ethiopian Human Rights Commission (EHRC or Commission) is established with the objectives to educate the public about human rights, ensure that human rights are protected, respected and fully enforced, as well as to have the necessary measure taken where they are found to have been violated (Establishment Proclamation, Art. 5). The Commission has a broad mandate to achieve its objectives, including undertaking an investigation, upon complaint or its own initiation, in respect of human rights violations (Establishment Proclamation, Art. 6). Furthermore, the Commission has full powers to receive and investigate complaints relating to human rights violations made against any person except cases brought before the legislature or courts (Establishment Proclamation, Art. 7).

For the investigation, the Commission collects and verifies evidence from different sources, including documents and testimonies from victims or witnesses. According to Art. 25, the Commission may summon witnesses to appear and give testimonies, who are afforded the same protection as witnesses appearing before a court of law in accordance with Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No. 699/2010. Any person, including a witness, has the duty to cooperate with the Commission to exercise its powers and duties, as stated under Art. 38 of the Establishment Proclamation. The Proclamation imposes a criminal punishment on persons who have received a summons from the Commission but failed to appear or respond without a good cause (Art. 41).<sup>1</sup>

## 1.2 The Concept of National Inquiry

National Inquiry is "an inquiry into a systemic human rights problem in which the general public is invited to participate."<sup>2</sup> It arose because of creative methods by national human rights institutions (NHRIs) in the Asia Pacific Region. A national inquiry's findings and recommendations are used to improve the implementation of human rights. National inquiries require expertise and experienced individuals, such as researchers, academics, and policymakers.

National inquiries are a very effective instrument and technique for addressing critical human rights concerns. During a national inquiry, key human rights concerns are

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<sup>1</sup> According to Art. 41, the punishment is a maximum of five years imprisonment or fine of up to Birr 10,000 if a person causes harm to witnesses who appeared before the Commission or if a person (usually an official) fails to implement the recommendations of the Commission.

<sup>2</sup> *Conducting a National Inquiry into Systemic Patterns of Human Rights Violation: A Manual for National Human Rights Institutions* (Asia Pacific Forum 2012) p. 1.

assessed and studied from several perspectives, including their social, political, economic, and cultural bases. A national inquiry has learning aspects in a broad sense. One of its objectives is to educate and mobilize the public against human rights violations. Another feature of a national inquiry is its broad scope of dealing with a range of complex human rights abuses, as opposed to addressing individual incidents.

National inquiries are utilized to investigate major and complex human rights violations for several reasons. First, a national inquiry is a mechanism to proactively resolve a pattern of individual human rights infringement complaints or systemic violations of human rights. Second, civil society organizations and other stakeholders consulted during the national inquiry will be able to identify areas of priorities and collaboration. Third, public hearings open to media is a cost-effective way of raising awareness about human rights and NHRIs. Fourth, national inquiries enable NHRIs to discharge their functions of advising governments and strengthening cooperation with relevant institutions.

### **1.3 National inquiry mandate**

The mandate of the Commission to conduct national inquiries emanates from its power to investigate allegations of human rights violations.<sup>3</sup> The Commission conducts investigation on its own motion for several reasons, including when allegations of human rights violations arise from a particular incident or when it identifies systemic nature of the violations. A national inquiry is a category of investigation utilised by the Commission and other NHRIs.

The Commission selected the *rights of persons deprived of liberty* as a subject of the first national inquiry based on the Commission's previous work. As per Art. 6(13) of the Establishment Proclamation, the Commission regularly visits and monitors, without prior notice, any correction centres or prisons, police detention centres or any place where people are held in custody or otherwise detained anywhere in the country. This enabled the Commission to identify systemic problems in the implementation of the rights of persons deprived of liberty. Furthermore, the Commission received and examined a significant number of individual complaints relating to allegations of arbitrary deprivation of liberty, which indicated a pattern of human rights violations.

### **1.4 Objectives**

The national inquiry is conducted as part of the Criminal Justice System Reform Program supported by the European Union. The general objective of the national inquiry is to improve the implementation of the right to liberty, including the rights of persons deprived of liberty as part of the Criminal Justice System Reform led by Ministry of Justice.

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<sup>3</sup> According to Art. 24 (2) of the Establishment Proclamation, the Commission has the power to conduct investigation, on its own initiation, where it so finds necessary.

The specific objectives are to:

- Identify legal and policy gaps as well as practical and procedural barriers in the implementation of the right to liberty and the rights of persons deprived of liberty;
- Create public awareness and educate about rights of persons deprived of liberty;
- Provide opportunity to persons deprived of liberty and their family or friends to share their experiences of violations (i.e., tell the inquiry what happened, why it happened, and their expectation by way of remedy);
- Identify factors causing or contributing to violations;
- Collect and analyze testimonies and views from relevant stakeholders;
- Examine the respective roles and responsibilities of governments not only in violating the rights of persons deprived of liberty, but also in providing remedies; and
- Document violations in a report containing findings and recommendations to influence the Criminal Justice System Reform.

## **1.5 Methodology**

The national inquiry employed several methods and procedures to collect and analyze evidence relating to the rights of persons deprived of liberty. These include research, public hearings, and documentary evidence collected from victims and witnesses.

### **1.5.1 Place and time**

Four regions of Ethiopia were selected for the national inquiry, namely Amhara, Oromia, Somali, and Southern Nations Nationalities and Peoples' (SNNP) regions. They were selected mainly on the ground of having larger population and wider geographical areas.

The national inquiry was conducted between 4 July 2022 and 26 April 2023 based on the Commission's activity plan. The inquiry focused on the allegations of violations occurred between April 2018 and April 2023. April 2018 was chosen as a cut off year because of the legal and political reforms that followed the 2018 political changes. The limited and recent timeframe made it practical to collect evidence and examine recent allegations of deprivation of liberty.

### **1.5.2 National Inquiry Team**

The National Inquiry Team was formed in 2022 and consisted of four commissioners and 28 professional and technical staff members. The Chief Commissioner of the EHRC, 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), and Meskerem Geset (who was Commissioner for Women and Children's Rights at the time of the inquiry) to form a panel of commissioners. The panel was supported by professional and technical staff members who served in different roles,

including as evidence leaders, members of legal team, rapporteurs, language interpreters, psycho-social support team and coordination team. The Commissioners and staff (National Inquiry Team) were guided by the Commission's core values: independence, inclusion, solidarity with victims (vulnerable persons), and factual and ethical works founded on equality, dignity, and justice.

### **1.5.3 Preliminary study**

Preliminary research was conducted to prepare a preliminary study on the *Legal Analysis of Persons Deprived of Liberty*. The paper examined international, regional, and national legal frameworks for the protection of the rights of persons in detentions. The preliminary study included a broad overview of the rights of persons deprived of their liberty, stakeholders' views on addressing practical problems undermining the rights of persons deprived of liberty. The paper identified a list of specific concerns requiring examination throughout the course of the inquiry.

The preliminary study also indicated the scope of the right to liberty and rights of persons deprived of liberty. It distinguished *arbitrary detention* from *unlawful detention*. Arbitrary detention is loss of liberty of a person that occurs outside the framework of domestic or international law. Arbitrary detention violates the right to liberty. However, detention may be illegal without being arbitrary, and vice versa. Illegality merely indicates that the law has not been followed whereas the term 'arbitrary' refers to the fact that the imprisonment is inappropriate, unfair, unpredictable, or disproportional. Furthermore, arbitrary detention exposes victims to additional human rights abuses since they lack the ability to defend themselves against extrajudicial executions, enforced disappearances, torture, and other cruel, inhuman, or degrading treatment, among other things.

The preliminary study identified individuals who are at risk of arbitrary detention. Individuals are exposed to arbitrary detention for a variety of reasons: those who have exercised one of their fundamental rights such as the right to freedom of opinion and expression, or the right to freedom of association, or the right to leave and enter one's own country. Others may be detained because they are unable to benefit from the fundamental guarantees of the right to a fair trial (detained without an arrest warrant and without a charge or tried by judicial authority which is not independent, or tried without access to a lawyer). Detainees are sometimes held incommunicado for several months or years, or even indefinitely. Besides, they remain in custody notwithstanding the fact that the measure or penalty imposed on them has already been carried out; or as a result of the expanding and preoccupying practice of administrative detention, particularly for individuals seeking asylum.

### **1.5.4 Preparation of guiding documents and tools**

The documents that guided the inquiry process were prepared based on the preliminary study and international best practices. The documents include the *Policy Framework for Setting up and Management of a National Public Inquiry*, *Guideline for Selection of Stakeholders for the National Inquiry*, *Guidelines for Public Hearing Procedure*, *Public Hearing Ground Rules*, *Guidelines for Gathering and Verification of Information*,

*Informed Consent Form, Call for Submissions, and Fact Sheet on Arbitrary and Unlawful Arrests and Detentions.*

*The Guideline for Selection of Stakeholders for the National Inquiry* sets out criteria for the selection of victims, witnesses, academicians, civil society organizations (CSOs) and state representatives for the purpose of the national inquiry. The Guideline was also helpful to establish an effective stakeholder engagement that creates opportunities to participate in consultations and decision-making, reduce potential conflict, and achieve better and more lasting results on systemic human rights violations.

The preparation of the documents benefited from the support and review of an international expert with experience in conducting national inquiries in other African countries.

### **1.5.5 National Workshop**

EHRC organized a national workshop to launch the national inquiry into persons deprived of liberty on 17 February 2022. The main objective of the launching workshop was to introduce, especially to the relevant stakeholders, the strategy and process, raise awareness about the national inquiry and the issue of deprivation of liberty. The participants of the workshop were from the Ministry of Justice, regional justice bureaus, federal and regional police commissions, federal and regional prison administrations, civil society groups that directly or indirectly work on the issue of persons deprived of their 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, where participants were asked to identify challenges in the implementation of the rights of persons deprived of liberty. The respondents, especially participants from SNNPR, identified prevalent problems including detention without a court order, excessive use of force, and poor conditions of prisons or detention centers.

### **1.5.6 Public hearings**

Public hearings are important component of national inquiries because they provide an opportunity to victims and their families to know the truth, to be heard and to have a remedy available to them for the violations they suffered. For the national inquiry into rights of persons deprived of liberty, four cities, namely, Adama, Bahir Dar, Hawassa and Jigjiga were selected for the public hearings mainly on the ground of convenience to participants respectively from Oromia, Amhara, SNNP and Somali regions. The first public hearing was 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 public hearings consist of the following stages and components.

#### ***Call for submissions***

Public call for submissions were made to invite individuals, groups, academia, CSOs, and any other interested person to submit information and documents relating to



alleged violations of the right to liberty, including arbitrary or unlawful detention, or arrest. The call for submissions containing details on the subject of submission, procedures and deadline was published through a number of means including publication on the Commission's website, and directly sending to individuals and organizations working on the rights of persons deprived of liberty. The call for submissions were used prior to the public hearings in Bahir Dar and Adama.

### ***Public Outreach***

Media outreach and courtesy visits to key stakeholders was a crucial component of the inquiry because the practice of national inquiry is a new exercise in Ethiopia. Written explainers were produced and disseminated and EHRC engaged with the media to create awareness and educate the public before and after the public hearings. Commissioners and other members of the inquiry team visited regional governments and organized meetings with the regional government stakeholders to explain the subject, process and objectives of the national inquiry and encourage them to engage in the public hearing and implement the inquiry's recommendations.

### ***Participants***

Participants were victims, witnesses, government officials, academia, religious leaders, elders, representatives of CSOs, and other relevant stakeholders. They were selected based on *Guidelines for Selection of Stakeholders for the National Inquiry*, and the *Public Hearing Guidelines*. Victims and witnesses were interviewed at least a week before the scheduled public hearing where they were prescreened for diversity, including gender, geography, religion, disability and other grounds. During the prescreening stage they were informed to bring any documents and evidence related to their testimony. They were provided with orientation on what their testimony at a public hearing may entail and if they would prefer a confidential hearing. Before the hearing started on the public hearing day, they filled and signed 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 submissions they made before the public hearings. Letters were sent to elders, community leaders, religious leaders, and representatives of the CSOs to invite them formally to the public hearings. 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.

A total of 365 persons participated in the hearings. Of the total, 31 participants were females and seven participants were persons with disabilities. Of the total participants, 86 persons were victims and witnesses, constituting around 24% of the total participants. Of the total witnesses and victims, 66 testified in public hearings, while 20 of them testified in confidential hearings. Eight researchers from higher education institutions, 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 continuously followed up on the safety and security of victims or witnesses who feared acts of reprisal from government officials.



In the Hawassa public hearing, victims and witnesses were identified from seven zones, namely, Gurage Zone (Mareko Woreda), Wolaita Zone (Sodo City Administration), Gamo Zone (Arba Minch Zuria Woreda, Kucha Woreda, Kucha Alpha Woreda and Selam Ber City Administration), Konso Zone (Segen Zuriya Woreda), Gofa Zone (Gofa Denba Woreda, and Sawla City Administration), Gedeo Zone (Dilla City Administration), South Omo Zone (Jinka City Administration), and three special woredas, namely, Amaro Special Woreda, Burji Special Woreda and Dirashe Special Woreda.

In the Jigjiga public hearing, victims and witnesses were identified from seven zones, namely, Afder Zone (West Imi Woreda), Dollo Zone (Wardeir Woreda), Fafen Zone (Jigjiga City Administration), Jarar Zone, Korahe Zone (Kebri Dahar Woreda), Shebelle Zone (East Imi and Qelafo woredas) and Sitti Zone (Shinile Woreda).

In the Bahir Dar public hearing, victims and witnesses were identified from eight zones, namely, Awi Zone (Injibara City), Bahirdar Special Zone (Bahir Dar City), East Gojjam Zone (Debremarkos City and Bechena Town), West Gojjam Zone (Dehub Mecha Woreda and Denbecha Woreda), Central Gondar Zone (Gondar City Administration), South Gondar Zone (Debretabor City and Fogera Woreda), North Wollo Zone (Woldiya City), and South Wollo Zone (Dessie Zuria Woreda).

In the Adama public hearing, victims and witnesses were identified from four zones, namely, Bale Zone (Agarfa woreda), Illu Abba Bora Zone (Darimu Woreda and Metu City), Jimma Zone (Limmu Sakka Woreda, Limmu Kosa Woreda and Jimma City), East Shewa Zone (Adama City), and from Sheger City (Burayu and other areas surrounding Addis Ababa).

### ***Procedures***

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 invited the victims, witnesses and other participants to take an oath before they testify. All testimonies, with the exception of a few, were made under oath. In the exceptional cases where a statement was taken without an oath for religious and other reasons, clear indications were made. Each of the public hearings 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 share the measures that will be taken to rectify the situation. Confidential hearings were conducted simultaneously.

### ***Documentation***

In addition to receiving testimonies from victims, witnesses and other stakeholders, copies of documentary pieces and items of evidence were collected and analyzed. The whole process was audio-recorded, while the oral testimonies were transcribed with the consent of the participants. During the hearing, members of the inquiry team had the opportunity to observe certain scars left due to physical injuries suffered as a result of beatings and other mistreatments.

## 1.6 Scope and limitations

The scope of the National Inquiry is limited by subject, time and place. The subject of the inquiry is limited to the right to liberty and the rights of persons deprived of liberty. In terms of time, the national inquiry dealt with allegations of violations occurred between April 2018 and April 2023. Although, initially it was intended to organize the public hearings in all regions of Ethiopia, due to constraint of financial and human resources the scope had to be limited to four regions, namely Amhara, Oromia, Somali and SNNP.

Considering that only one day and a half could be allocated to hear victims and witnesses, the public hearing only heard testimonies of limited number of victims and witnesses. In Hawassa public hearing, 29 victims and witnesses were heard, while in each of the other three public hearings, a maximum of 20 victims and witnesses were heard. The selection of victims and witnesses was intended, as much as possible, to reflect diversity, and aimed at identifying patterns of human rights violations.

Conducting public hearings is an expensive endeavor in terms of human and financial resources. The majority of the participants had to travel a long distance from their place of residence to participate in the hearings, which had a significant cost implication. Another challenge was the diversity of local languages and the cost of simultaneous interpretation. The need to bring representatives from a wide range of stakeholders also had financial implication. However, efforts were made to include marginalized groups in all national inquiries, even though, the participation of female victims, victims with disability and victims from other marginalized groups was low.

## 1.7 Organization of the report

The report is organized in seven chapters. The first chapter deals with introductory matters. It briefly explains the mandate of the Ethiopian Human Rights Commission, including its power to conduct national inquiry as a form of investigation on its own motion; presents the methodology, procedures followed, and the challenges faced.

The second chapter introduces the legal framework relating to the right to liberty and the rights of persons deprived of liberty, including rights of arrested persons and accused persons. It highlights the recognition of the right to liberty and the rights of persons deprived of liberty in the Federal Constitution, international treaties ratified by Ethiopia, and other domestic laws.

Chapters 3, 4, 5 and 6 respectively deal with the public hearings in SNNP, Somali, Amhara and Oromia regions and present summaries of testimonies of victims and witnesses and views of stakeholders (including researchers, legal professionals, representatives of CSOs, *Abbaa Gadaas*, *Haadha Siinqees*, religious leaders, and elders). The chapters also present summary of replies of government officials (including heads of justice bureaus, police commissioners, prison commissioners, president of supreme courts and other representatives from the judiciary, and representatives of regional councils) to testimonies and views of stakeholders. Each of these chapters contain

findings and recommendations specific to the respective region. The last chapter (chapter 7) summarizes the context, major findings and forwards recommendations.



Photo Credit: Canva/Rattanakun

## CHAPTER TWO

### RIGHTS OF PERSONS DEPRIVED OF LIBERTY

National and international law guarantee the right to liberty and the rights of persons deprived of liberty. This Chapter introduces the national legal framework relating to the right to liberty and the rights of persons deprived of liberty, including rights of arrested persons and accused persons as recognized in the Federal Constitution, international treaties ratified by Ethiopia, and other domestic laws. The Chapter also highlights the gaps in the implementation of these rights as identified by EHRC's human rights monitoring of prisons and detention centers.

## 2.1 Right to Liberty

The right to liberty is guaranteed in the Ethiopian Constitution, state constitutions, and international treaties ratified by Ethiopia. The Constitution provides that everyone has “the inviolable and inalienable right to life, security of person and liberty” under Art. 14, which is similar to Art. 3 of the Universal Declaration of Human Rights (UDHR). In addition, Art. 17 of the Constitution prohibits arbitrary deprivation of liberty, including arbitrary arrest or detention. The content of the right to liberty in the Constitution is similar to the content of the right in the international human rights treaties ratified by Ethiopia, including Art. 9 of the International Covenant on Civil and Political Rights (ICCPR), Art. 6 of the African Charter on Human and Peoples' Rights (African Charter). Other human rights treaties ratified by Ethiopia also prohibit arbitrary deprivation of liberty and contain specific provisions on the treatment of persons deprived of liberty.<sup>4</sup>

Liberty of a person concerns “freedom from the confinement of the body, not general freedom of action,” according to Human Rights Committee, an organ that monitors the implementation of the ICCPR.<sup>5</sup> Examples of deprivation of liberty include police custody, “remand detention, imprisonment after conviction, house arrest, administrative detention, involuntary hospitalization, institutional custody of children and confinement to a restricted area of an airport, as well as being involuntarily transported.”<sup>6</sup>

Furthermore, Art. 17 of the Constitution contains grounds for the deprivation of liberty because the right to liberty, like many human rights, is not an absolute right. This means, while the Constitution prohibits arbitrary arrest or detention, a person may be arrested or detained on the grounds and procedures provided by law. While committing a crime is a common ground of arrest or detention provided by the Criminal Code and other laws, the procedures of arrest and detention are clearly stipulated in the Criminal Procedure Code.

Arrest or detention is arbitrary or unlawful when it is not made on the grounds and procedures provided by law. In this regard, the United Nations Working Group on Arbitrary Detention, in its Revised Fact Sheet No. 26 of 8 February 2019, identifies five categories of arbitrary detention:

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<sup>4</sup> Convention on the Rights of the Child (Art. 37), African Charter on the Rights and Welfare of the Child (Art. 17), Convention on the Rights of Persons with Disabilities (Art. 14).

<sup>5</sup> General Comment No. 35: Art. 9 (Liberty and security of person), 16 Dec. 2014, CCPR/C/GC/35, para 3.

<sup>6</sup> General Comment No 35, para 5.

- a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty;
- b) When the deprivation of liberty results from the exercise of rights such as the right to freedom of movement, freedom of religion, freedom of expression, freedom of assembly, freedom of association, the right to vote or be elected or the rights of minority groups;
- c) When the total or partial non-observance of the international norms relating to the right to a fair trial is of such gravity as to give the deprivation of liberty an arbitrary character;
- d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy; and
- e) When the deprivation of liberty constitutes a violation of international law for reasons of discrimination.

## **2.2 Rights of Persons Deprived of Liberty**

As human beings, persons deprived of liberty have rights. Their rights are clearly recognized in the Constitution, other laws and human rights treaties ratified by Ethiopia. Some of the rights relate to procedures of arrest or detention, while others relate to conditions of their treatment while in custody.

### **2.2.1 Right to be informed reasons of arrest**

Persons deprived of liberty have the right to be informed promptly, in a language they understand, of the reason of their arrest or detention and of any charge against them as provided under Art. 19(1) of the Constitution. The Criminal Procedure Code provides for steps to be followed in conducting an arrest. In principle, a person cannot be arrested without arrest warrant issued by a court (Art. 49); and the police officer conducting the arrest should read out the arrest warrant to the person to be arrested, informing the persons the reasons of their arrest or the charge against them (Art. 56).

The right to be informed the reason of one's arrest is also guaranteed in international human rights treaties to which Ethiopia is a party. An example is Art. 9(2) of the ICCPR. The information has to be given orally and in writing, and in a language and format that is accessible and understandable to the arrested person.<sup>7</sup> The information should relate to the reason of arrest (because arrest is the commencement of detention) and to the criminal charge against the persons deprived of liberty.<sup>8</sup>

### **2.2.2 Right to remain silent**

Persons deprived of liberty have the right to remain silent. Art. 19(2) of the Constitution provides that persons arrested have, upon arrest, "the right to be informed promptly, in a language they understand, that any statement they make may be used as evidence against them in court." Art. 27 of the Criminal Procedure Code

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<sup>7</sup> Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (African Commission on Human and Peoples Rights, 2014), usually called "Luanda Guidelines".

<sup>8</sup> General Comment No 35, para 24.

contains a similar provision. The right to remain silent is also recognized in international human rights treaties to which Ethiopia is a party.<sup>9</sup>

### **2.2.3 Right to be brought before a court**

Arrested persons have the constitutional right to be brought before a court of law. Art. 19(3) of the Constitution provides that arrested persons have “the right to be brought before a court within 48 hours of their arrest”. The Criminal Procedure Code also requires the investigating police officer to bring arrested persons to the nearest court within 48 hours of their arrest (Art. 29). Arrested persons have the right to petition the court to order their physical release if the police or other law enforcement agent fails to bring them before court within 48 hours (Art. 19(4) of the Constitution). Arrested persons (or any other person) can apply to a court for their release (make application for habeas corpus) as per Art. 177 of the Civil Procedure Code.

The Constitution requires courts to take into consideration the right to speedy trial of arrested persons and the interests of justice when they order law enforcement agents to release arrested persons, or order the arrested person to remain in custody, or grant remand upon requests, which should be “for a time strictly required to carry out the necessary investigation,” as stated under Art. 19(4). When the investigating police officer could not complete investigation and apply for remand to obtain sufficient time for investigation, the court may grant remand for not more than 14 days on each occasion as provided under Art. 59 of the Criminal Procedure Code. However, the Criminal Procedure does not limit the number of remands or the maximum time to be given for investigation, and this has resulted in prolonged pre-trial detentions, negatively affecting the enjoyment of the right to liberty under Art. 17 of the Constitution. To overcome this legislative gap, the Draft Criminal Procedure Code limits the duration of investigation to four months.

The right to be brought before court is also guaranteed in international human rights treaties ratified by Ethiopia.<sup>10</sup> Courts should be empowered to review and assess whether sufficient legal reason exists for the arrest, assess whether detention before trial is necessary, determine whether the detainee should be released from custody, and the conditions, if any, for such release, safeguard the well-being of the detainee, prevent violations of the detainee’s fundamental rights, give the detainee the opportunity to challenge the lawfulness of his or her detention and to secure release if the arrest or detention violates his or her rights.<sup>11</sup>

### **2.2.4 Prohibition of forced confession and torture**

The Constitution prohibits investigating police officers or any person from forcing arrested persons to admit or confess guilt. Art. 19(5) of the Constitution provides that “Persons arrested shall not be compelled to make confessions or admissions which could be used in evidence or against them.” Art. 31 of the Criminal Procedure Code also prohibits investigating police officer from using “any inducement, threat,

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<sup>9</sup> ICCPR Art. 14(3(g)).

<sup>10</sup> ICCPR, Art. 9(3); ACHPR, Art. 7(1(d)).

<sup>11</sup> ACHPR Principles and Guidelines section M principle 3(b).

promise or any other improper method.” The Constitution eliminates the incentive to use force or any other method to force arrested persons to make confessions or admissions by rendering evidence obtained through compulsion non-admissible before a court as per Art. 19(5) of the Constitution.

The prohibition of forced confession or admissions supplements the prohibition of torture and other ill treatment under Art. 18 of the Constitution, which states that “Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment.” An act of torture or other ill treatment is a crime punishable with rigorous imprisonment not exceeding 10 years and fine in serious cases, as provided under Art. 424 of the Criminal Code.

Forced confessions or admissions are also prohibited under international human rights treaties ratified by Ethiopia.<sup>12</sup> The treaties prohibit torture or other cruel, inhuman or degrading treatment or punishment for any purpose, including for the purpose of obtaining a statement or “confession” from arrested persons.<sup>13</sup> The prohibition of torture is absolute and non-derogable. 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 for torture.<sup>14</sup> Furthermore, the prohibition of torture is a rule of customary international law that applies to all states at all times. It is a peremptory norm of international law, meaning it supersedes other treaties and customary rules not having the same status.

### **2.2.5 Right to bail**

The Constitution guarantees the right to bail because individuals should not be deprived of the right to liberty even when suspected of committing a crime unless the deprivation of liberty is absolutely necessary (Art. 19(6) of the Constitution).<sup>15</sup> However, all arrested persons may not be granted bail as there are conditions to be met as laid down by the Criminal Procedure Code. Accordingly, Art. 63 indicates non-bailable crimes (e.g., when arrested person is suspected of committing serious crimes punishable with more than 15 years of rigorous imprisonment or death).

The right to bail is also recognized in the international human rights treaties ratified by Ethiopia.<sup>16</sup> States must ensure that it is not the general rule that individuals arrested, detained or charged with a criminal offense are held in custody pending investigation or trial. Persons charged for a criminal offence should not be kept in detention while their trial is pending unless there is sufficient evidence showing that it is necessary to prevent them from fleeing, interfering with witnesses or posing a clear and serious risk to others.

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<sup>12</sup> ICCPR, Art 14(3)(g); CRC, Art 40(2)(b)(iv).

<sup>13</sup> African Charter, Art 5; ACRWC, Art 17(2)(a); ICCPR, Art 7; CAT. See also UDHR, Art 5.

<sup>14</sup> CAT, Art 2(2).

<sup>15</sup> Art. 19 (6) of the Constitution provides that “persons arrested have the right to be released on bail.”

<sup>16</sup> ICCPR, Art 9(3).



### 2.2.6 Right to fair trial

Everyone is entitled to a public hearing before an independent and impartial tribunal before which all individuals are equally treated. In line with human rights instruments,<sup>17</sup> Art. 20(1) of the Constitution guarantees the “the right to a public trial by an ordinary court of law within a reasonable time after having been charged,” recognizing both the right to public trial and the right to speedy trial. Art. 20 of the Constitution also guarantees the right to be presumed innocent, and the right to defend themselves against any criminal accusations, which include access to information on particulars of the case, access to evidence produced against them, examination of evidence (including witnesses).

The right to fair trial implies accused persons’ access to legal representation. Art. 20(5) of the Constitution guarantees the right to counsel: “Accused persons have the right to be represented by legal counsel of their choice, and, if they do not have sufficient means to pay for it and miscarriage of justice would result, to be provided with legal representation at state expense.” This is in line with Art. 14 of the ICCPR, which recognizes the right of everyone to be tried in her or his presence, to defend herself or himself in person or through legal assistance of her or his choosing.<sup>18</sup>

### 2.2.7 Treatment in custody

Deprivation of liberty due to conviction for a crime or other reasons does not result in loss of all rights. Convicted prisoners and other persons in custody should be treated with humanity. Article 21(1) of the Constitution provides that all persons deprived of liberty, whether they are imprisoned upon conviction and sentencing or detained for other reasons, have “the right to treatments respecting their human dignity.” This provision of the Constitution is similar to Article 10(1) of the ICCPR. Federal Prison Proclamation No 1174/2019 contains details of prisoners’ rights.

The Prison Proclamation provides that prisoners have the right to accommodation (which preserves dignity, security and health of the prisoners), clothing (prison uniform or prisoners’ own clothes), food (sufficient and balanced diet), and the right to free medical care (to the extent that such service is available to other citizens). In practice, there is a limitation in the implementation of the rights of persons deprived of liberty. In some regions, detainees are not provided with basic amenities such as sanitary facilities or beds. Regional and some federal detention facilities and prisons do not provide separate sanitary facilities for women. Many pre-trial detention facilities at federal and regional level do not provide food and water forcing detainees to rely on family support.

Art. 21(2) of the Constitution provides that persons deprived of liberty have the right “to be visited by, their spouses or partners, close relatives, friends, religious councilors, medical doctors and their legal counsel.” In addition, Art. 40 of the Federal Prison Proclamation provides that prisoners have the right to “communicate in person or in writing with his/her spouse, relatives, friends, religious counselors, medical

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<sup>17</sup> UDHR, Art 10; ICCPR, Art 14; African Charter, Art 7 & 26.

<sup>18</sup> See Luanda Guidelines, 8(d)(ii) & 14(c).

advisors and legal advisors.” In practice, denial of family visits or and harassment of visitors occur in detention and prison facilities.

The separation of prisoners is an aspect of humane treatment in custody. Art 110 of the Criminal Code requires separation of prisoners by sexes, ages, gravity of crimes committed and other grounds. Similarly, Art 33 of the Federal Prison Proclamation requires the separation of male from female, persons detained upon judicial remand from convicted prisoners, detainees from civil proceedings or petty offences from other prisoners, children from adults, and persons that require high security from others. In practice, however, not all prescribed separation is implemented. In particular, separation of prisoners or other persons in custody by age is not common. Children in detention face secondary victimization because there is only one rehabilitation facility for children at the federal level, and in all regional states, children in conflict with the law are imprisoned with adults.

### **2.2.8 Right to remedy**

Rights are meaningless unless there are remedies when violated. These may include bringing perpetrators to justice and reparation for victims. The Constitution guarantees the right to access to justice under Art. 37, which guarantees the right of everyone “to bring a justiciable matter to, and obtain a decision or judgement by, a court of law or any other competent body with judicial power.” This means that any person whose rights have been violated, including persons deprived of liberty, can sue perpetrators in court or bring their complaint before quasi-judicial institutions, such as the EHRC.

The right to remedy is also guaranteed in international human rights treaties to which Ethiopia is a party, including the ICCPR. Art. 2 (3) of the ICCPR provides that any person whose rights “are violated shall have an effective remedy” which should be determined by competent “judicial, administrative or legislative authorities.” That is, every person who has been a victim of unlawful arrest or detention has an enforceable right to an effective remedy and reparation, including compensation as provided under Art. 9(5) of the ICCPR.

The African Commission on Human and Peoples’ Rights (African Commission) which monitors the implementation of the African Charter on Human and Peoples’ Rights (African Charter) underlined States Parties’ obligations to provide effective remedies to victims of torture and explained that reparation “includes restitution, compensation, rehabilitation, satisfaction - including the right to the truth, and guarantees of non-repetition.”<sup>19</sup> These forms of reparation are generally applicable to all victims of human rights violations.

The Ethiopian Civil Code does not reflect recent developments in human rights as it was adopted in 1960, but still contains some forms of reparation recognized in international human rights law (Arts. 2090 - 2104). Art. 101 of the Criminal Code requires the trial court to order the criminal “to make good the damage or to make

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<sup>19</sup> African Commission on Human and Peoples’ Rights General Comment 4 adopted 2017.

restitution or to pay damages by way of compensation.” However, the practical application of these laws is almost non-existent.

## **2.3 State of Emergency**

A state of emergency is declared when a state faces danger. The right to liberty is usually suspended during state of emergencies. The Constitution provides for the declaration of a state of emergency. The Council of Minister can declare a state of emergency if external invasion, breakdown of law and order, natural disaster or epidemic occurs, as provided under Art. 93. The Council of Ministers may suspend political and democratic rights during a state of emergency. The Constitution does not expressly authorize the suspension of civil rights such as the right to liberty. However, the Council of Ministers cannot suspend some rights including the prohibition of torture. The rights that cannot be suspended during a state of emergency are usually called non-derogable rights.

Most international human rights treaties ratified by Ethiopia do not contain a derogation clause, a provision permitting declaration of a state of emergency and suspension of rights. An example is the African Charter. According to the African Commission, the absence of a derogation clause from the African Charter means prohibition of derogation. The rights guaranteed in the Constitution should be understood in light of the African Charter and other treaties ratified by Ethiopia, as per Art. 13(2) of the Constitution. An exception is the ICCPR, which contains a derogation clause and lists non-derogable rights under Art. 4. Even under the ICCPR, derogation is permitted only when it is consistent with States’ obligations under international law, such as the provision of the African Charter. That means, States Parties to the ICCPR, which are also parties of the African Charter, cannot suspend rights during a state of emergency as that would be inconsistent with the African Charter.

State of emergencies were declared in Ethiopia due to widespread public protest in 2016 and 2018, because of COVID-19 in 2020, and due to the conflict in the Northern Ethiopia in 2021. During the 2021 State of Emergency, in most cases, detainees were first taken to and held in police stations in the vicinity of the place of arrest. As their number increased, detainees were transferred to other places of temporary detentions centers across sub-cities in Addis Ababa including facilities such as multipurpose youth centers or some vocational training centers. Some of the places of detention were overcrowded and did not have adequate ventilation, light and adequate sanitary facilities. In some of the detention places, medical care was not available.

## **2.4 Challenges**

In addition to the gaps in the implementation of the right to liberty and the rights of persons deprived of liberty stated above, participants of the national launching workshop held on 17 February 2022 identified other challenges. Participants, mainly from government institutions, identified challenges relating to shortage of resources, legislative gaps, institutional limitations, limited awareness, and unethical behavior of public officials.

Participants from justice bureaus identified challenges in protecting and respecting the rights of persons deprived of liberty. These include customary practices of local community, institutional gaps, budgetary problems, unethical law enforcement agents, insufficient detention facilities (including prison cells), lack of capacity of police investigators, gaps in legal awareness, problems in granting pardon, abuses during state of emergencies, and disproportionate measures (including excessive use of force) by security agents.

Participants from the police commissions identified the following challenges:

- Inadequate budget, including the budget for responding to the special needs of women, children and persons with disability in detention;
- Inadequate detention facilities, including lack of standard prison cells;
- Lack of rehabilitation centers for children in conflict with the law, lack of resources to deal with homeless children, children detained with their mothers, detainees with mental illness;
- Lack of healthcare services and adequate food in detention centers;
- Delay in investigation and extended time for investigation;
- Detention based on inadequate evidence and incomplete charges;
- Denying bail, refusing to release detainees on bail, and demanding payment by police officers to release a detainee on bail (corruption);
- Detention based on political opinion, or identity of a person;
- Lack of equal treatment of detainees;
- Lack of accountability of perpetrators;
- Lack of continuous training for security agents, and lack of awareness and knowledge on the part of the police, prosecutors and judges;
- Lack of manuals and procedures;
- Lack of technological equipment (database, CCTV, etc);
- Shortage of time for presenting a defense during real time dispatch;
- Denial of visits by attorneys, doctors and relatives or family of detainees (especially at police stations);
- Political interference (such as interference by police in civil cases);
- Failure to bring detainees before a court within 48 hours;
- Lack of follow up and forgetting persons in detention;
- Unwillingness of officials to visit detention centers;
- Keeping detainees on remand when the case is complex;
- Deployment of police officers who do not fulfill the required conduct and educational requirements; and
- Training the police on the basis of political orientation and problems in performance evaluation.

The challenges mentioned by prison administrations include: delay in adjudication in federal and regional courts, lack of coordination, corruption and malpractice, inconsistency in the treatment of prisoners, and shortage of budget. Instances of political interference was also mentioned as a problem. The interference is usually by government officials and high-level politicians when there is an attempt to take

corrective measures such as disciplinary measures or ensure criminal accountability for human rights violations.

The challenges identified by CSOs include: lack of awareness about rights in the society and institutions, legal and policy gaps, lack of competence of executive organs, lack of budget, resistance to accept and implement recommendations, and unwillingness of state institutions to work with CSOs. Media representatives noted that issues related to detention do not receive adequate media coverage due to lack of funds.





Photo Credit: CPRD, EHRC

## CHAPTER THREE

# SOUTHERN NATIONS, NATIONALITIES AND PEOPLES' REGION

The Southern Nations, Nationalities and Peoples' Region (SNNPR) is one of the regions selected for the national inquiry. This Chapter summarizes the testimonies of victims and witnesses, views of different stakeholders, and replies of government authorities made during the public hearing in Hawassa. It also includes recommendations to improve the implementation of the right to liberty and rights of persons deprived of liberty.

### 3.1 Contextual Background

The SNNPR is the most diverse region in Ethiopia with over 45 ethnic groups. In July 2022, at the time of the public hearing in Hawassa, SNNPR consisted of 11 zones<sup>20</sup> and six special woredas.<sup>21</sup> Some ethnic groups in SNNPR demanded self-administration and established a separate region (e.g., Sidama Region through referendum in 2019, South Western Ethiopia through referendum in 2021, Southern Ethiopia through referendum in 2023) while others demanded or established zones (e.g, Konso, Siltie, Alaba, Gamo, and Gofa) or special woreda (e.g., Allie).

However, all demands for self-administration were not always peaceful. The demands were sometimes accompanied by violent protests or armed resistance. There were also disputes over administrative borders that led to violent conflict. The responses of the regional state were also violent, involving at times several arrests. Some of the human rights violations related to these conflicts are highlighted below.

#### 3.1.1 Segen Area

Segen was the main administrative town of Gumaydie, which was one of the five woredas in Gardula *Awraja* during the Derg regime. Gumaydie was home to several ethnic groups. Following the introduction of federal administration by the 1994 Constitution, Gumaydie was divided into special woredas based on ethnic groups. Nine kebeles (Birbirsu, Lultu, Ayilota Dokato, Garcha, Adis Geberie, Segen Town, Becho, Segen Genet, and Melega Dudaya) became part of Konso Special Woreda; one kebele (Hayibena) became part of Dirashe Special Woreda; four kebeles (Tinishua Keyatie, Beneya, Bereqe and Gobezie) became part of Burji Special Woreda; and three kebeles (Buniti, Abulo and Alfacho) became part of Amaro Special Woreda.

In 2011, SNNPR established Segen Area Peoples' Zone consisting of Amaro, Ale, Burji, Dirashe and Konso special woredas. Before 2011, Ale ethnic group used to live in Konso Special Woreda and Dirashe Special Woreda. In 2019, SNNPR established Konso Zone (following the demand for zonal administration through violent protests), reconstituted four special woredas (Amaro, Ale, Burji and Dirashe). However, Dirashe demanded zonal level administration. The demand was peaceful at first but it turned violent in the process leading to the killings of 60 members of SNNPR's special police and hundreds of others, including civilians. Several individuals were detained following the armed conflict.

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<sup>20</sup> These are Gamo, Gofa, Gedeo, Gurage, Hadiya, Kembata Tembaro, Silt'e, South Omo, Wolaita, Alaba, and Konso zones.

<sup>21</sup> These are Amaro, Allie, Baseketo, Burji, Dirashe and Yem.

### **3.1.2 Kucha**

In 2018, Kucha People's Democratic Party (KPDP), an opposition political party, was founded, with the objective of protecting the identity and self-governance of Kucha Community, people who live in Gamo Zone. KPDP participated in the 6th national election in 2021 and won all the federal and state council seats in Kucha constituencies. However, the complaints submitted to EHRC alleged widespread arbitrary arrests of KPDP leaders and members.

### **3.1.3 Meskan and Mareko**

Mareko and Meskan are two districts located in the Gurage Zone. In 2000, the SNNPR Council decided to re-structure the Meskan and Mareko woreda into two independent woredas. Nine kebeles (Enseno Usme, Enseno 01, Bechie Gulchano, Dida, Bati Fato, Bati Liejano, Eimer Wacho Third, Bamo, Ucha Genemie) were demarcated into Meskan Woreda. However, Mareko ethnic group claims that these kebeles belong to them, which led to recurrent conflicts. In relation to this, the EHRC has received allegation of violations, including arbitrary detention and denial of access to justice based on ethnic identity.

### **3.1.4 Wolaita**

Wolaita has been demanding the establishment of a Wolaita region and on 19 December 2018, the Wolaita Zone Council decided to establish a region, separate from SNNPR. The decision was submitted to the SNNPR Council. As there was no immediate response, a protest was called in Sodo City on 17 May 2019. Twenty-six persons, including leaders of Wolaita Zone and an opposition party called Wolaita People's Democratic Front (WPDF), were arrested on 9 August 2019. Following the arrest, violent protests erupted in the Zone's Boditi and Gununo towns.

### **3.1.5 State of Emergency and other issues**

In relation to the State of Emergency (SOE) declared on 2 November 2021 during the conflict in northern Ethiopia (Afar, Amhara and Tigray regions), the EHRC found that the criteria of necessity, proportionality, and non-discrimination were not adhered to. Individuals were arrested in temporary detention camps in several parts of the country, including SNNPR. Most of the detentions were conducted in makeshift centers, warehouses, in Kebele, police training camps (e.g., Abosto), zonal prisons, police stations, and informal detention centers. Even after the state of emergency was lifted, there were prolonged interrogations of arrested persons without bringing them into the ordinary or formal justice system; and arrests and detention without a trial or a charge.

The findings of EHRC's election monitoring indicated that 17 members and supporters of Ethiopian Citizens for Social Justice (EZEMA) were detained on 13 June 2021 in Konso Zone. On 30 June 2022, several individuals were detained by security forces in Gurage Zone and Dirashe Special Woreda in connection with demands for administrative structure and administrative boundary demarcation.



In preparation for the sixth general election in 2021, opposition political parties filed a number of complaints with the EHRC alleging government interference with the freedom of peaceful assembly. There were threats against those who participated in political party meetings and gatherings, which were prohibited due to temporary administrative scheme, commonly referred to as *command post* in Wolaita Zone. On 19 June 2021, EZEMA supporters residing in Jarso Kebele were kidnapped by two Kebele Militias, brutally abused, and dumped on the premises of the Kebele Administration in Konso Zone.

The EHRC also received complaints about alleged harassment, interference, and intimidation of opposition parties, limiting their political participation. Local government administrations, for example, were shutting down opposition party offices and blocking office rental by threatening and intimidating owners. These acts were reported in Mizan Teferi, Wolaita, Gamo, Konso, and Mizan Aman zones.

### **3.2 Legal and Institutional Framework**

SNNPR's Constitution guarantees human rights as prescribed under the FDRE Constitution. Constitutionally guaranteed rights include protection against arbitrary arrest/detention (Art. 14), protection against torture and cruel treatment (Art. 18), the right to equality before the law and the courts (Art. 25), the rights of persons arrested (Arts 19 and 21); and rights of accused persons (Arts 20 and 21).

In addition, SNNPR adopted several laws relevant to the rights of persons deprived of liberty. These include Militia Administration and Organization System Regulation No. 28/1997, the Revised Police Establishment Proclamation No. 151/2014, Police Commission Administration Regulation No. 121/2014, and Prisons Administration Commission Establishment Regulation No. 137/2008. In line with the federal laws, these laws require that human rights are respected and prohibit discrimination, torture and inhuman or degrading treatment or punishment. As in the federal laws, SNNPR laws guarantee the right of prisoners to be visited, and require the separation of prisoners by sex, age, gravity of crimes and status of convictions.

SNNPR Justice Bureau has taken measures to protect the rights of persons deprived of liberty. It established a human rights directorate within the Justice Bureau. It conducts regular visits to police stations and prisons to take corrective measures, ensure accountability in cases of violations of rights. It also provides training, raises awareness on the protection of human rights for police officers/investigators and the community.

The Prison Commission conducts site visits in collaboration with prosecutors and other stakeholders, holds discussions with prisoners on the issue of their rights and the prison staff on the treatment of inmates. In addition, it provides advice and special training, improves condition of prison cells, increases food budget, administers a clinic in every prison facility, and provides formal and vocational education for prisoners. It separates prisoners by sex and other grounds, and provides balanced diet, clothes, bed, mattress and sanitation to prisoners.

However, members of the police failed to execute court orders in some areas, especially in regards to bail. At certain police stations, arrested persons were not

brought before a court within 48 hours and were not registered upon admission to the police detention centers. There were also allegations of torture during detention or interrogations. Some prisons or detention centers were overcrowded, and did not have adequate light and air, and were not hygienic.

### **3.3 Hawassa Public Hearing**

The SNNPR public hearing was held in Hawassa from 4-7 July 2022. A total of 126 participants attended the hearing, including victims, witnesses, regional government officials, academia, religious leaders, and local CSOs from different zones and special woredas. Recognizing the importance of representation, efforts were made to select a diverse group of victims and witnesses based on types of violations suffered, geographical coverage, gender, disability, and frequent submission of complaints to EHRC. However, despite the effort, of the total 126 participants, only 8 were female (around 6%), the main reason being that female victims were relatively fewer and feared reprisal by the state officials. Only three persons with disabilities participated in the hearing.

A total of 29 victims and witnesses testified under oath (22 in public and seven in confidential hearing). They were from Gurage Zone (Mareko Woreda), Wolaita Sodo Zone (Sodo City Administration), Gamo Zone (Arba Minch Zuriya Woreda, Kucha Woreda, Kucha Alpha Woreda and Selam Ber City Administration), Konso Zone (Segen Zuriya Woreda), Burji Special Woreda, Gofa Zone (Gofa Denba Woreda and Sawla City Administration), Gedeo Zone (Dilla City Administration), South Omo Zone (Jinka City Administration), Dirashe Special Woreda, and Amaro Special Woreda.

High level government officials participated in the hearing, including the SNNPR Good Governance Cluster Coordinator with rank of Deputy President (also Head of the Regional Peace and Security Office), the Regional Police Commission Commissioner, the Prisons Commission Commissioner, Supreme Court Representative, the Deputy Head of Justice Bureau and judges. In addition, police officers, public prosecutors from zones, special woredas, and city administrations indicated above attended the hearing.

Scholars from five universities, namely Arba Minch, Wolaita Sodo, Warabie, Jinka and Wolkite universities participated in the hearing. Mizan Young Lawyers' Association, a CSO, was among the participants. Leaders from different religious institutions participated in the hearing.

The hearing was conducted for three days. The first one and half days were allocated to hear victims and witnesses. Half of the second day was allocated to academia and religious leaders. The third day was allocated to government officials.

### 3.4 Alleged Violations

The testimonies of victims and witnesses at the public hearing in Hawassa alleged violations of several rights. The testimonies are summarized below under rights alleged to have been violated.

#### 3.4.1. Deprivation of liberty

The victims and witnesses testified that they were subjected to repetitive and prolonged arbitrary and unlawful detention. A victim from Sodo City Administration testified that he was detained twice on 1 January 2021 and 8 November 2021 by Wolaita Zone Police. He explained that the main reason for his arrest was his work as a journalist in Oromia Media Network (OMN) and advocacy for Wolaita people to establish their own regional state. He was classified by the Zonal administration as a member and messenger of Oromo Liberation Army (OLA), also known as Shane – which was designated as a terrorist group by the House of Peoples’ Representatives. On 1 January 2021, he was released on a 10,000 ETB bail bond at the police station after three days of detention. He stated that he was then detained from 8-12 November 2021 for the second time in Gununo City Police Station. According to him, the police transferred him to Zonal Police on 13 November 2021, Sodo Abado area, Fanuwa Police station and kept him there until 16 November 2021. On 17 November 2021, he was transferred to Abosto and spent 65 days in detention. During his detention, he did not appear before a court. When he asked the reason of his arrest, the policeman told him that “there was no concrete evidence against him which required his arrest, that the police was unhappy about the arrest, but had to execute the order from the Zonal Peace and Security Administration Office.”

As explained by other victims, the grounds of arrest included gathering people without government’s approval ( “illegal” meeting), raising fund for a political party, campaigning and participating in the demand for self-administration of Kucha People, supporting, campaigning and voting for the KPDP in the sixth general election, participating in Wolaita’s self-determination request and expressing political opinion on social media (Facebook), and participating in the request for Gumaydie’s self-administration, participating in opposition political parties such as EZEMA, Enat, AEDP, and declining to join Prosperity Party as a member, exposing act of corruption of government officials to the police and Anti-Corruption Commission.

Other forms of unlawful arrest include a practice of arresting and detaining family members or relatives of suspects to force the suspects to appear before the police. For instance, one of the victims from Segen Zuriya Woreda, Konso Zone, testified that his pregnant wife was detained to force him to appear at a police station; and that she was beaten and insulted. Another victim from Gidole City Administration, Dirashe Special Woreda, testified that his father and two brothers were arrested to force him to appear at a police station.

### **3.4.2 Right to be informed reasons of arrest or charge**

Of the total 29 victims and witnesses, six victims said that they were not informed of the organ arresting and/or detaining them; that they did not see arrest warrant; that they were detained for several days without any charge, and without examination or interrogation. Nine victims testified that they were arrested without court warrant. Another victim from Jinka City Administration, South Omo Zone, testified that he was detained in the police station for six days without the police informing him the reason of his arrest. He was released without appearing before a court. A victim from Gidole City Administration (Dirashe Special Woreda) testified that he and 8 other detainees wrote an application to the police requesting explanation for their arrest for which they got a reply stating that “the command post is handling your case; we have no authority to investigate.”

Most of the victims were detained without any criminal charges. For instance, the victim from Dilla City Administration, Gedeo Zone, testified that she and other detainees stayed in a police station for two months without appearing before a court; and that the police inform them that they were accused of a criminal offence after seven months of detention. However, they were still not informed of the charge because the prosecutor said that “the charge will be read in the court when the remaining suspects are arrested and brought to court.”

### **3.4.3 Right to be brought before a court**

Six victims testified that they were brought to the court but not within 48 hours. For instance, a victim from Seqely Kebele, Kucha Woreda, Gamo Zone, testified that there was no examination and he was not brought before a court during all his detention. Another victim from Gamo Zone (Senbamu Kebele, Kucha Alpha Woreda) stated that he was detained on 6 April 2022, but appeared before a court on 11 May 2022.

The pretrial detention period without appearing before court varies from three days to seven months. In addition to such prolonged pre-trial detentions, there was also a practice of repeated remand. For instance, a victim from Gofa Zone (Sawla City Administration) testified that he was on remand three times, for 14 days and 15 days.

### **3.4.4 Right to counsel**

All the victims indicated that they had no legal assistance throughout the arrest, detention and trial periods. The victim from Amaro Special Woreda (Yero Kebele) testified that he was not supported with any legal assistance during the trial; that he did not pursue his case further as he had no money to travel and hire a lawyer although he was not satisfied with the final decision of the court. Another victim from Gofa Zone (Sawla City Administration) testified that he had difficulty accessing legal service as the police officers threatened the counsel not to take his case.

### **3.4.5 Right to Bail**

A victim from Gamo Zone (Selam Ber Town, Kucha Woreda) testified that after repetitive detention, he was released by furnishing his title deed as security for the

bail because he was not able to deposit the large sum of money he was asked for bail. Most of the testimonies indicate that the amount of money to be furnished as surety was usually determined without the assessment of a detainee's ability to pay. Furthermore, the victims who were unable to deposit the money set for the bail remain in detention without appearing in a court, indicating that the bail bond decisions by the police were arbitrary.

### **3.4.6 Right to be visited**

Some victims reported that they were denied the right to communicate and receive visits for a certain period of time. One victim from Wolaita Zone (Sodo City Administration) testified that detainees were denied the right to be visited based on their ethnic identity.

Members of families of victims were unable to visit detainees as they were not informed about the detainees' whereabouts. Even when the family members of detainees knew place of detention, detainees were not allowed regular visits and their family members were unable to bring detainees clothes and food. Most victims who were detained in Abosto testified that their families did not know their whereabouts in the first week of their arrest, and were unable to receive food from their family members. A witness from Sawla Town, Gofa Zone, testified that when she went to visit her brother in Sawla Prison, the Prison Administration prohibited visits on Wednesday, Friday and Sunday. On some other days, visits were not permitted on "cleaning day" and "discussion day." When she visited during the permitted time, she was isolated and searched naked by a female police officer. When she asked why she had been treated and searched in such a way, she was subsequently prohibited from visiting her brother.

Another problem with access to family was the distance of the police station and detention or makeshift centers from families of the victims. For instance, victims from Burji Special Woreda (Beneya Kebele) and from Dirashe Special Woreda (Gidole City) testified that their families were not able to visit them because they were being held 8-52 kilo meters away from home. A regular family visit was not possible because of lack of roads and the high cost of transportation.

Five victims from Wolaita Zone (Sodo City Administration), Gofa Zone (Sawla City Administration), Burji Special Woreda (Beneya Kebele), and Dirashe Special Woreda (Gidole City) testified that they were subjected to restricted correspondence with family; that they were denied family visit a number of times during the detention, particularly the first two to three weeks and once the visit was allowed, they were denied private discussions with their family. For instance, the victim from Dirashe Special Woreda (Gidole City) testified that he could not have private family visits as the special police members were standing next to them during the visits and forced them to speak in Amharic only.

Victims testified that government officials including the public prosecutor, and in one instance a legislative body, visited the detention centers, although such visits did not improve their treatment.

### 3.4.7 Torture and other ill treatment

Seven victims testified that they were subjected to torture, inhumane or degrading treatment for different reasons, including for the purpose of obtaining confession or information. The victims were from Amaro Special Woreda (Yero Kebele), Gofa Zone (Sawla City Administration), Burji Special Woreda (Beneya Kebele), South Omo Zone (Jinka City Administration), Gamo Zone (Mogole town, Kucha Woreda), and Dirashe Special Woreda (Gidole City Administration).

The victim from Amaro Special Woreda (Yero Kebele) testified that two policemen arrested him on 8 January 2018 and asked him to pay them Birr 500. When the victim told them that he had no money to pay, the two policemen together with other colleagues beat him and tied his hands and legs behind his back, locked the room and left him tied from 8 to 10 January 2018. On the third day, his family untied him and took him to a hospital. As a result of the police beatings and being tied up for long, he suffered a serious injury on his hands. He was referred to Arba Minch Hospital, and then to Wolaita Christian Hospital, where he stayed for three months for treatment and at Areka Duba Hospital for another three and half months. He reported that as a result of the injury he suffered, his two hands were paralyzed, and could only use his two fingers of his right arm. He also suffered psychological harm.

Three victims testified that they were subjected to repeated beatings on their genitals. For instance, a victim from South Omo Zone (Jinka City Administration) testified that he was severely beaten by a member of SNNPR Special Security Force until he collapsed. As a result, he is unable to procreate, suffer pain in his genitals and has troubles controlling his urine. Other victims testified that they suffered partial loss of hearing and vision, as well as a disability on the hand or leg.

Three victims from Wolaita Zone (Sodo City Administration), Gamo Zone (Selam Ber Town, Kucha Woreda), and Dirashe Special Woreda (Gidole City) testified that they were subjected to inhuman or degrading treatment. The victims said that they were detained in overcrowded places (22-40 persons were detained in a 12 square meter room); and that they were denied daily access to open air, water, food, sanitation facilities, health care, and meaningful human interaction. Four victims testified that they were denied access to medical care outside the police stations/detention centers and two other victims testified that they were not able to access medical treatment inside the detention centers/police stations. There were victims who testified that they were held 'incommunicado' (not allowed to communicate with others).

Some victims testified that they were ridiculed, insulted and subjected to humiliation; and that they were called by different derogatory terms, such as cannibal, *junta*, terrorist, and degrading insults in relation to their ethnic identity. A victim from Gamo Zone (Mogole town, Kucha Woreda) testified that he was held in Kebele makeshift centers and when he requested for medical treatment, the Mayor denied him the service replying "make such request to Kucha People's Democratic Party, the political party you elected to be a government." Other two victims further testified that they were subjected to discrimination and denied equal treatment while in police station and detention centers because of their membership and support to opposition political parties. A female victim from Wolaita Zone (Sodo City Administration), who was a

member of opposition political party called Enat, testified that even though she informed the police officers during arrest that she just had a surgery for breast cancer, she was denied medical treatment, and was only able to receive treatment after 11 days of detention.

Sexual violence, which include forced nudity, is a form of torture, inhuman or degrading treatment or punishment. A victim from Gamo Zone (Kucha Alpha Woreda) testified that she was stripped naked and detained for four days. She reported she was the only female in the detention center, while all the guards were male. The police threatened and intimidated her, calling her terrorist *Junta*. She received several death threats.

Some victims testified that they were subjected to repeated and several beatings on their back with electric wire, bludgeon, or stick and severe slaps, stepping on the toes during interrogations, kicks and beating with the fist on the sensitive body areas including the face, head and genitals; that they suffered grave bodily injury on the ear, eye, hand, leg and genitals; and psychological harm.

The perpetrators listed by victims include kebele militia, the police, prison guards and members of the special police. The acts of torture, inhuman or degrading treatment include excessive use of force, ill-treatment at the time of apprehension, during transport/transfer to police stations and makeshift centers, and while in police custody or in detention centers, in the context of police questioning in criminal investigations and other forms of interrogations.

### **3.4.8 Conditions of Detention**

Several victims testified that the detention centers were overcrowded; and that there was no food at police stations, and kebele detention/makeshift centers; that food was provided by families of detainees; and sometimes the food brought by family members was thrown out by the police. For instance, a victim from Dirashe Special Woreda (Gidole City Administration) testified that there were 470 detainees in one detention hall; and while there was water inside the police station, no water was provided to the detainees for drinking and sanitation. Another victim from the same City Administration testified that he used to get food from his family as the police did not provide food. A victim from Mareko Woreda, Gurage Zone, testified that he was not detained in a police station or prison, but rather in an informal place of detention, by way of a warehouse.

Some victims testified that 60 to 126 persons were detained together in one room; that they were unable to sit or sleep at once due to overcrowding and thus were taking turns every six hours to sleep; that they were forced to sleep on a cemented floor and/or in a dusty room without mattresses and clothes, particularly in kebele detention centers, that the door and the windows of detention rooms were always closed day and night. A victim from Gofa Zone (Sawla City Administration) testified that he was sleeping on a toilet corridor; there were a lot of bugs as the places was overcrowded; there were bad smells coming from wounds of detainees who were beaten. He testified that accused were detained with convicts; and that he was threatened by the prisoners serving life sentence. In some places of detention,

including kebele makeshift centers and few police stations such as Selam Ber Police Station, there was no toilet, and no water and shower. A victim from Wolaita Zone (Sodo City Administration) stated that the prison was overcrowded, unsanitary and limited access to the toilet which forced prisoners to accommodate their call of nature inside the detention room rendering them unhygienic; and that there was a detention room with a window adjacent to a toilet.

### **3.4.9 Economic and social rights**

Most detainees stated that their detention resulted in loss of livelihoods as they lost their job or income, or temporarily suspension from employment. A victim from Amaro Special Woreda testified that he lost his job due to his detention, affecting him and his children who dropped out of school; that he suffered psychologically and emotionally due to the detention. A victim from Wolaita Zone (Sodo City) testified that he was fired from his job on 6 August 2021; that he demanded for reinstatement and back payment of 10 months' salary, but did not succeed despite appeal to the zonal civil service office; and that he and his family suffered because of his repeated detention.

A victim from Gamo Zone (Kucha Woreda, Seqely Kebele) testified that he was unable to harvest his agricultural products due to fear of repeated detention; that he was unable to carry out his farm work; and that he had to flee his home for fear of detention. Another victim from Gamo Zone (Kucha Alpha woreda) testified that the detention impacted her mental health; and that she fled her home and work for fear of repeated detention. Some detainees said that they suffered physical injury and disability as a result of torture, inhumane and degrading treatment; and that they were still suffering from depression and anxiety in their day-to-day life, which affected the enjoyment of their right to health.

### **3.4.10 Right to Remedy**

Several victims and witnesses reported that they were unable to obtain remedy for arbitrary detention and other violations they suffered. Four victims testified that they suffered a bodily injury that resulted in different levels of disability, psychological, social and economic harm and losses. While most victims did not seek remedy for their sufferings, those who did, were not successful.

A victim from Amaro Special Woreda (a place called Kelle in Yero Kebele) testified that he brought a case to the police against two policemen who tied his hands and feet for three days, explaining that he suffered bodily injury, sustained economic loss including medical expenses and the loss of income as a result of the injury. He explained that the policemen were arrested but released on bail. He said that he sued the policemen, but did not receive compensation although the court fined the policemen Birr 5,000. He noted that there were informal discussions about reconciliation with the two policemen to pay a sum of money for his medical expenses and other economic loss, but to no avail.



### 3.5 Views of Legal Researchers and professionals

Researchers from law schools participated in the public hearing, shared their experience and expressed their views on the rights of persons deprived of liberty. A statement by one of the researchers is summarized below:

*The law prohibits arbitrary detention and provides sufficient protection. However, there is a clear gap in providing remedies in cases of violations. If a police officer is responsible for unlawful arrests (under the pretext of an investigation), there is no independent investigation and prosecution. In addition, the Constitution does not contain a provision that expressly compels the government to pay compensation for wrongdoings of state institutions. Under the Criminal Law, victims have the right to seek compensation from perpetrators.*

Other researchers raised issues of habeas corpus and procedural barriers. They explained that while unlawful arrest or detention is a crime, the application for habeas corpus is a civil matter, according to the Federal Courts Proclamation No 1234/2021 and the Civil Procedure Code. The procedural problem is that a court may grant the application for habeas corpus and order release of unlawfully detained person. However, the court closes the file as there is no procedure for ensuring the accountability of a police officer or any law enforcement agent for unlawful arrest or detention, which is a crime.

The other procedural problem relates to accessibility to courts with jurisdiction over the application for habeas corpus. The opinion of one of the participants can be summarized as follows:

*Federal first instance courts have jurisdiction over applications for habeas corpus. At the regional level, zonal high courts deal with such cases through delegation. However, for persons detained arbitrarily or unlawfully in a woreda or a kebele, zonal high courts are very far from them. This is a legal problem that requires a reform.*

The researchers stated that research conducted in Arba Minch and Jinka found that there was lack of awareness among the law enforcement officers on the rights of persons deprived of liberty. Regarding the burden of proof, they argued that since detainees are usually unable to bring evidence that proves arbitrary or unlawful detention or other abuses, they recommended that the burden should be shifted to either the respective police officer or public prosecutor.

### 3.6 Views of Religious Leaders

Religious leaders were requested to provide information or their views on the rights of persons deprived of liberty during the public hearing. A statement of one of the religious leaders can be summarized as follows:

*Whoever is wronged, as it has been indicated by Christianity, Islam or any other faith, the Almighty will accept his prayers. The tears of a wronged person have consequences; those tears will destroy us all. As Muslim religious leaders, did we stand up and talk to those who abuse others? Did we say it is haram? As*

*Christian religious leaders, did we condemn the violations on Sundays? And did we deny the services to the perpetrators? The key is in our hands, but we have done nothing. So, we are all responsible.*

In summary, the religious leaders confirmed that they were aware of what they heard during the testimonies of victims and witnesses at the public hearing, implying that the allegations are generally true.

### **3.7 Responses of Government Officials**

The SNNPR government officials participated in Hawassa public hearing, listened to the testimonies of victims or witnesses and views of different stakeholders, including researchers and leaders of religious institutions. All SNNPR government officials refused to take an oath at the start of their response, claiming that they have already made an oath when they were assigned to the high-level position they occupy. They then responded to allegations of violations in general terms. In some cases, they specifically responded to allegations made by a particular victim or participant as provided below.

#### **3.7.1 Amaro Special Woreda**

The government officials and representatives from Amaro Special Woreda replied to the testimonies of victims and witnesses. Chief Inspector Ermiyas Issa (Director of Tactical Investigation, Amaro Special Woreda Police Office) explained that because of the misinformation propagated through Facebook, Woreda officials were unable to move and work. He blamed members of opposition political parties in the area for that.

Explaining the context in connection with the treatment of persons deprived of liberty, Chief Inspector Ermiyas Issa stated that the High Court had not been operational for two years because of the conflict due to the restructuring of Segen Area Peoples' Zone. He explained that arrested persons who could not be released on bail could not be brought before court or admitted to the correctional institutions as there was no functioning court or administrative structure. Chief Inspector Ermiyas added that detention centers were overcrowded due to large number of criminal suspects and there were shortage of prison cells due to budget constraint; that the administration including the police was unable to function properly due to security and structural problem in the area; that it was difficult to transport detainees to correctional facilities due to lack of transportation facilities and road blockade (he said that they had to travel 600 kilometers for a journey that would have been 111 kilometers if roads were not blocked).

Chief Inspector Ermiyas further explained how the opposition party, EZEMA, won the seats in its constituency at the 6<sup>th</sup> general election in 2021, but because the transfer of power did not occur, it led to disagreement between the ruling party and EZEMA, putting the police in a difficult position. He also noted that some police officers violated rights due to lack of awareness and requested the EHRC to create awareness for members of the police.

Mr. Alemayehu Bawdi (SNNPR Good Governance Cluster Coordinator with the rank of deputy president of the region and Head of the Regional Peace and Security Office) and Mr. Alemayehu Mamo (the SNNPR Police Commission Commissioner) responded to the testimonies of a victim from Amaro Special Woreda (Yero Kebele) who was abused by Amaro Special Woreda police officers. Mr. Alemayehu Bawdi said that whoever abused the victim should be brought to justice and the victim should be compensated for the harm. Commissioner Alemayehu Mamo stated that he believed that it was possible to bring the perpetrator to justice, including the imposition of administrative penalty and criminal punishment.

### 3.7.2 Dirashe Special Woreda

Three officials from Dirashe Special Woreda responded to testimonies alleging violations. They were Omar Bernas (*Chief Sergeant*) from Tactical Investigation Division of Dirashe Special Woreda Police Office, Mr. Dejene Bezabeh (Coordinator) from Dirashe Special Woreda Justice Office, and Mr. Zenebe Demesie (Deputy President) from Dirashe Special Woreda High Court. The following is *Chief Sergeant Omar's* response:

*There were political pressures on the police as the politicians determine the matters to be investigated. The police detained several individuals due to the conflict in Dirashe. Some members of the police slapped, beat with a stick, and inflicted serious physical injuries on suspects during arrests; they did not even spare persons with mental illness. The injured detainees were treated at Gidole Hospital. There were intimidations at police stations. There was limited access to toilets as detainees were permitted to use them only at specific time. Arrested persons were not brought before court. Some members of the police were held accountable for the abuse and ill treatment. After investigation, some were convicted and sentenced with imprisonment.*

Mr.. Dejene Bezabeh from the Justice Office noted that the police, justice office and courts were not fully functional due to the security problems in Dirashe Special Woreda. He confirmed that officials from security department and kebele leadership conducted arbitrary arrests. Furthermore, he acknowledged that there were cases where the police failed to implement recommendations of prosecutors, and failed to bring arrested persons to court within 48 hours. He also mentioned cases where members of the police were held accountable for mistreating arrested persons.

Deputy President of Dirashe Special Woreda High Court, Mr. Zenebe Demesie, described the situation as follows:

*In the Special Woreda, the State of Emergency was used to arbitrarily arrest persons fighting corruption and procedural violations. When authorities were unable to arrest a suspect, they detain the suspect's family members, for example, a son in lieu of a father or a wife instead of a husband. There were cases of officials interfering in judicial functions.*

### 3.7.3 Gamo Zone

Mr. Tenaw Cherkos from Gamo Zone Justice Bureau responded to allegations concerning Arba Minch Zuriya Woreda. He explained a case brought before the Arba Minch Zuriya Woreda Court for violating the state of emergency decree. He explained that there was a mistake while hearing evidence and that the problem was rectified by the Gamo High Court on appeal.

Mr. Tenaw also replied in relation to cases concerning Kucha. He noted that individuals were repeatedly arrested in Kucha Woreda at kebele level. He explained that individuals supporting the demand for the recognition of Kucha community as a people attacked the opponents (individuals who did not support the demand for recognition). He explained that frequent arrests were made in connection with these clashes. He noted the steps taken by the Justice Bureau including dismissal of officials and conducting human rights audit. He affirmed that the Justice Bureau is committed to address violations.

From the Gamo Zone Police Department, *Commander Daniel Arega*, Head of Tactical Investigation Division, responded to testimonies relating to allegations in Kucha Alpha Woreda, Kucha Woreda and Selam Ber City Administration. His statement can be summarized as follows:

*Police stations are organized at woreda level. There is no police station at kebele level although testimonies relate to detentions at kebeles. We did not receive complaint or information at the zonal level in relation to individuals arrested by the order of the local officials. It is our responsibility to investigate and rectify any unlawful arrest whenever we receive complaints.*

Mr. Daniel Dana, a judge from Salam Ber City First Instance Court of Gamo Zone, explained issues relating to detentions in the area. His statement is summarized as follows:

*The main reason for human rights violations in Kucha relates to the request for recognition of Kucha ethnic identity and self-administration, which was put forward many years ago. The other reason relates to the [2021] general election, where an opposition party known as Kucha People's Democratic Party (KPDP) won seats for national and regional legislature, resulting in tensions with the ruling party. Individuals who supported the demand for the recognition of Kucha or voted for KPDP during the election were detained without warrant at kebele level and were not informed the reasons of their arrest. There were cases where arrested persons were detained at police stations for four or five days despite the requirement to bring them before a court within 48 hours. Arrested persons were released when it pleased the officials. The Gamo High Court sometimes organized a temporary bench in the area and granted bail to arrested members and leaders of KPDP.*

### 3.7.4 Gedeo Zone

*Commander Eyasu Bekir*, Head of Criminal Investigation at the Tactical Division of Gedeo Zone Police Department, explained the allegation relating to testimonies of a

victim, an old lady who alleged that she was beaten by the police and sustained injury in Dilla City. Commander Eyasu's explanation is summarized as follows:

*The day the lady was beaten, one of her sons was suspected of stealing a mobile phone from a place called Manaheria Sefer and ran away. Several members of the police in civilian clothes were deployed to arrest the suspect. The police chased the suspect, who entered the lady's house. The police followed him and entered the house. The suspect's brother who was in the house stabbed a policeman on the left hand and shoulder. The attack on the police escalated. The police requested reinforcement. Arrest warrant was obtained by phone.*

Mr. Alemayehu Mamo, Commissioner of the SNNPR Police Commission, noted that the acts resulting in the injury of the victim was not reasonable given that the victim was an old lady. He affirmed that members of the police were wrong; and that perpetrators should be brought to justice and reparation to be made to the victim, if that was not the case.

### **3.7.5 Gofa Zone**

Ms Lubaba Jamal, Commissioner of SNNPR Prison Commission, responded to allegations of beatings and conditions of detention in Sawla Prison:

*A team was sent to Sawla Prison to investigate a complaint in 2018, but did not find a violation. Prisoners (between 40 and 100 persons) appeared before court in Arba Minch. However, there was no information or complaint about beatings or other mistreatment in Sawla Prison. The cleanliness of the toilet and jail cells has improved.*

### **3.7.6 Konso Zone**

Officials from different levels of administrative structure (woreda, zone and region) responded to allegations of violations in Segen Zuriya Woreda, Konso Zone. Mr. Mathews Ugende, Coordinator of Special Crimes of Segen Zuriya Woreda Justice Office, argued that there was no arbitrary detention in his Woreda. From the zonal level, *Inspector Asefa Gerafo*, Head of Criminal Investigation Division of Konso Zone Police Department, explained about the conditions of detention and stated that there were eight jail cells which were visited by the EHRC. He added that there were efforts to address the problems raised by the testimonies of victims and that the condition in the jail cells had been improving. Inspector Asefa denied that the police had beaten the victims to death, but promised to investigate if there was excessive use of force.

Deputy Head of SNNPR Justice Bureau, Mr. Zewde Lema, replied to testimonies of a victim from Segen Zuriya Woreda, Konso Zone. Mr. Zewde recalled allegation of a victim with disability (loss of one leg), who testified that he was beaten naked with electric cable; that his nails were pulled; and that he lost his leg due to the beating. Mr. Zewde explained that the victim and his armed group attacked law enforcement agents; that the victim was injured during the armed attack and lost his leg as a result of the injury; and that the victim was a fugitive. Mr. Zewde explained that there was an armed force fighting the government in Segen Zuriya Woreda (also called

Gumaydie by the victims) and attacking government supporters. Mr. Zewde promised to investigate allegations of torture and other violations.

Mr. Alemayehu Bawdi (SNNPR Good Governance Cluster Coordinator with the rank of deputy president of the region and Head of the Regional Peace and Security Office) also explained the context in Segen Zuriya Woreda:

*The problems raised by the victims arose from armed conflicts between state security forces and non-state armed groups. The armed groups killed government officials and civilians, and destroyed properties. They lost members during a shootout with the security forces. The problems did not occur in the normal law enforcement processes. It was similar to situation in armed conflicts. The government would continue enforcing the law.*

### **3.7.7 State of Emergency Situation**

Victims and witnesses alleged violations of their rights during a state of emergency. The allegations were made by victims and witnesses mostly from Wolaita Zone (Sodo City Administration), Gurage Zone (Mareko Woreda), Gamo Zone (Arba Minch Zuriya Woreda, Kucha Alpah Woreda, Kucha Woreda, and Selam Ber City Administration), and Burji Special Woreda. Two higher officials of the SNNPR, Mr. Alemayehu Mamo (Commissioner, SNNPR Police Commission) and Mr. Zewde Lema (Deputy Head of SNNPR Justice Bureau), responded to these allegations in general terms. Commissioner Alemayehu Mamo explained the matter as follows:

*During the State of Emergency, individuals were arrested at night, were not brought before court within 48 hours, and were detained for a long time in various conditions because procedures of arrest provided under the Criminal Procedure Code applicable in a state of normalcy were suspended. Our investigating team visited the places of detention. In addition, the State of Emergency Inquiry Board investigated the conditions of detention. The Justice and Administrative Affairs Standing Committee of the House of Peoples' Representatives also investigated this matter.*

Deputy head of the Justice Bureau, Mr. Zewde Lema, explained that he was the secretary of the command post during the state of emergency. Denying the allegations of violations, Mr. Zewde explained the following:

*During the state of emergency, most rights were suspended. It was not necessary to obtain arrest warrant. Individuals were arrested if there was sufficient suspicion that they were working with or supporting terrorists. Four teams were established to conduct investigation and decisions were made by the command post, releasing detainees fortnightly. There were efforts to address congestion, the problem of sleeping space and shortage of food as much as possible. There was a doctor at places of detention who made a referral when needed.*

### 3.8 Key Findings

The inquiry revealed that there were violations of the right to liberty (freedom from arbitrary arrest and detention), and the rights of persons deprived of liberty based on the testimonies, views of stakeholders and responses of government officials. Although the Constitution and international treaties provide that substantive grounds of arrest or detention must be prescribed by law and should be defined with sufficient precision to avoid overly broad or arbitrary interpretation or application, the inquiry revealed that the victims were subjected to unlawful arrest. The arrests were unlawful as most of the substantive grounds of the arrest were not justified; and the reasons provided by the police/security forces upon arrest lack legal basis. Most of the victims were subjected to detention for exercising their right to participate in public affairs, the right to freely elect and be elected, the right to freedom of assembly, and the right to freedom of expression through online and mainstream media. The inquiry revealed the violations of the following rights of persons deprived of liberty:

- The right to be informed the reasons of arrest or detention and charges,
- The right to counsel,
- The right of detainees to be visited by spouses, close relatives, friends, religious advisers, doctors, and lawyers and others,
- The right to be brought promptly before a court of law,
- The right of detainees to trial within a reasonable time,
- The right of detainees to treatment respecting human dignity (the rights to humane detention condition including health care, food, protection against torture, inhuman and degrading treatment such as sexual abuses, intrusive body search),
- The right to non-discrimination,
- The right to bail,
- The right to work, and
- The right to effective remedy.

Most of the violations occurred during armed clashes between security forces and armed groups (e.g., Dirashe Special Woreda), during a period of election (e.g., Kucha case in Gamo Zone), due to administrative boundary disputes (e.g., Meskan and Mareko in Gurage Zone), or as a result of public unrest as part of the demand for self-administration, including the request for a regional state, zone or special woreda (e.g., Wolaita). There were also cases where the violations were the result of corruption of law enforcement agents (e.g., torture by two policemen in Amaro Special Woreda to obtain a bribe).

### 3.9 Recommendations

Several measures, including legislative, administrative, institutional, financial, and educational measures, should be taken to improve the implementation of the right to liberty and the rights of persons deprived of liberty in the SNNPR. The measures should be taken at different levels: federal and state levels. The federal government should address issues of establishing a new state within the federation and put in

place a comprehensive national legislative framework for reparation of victims of human rights violations.

Most of the measures should be taken by SNNPR and its branches. Some of these measures include the followings.

### **3.9.1 Legislature and Executive**

The SNNPR State Council and the executive should

- Timely address issues of self-administration and administrative boundary disputes;
- Ensure that the mechanisms followed to address issues of self-administration are participatory;
- Put in place mechanisms to provide reparation for victims of human rights violations, including compensation for psychological, economic and social harm suffered by the victims of arbitrary detention, and rehabilitation, particularly for victims of torture and other ill treatment;
- Cooperate with relevant stakeholders, including non-government organizations, to provide reparation for victims of human rights violation;
- Protect opposition political parties and individuals demanding self-administration from arbitrary and unlawful arrests, threats and intimidation, and discrimination based on political opinions, membership or choice of political party, or ethnic identity;
- Create awareness and procedures to ensure that groups or individuals demanding self-administration peacefully present their question to their respective administrative; and
- Ensure the independence of the judiciary.

### **3.9.2 Police**

The SNNPR Police Commission should

- Investigate members of the region's security personnel, including kebele officials, who commit crimes, including human rights abuses;
- Put an end to the practice of detaining suspects in kebeles or unknown places of detention, such as halls and public places, in cooperation with the Regional Peace and Security Office;
- Put an end to the practice of preventing suspects from interacting with their families, relatives, and religious advisers;
- Provide medical care to suspects;
- Prevent arrest and detention without sufficient evidence;
- Inform suspects the reasons of their arrests or the charges against them;
- Abstain from detaining the members of families in lieu of the suspects;
- Put an end to the practice of detaining individuals without an arrest warrant, where such warrant is required;
- Implement decisions of courts and recommendations of prosecutors;
- Ensure proportionate use of force and firearms;



- Provide regular training on human rights to police officers;
- Include human rights among criteria for the promotion of police officers;
- Treat detainees with human dignity; and
- Complete investigations on time and refrain from requesting unnecessary and repeated remands.

### **3.9.3 Justice Bureau**

The SNNPR Justice Bureau should

- Visit regularly the situations of detained persons and follow up the implementation of recommendations forwarded to the respective police station;
- Create awareness of human rights, in collaboration with relevant stakeholders; and
- Protect victims and witnesses who participated in the Hawassa public hearing (i.e., prevent their imprisonment, reprisal action, including intimidation, and threats by local officials).

### **3.9.4 Prison Commission**

The Regional Prison Commission should

- Separate pre-trial detainees from convicts,
- Ensure the body search of visitors, and newly admitted suspects in accordance with human rights standards, preventing sexual harassment and assault on visitors, especially female visitors, under the pretext of search,
- Improve conditions of prisons as per national and international standards, and
- Ensure that prison wards responsible for abuses are investigated and held legally accountable.



## CHAPTER FOUR

### SOMALI REGION



## 4.1. Contextual Background

Somali Region is located in the eastern part of Ethiopia and shares borders with Afar Region, Oromia Region, and Dire Dawa City to the West, Djibouti to the North, Somalia in the East, North East and South, and Kenya to the South-West. The capital city is Jigjiga, which is 635 kilometers away from Addis Ababa. The Region comprises of 11 zones, namely, Afder, Dhawa, Dollo, Erer, Fafen, Jarar, Korahe, Liben, Nogob, Shabelle and Sitti. The working language of the region is Somali Language (*Af Somaliga*).

The population in Somali Region is predominantly ethnic Somalis. Non-Somali ethnic groups also reside in the Region. The Region hosts a significant number of refugees and internally displaced persons (IDPs). Most Somalis are pastoralists and those residing in urban areas are business owners. There are also farmers (e.g., East Imi and West Imi woredas). Somalis are predominantly Muslim. The Somali community has clan leaders. Human rights abuses in Somali Region are mostly related to competition for political power and conflicts usually due to competition over natural resources, including with communities in the neighboring states of Afar and Oromia.

### 4.1.1 Conflicts

Recurrent conflicts occur between communities in Afar and Somali regions. The conflict mostly affected Adaytu, Undufo and Gedamaytu resulting in killings, injuries, displacement and destruction of properties. The EHRC expressed concern regarding the 24 July 2021 conflict in Gedamaytu that resulted in loss of lives, civilian casualties, internal displacement and property damage.

Conflicts also occur between communities in Oromia and Somali regions due to competition for natural resources and disputes over administrative boundary. A referendum was organized in 2004 to determine the choice of residents over the disputed territories of more than 420 kebeles. Although the fate of the disputed areas was determined in the referendum, the demarcation was not implemented.<sup>22</sup> For instance, conflict flared up in 2017 resulting in killings and displacement in both Oromia and Somali regions.<sup>23</sup>

### 4.1.2 Ogaden National Liberation Front

The Ogaden National Liberation Front (ONLF) was established in 1984. It emerged from a group that split from the Western Somali Liberation Front (WSLF). After the downfall of the military government in 1991, ONLF assumed power in part of Ethiopia that later became Somali Region along with the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), which controlled the central government. However, ONLF returned to armed struggle in 1994 because of the disagreement with EPRDF. ONLF was declared a terrorist organization in 2010 by the House of Peoples'

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<sup>22</sup> BBC, "What is behind clashes in Ethiopia's Oromia and Somali regions?" 18 September 2017, available at <https://www.bbc.com/news/world-africa-41278618> (accessed on 14 May 2023).

<sup>23</sup> OCHA and NDRMC, "Ethiopia: Oromia – Somali Conflict-Induced Displacement" *Situation Report No. 4*, 20 June 2018.

Representatives. The armed insurgency of ONLF and the counter-insurgency by the government resulted in killings, injuries, mistreatments and displacements.

Following the political change in 2018 in Ethiopia, Prime Minister Abiy Ahmed invited ONLF and other armed groups to return to Ethiopia and engage in peaceful political struggle. ONLF was subsequently removed from list of terrorist organizations. ONLF agreed to respect the Constitution and peacefully pursue its political objectives. Like other political parties, ONLF initially registered to compete in the sixth general election held in 2021, but withdrew from the election before voting.

#### **4.1.3 The 2018 political changes**

Violence occurred in Jigjiga on 4 and 5 August 2018 following an attempt to disrupt a meeting in Dire Dawa in which participants called on the federal government to hold accountable the then President of the Region, Abdi Mohamud Omar (also known as Abdi Illey), who became the Regional President in 2010 and who was accused of human rights violations that involved the Region's Special Police Force (Addis Standard, 6 August 2018). The violence resulted in killings, injury and rape. Abdi Illey was removed from power by the end of August 2018 and charged with crimes.

#### **4.2. Legal and Institutional Frameworks**

The Constitution of Somali Region guarantees the rights recognized in the FDRE Constitution.<sup>24</sup> The Constitution of Somali Region guarantees rights in a language identical to the FDRE Constitution, including the rights to life (Art. 16), liberty (Art. 18), security of person (Art. 17), the right to equality and non-discrimination (Art. 26), freedom of expression (Art. 30), freedom of movement (Art. 33), the right to marital and family rights (Art. 34), the right to vote and be elected (Art. 38), right to privacy (Art. 27), the right to property (Art. 40), the right to engage freely in economic activity (Art. 41), and the right to access to justice (Art. 37). The Constitution of Somali Region guarantees the rights of arrested persons, accused persons and convicted persons. Freedom to establish one's residence in the state, right to work, the right to engage freely in economic activity, right to choose a means of livelihood, occupation, and profession, right to own, use, and possess property as well as the right to dispose it by sale or bequest or to transfer it and leave the state at any time a person wishes is recognized under the constitution (Arts. 33, 40 (1) and 41).

In addition to the FDRE Constitution, other federal laws including the Criminal Code and the Criminal Procedure Code are applicable in Somali Region. The legislature of the Somali Region has also adopted relevant subsidiary laws, including Somali Regional State Prison Police Commission Proclamation No. 210/2022 and the Somali Regional State Police Commission Re-establishment Proclamation No. 141/2014, which require the police to respect the fundamental rights and freedoms of detained persons. These proclamations prohibit any act of degrading or inhuman treatment

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<sup>24</sup> A Proclamation to Pronounce the Coming into Effect of the Revised Constitution of the Somali Regional State, Proclamation No. 17/1994.

against detained persons, as well as discrimination based on color, faith, affiliation, property, opinion, living condition, language, or other related grounds.

### **4.3 Jigjiga Public Hearing**

The EHRC organized a public hearing in Jigjiga City from 19 to 22 December 2022. A total of 77 persons attended the hearing. Of the total participants only four were female, as fewer female victims of arbitrary and unlawful arrests were available to participate in the public hearing. Of the total participants, only one person with disabilities participated in the hearing. Of the total participants 20 were victims and witnesses. Thirteen victims and witnesses testified in public while the remaining seven testified in a confidential hearing.

Government officials participated in the public hearing, including high level official. These include an adviser from the Regional President's Office, the Regional Police Commission Deputy Commissioner General, the Prisons Commission Commissioner General, Supreme Court and Regional Justice Bureau representatives, judges, police officers, public prosecutors from zonal and Woreda offices. The officials heard the testimonies of victims and witnesses. As part of the public hearing, the officials explained and replied to the testimonies witnesses and victims.

One academician from Jigjiga University and a Jigjiga-based victim association were present as participants from civil society organizations (CSOs). A representative of the Elders' Bureau, clan leaders, and religious leaders from different religious institutions participated in the hearing.

### **4.4 Alleged Violations**

Victims and witnesses alleged violations of several rights during the public hearing in Jigjiga. The testimonies are summarized below under rights alleged to have been violated.

#### **4.4.1 Deprivation of Liberty**

Victims alleged deprivation of their liberty. A victim from Dollo Zone testified that he was arrested without a warrant along with six members of his civic association. He explained that he was detained while supporting individuals affected by drought in Dollo Zone. He claimed that he was arrested because the administration believed that his team members and himself were rallying up the people in the zone. He stated that he was released by the police, although he was not informed the reason of his detention.

A victim from Jarar Zone testified that he was arrested and detained three times. The first time was for one month partly during the 2021 state of emergency without being informed of the reason of his arrest. He was then detained for another three months for the second time during the 2021 state of emergency dissenting against the state and posting about his arrest on Facebook. The third time, he stated that he was detained for eight months without seeing any visitors. He explained that the police failed to bring him before a court on all three occasions of arrests.

A witness from Jigjiga city, Fafan Zone, testified that non-Somali individuals working as drivers of three-wheeled vehicles (commonly called *bajaj*) were targeted and face repeated detention by the police. He stated that four persons were arrested for a week and released on 16 July 2022 without any criminal charges against them and without appearing before a court. Most of the victims said that they were subjected to detentions for exercising their freedom to participate in public affairs, freedom of thought and political opinion, and being part of a minority group.

#### **4.4.2 Right to equality and non-discrimination**

Testimonies from members of the Dube Community and non-Somali victims and witnesses indicated detention on ethnic or social grounds. Witnesses and victims from East Imi Woreda testified that Dube community members were detained, beaten and tortured. They also said that security forces took their land by force. Similarly, non-Somalis residing in Jigjiga testified that they faced intimidation and prolonged detention which was worse if a person from a Somali descent lodges a complaint against them. They further stated that they cannot complain because of the fear of retaliation from the police.

#### **4.4.3 Right to be brought before court**

Victims and witnesses from East Imi and West Imi woredas testified that people from Dube Community were targeted by the regional police and consequently detained in violation of their rights including arrest without a warrant and without appearing before a court within 48 hours. For instance, a victim described that he was arrested without a warrant and detained for three months; that he was not informed the reason of his detention or arrest, and that he did not appear before a court. He testified that he was detained because he is a member of Dube Community.

A victim from Jigjiga testified that he was arrested without a warrant, and he was brought to court after a month of his arrest. He stated that he was originally from Imi Woreda and part of the Dube Community. He testified that the police said that “he should not be speaking to a girl from Ogaden ethnic group.”

Victims and witnesses from Jigjiga testified that they were arrested without an arrest warrant and were not informed the reason of their arrest. They testified that non-Somalis face repeated detention and arrests by the regional police without reasonable cause and only released after paying a bribe to the police. A witness testified that the police informed the victim that “he would not be released until the Regional President approved his bail.”

A victim from Dollo Zone stated that he was detained along with others for five days, before his transfer to Addis Ababa, to appear before the Federal High Court; and that he was detained for four months before his application for bail was granted. He said that he was detained for one year and seven months although the court ultimately granted him bail. He said that he was suspected of being a member of the Islamic State of Iraq and Syria (ISIS), but he was never convicted for a crime.

Witnesses from Kebridehar Woreda and Jigjiga city stated that they witnessed the detentions of those who dissent or were members of opposition groups. For instance,

a witness from Kebridehar Woreda said that she witnessed the arrest and later on the detention of the opposition ONLF party members while they were campaigning during the 6<sup>th</sup> general election in 2021; that they were arrested without warrant and were released a week prior to the election. A victim from Dollo Zone was also detained arbitrarily by the police commissioner, who warned the victim to stop the campaign election.

#### **4.4.4 Right to counsel and be visited**

Victims from Jigjiga, West Imi Woreda, and East Imi Woreda testified that they were prohibited from having family visits while detained. In particular, victims and witnesses from Jigjiga stated that the police request payment for detainees to be visited by family members. Others testified that detainees were held in places that was difficult for families to visit.

A witness from Shinile Woreda testified that there was no access to legal counsel because there was no practicing lawyer in the woreda and they were only available at a zonal level.

#### **4.4.5 Enforced disappearance**

Victims and witnesses residing in Jigjiga testified about the arrest and detention in kebeles without informing the family or judicial authority. When family members requested information about detained family members the police would reply, “there is no one by that name”. The detention can go up to a week. The detainees were released after paying a bribe facilitated through a mediator between the police and the family of the detainees.

#### **4.4.6 Forced Confession**

A witness from Shinile Woreda testified that security officials use intimidation to extract confessions from detainees. He described the case where a policeperson threatened a detainee with defamation. The detainee was suspected of posting on social media statements against officials of Shinile Woreda Administration, including the judge who oversaw his trial.

#### **4.4.7 Torture and other ill treatment**

Victims and witnesses from Kebridehar Woreda, East Imi Woreda and West Imi woreda, Degehabur Woreda and Jigjiga City testified that they were subjected to torture, inhumane and/or degrading treatment for being part of opposition group or minority group.

A female victim from Kebridehar, who was a member of the ONLF, was stoned and severely beaten by a police officer sent by the regional deputy police commissioner although she informed the police officer that she recently underwent a surgery. The victim said that her efforts to file a complaint against the police officer did not succeed because the main perpetrator was the regional deputy police commissioner, who had previously beaten the victim and caused a rupture of her uterus.

A victim from Degehabur Woreda testified that he was severely beaten by security forces connected to the Regional President, for posting about the human rights abuses on Facebook, causing the victim to lose six teeth. Victims, particularly members of the Dube Community, described repeated insults and degrading comments they faced based on their ethnicity.

Victims from Jigjiga and West Imi Woreda testified that they had been held in solitary detention. The victim from West Imi Woreda said that he was in solitary detention for 20 days, and he was allowed out only to take a shower or to go to the bathroom.

Victims from the Fer Barre Community from Kelafo Woreda testified that they were subjected to physical torture such as flogging, and their heads covered with plastic bags filled with pepper powder while in detention. They said that the purpose of the torture was to forcibly evict them from their land. They said that they sustained permanent physical injury, lost their eyesight and were forced to leave their land as a result of the physical and psychological torture.

#### **4.4.8 Condition of detention**

Victims from West Imi Woreda and Wardeir Woreda testified that they were held in poor detention condition which includes extremely hot and cold temperatures causing illness among detainees. Furthermore, most lack mattresses for sleeping. A victim from Wardeir Woreda witnessed the death of a detainee due to the cold temperature of the detention room at Maewklawi in Addis Ababa.

#### **4.4.9 Economic and social rights**

The majority of the detainees suffered loss of livelihoods because their properties such as a plot of land or *bajaj* were seized or forcibly taken by the local authorities. Some lost their shops while in detention or they were unable to work due to their physical injury impacting their social and economic life.

Victims from Dube Community, members of the Fer Barre community from Kelafo Woreda, and non-Somalis said that they were denied their right to property through seizures of their land, prohibiting other family members from farming and using their *bajaj* while they were in detention. Victims from Wardeir Woreda and West Imi Woreda said that they were in economic distress as they lost their plots of land and shops. A victim from Wardeir Woreda testified that the court ordered restitution of his plot of land, but the order was not implemented because those who imprisoned him built houses on his plot of land and the federal government refused to return the vehicle it seized during his detention.

Victims from West Imi Woreda, Wardeir Woreda and Degahabur Wordeda testified that they were not allowed to receive medical treatment while in custody. Victims from West Imi and Degahabur stated that they were not taken to the hospital although they were sick due to detention conditions and/or they were injured due to beatings.

Most victims testified that family members were allowed to bring food to detainees or police officers provided food to the detainees. However, some victims testified that they were prohibited from receiving food or that family members sneaked in food. A



victim from West Imi Woreda said that she received food sneaked in by a family member working for the administration.

#### **4.4.10 Right to effective remedy**

Three victims sustained injuries resulting in psychological and socio-economic losses. Only one victim from Kebridehar received compensation from the State. She said that 18,000 Birr was left at her house, while at the same time they threaten her not to go to court. However, the victim spent 34,000 USD treating her injuries sustained due to injuries by the law enforcement authorities.

### **4.5 Views of Stakeholders**

In the Jigjiga Public hearing stakeholders such as a representative of community elders' bureau, religious leaders, CSOs and academia participated and expressed their views at the hearing. Mr. Hamud Filey, a representative from the Community Elders' Bureau, stated that his office visited police stations and prisons. He said that his office managed to secure the release of 60 detainees from police stations. He added that his office did not observe any detainees who were held in a dark cell. He said that his office discussed with the police to address problems.

Aba Tsige Desta, a priest from the Ethiopian Orthodox Tewahedo Church, stated that he encountered mistreatment as a Christian priest by female police officers at check points. Aba Tsige said that when the Church received cases of illegal arrest of Orthodox Christians, the Church tried to resolve the matter on a case-by-case basis. Children in conflict with the law (locally known as *Chayina* Group) targeted Orthodox Christians or Amharic language speakers. The police took measures against the perpetrators of abuses. Aba Tsige said that an Orthodox Church cemetery in Gode was awarded to the Church after a long dispute, but was taken away; and that a plot of land in Degehabur that was used for Timket and Mesqel festivities was also taken away.

Pastor Tilahun Abate of the Jigjiga Evangelical Church Fellowship stated that the Protestant Church was granted a cemetery in Jigjiga by the current Regional President. As the area was previously used as a garbage disposal site, some people still try to use the place to dispose garbage. Many statues were vandalized. He said that the government needs to address this issue.

Mr. Junedin Hamza Yusuf, an Islamic religious leader, said that they had two teachers in Jigjiga Prison who teach prisoners the Quran.

Ahmad Shek Mohammad, head of the civil society organization called ASVS, stated that some detainees were held in informal detention sites such as kebeles. Mr. Ahmad said that the issue of *Chayina* Group needs to be addressed by stakeholders such as NGOs and the United Nations. Sometimes children under 18 were detained by the police during mass arrests.

Ms. Meka Kedir, an academic from Jigjiga University, said that children living on the streets were exposed to gender-based violence. Some of the *Chayina* Group members were students. Jigjiga University conducted awareness creation to students with the

aim of reducing the number of children in conflict with the law. Ms. Meka said that there was a need to conduct further studies by governmental and non-governmental organizations to identify the level of vulnerability of women and others groups to human rights violations.

## **4.6 Responses of government officials**

Government officials, including high level officials, from Somali Region participated in the Jigjiga public hearing. They replied to and explained issues pertaining to their respective institutions or zones or woredas. Responses of representatives from Dollo Zone, East Imi Woreda, Police Commission, Prison Commission and Justice Bureau are summarized below.

### **4.6.1 Dollo Zone**

Sariya Abdi Ahmad, Head of the Dollo Zone Justice Office, explained that the justice sector actors work together. While the police investigate the matter, the prosecutor takes the case to court once it determines that there is sufficient evidence to file criminal charges. Once the prosecutor decides to release a detained person, the police would not detain him any longer.

### **4.6.2 East Imi Woreda**

Mr. Abdalnasser Abdulahi, Head of East Imi Woreda Security Office, said that the cases presented at the public hearing relate to rape and dispossession from land. He denied any dispossession from land and said that the Woreda was peaceful.

Mr. Abdalnasser explained the killing of Abdule Ali Meder's brother. He said that the individual was killed by another person who escaped after committing a crime. The Woreda administration resorted to mediation in an effort to prevent further killings. The murder weapon was deposited at the local police. The brothers of the victim had not been arrested. The dispute was resolved peacefully. Contrary to the testimonies of witnesses, he said that there were no arrests, and there was no land taken.

Mr. Abdalnasser responded to testimonies of a Dube Community leader, *Ugaz Omer*. He said that *Ugaz Omer* was a resident of Afder Zone, not a resident of East Imi Woreda. He recommended thorough investigation of alleged land dispossession. Of the 15 kebeles and five communities in East Imi Woreda, he explained, the Dube community lives in four kebeles, but claims two more kebeles which are inhabited by other Somali communities. Mr. Abdalnasser recommended EHRC to investigate the alleged denial of participation in East Imi Woreda local administration.

Alewa Yusuf, Head of the East Imi Woreda Justice Office, said that his Office brought individuals who threatened the victim to court. The police officers, prosecutors and judges were held accountable. The reform made in the courts brought significant improvement.

#### 4.6.3 Prison Commission

A representative of the Somali Region Prison Commission, Assistant Commissioner Elias Ali, responded to question relating to prisons. He stated that there were women who were included in the prison administration following the reform. He said that the person who was in charge of human rights and security in the Prison Commission was a woman. Assistant Commissioner Elias said that the Prison Commission tried to facilitate through mediation the release of young women prisoners who were convicted of stealing from their employers. He said that there were instances where women prisoners gave birth in the prison and the prison administration tried to support such mothers by providing essential supplies.

Assistant Commissioner Elias explained that there were young offenders (known as *Chayina* Group) who were sent to prisons located in Gode and Jigjiga; that there were no separate detention facilities for them; and that the Prison taught them the Quran (religious lessons), provided them with formal education and psychological support. He said that when young offenders were imprisoned due to a dispute with their parents the prison administration consulted with the parents to find a solution.

Assistant Commissioner Elias explained that the Prison Commission conducted reform; that the Prison Establishment Proclamation was revised to allow elders and religious leaders to visit prisons and report findings of their visits to concerned officials; that the Prison established a mechanism for filing and receiving complaints, which permitted prisoners and their family members to submit complaints; and that the reform ended the practice of detaining people without a court order or a criminal charge filed by the prosecutor. He also noted that the Justice Bureau conducts a bi-annual visit to prisons.

#### 4.6.4 Police Commission

Representatives of Somali Region Police Commission participated in the public hearing in Jigjiga. Deputy Commissioner and Head of Investigations of Somali Region Police Commission, Hassan Mohammad, responded to issues raised in relation to the police. Deputy Commissioner Hassan explained that it is the responsibility of the Police to bring the suspect to court and request remand in order to investigate; that the Police should bring the suspect to court within 48 hours of arrest; and that the Police requested three to seven days for investigation although the required time was much longer in some cases.

Deputy Commissioner Hassen noted that mechanisms of holding members of the police accountable were in place; that there were investigations and prosecutions of police officers who abused their power and committed crimes; and that police officers were also subjected to disciplinary penalty, including dismissal.

Deputy Commissioner Hassen stated that the police brought arrested persons before court within 24 hours; and that the police made sure that detainees were visited by their families. Regarding the issues relating to detention in informal or unidentified places, Deputy Commissioner Hassen said that suspects were brought to kebeles after arrest and then transferred to a police station. He denied that there were secret

detention places; and promised that the Police Commission would review and correct, if such place were found.

Furthermore, Deputy Commissioner Hassen addressed an incident in Qebridehar. He stated that the police arrested 30 women and 10 men who had carried out an illegal demonstration; that the police released the detained individuals after mediation by elders; and that there were 14 women who were accused of murder and who were in detention due to ongoing court trial.

Deputy Commissioner Hassen responded to testimonies of a lady who said that police officers beat her and subjected her to other mistreatments. He said that she received Birr 18,000 to cover medical expenses. Deputy Commissioner Hassen promised that the police would conduct investigation and bring to justice those responsible for the beating although she did not complain about the beatings to the police.

Deputy Commissioner Hassen affirmed that the police respected court orders, including bail granted by courts. Although cases relating to terrorism fall under the federal jurisdiction, Deputy Commissioner Hassen explained, there were detainees who were suspected of being members of Al-Shabab and ISIS terrorist groups who were held in Somali Region detention facilities.

With regards to disputes relating to land, Deputy Commissioner Hassen explained that land disputes were a common problem in Somali Region, sometimes resulting in killings or conflicts between different clans. He added that the Police intervened to ensure peace and security whenever disputes occur, but it is the responsibility of courts to adjudicate and resolve such land disputes.

With regards to issues related to children in conflict with the law (*chayina* group), Deputy Commissioner Hassen noted that the children were suspected of theft and sexual offenses. He said that some children participated in the robbery of *bajajs*, but they would claim that they are under the age of 18 when arrested. He explained that the Police Commission handled such cases through the justice system. He said that there were improvements as the Police Commission worked with the community to create awareness and educate the youth.

Regarding incidents in Shilabo Woreda, Deputy Commissioner Hassan stated that individuals suspected of committing serious crimes were not in prison as the matter was resolved by local elders through mediation; and stressed that individuals can still bring their complaints to law enforcement agencies.

Finally, Deputy Commissioner Hassan stated that the Police would take the points and concerns raised during the Jigjiga public hearing to identify gaps that need to be addressed.

#### **4.6.5 Justice Bureau**

A representative of Somali Region Justice Bureau, Mr. Abdusalam Mohammad, explained activities of the Bureau. He stated that the Justice Bureau regularly visited police stations and prisons based on its annual plan; that a new prison was established after the political reform as the previous prison had a history of human rights

violations; that there was an improvement in the condition of the new prison; and that some staff members attended training at Jigjiga University.

In addition, referring to testimonies of a lady who said that she was beaten by the police, Mr. Abdusalam responded that the victim can bring her complaint to justice bodies or to the Security Office or to the President's Office if she was unable to bring her complaint to the police.

Mr. Abdusalam recommended clan leaders to address issues in East Imi and West Imi. He said that the clan leaders should attempt to address the problems through administrative structures, ranging from kebele administrators to the President of Somali Region.

Mr. Abdusalam recognized that there could be cases where individuals faced charges due to the things they wrote on social media (Facebook) because freedom of speech has some limitations as it is not permitted to violate the rights of others on the basis of exercising freedom of speech. He stressed that it is important to create awareness among the citizens to educate them on how to access the justice system and demand their basic rights.

Finally, Mr. Abdusalam noted that the Justice Bureau will take the cases presented in the public hearing as input to improve its work and service delivery. He committed that the Bureau would conduct evaluation and take necessary measures, including dismissal, warning and demotion of perpetrators.

## **4.7 Key Findings**

The major findings include violations of the right to liberty (freedom from arbitrary arrest and detention), the rights of arrested persons (the right to be informed reasons of arrest or detention and the right to be informed promptly of any charges against oneself); the right to legal counsel; the rights of detainees to be visited, and the right to receive medical treatment, the right to be brought promptly before a court of law, the right to speedy trial, the right to bail, the right to humane detention condition, the right to non-discrimination, the right to freedom from torture and other ill-treatment, and socio-economic rights.

Victims were subjected to unlawful and arbitrary detention because they were members of opposition political parties or a minority group or expressed dissent. Others were detained as they were suspected of being members of terrorist groups, such as ISIS and Al-Shabab. Some of unlawful/arbitrary detentions occurred during the sixth general election of 2021 or the state of emergency declared on 2 November 2021. The impact of the detentions includes loss of property (including plots of land), and loss of livelihood.

## **4.8 Recommendations**

Several measures, including legislative, administrative, institutional, financial, educational measures, should be taken to improve the implementation of the right to liberty and the rights of persons deprived of liberty in Somali Region. The measures should be taken at different levels, both at federal and state levels. There are steps to

be taken by the federal government, but most measures should be taken by the government of Somali Region and its bureaus. Some of these measures are mentioned below under each level of government or institution.

#### **4.8.1 Government of Somali Region**

The government of Somali Region should:

- Address in a timely basis causes of arbitrary and unlawful detention including land disputes;
- Investigate allegations of human rights violations and ensure accountability of perpetrators, including kebele officials;
- Put in place a comprehensive mechanism to provide reparation for victims of human rights violations; the reparation should include rehabilitation (particularly for victims of torture and other ill-treatment), compensation for harms suffered by the victims due to arbitrary and illegal detention (including psychological, economic, and social harm), and be provided in cooperation with relevant stakeholders (including non-government organizations, and international organizations).
- Hold accountable anyone who arbitrarily and unlawful arrest, threaten and intimidate, and discriminate based on political opinions, membership or choice of political party, or ethnic identity; and
- Ensure the independence of the judiciary.

#### **4.8.2 Peace and Security Bureau and Police Commission**

The Regional Peace and Security Bureau and the Police Commission should:

- Investigate and prosecute security personnel who are responsible for human rights violations;
- Put an end to the practice of arresting suspects without warrant and in informal detention centres;
- Permit detainees to be visited by their families, relatives, religious advisers, etc;
- Provide medical care to detainees;
- Prevent arrest and detention of individuals without sufficient evidence and complete investigation on time and refrain from requesting unnecessary and repeated remands;
- Treat detainees with human dignity (end the practice of beating or abusing detainees);
- Implement the decisions of courts and the recommendations of prosecutors; and
- Ensure proportionate use of force and firearms.

#### **4.8.3 Justice Bureau**

The Justice Bureau and its zonal and woreda offices should:

- Monitor regularly the situations of detained persons and follow up on the implementation of recommendations forwarded to the respective police station; and
- Protect victims and witnesses who participated in the Jigjiga public hearing and prevent their imprisonment, intimidation, and threats by local leaders.

#### **4.8.4 Prison Commission**

The Prison Commission should:

- Separate pre-trial detainees from convicts; and
- Ensure that prison wards responsible for abuses are investigated and held legally accountable.





Photo Credit: CPRD, EHRC

## CHAPTER FIVE

### AMHARA REGION





## 5.1. Contextual Background

Amhara Region consists of 13 zones (Awi, East Gojjam, North Gojjam, West Gojjam, Oromo, West Gondar, Central Gondar, North Gondar, South Gondar, South Wollo, North Wollo, North Shewa, and Wag HeMr.a) and 1 special woreda (Argoba). Amharic is the working language of the region. There are also other languages spoken in the region including Afan Oromo, Argoba, Awgni, and Xamtagna.

Several factors affected the implementation of human rights in Amhara Region. The most devastating factor with a long-lasting impact was the conflict in the northern Ethiopia that took place from November 2020 to November 2022. Competition for political power, particularly after the 2018 political changes also affected human rights. The Region also hosts internally displaced persons. In addition, post conflict instabilities, religious and identity issues, administrative boundary disputes and political assassinations are discussed below briefly.

### 5.1.1 The 2018 political changes

The 2018 political changes in the country had impacts in Amhara Region. After 2018, legal reforms were undertaken to amend repressive laws. Institutional reforms were also undertaken, reforming institutions such as the National Electoral Board of Ethiopia and the EHRC. The trends of arresting and harassing government critics declined. The party ruling the Amhara Region, the Amhara National Democratic Movement (ANDM) first transformed into Amhara Democratic Party (ADP) and later merged with other parties and formed Prosperity Party in 2019. New opposition political parties such as the National Movement of Amhara (NAMA) emerged. NAMA was established in June 2018 in Bahir Dar and quickly obtained widespread recognition in the Region. NAMA competed in the 2021 general election and won federal parliamentary seats.

However, the reforms faced setbacks. Longstanding grievances over access to land and complex questions of identity and demarcation of internal borders on occasion led to human rights abuses, including open conflict between ethnic groups, killings, and large-scale internal displacement.

### 5.1.2 Conflict in the northern Ethiopia

A conflict broke out in the Tigray Region after an attack on a military base of the Ethiopian National Defense Force in November 2020. The conflict resulted in violations of several human rights. The EHRC and the United Nations Office of the High Commissioner for Human Rights (OHCHR) conducted joint investigation and published the [report](#) on 3 November 2021.

The conflict spread to Amhara and Afar regions in 2021. The federal government declared a state of emergency on 2 November 2021 as the conflict expanded to the center. The state of emergency allowed the authorities to arrest and detain anyone without a warrant if there was “reasonable suspicion” of cooperation with “terrorist groups” and to detain them without judicial review as long as the state of emergency was in force. Individuals were arrested in police detention centers, as well as informal

detention centers in different cities and towns. Following the expansion of conflict into Amhara and Afar regions, the EHRC conducted human rights investigation and published the [report](#) of its findings on 11 March 2022.

The conflict in the northern Ethiopia ended with the [Agreement](#) for Lasting Peace through a Permanent Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Tigray People's Liberation Front (TPLF). The agreement was signed on 2 November 2022 in Pretoria, South Africa.

### **5.1.3 Post conflict instabilities**

The conflict in the northern Ethiopia resulted in post conflict instabilities and human rights abuses in Amhara Region. Following the state of emergency during the conflict in November 2021, the government of Amhara Region called on residents who were able to fight to arm themselves and participate in the conflict, promising them that they could register and keep firearms they captured in battles. Militia group, known as Fano, participated in the conflict. In May 2022, however, the federal and regional governments started to disarm and demobilize Fano and other militias. Disagreement and confusion over the process of demobilization led to a series of clashes with regional security forces.

The May 2022 “law enforcement operation” which the government said was taken against groups involved in illegal arms trade, looting and destroying property of individuals, killings, and instigating conflict among the public, has led to widespread arrests and detentions of journalists, media activists, security force leaders political party members armed militia, and alleged Fano members.

A temporary administrative arrangement called *Command Post* was established in the Region. The Command Post imposed restrictions on the movement of vehicles in the evening, the carrying of firearms, and curfew. Individuals were arrested without knowing reasons for their arrests; they were not brought before court within 48 hours prescribed by law; they were not charged; and they were sometime detained in informal detention centers. Search and seizure of private properties took place without search warrant.

### **5.1.4 Administrative boundary disputes**

Administrative boundary disputes especially between the Amhara and Tigray regions affected human rights. The disputed territories are found in the northwestern part of Ethiopia. These includes territories such as Tsegede, Welkait, Kaftia Humera which are called Welkait-Tsegede in Amhara Region and Western Tigray in Tigray Region. Another disputed territory is Raya.

### **5.1.5 Religious and identity issues**

Amhara Region is diverse in terms of ethnic and religious identities. Clashes based on religious or ethnic identities occasionally occurred and resulted in human rights abuses. On 26 April 2022, for example, there was a clash in Gondar during the funeral of a Muslim elder over a land dispute. The conflict resulted in death and injury of

persons in Gondar and religious tension which quickly spread to other Ethiopian regions, including Addis Ababa. Another example is an incident in Motta occurred on 20 and 21 December 2019 where five persons were arrested for leading and organizing attacks against Saint George Orthodox Church and where there were damage of four mosques and some Muslim-owned business centers.

An example of issues relating to identity claim is Qemant. Qemant ethnic group resides in part of Amhara Region. In 2018, referendum was organized on eight kebeles. Despite the referendum, an armed conflict occurred between Qemant groups and the regional security forces. Hundreds of people were arrested following the violence which also led to the killings and, the destruction of property, including the burning of houses and displacement.

#### **5.1.6 Political assassinations**

Several political assassinations resulted in loss of life. In July 2018, for example, Mr. Bereket Simeon, one of top officials of ANDM was targeted. The hotel where Mr. Bereket Simeon and other senior regional government officials were said to have been accommodated was damaged by youth, and a car thought to have belonged to Bereket Simon was set on fire. In response to this, a group of youth, in particular, Bajaj drivers were arrested or detained in Debre Markos Town.

In 2019, Dr Ambachew Mekonnen (then President of Amhara Region), his senior advisor, and the attorney general of the Region were killed in their office. More than 260 people including NAMA members were arrested following the killings. The late General Asaminew Tsege (then Head of Peace and Security Office of the Region) was killed in armed clash as he was suspected of the killing the government officials in an attempted coup.

On 18 January 2023, the Amhara Special Force Brigade Commissioner Wagnaw Azeze and the Head of Peace and Security of Central Gondar Zone, Mr. Dagnaw Belete, were attacked. On 4 February 2023, the Machakel woreda peace and security head and commander of the woreda police were killed in a similar attack. On 27 April 2023, Girma Yeshtila, head of Amhara Region Prosperity Party was killed.

### **5.2 Legal and Institutional Framework**

The Constitution of Amhara Region guarantees human rights recognized in the FDRE Constitution. Constitutionally guaranteed rights include protection against arbitrary arrest and detention (Art. 17), the right to life and security (Art. 14), and the rights of arrested and accused persons (Arts. 19 and 20 respectively).

In addition to the Constitution, the Amhara Region Council adopted several laws relevant to the rights of persons deprived of liberty. These include subordinate laws such as Police Commission Establishment Proclamation No. 216/2014, the Revised Amhara National Regional Police Officers' Administration Council of Regional Government Regulation No. 175/2018, the Attorney General Establishment and Determination of Powers and Duties Proclamation No. 263/2018, the Revised Amhara Regional Prisons' Police Officers' Administration Council of Regional Government

Regulation No. 176/2018, the Amhara National Regional State Executive Bodies Establishment Proclamation No. 280/2014, and the Revised Prisons Commission Establishment and Powers and Duties Determination Proclamation No. 217/2014.

These laws require that human rights are respected, and prohibit discrimination, torture, and inhuman degrading treatment or punishment. As in the federal laws, the Amhara Region laws guarantee the right of prisoners to be visited and require the separation of prisoners by sex, age, gravity of crimes, and status of convictions.

### **5.3 Bahir Dar Public Hearing**

Public hearing was held from 28 – 30 March 2023 in Bahir Dar, Amhara Region. A total of 83 individuals from different zones and special woredas of the Region participated in the hearing as victims, witnesses, government officials, academia, religious leaders, and CSO representatives. The selection of victims and witnesses was based on types of violations (diversification), geographical distribution, gender, disability, and frequent submission of complaints to EHRC Bahir Dar Office. Only nine participants were female (around 10%) because female victims were relatively fewer and there was limited gender inclusion in the Region. Only two persons with disabilities participated in the hearing.

A total of twenty-two victims and witnesses testified under oath (20 in public and two in confidential hearings). They were from Woldiya (North Wollo Zone), Dessie (South Wollo Zone), Debre Tabor (South Gondar Zone), Gondar City (Central Gondar Zone), Fogera Woreda (South Gondar Zone), Bahir Dar City, Injibara (Awi Zone), Debre Markos and Bechena (Eastern Gojjam Zone), Debub Mecha Woreda and Denbecha Woreda (West Gojjam).

Government officials who participated in the hearing included high level officials, such as Supreme Court and high court presidents, Police Commissioners, representatives of peace and security office of different zones, zonal police officials, and Justice Bureau representatives.

Scholars from Bahir Dar University, and CSOs' representatives such as Ethiopian Women Lawyers Association, Addis Hiwot Rehabilitation and Reintegration Association, and the Ethiopian Human Rights Council participated in the hearing. Religious leaders from different religious institutions and community leaders and elders also participated in the public hearing.

The hearing was conducted for three days. The first one and half days were allocated to hear victims and witnesses. Half of the second day was allocated to CSOs, academia, religious leaders, and community leaders and elders. The third day was allocated to government officials.

### **5.4 Alleged Violations**

Victims and witnesses alleged violations of several rights at the public hearing in Bahir Dar. The allegations are summarized below under specific rights.

### 5.4.1 Deprivation of liberty

The victims and witnesses testified that they were deprived of liberty as they were subjected to repeated, prolonged arbitrary and unlawful detention. Of the 20 victims who testified in the hearing, 18 of them were detained in places far away from their residence. Most of the victims were transferred from one detention center to another at night and two of them were arrested around 9:30 in the evening.

Five victims testified that they were repeatedly detained. The victims said that they were arrested more than once, were released when one investigation was completed and arrested again for no specific reason. Some victims were detained for exercising their rights. Some were detained in informal detention centers. The types and reasons of deprivation of liberty are described below briefly.

#### *Detention of family members*

Some victims were detained as a substitute for a suspect, that is, they happened to be a close family member of suspects wanted by law enforcement agents. Four victims testified that they were subjected to arbitrary detention for the mere fact of being relatives of a suspect. Another victim testified that he and others were subjected to arrest in Wad Police Station (West Gojjam Zone) for more than one month without appearing before a court because he was a relative of a suspect who fired and killed two police officers while they were trying to apprehend him on 5 April 2022. The victim also testified that more than 11 relatives of the suspect were subjected to arbitrary arrest after the death of the police officers.

Another witness testified about detention of family members following the killing of a police officer on 1 March 2022 in Woji Areba Ameba Kebele (Fogera Woreda). He said that the alleged perpetrator was hiding in a minibus roof and traveling to Woreta direction when the minibus was surrounded by 22 security officers who were armed; that there was fire exchange between police officers and the suspect; and that one police officer was killed and the remaining security officers retreated without arresting the suspect. He noted that the following days militia and police members went to where the suspect's family live, set fire to the village and arrested several relatives of the suspect.

#### *Detention for exercising rights*

Victims reported that exercising one's rights was the reasons for arrest or detention in some cases. A victim from Dessie who was arrested in Yetnora informal detention center said, "the police told me that I was arrested because I posted ideas which oppose the government on social media."

A victim from Bechena testified that he was arrested by the police after he posted about the unlawful arrest of members of the Amhara Students' Association and informed EHRC about the arrest. He testified that he was a victim of repeated arrests because he used social media to post content opposing the government.

Two victims testified, "police officers arrested us while the two of us together with other 12 individuals from different locations were gathered in Dib Anbesa Hotel in Bahir Dar to discuss the situation of the Region. We were then detained in the Special

Force camp.” They added that they were in a meeting hall in the hotel and did not possess anything illegal when the police arrested them.

A victim from Fogera Woreda (South Gondar) reported that he was arrested with others when they claimed compensation for eviction from their plots of land. He said that the government took their land for irrigation in the “Reb River” but failed to give them substitute plots of land for farming. He stated that the police waited for representatives of farmers who were suing the government at the gate of the court and arrested them on 4 February 2022 for five days in Fogera Police Station. The victim said that, beside the arrest, police were intimidating them and their lawyer to stop demanding a substitute for their expropriated plots of land. He noted that the government ordered to suspend their case.

### ***Informal detention centers***

A practice of arresting and detaining individuals in informal detention centers was highlighted in the hearing. Five victims who testified in the public hearing testified that they were detained in three informal detention centers (i.e., Yetnora, Telili, and Gayint). They spent more than a month in the detention centers without appearing before a court or receiving family visits. Other four victims were detained in informal detention centers, which were police or military camps. A victim who was detained in informal detention centers testified that there were 800 to 900 persons in Yetnora and 600 to 700 persons in Tilili makeshift centers. She said:

*While I was in my office, security officials identifying themselves as command post came and said that they wanted me. They took me to a police station in Debre Markos on 18 June 2022. After they detained me for two days in the police station, they took me to Yetnora informal detention center at night accompanied by male security officers.*

According to her testimony, she stayed in Yetnora for more than three weeks, transferred to Tilili, and was detained there for ten days. Then she appeared before Injibara High Court for the first time after 35 days of detention.

Another victim who was detained in Gayint stated the following:

*Members of state security agents came to my house at night around 12:00 and knocked at my door and asked me to open. I said, ‘you cannot arrest me at night if you are carrying out your duties lawfully. You should wait until 6:00 in morning. Then I will open the door.’ They threatened to destroy the house unless I open the door. I responded to them, ‘if you are a bandit, you may do that.’ They waited until the early morning and took me to the 3<sup>rd</sup> police station in Bahir Dar, kept other detainees and myself there for three days, and took us to Gayint by bus after midnight (around 1:00 in the morning).*

According to the victim’s testimony, there were around 680 detainees in Gayint informal detention center when he arrived there, and the number increased at a later stage. He said that the detention was incommunicado and nobody knew the whereabouts of the detainees and the family of the victim desperately go around to check all informal detention centers and police stations. The victim added that he was released after one month of detention in the camp without appearing before a court.

At the time of his release, he stated that the security agents told him that he was detained by “mistake”.

Four other victims said that they were detained in a special police camp. A victim from Bahir Dar said that he was apprehended and taken to a Special Force camp in Bahir Dar, Kebele 11, and subjected to incommunicado detention for 16 days in the worst detention conditions.

#### **5.4.2 Right to be brought before court**

A total of 20 victims testified in the Bahir Dar hearing, but none of them appeared in court within 48 hours. Some of them testified that they were detained in the camps for more than a month without appearing in a court. It took a minimum of three days to appear before a court for the first-time. There were instances where a detainee spent as long as 83 days without appearing before a court.

Four victims testified that they appeared before a court after more than a month of detention in different informal detention centers and police stations. They said that they were detained incommunicado in a place far from their regular residence. One of them said, “when the police officers took me to the court they acted in court as though they arrested me the day before the court hearing and as if they were complying with the requirement of 48 hours”. Another victim said that he was arrested by the police in Woldiya on 22 March 2022 and he only appeared in court on 15 June 2022. He said that there were other victims in prison who spent more than a year without appearing before a court.

#### **5.4.3 Right to Bail**

Courts’ order to release suspects on bail was hardly respected. Two victims testified that they had been detained for 47 days after the court granted their application for bail. They said that they were detained in Bahir Dar on 28 June 2022 for a crime of terrorism, an attempt to initiate religious conflict and forcefully change the constitutional order. They added that the Supreme Court of Amhara Region granted them bail, but the Federal Police brought another arrest warrant to take them to Addis Ababa although they paid bail bond and Bahir Dar Sebatamit Prison Administration was ready to release them. According to the victim’s testimony, as a lot of armed security officers were waiting for them in front of the prison to take them to Addis Ababa, they opted to stay in prison. Later on, they noted, the prison refused to release them as there was a new arrest warrant against them although regional Supreme Court had delegated jurisdiction over the crime stated in the arrest warrant and already granted their bail application.

The victims added that they were not the only detainees subjected to such procedure. The police already took Ashera and Nesir media journalists and Mr. Sentayihu Chekole (Balderas Party Vice Chair) to Addis Ababa after the Regional Supreme Court heard their cases.

#### 5.4.4 Torture and other ill-treatment

Torture and other ill-treatment were among issues raised during the testimonies. Fifteen victims testified that they were subjected to torture, cruel, inhumane, or degrading treatment for different reasons including for the purpose of obtaining confession or information. The victims were from Woldiya, Debre Tabor, Bechena, Debecha, Fogera, Bahir Dar, North Mecha, Amber, DebreMarkos, Telili and Adet.

A victim from North Mecha testified that Kebele militia and police arrested him on the charge of robbing the Amhara Saving and Credit Institution on 30 June 2022. The victim said “when I arrived at the woreda police, the head of the North Mecha Woreda police called me and told me that he wanted to interrogate me about the robbery. The head of the Woreda Police and other officers spent the whole night beating me.” He said that his right hand was seriously injured and his face inflamed because of the beating. He said that he was hand-cuffed when his family members came to visit him the next morning; that he was seriously injured; and that the police arrested his family members who came to visit him for one day because they asked the police to take the victim for medical treatment. He noted,

*On another night the police officer took me out of the police station to the nearby forest, known as Gewecha Chaka, tied me to an electric pole and beat me there the whole night asking me to confess. The police tied me with a rope upside down, hanged me in a wood and beat me in a position known as wefilala in Amharic.*

He added that they tied him with a rope and pulled him on the ground in a gravel; and that he was defecating blood because of the beating. He said that the acts were committed by the police and militia. He said that one evening around 9:00 a police officer tied his leg and hand, threw him into Abay River, and then returned him back to the police station around midnight, took his clothes and forced him to sleep naked. That same night, he added, they went to his house and beat his wife demanding that she show them the stolen money. He said that his wife sustained trauma as a result of the beating.

A victim from Bechena testified the following:

*The police officers arrested me in Bechena while I was sitting with my friend. They took me in a police vehicle towards Bahir Dar direction. When we approached Bahir Dar in the evening, they forced me to get off the police vehicle, tied my hands in my back and started beating me to force me answer various questions about other individuals. I remember a person wearing a military uniform among the police officers beating me. As a result, my back and neck were injured. After we spent some time in Marsh Band Camp in Bahir Dar later that night, they took me to Metema with five other individuals. One of them was the president of Amhara Students’ Association.*

The victim further explained that other detainees and himself faced inhumane and degrading treatment while in Metema, including beating and detention in dark jail cells where they did not see light except when they went to toilet. He said that there



were other detainees in that detention center who were tied to one another with a metal rod while going to the toilet.

Some victims testified that they were subjected to inhumane and degrading treatment in different detention centers. They noted that other victims in the informal detention centers were also repeatedly beaten by police officers.

Almost all victims who testified experienced inhumane and degrading treatment while they were apprehended, during transportation and interrogation. The victims added that they were insulted and demonized for their political or ethnic affiliation. Relatives of suspects also experienced torture, arbitrary detention, and destruction of their property. They said that they sustained permanent and temporary injuries. The victims listed members of militia, police officers, and guards of detention centers as perpetrators of torture and other ill-treatment.

#### **5.4.5 Right to be visited**

Testimonies of victims and witnesses raised issues that affected detainees' right to be visited. Eight victims testified that their family members were unable to visit them because they were detained in places far from their place of residence, subjected to incommunicado detention, or they were prohibited from meeting with their family members. As a result, they did not have adequate food, sanitation, and clothing. One victim stated,

*My family members were not allowed to visit me while I was in two informal detention centers because they did not know where I was detained for about one month. When they found out my place of detention at a later stage, police officers prohibited them from getting close to me. My family members just raised their hands and greeted me from afar.*

Another victim who was detained in Gayint informal detention center provided similar testimony. The victim said that the prohibition of family visit was applicable to the detainees in police or military camp.

#### **5.4.6 Conditions of Detention**

A victim who was detained in Yetnora and Telili informal detention centers testified that there were no sanitary facilities in the detention centers; that the food prepared by the detention centers was not clean; that family members were not allowed to bring food and sanitary materials for the detainees; and that detainees were not also allowed to buy food. As a result, he fell sick and had to seek medical attention. He added,

*Between 20 and 30 men were detained in a narrow room with no adequate sleeping materials. The places of detention and their clothes were infested with lice, fleas, and bed bugs. They did not have changing clothes. Their family members were not allowed to bring them additional clothes.*

A victim who was detained in one of Amhara Special Force camps testified the following:

*When the police took me from a police station to the Special Force Camp in Bahir Dar, known as Abay Mado Special Force Camp around 7:00 in the evening, there was no detainee in the camp. I was forced to stay there without food and clothes. My family members did not know where I was. Members of the police sometimes gave me food when they felt sympathy for me. I was sleeping in one room alone on the floor without any sleeping materials.*

Four victims stated that they were prohibited from accessing medical treatment while they were in detention. One of them said,

*The regional police commissioner himself seriously beat me in his office. My head was bleeding because of the injury I suffered. Later, they took me to the police station, but prevented me from accessing medical treatment.*

Other victims also testified that individuals who were detained in informal detention centers were prohibited from obtaining medical treatment.

#### **5.4.7 Enforced disappearance**

Five victims from Bechena, Injibara, Debre Markos, and Bahir Dar testified that their whereabouts were unknown for more than a week. They were taken to places far from their regular place of residence, or they were taken and detained in informal detention centers.

A victim from Bechena said that he was detained at Bechena Police Station for a few hours before police officers took him to Bahir Dar. On the way to Bahir Dar, he was transferred from one police patrol car to another in different towns. When they arrived in Bahir Dar around 10:00 in the evening, the security agents including police commissioners took him to the forest which was a few hours from Bahir Dar through Adet direction; and repeatedly beat him to force him reveal names of persons and other information. He added that afterwards, they took him and two other individuals, who were seriously injured from the beating, to Metema town, 575 kilometers from Bechena town (349 kilometers away from Bahir Dar) around 4:00 AM. He reported that nobody knew where he and the other individuals were taken for a week until they appeared before Genda Wuha High Court.

Four victims testified that their whereabouts were not known after the government security agents arrested and took them to informal detention centers far from their places of residence. They said that they were arrested by security officials (usually referred to as Command-Post) during the May 2022 “law enforcement operation” on different days and taken to different informal detention centers, including Yetenora (Eastern Gojjam), Telili (Awi zone) and Gayint (South Gondar). Their family members and relatives were unable to trace their whereabouts for a couple of weeks.

Another victim testified about his 16 days of enforced disappearance in Bahir Dar. He recounted that:

*Security agents took me from my house and detained me at First Police Station. My family members were following everything. Later, police officers asked my family members to go home and bring me sleeping materials. After my family members left, the police officers blindfolded and took me to a place I did not recognize in a white minibus around 7:00 PM. I spent the whole night without clothes. In the morning, I realized I was in a special police force camp, where I was kept for 16 days.*

He added that, because he was the Head of West Gojjam National Movement of Amhara, when his wife and other family members asked for his whereabouts, the police commission officials responded, “why doesn’t he stop engaging in political activity”. He noted that the officials threatened his wife saying, “unless he stops his political activity, we will kill him and you will find his body in front of your house in the morning”.

#### **5.4.8 Economic and social rights**

Some victims testified that they lost their job because of their detention. Others said that their bank accounts were blocked by the government. Some victims noted that their property such as mobile phones, laptop computers and other equipment were seized and were not returned to them after their release but were retained by the police stations even after their cases were closed.

Two victims testified that they were unable to recover the payment made for bail even after the investigation against them was closed. They said that they were subjected to repeated arrest and detention; that a new investigation file was opened against them when one was closed; and that they were unable to pay for bail when they faced subsequent charges because they were unable to recover the payment made for earlier bail.

#### **5.4.9 Right to Remedy**

None of the victims, who testified during the public hearing in Bahir Dar, received compensation for arbitrary and unlawful arrest or detention. They said that no government official was willing to respond to their request for remedy. Most of them testified that government officials did not want to talk about their arrest, and denied responsibility for the detention. According to them, security officials who arbitrarily or unlawfully arrested and detained people were not held accountable.

A witness testified that in Waji Areba Kebele of Fogera Woreda, government security agents deliberately destroyed the properties of a suspect’s relatives. He stated,

*Following the killing of a police officer, members of the security forces (militia and police) went to the village of the suspect’s relatives and started firing bullets towards the houses owned by suspect’s parents and two other brothers. The next day, police officers and members of militia returned to the place, used fuel to burn down the village.*

According to the testimony and documentary evidence, six houses belonging to four households were destroyed and the families were displaced from the area and moved

to their relatives' home far from the village. According to the testimony, the police officers and members of the militia prevented the neighbors from extinguishing the fire. They also destroyed animal feed, mixing it with the soil. They conducted search without warrant and seized any materials they found during the first week of April 2022. The witnesses stated that the government did not pay compensation for the property loss.

## **5.5 Views of stakeholders**

Stakeholders participated in the public hearing in Bahir Dar, sharing their views about the contexts and challenges relating to the implementation of the right to liberty and the rights of persons deprived of liberty. The stakeholders include civil society organizations, researchers from Bahir Dar University, community leaders and elders, and religious leaders. Their views are summarized below.

### **5.5.1 Civil society organizations**

Three civil society organizations (CSOs) working on human rights in Amhara Region, namely, the Ethiopian Human Rights Council, Addis Hiwot Rehabilitation and Reintegration Association, and Ethiopian Women Lawyers' Association shared their views relating to the rights of persons deprived of liberty at the public hearing in Bahir Dar.

#### ***Ethiopian Human Rights Council***

A representative of Ethiopian Human Rights Council (EHRCO) stated that the findings from their work showed that there were arbitrary and unlawful arrests in Woldia, Mota, and Mecha. The representative said that individuals from opposition political parties such as Enat Party were arbitrarily and unlawfully arrested, and they were not brought before a court. On 27 May 2022, for example, the representative stated, when Sintayehu Chekol arrived in the Amhara Region, he was arrested by security agents who broke his phone, and he was not brought before a court within 48 hours.

The representative stated that there were solitary confinements when a new zone was established in Setit Humera Wolkayt Tegede; that there were no courts or public prosecutor's offices in the Zone; that there were individuals who remained in detention for more than two months; that only detainees who were able to pay bribe were released; and that several detainees were denied their right to bail. He stated,

*The whereabouts of seven journalists of Ashara and Nisir media were not known after they were arrested by security agents. EHRCO investigated and found out that they were arrested in South Gondar, Gaynt, and were not brought before a court.*

#### ***Addis Hiwot Rehabilitation and Reintegration Association***

Addis Hiwot Rehabilitation and Reintegration Association (AHRRA) works on prisons. A representative of AHRRA stated that the Amhara Region Police, the National Defense Force, and the Peace and Security Bureau detained individuals and kept them in custody during the "law enforcement operation"; that prisons and

detention centers kept detainees on their behalf (*yadera esregna*) in the process of transferring detainees from one detention center to another; and that the detainees were not brought before a court within 48 hours. In addition, AHRRA's representative noted:

*Eleven individuals, who were members of Amhara Region Special Force, were arrested for a long period without charge. Seven were released due to AHRRA's advocacy, but two of them remained in custody. Military courts and regular courts declined to adjudicate their case for lack of jurisdiction, because the accused persons were officials in Amhara Region Special Force. There was also a case where a person was detained for 11 months without appearing before a court as the nearby court lacked jurisdiction over his case.*

The representative stated that AHRRA's research on the subject matter indicated that there were enforced disappearances in the Region, arrest without warrant, failure to bring arrested persons before a court within 48 hours, and detention ordered by officials. He also stated that there were improvements in the conditions of prisons in Bahir Dar, particularly the women's prison.

#### ***Ethiopian Women Lawyers' Association***

A representative from the Ethiopian Women Lawyers' Association (EWLA) reported of a woman who was detained for six months in lieu of her husband and lost her job due to the detention. The representative said that it was common for individuals who were politically active to be subjected to unlawful and arbitrary arrest; and that EWLA advised the victims to take their cases to EHRC or the Ethiopian Institution of the Ombudsperson, but that victims feared retaliation as their cases were politically sensitive. The representative noted that because there is no comprehensive legal framework on compensation, EWLA advises victims to claim cost incurred instead of compensation.

### **5.5.2 Researchers**

Researchers from Bahir Dar University shared their experiences and research findings relating to the rights of persons deprived of liberty. The researchers came from two fields. One was from law, while the other was from political science and international relations.

#### ***Legal Researcher***

Mr. Worku Yaze, Assistant Professor of Law at Bahir Dar University who also served as a judge at Amhara Region Supreme Court, shared his experience as a judge. He stated that other judges and himself used to ask suspects about the conditions of their detention. It was common for suspects to report beatings and ill treatment. However, government officials ordered judges not to ask such questions. He noted that he used to have security risks as a judge.

Assistant Professor Worku, who is also a Legal Researcher, shared the findings of Bahir Dar University research. He stated that there was a practice of arresting and detaining individuals for five to seven months, sometimes up to two years, until the

summer of 2022 on false charge of terrorism. He added that some people were arrested because they were from a particular ethnic group.

Assistant Professor Worku noted that the presumption of innocence and the right to be informed of the reasons of arrest are hardly observed. He stated that the rule of men, not rule of law, reigned because the police executed orders of government officials, not the law. He added that a person may be subjected to prolonged detention and repeated remands when a government official ordered the detention; and a detainee may be released immediately, if a government official ordered the release.

Finally, Assistant Professor Worku recommended that security forces, particularly police officers in charge of the investigations, should be well-informed and trained in human rights; that the police institution should give due attention to human rights issues; that the government should give higher education opportunities to judges, public prosecutors, and police officers; and that there should be no interference in the work of the police.

### ***Political Science Researcher***

Mr. Mohammed Amin, who is a political scientist and lecturer at Bahir Dar University, Political Science and International Relations Department, stated that the government failed to set up a political system that maintains peace and security, protect individuals' life, liberty, and property; that the government was unable to create an environment where citizens enjoy their rights; and that there is a lot to be done to bring about a systemic change and modernize working procedures.

He offered that Bahir Dar University can provide human rights education, research and psychosocial support, while Bahir Dar Hospital can provide health services for victims who need medical attention. He suggested that EHRC should work in collaboration with the relevant government organs to provide compensation and redress.

## **5.5.3 Community leaders and elders**

Community leaders and elders who participated in the public hearing stated that they communicated concerns of community members to the regional government with the aim of solving the issue through discussions; they visited prisons and discussed issues of concern with the prison administrators. *Likie-Hruyan Belay*, a community elder, reported that once community leaders went to a prison to visit 14 detainees, but found them surrounded by government armed forces. Furthermore, he noted that they advise government officials to maintain peace in the Region.

Mr. Gobez, an Elder from Debre Markos representing *Awi Feresegnoch Mahiber*, stated that there is a conflict resolution mechanism in Awi Zone that protects and complements human rights.

## **5.5.4 Religious leaders**

*Sheikh* Kedir Mohamed Mustefa, a Muslim religious leader, noted that an arrested person may be detained for a longer period without appearing in court; and that zonal government officials interfere in the work of courts. He said that religious leaders

should teach and inculcate true faith in all religions. He added that it had been almost a year since 13 Muslim individuals were arrested due to disagreements over street iftar.

Aba Meleake, a religious leader from the Orthodox Church, reported that politics is interfering in religious matters. He stated, “in the detention centers, there are human rights violations that are worse than the testimonies we heard in this hearing.”

## 5.6 Responses of Government Officials

Officials of the Amhara Region Government, including high level officials, attended the public hearing and listened to testimonies of victims and witnesses, and views of different stakeholders. They then responded to allegations of violations in general terms. In some cases, they specifically responded to allegations made by a particular victim or participant. Responses of government officials are presented below.

### 5.6.1 Legal Advisor of the Regional President

The Legal Advisor of the Region’s President participated in the hearing representing the Office of the President of Amhara Region. He stated the following:

*The problem of arbitrary detention is nationwide. The police arrested 200 individuals to identify one suspect. They should use methods less restrictive to human rights. The Office of the President received reports on the situation of human rights from a committee that visited prison and police detention centers.*

*The Office of the President expects expedited investigation into and a final report of incidents that happened in North Mecha, Fogera, and Dembecha because the incidents occurred long time ago. However, the Office of the President is not aware of the other issues raised during the public hearing. The burning of private property and arresting family members in lieu of a suspect is unacceptable. The fact that there has been no accountability of security agents; and that there has been no remedy to the victims despite their repeated complaints is shocking.*

*The measures taken to maintain peace and security should be based on law. The situation demanded a state of emergency, but it was handled by regular law enforcement and there were some drawbacks. The law enforcement agents should learn a lot from this experience. There is no justification for torture, and it should not be taken lightly. Investigations into specific cases should be carried out. The Regional Justice Bureau should identify the existing legal gaps and recommend amendment.*

*It appears that the police and public prosecutors are not making a decision as to who should be arrested. The decision is rather made by zonal and woreda administrators. The regional courts are used to legitimize unlawful arrests. The court renders a remand decision to provide legal cover for unlawful arrests. The court should consider only facts of the prosecution to grant bail, and the courts should strengthen their capacity.*

*The police do not take accountability measures against its own officers who are responsible for human rights violations. There were no investigations into crimes committed by the police, like any other regular citizen; specific cases can be cited from Bahir Dar City in this regard. There are complaints submitted to the Office of the President, about the alleged killing of a family member by security agents, but there have been no investigation and prosecution yet.*

### **5.6.2 Regional Council's Representative**

A representative from the Regional Council Legal and Justice Affairs Standing Committee stated the following:

*Though there are some exaggerations in the testimonies, problems do exist. Violations of rights occurred when the Region was under a state of emergency and ruled by a command post which justified the suspension of human rights as prescribed by law. The government was on the verge of collapse. There were several actors conducting and reporting arrests.*

*Law enforcement should be carried out only based on legal procedures. The number of individuals arrested during the law enforcement operation was 11,000, and the police did not have the capacity to conduct investigation. The Federal Government ordered arrests. There were instances where procedures of arrest and investigation were not observed, violating human rights. Consultations with members of the Council were conducted to rectify these gaps. As witnessed in the public hearing, the Police Commission apologized for those mistakes.*

*The Council ordered the police to investigate some matters and submit a report. It is necessary to ensure accountability for human rights violations and correct identified gaps. The government should be more patient with citizens and citizens should be able to understand the measures taken by the government to ensure peace and security.*

### **5.6.3 Representatives of the Court**

Honorable Abiye Kasahun, President of the Amhara Region Supreme Court stated:

*The problems raised by the victims did occur, but there were some exaggerations. There were unlawful arrests that did not usually reach courts, or that reached courts very late. Investigating police officers were influenced by government officials. They disregarded court orders for fear of punishment by the government officials, which may include loss of their job. In some cases, the courts issued arrest warrant against police officers who failed to execute court orders, but the police arrested the judges instead.*

*Regarding lengthy remand period, courts need to balance competing interests. On one hand, the case needs to be investigated to serve justice, and on the other hand the rights of suspects should be respected. However, if in any circumstance a judge favored one side, the case should be reviewed, and disciplinary measures should be taken against the judge. Police officers usually prefer to hold cases on remand and when courts denied their request, they lodge a complaint alleging*



*that the court was protecting the suspects. With regards to forced confession, the Courts' Establishment Proclamation empowers judges to review such cases and ensure accountability. It would be better to work with police officers and public prosecutors for the effective implementation of this provision.*

*The Court is aware of persons arrested in Tilili and taken to Injibara, and that the human rights violations got worse during the law enforcement operation. However, law enforcement measures should comply with the law. Prior discussion should have been made whether the operation should be conducted based on regular procedures provided under the Criminal Procedure Code or according to an official state of emergency declared for this purpose. The attitude and perception of political leaders and police officers leading the operation should not be to harass the suspects and to take arbitrary actions.*

*The Regional Council's Legal and Administrative Affairs Standing Committee intervened as per its mandate due to the increase in arbitrary arrest and ill-treatment in the Region and took corrective measures. A committee composed of representatives of the justice sector and courts conducted joint visits to selected prisons. In West Amhara, all procedural rights that should have been respected by the police during arrest were disregarded. There were suspects who were injured but prevented from getting medical treatment. During the visit, the Committee identified arbitrary detention, including arrest without an arrest warrant, failure to bring suspects before a court, and failure to investigate cases.*

*It is not common for courts to challenge the police on the duration of detention and for failing to bring suspects before a court within 48 hours. Suspects, who were transferred from one detention center to another, claimed that they were detained longer than the period police officers admit to a court, but detainees fail to complain about it to courts for fear of retaliation or to avoid further injury. Following the joint visits, the Court recommended to zonal justice offices that the police should reflect and assess the performance of their duty.*

Honorable Haile-Eyesus Ayizohbel, President of Bahir Dar High Court, stated that the High Court received complaints of enforced disappearance during the law enforcement operation. He noted that members of the National Defense Force and police officers blamed one another to avoid responsibility, denying that a particular detainee was in their custody. He added that even though judges noticed physical injury suspects incurred when they appeared before courts, it is not common for judges to examine how and why they sustained the injury. He stressed that this is an area for improvement.

The President of High Court made the following recommendations:

- All branches and levels of the government, including the justice sector should enforce human rights;
- Coordination between the police, public prosecutors, and prisons is crucial to effectively implementing the rights of suspects. There should be a platform to regularly discuss challenges and how to address them.
- The independence and impartiality of courts and judges must be respected. Judges should take a proactive role in intervening in case of prolonged

detention and remand, torture, and other ill-treatment. Particularly, they should order investigation on alleged human rights violations of suspects.

- It is necessary to build the capacity of judges and update their working procedures.

#### **5.6.4 Justice Bureau**

Head of Amhara Region Justice Bureau, Mr. Geremew Gebretsadik, and Deputy Head of the Bureau, Ayalew Abate (Ph.D), responded to issues relating to speedy trial, monitoring of detention centers, prolonged detention without charges, inhumane treatment, and failure to execute court orders raised by victims and witnesses.

The Justice Bureau officials explained that the alleged human rights violations occurred in a situation of an armed conflict and during a state of emergency when the Amhara Region was administered by a command post. They stated that most unlawful and arbitrary arrests occurred during this time, and the Justice Bureau did not lead the investigations. They noted that even though the Bureau attempted to use the regular procedures, that was not sufficient because of the complicated nature of the situation in the Region. They recalled cases where individuals were arrested on civil cases.

The Justice Bureau officials acknowledged the human rights violations alleged by victims and witnesses in the hearing. They confirmed that the Bureau received complaints including from EHRC; and that they investigated the complaints like any other crime. The Officials explained that the Bureau reviewed whether the arrests were based on reasonable grounds, whether methods of interrogations and collection of evidence complied with the law, reviewed confessions, ordered release of seized property, and made recommendations on applications for bail. They stated that the Bureau worked to ensure that the application for bail was granted even when the accused were suspected of committing serious crimes; that there were always two interests to balance in applications for bail (individuals' rights and public interest), and the Bureau faced challenges in the process of balancing these interests. They noted that the Justice Bureau did not receive complaints relating to enforced disappearance but committed to investigate the complaints after the public hearing.

Justice Bureau officials further noted that the Bureau does not have jurisdiction over allegations of human rights violations by intelligence and security personnel, National Defense Force, and the Federal Police, except when the Bureau dealt with some cases with the delegation from the Ministry of Justice. However, they reported that some cases are being adjudicated by the military court.

The Justice Bureau officials said that the Bureau provided general and specialized training to improve the implementation of human rights. Noting the practical challenges to the monitoring report, the officials said that the Bureau developed a directive for consultations with stakeholders. They acknowledged a legal gap and lack of budget for compensation claims; and affirmed that they would welcome EHRC recommendations in this regard.

The Justice Bureau officials acknowledged human rights violations in East Amhara, including detention in informal detention centers during the 'law enforcement

operation'. They said that the 'law enforcement operation' could have been conducted in compliance with legal procedures and human rights. They stated that the Bureau did not receive any complaint relating to the arrest of 11 individuals in connection with religious dispute but confirmed that the Bureau was aware of 72 arrested persons, of whom 30 were prosecuted in absentia.

The Justice Bureau officials recommended the following:

- Knowledge and skill-based training should be provided to address the gaps in the criminal justice system to investigate human rights violations. A directorate should be established to follow up the implementation of the recommendations.
- Initiatives of providing training to professionals and developing standardized checklists for monitoring detention centers and prisons should be strengthened.
- The draft law that revises the accountability of the Prison Administration from the Peace and Security Bureau to the Justice Bureau should be adopted.
- EHRC should advocate for legislative reform towards an effective compensation system to victims of human rights violations.
- Public participation is a good practice that should be encouraged.

### **5.6.5 Police**

The Deputy Police Commissioner General of the Region, as well as police officials from Bahir Dar, East Gojjam and West Gojjam zones attended the public hearing and responded to some of the issues raised during the hearing as summarized below.

#### ***Police Commission***

Deputy Commissioner General of Amhara Region Police Commission, Tadesse Ayalew, apologized on behalf of the Police Commission to the victims for the violations they suffered. However, the Deputy Commissioner General stated that the testimonies exaggerated the acts of torture; and that acts such as hanging a person upside down and flogging were not practiced. Nevertheless, he acknowledged that there were physical assault, arbitrary arrest, and detention in informal places, prolonged pre-trial detention due to lack of logistics in police detention centers, particularly during the 'law enforcement operation'.

Deputy Commissioner General Tadesse noted that armed groups made law enforcement challenging. He admitted that the participation of different security forces created procedural and practical challenges. He acknowledged arrests of individuals for instigating unrest, demanding the release of an arrested person called Zemene Kasse, but denied that there were physical assaults during detention. He noted that intelligence officers identified individuals to be arrested; that the Regional Police was involved in pre-screening process; and that the Federal Police investigated cases of terrorism.

Deputy Commissioner General Tadesse admitted that due to shortage of police officers, the Police Commission had to deploy militia, which led to human rights violations and procedural irregularities because members of the militia lacked the

necessary legal training to effect arrest and conduct investigation. He added that the Police Commission lacks resources, including paper needed for recording details of crimes and filing complaints at police stations.

### ***Bahir Dar***

Deputy Commander Getachew Wudneh from Bahir Dar Police explained that suspects were arrested after investigation of gunshots in Bahir Dar and social media campaign to bring down the city. He generally admitted that some victims testified the truth, while others exaggerated or made false complaints.

### ***East Gojjam***

Commander Girma Chane from East Gojjam Zone Police acknowledged that individuals were beaten during arrest in Denbecha and North Mecha and but explained that this took place in the process of arresting members of armed groups who were resisting law enforcement agents. He promised to conduct investigation and ensure accountability if East Gojjam Zone Police receives evidence that supports the testimonies.

### ***West Gojjam***

A representative from West Gojjam Police said that there were armed groups fighting the government, which resulted in human rights violations. He noted that the command post oversaw law enforcement operation; that the police lacked the capacity to complete investigations on time.

## **5.6.6 Peace and Security Bureau**

Representatives from the Peace and Security Bureau from Bahir Dar, East Gojjam, West Gojjam and South Gondar responded to some of the issues raised at the public hearing.

### ***Bahir Dar***

Mr. Adera Gashe, from the Bahir Dar Peace and Security Office, explained that since 9 May 2022, it was common to hear gun fires in the city, mainly shot by members of an armed group claiming to be Fano, using illegal weapons. The armed group robbed eight vehicles, telecom and electric power infrastructures, and abducted children. He stated that even though the government supported members of Fano, provided plots of land to their family, 129 of them attacked government institutions, leaving no choice to the government to respond to the attack.

Mr. Adera denied that individuals who testified at the hearing were victims of serious human rights violations. He, however, admitted that there were minor human rights violations by the police and militia. Mr. Adera stated that there were problems in prisons in relation to the condition of detention. He appreciated improvements in the Peace and Security Office.

### ***East Gojjam***

Mr. Getinet, from Peace and Security Office of East Gojjam Zone, stated that following the political reform in the Region, armed groups emerged claiming that since they

brought the reform, they deserved to administer the Region and demanded that officials leave their power. He noted that the demand was violent, involving burning of houses. He stated that the Peace and Security Office did not recognize victims who testified at the hearing and denied that there were unlawful detentions.

Mr. Getinet further explained that armed groups, who claimed that they fought in the northern conflict, demanded that they were entitled to administer the Region. They were committing several crimes and those who were suspected of committing crimes were arrested, while the innocent persons were released. He stated that they also held consultations with members of the society about the peace and security in East Gojjam Zone.

### *West Gojjam*

Mr. Hibre Sellasie, from the Peace and Security Office of West Gojjam Zone, stated that there were 40 – 50 individuals who deserted the National Defense Force and joined illegal armed groups, challenging the government; and that there were security problems in the last four years, which made the law enforcement measures necessary.

He admitted that there might have been an arrest without a warrant and failure to bring the arrested persons before a court within 48 hours; and that the conditions of the prisons were different from place to place with minor problems, but he denied the use of solitary confinement or prohibition of food.

Mr. Hibre Sellasie noted that although he checked with the concerned officials about the allegations of beating resulting in broken teeth, loss of vision, and disability to hands, he could not find any evidence to prove these allegations.

### *South Gondar*

Mr. Ashenafi Admas, from South Gondar Zone, stated that the human rights violations raised at the hearing were exaggerated. He explained that most of the security forces were aware of the rights of arrested persons, even though there might be few security forces that violate such rights for personal vengeance. He said that the government had to take law enforcement measures following the security concern in the Region. He noted that in Hagere Selam town and Gayint, properties of the prison, the police and militia were robbed and detainees and convicted persons, including prisoners convicted for homicide escaped.

Mr. Ashenafi Admas further explained that when the shore of Lake Tana dried, the farmers of Fogera started to use the land for farming. According to him, even though the farmers initially agreed to use 75% of the land and leave the remaining 25% for investment, they changed their mind and refused to give the 25% of land when the investors came. The police thus took measures to acquire the land and arrested some farmers in the process. He stated that the investors paid compensation for the land they took from the farmers.

Mr. Ashenafi Admas said that allegations of detaining a family member instead of a suspect or a fugitive required further investigation but admitted that there were arrest of several individuals who aided a suspect who injured a police officer and committed other crimes.

He stated that the Peace and Security Office monitors whether the police observe human rights. He added that the Office provided direction and training to militia to hand over suspects to the police.

## **5.7 Key Findings**

The testimonies of victims indicate that they were subjected to unlawful or arbitrary arrest or detention. Most of the arrests did not have legal basis, and arresting police officers or members of militia did not tell the arrested persons the reason of their arrest. Most of the victims were subjected to detentions for exercising their freedom of expression using online and mainstream media, freedom to participate in public affairs (the right to political participation, the right to vote, and the right to be elected) and freedom of assembly. Other forms of unlawful arrests and detentions include the practice of arresting and detaining family members of suspects to force the suspect to appear before the police.

Testimonies in the public hearing, views of stakeholders and responses of government officials indicate violations of the right to liberty, including arrest without warrant, detention of a family member in lieu of a suspect, and repeated and prolonged detention as a means of preventing individuals from exercising their rights. Other violations include enforced disappearance, torture, inhumane and degrading treatment, detention in informal detention centers, preventing access to medical treatment during detention, denial of the right counsel, denial of the right to bail, denial of the right to be visited, loss of livelihood, and lack of remedy.

## **5.8 Recommendations**

The Amhara Region should take legislative, financial, administrative, educational and other necessary measures to fully implement the right to liberty and the rights of persons deprived of liberty. The measures should be taken by all branches (i.e., legislature, executive and judiciary) and at all levels (i.e., regional, zonal, woreda and kebele) of government. Some of the measures to be taken are indicated below.

### **5.8.1 The Regional Government**

The Amhara Regional Government should

- Provide protection to members of opposition political parties and journalists from arbitrary and unlawful arrests and detention and from threats and intimidation for exercising their rights (i.e., expressing their political opinions, membership or choice of a political party); and
- Put in place mechanisms to provide reparation to victims of human rights violations (the reparation should redress psychological, economic, and social harm caused to the victims due to arbitrary and illegal detention; and the reparation should be provided in cooperation with the relevant non-governmental organizations).

### **5.8.2 Police Commission and Peace and Security Bureau**

The Peace and Security Office and the Police Commission should

- Effectively monitor activities of the police, militia and other law enforcement agents at all levels, and ensure compliance with human rights standards;
- Put in place accountability mechanisms, including disciplinary organs and procedures, and mechanisms to receive and handle complaints against acts by the police, militia members and other law enforcement agents;
- Adequately investigate crimes (including the crimes of unlawful detention and torture) committed by police officers, militia and other law enforcement agents;
- Put an end to the practice of detaining suspects in kebeles, halls and other informal places;
- Effectively implement the rights of arrested persons (i.e., permit detainees to communicate with their families, relatives, religious advisers; ensure that detainees obtain medical care, inform arrested persons reasons of their arrest at the time of arresting, avoid detention for civil cases, refrain from arresting and detaining family members in lieu of a suspect, eradicate torture and inhuman and degrading treatment or punishment);
- Execute court order, particularly when application for bail is granted;
- Implement recommendations of prosecution experts;
- Ensure proportionate use of force and weapons, even during state of emergencies; and
- Provide human rights training to police officers and security forces.

### **5.8.3 Justice Bureau**

The Amhara Region Justice Bureau should

- Prosecute police officers, militia members and other law enforcement agents responsible for human rights violations, including unlawful detention and torture;
- Regularly visit prisons and detention centers to monitor the situations at all levels and follow up the implementation of its recommendations;
- Prepare a draft law on reparation for victims of human rights violations and advocate adequate budget to the Regional Council;
- Develop standardized checklists for monitoring detention centers and prisons; and
- Provide human rights training to police officers and law enforcement organs.

### **5.8.4 Prison Commission**

The Amhara Region Prison Commission should

- Separate pre-trial detainees from convicts;
- Investigate and ensure accountability of prison wards responsible for mistreatment and other violations; and
- Execute court order and follow procedural rules to release or transfer detainees to the Federal Police.





## CHAPTER SIX

### OROMIA REGION



## 6.1 Contextual Background

Oromia is the largest and the most populous region in Ethiopia. The capital of the region is Finfinne (Addis Ababa). The official language of the region is Afan Oromo. The region is organized into city administrations and zones. The zones in Oromia are Arsi, West Arsi, Bale, East Bale, Borena, East Borena, Buno Bedele, Guji, West Guji, East Hararghe, West Hararghe, Jimma, Ilu Abba Bor, East Shewa, North Shewa, Southwest Shewa, West Shewa, East Wollega, Horo Guduru Wollega, Kelam Wollega, and West Wollega.

Violent conflicts in Oromia resulted in serious violations of human rights. Non-state armed groups usually organized along ethnic identity repeatedly attacked civilians resulting in killings, injury, kidnapping, looting, destruction of property, and displacement. The armed clashes between non-state armed groups and state security forces, as well as armed fights among non-state armed groups also resulted in human rights abuses. The unrest that was triggered by the assassination of a popular Oromo musician, Hachalu Hundessa, resulted in widespread human rights abuses. The armed groups and some of the events affecting human rights in Oromia are highlighted below.

### 6.1.1 Oromo Liberation Army (Shane)

Oromo Liberation Army (OLA), also known as Shane, is an armed movement emerged after the 2018 political reform in Ethiopia. As part of the reform, the House of Peoples' Representatives removed the Oromo Liberation Front (OLF) and other armed groups from terrorist list on 5 July 2018. The OLF ended its armed struggle and registered as a political party to compete in elections peacefully for political power. However, some OLF fighters rejected the demobilization and reintegration process and decided to continue armed movement, calling their armed group OLA.

Shane and Tigray People's Liberation Front (TPLF) formed military alliance during the conflict in the northern Ethiopia and the House of Peoples' Representatives designated them as terrorist organizations on 6 May 2021. Following the 2022 Pretoria Peace Agreement that ended the conflict between the TPLF and the Government, peace negotiation was held between the Government and OLA from April to May 2023 in Zanzibar, Tanzania. However, the negotiation ended without peace agreement as National Security Advisor to the Prime Minister, Ambassador Redwan Hussein, declared on his [social media](#) account on 3 May 2023. A second round of negotiations between the Government and OLA in November 2023 failed to end in any agreement.

The armed attack by OLA involved killings, injuries, kidnapping, looting, destruction of property, and displacement in several parts of Oromia. The armed clashes between OLA and government security forces resulted in killings and destruction. The security forces' operation to bring members of OLA to justice resulted in several arrests. There were also violent conflicts between OLA and Amhara militants involving attacks on civilians based on ethnic identity, particularly in Wollega zones.

### 6.1.2 Instability in Wollega

Wollega is found in the western part of Oromia and consists of four zones: East Wollega, Horo Guduru Wollega, Qellem Wollega and West Wollega. Armed conflicts between OLA and government security forces were frequent in Wollega zones, which commonly resulted in several human rights abuses.

Armed conflicts between OLA and Amhara militants from the neighboring Gojam zones of Amhara Region also resulted in human rights abuses. East Gojam is bordered in the south by Horo Guduru Wollega, while West Gojam is bordered in the south by East Wollega and Horo Guduru Wollega zones. EHRC released several reports of human rights abuses by OLA and Amhara militants in Wollega zones, including attacks based on ethnic identity. OLA attacked ethnic Amharas, while Amhara militants attacked ethnic Oromos.

EHRC reports covered several killings and other abuses in Wollega zones, including killings in [Guliso Woreda](#) (West Wollega) on 1 November 2020, [Hawa Gelan Woreda](#) (Qellem Wollega) on 4 July 2022, [Amuru, Horo Buluq, and Jardega Jarte woredas](#) (Horo Guduru Wollega) in August and September 2022, [Amuru Woreda](#) (Horo Guduru Wollega) from 29 to 31 August 2022, Ano Town, [Gobu Seyo Woreda](#) (East Wollega) on 2 February 2023, and [Gidami Woreda](#) (Qellem Wollega) on 24 November 2023.

### 6.1.3 State of emergencies

The Federal Government declared state of emergencies, which were applicable in Oromia Region as in other parts of Ethiopia. A state of emergency was declared on 17 February 2018 for six months following the resignation of Prime Minister Hailemariam Desalegn. During this state of emergency, several individuals were arrested for killing peaceful civilians and security forces, setting houses and financial institutions ablaze, illicit movement of firearms, destroying government and public institutions and blocking roads. During the state of emergency declared on 2 November 2021 due to the escalation of conflict in northern Ethiopia, the arrest targeted individuals suspected of collaborating with OLA and TPLF.

During the state of emergencies, a temporary administrative structure, known as command post, usually led by officials of the Ethiopian National Defense Force were established in Oromia Region as was the case in other regions. Command posts were sometimes established without the declaration of a state of emergency in areas where movements of armed groups posed security risks.

### 6.1.4 Detention of family members

Arresting and detaining relatives of suspects until the suspects appear before the police are types of unlawful and arbitrary arrest and detention in Oromia Region. The EHRC monitored detention centres across Oromia and received diverse testimonies about the practice of arresting family members of suspects in some areas, which includes arresting a father or mother to demand that they present their children who are suspected of being members or supporters of OLA or arresting a wife to present

her husband suspected of association with OLA. The EHRC released a [statement](#) on 6 May 2021 calling for the resolution of the problem.

The EHRC documented the practice of arresting and detaining family members in lieu of suspects in several zones of Oromia Region. A father was arrested in Kutaye Woreda Police Station (West Shewa Zone) because his son was wanted by the police. A father and a mother were arrested in Woliso Woreda Police Station (Southwest Shewa Zone) instead of their fugitive son. Three women were arrested in Woliso Woreda Police Station to force their husbands appear before the police. A mother was arrested for her fugitive son in Illu Abba Bor Zone Alle Woreda and Metu Woreda Police Stations. A father was arrested for his daughter's husband in Chora Woreda Police Station (Buno Bedelle Zone). The entire family of a suspect was arrested in Gurawa Woreda Police Station (East Hararge Zone). A suspect's mother and sister were arrested in Kombolcha Woreda Police Station (East Hararge Zone). Wives were arrested and detained for their fugitive husbands in Harob and Oda Bultum Woreda Police Stations (West Hararge Zone).

#### **6.1.5 Detention of judges**

The EHRC investigated the arrest of three Oromia Supreme Court Judges: Judge Desalegn Lemi, Judge Mohammed Jimma and Judge Abdisa Wakjira. The judges were arrested from the bench while carrying out their duties. The Oromia Supreme Court judges were arrested despite having immunity from arrest for carrying out their functions.

The EHRC investigated the arrest of Oromia Supreme Court judges and released a [statement](#) on 4 November 2022. In the statement, the EHRC underlined that the arrest was completely unlawful and constituted an attack against judicial independence. It called for the immediate release of the three judges.

#### **6.1.6 Other incidents**

Several other incidents affected human rights in Oromia Region, some of which were investigated and reported on by EHRC. Such incidents include the assassination of popular Oromo musician, Hachalu Hundessa, on 29 June 2020, which resulted in violence and security crisis in Oromia Region. EHRC conducted investigation and published a [report](#) on 1 January 2021, where it found that 123 persons were killed and more than 500 were injured due to the violence. The report also documented property destruction as well as displacement. The perpetrators were protestors and members of security forces who used excessive force against the protestors. Several individuals including members of the political parties were arrested for instigating and participating in the violence.

Arrests and detentions also occurred during the 6<sup>th</sup> national election held in 2021. Leaders, members, and candidates of opposition political parties including EZEMA, NAMA, and OLF complained that they were subjected to arbitrary arrest or detention before and on the election day. EHRC investigated complaints of arbitrary detention of OLF leaders and publicized a [report](#) of its findings on 19 May 2022.

Another incident worth noting is the arrest and killing of 14 Karayu Michile Gada leaders on 1 December 2021 in Fantale Woreda, East Shewa Zone. The killing was carried out by government security forces after 11 members of Oromia Special Police were ambushed and killed in the area. EHRC investigated the incident and released a [report](#) of its finding on 22 February 2022.

## 6.2. Legal and Institutional Framework

The FDRE Constitution and other federal laws including the Criminal Code, the Criminal Procedure Code, and the Civil Code are applicable to Oromia Region as in other regions. In addition, the Oromia State Council (*Chaffe Oromia*) adopted Oromia Region Constitution and other subsidiary laws relevant to the implementation of the right to liberty and rights of persons deprived of liberty.

The Constitution of Oromia Region (Proclamation No. 46/2001) guarantees fundamental rights and freedom recognized in the FDRE Constitution. In a formulation identical to the FDRE Constitution, Oromia Constitution guarantees the right to liberty (Art. 17) and prohibits torture and other inhuman or degrading treatment or punishment (Art. 18). It provides for the rights of arrested persons under Art. 19, which includes the right to be informed of the reasons for arrest, the right to be brought before court, the rights to be released on bail and the prohibition of compulsion to make confessions. Art. 20 of the Oromia Constitution guarantees the rights of accused persons, including the right to receive charges in writing, the right to counsel, and the right to speedy and public trial.

The Oromia State Council enacted several subsidiary laws relevant to the implementation of the right to liberty and the rights of persons deprived of liberty. The Proclamation to Reorganize and Redefine the Power and Duties of Executive Organs of Oromia Regional State, Proclamation No. 242/2021, determines the power and functions of Police Commission, Prison Commission, Peace and Security Bureau, and Militia Office of the Region. The Proclamation to Determine *Gachana Sirna* of Oromia State, Proclamation No. 245/2022, establishes a security structure accountable to kebele administration and overseen by the Militia Office of the Region. The Proclamation empowers members of *Gachana Sirna* to arrest individuals. The Proclamation also requires members of *Gachana Sirna* to respect and protect human rights. Specific regulations relating to duties and responsibilities of police officers and members of prison police were adopted. The regulations clearly require police officers and members of prison police to respect human rights.

## 6.3 Adama Public Hearing

A public hearing was organized from 24 to 26 April 2023 in Adama. A total of 79 participants (10 females and 69 males) attended the public hearing. Only one person with disability participated in the Adama public hearing. EHRC's efforts to engage more females and persons with disability in the public hearing did yield much fruit because there were only a few females in law enforcement organs and victims of arbitrary arrest or detention were predominantly men.

Fifteen victims and two witnesses participated in the public hearing. Ten victims and witnesses testified in public, while the remaining testified in a confidential hearing. The victim and witnesses were from Shaggar City (Burayu), Jimma Zone (Limmu Kosa Woreda and Jimma City Administration), Bale Zone (Agarfa and Batu Woredas), Ilu Abba Bor Zone (Darimu and Metu Towns), and East Shewa Zone (Adama City Administration). *Haadha Siinqees, Abbaa Gadaas*, religious leaders and representatives of civil society organizations participated in the public hearing.

Government officials who participated in the hearing included President and Vice President of the Supreme Court, Attorney General, Deputy Commissioner of the Police Commission, Commissioner of the Prison Commission, representatives of peace and security office of different zones, and zonal police officials.

The public hearing was conducted for three days from 24 to 26 April 2023. The first day and half of the second day was allocated to hearing testimonies of victims and witnesses. The remaining half of the second day was allocated to *Haadha Siinqees, Abbaa Gadaas*, religious leaders, and civil society representatives. The third day was allocated to responses of government officials who were attending the hearing.

## **6.4 Alleged Violations**

The testimonies of victims and witnesses alleged arbitrary deprivation of liberty and violations of the rights of persons deprived of liberty. The testimonies are summarized below under specific rights.

### **6.4.1 Deprivation of Liberty**

All victims and witnesses testified that they were arrested without a court warrant and were not brought to a court as prescribed by law. Some victims were kept in Special Forces Camp (Adami Tullu and Jido Kombolcha Woreda, Batu town), National Defense Force Camp (Metu Town, Ilu Abba Bor Zone) and informal detention facility (Jimma City, Jimma Zone). It was reported that a victim from Adami Tullu and Jido Kombolcha Woreda (East Shewa Zone) was arrested “by the order of the City Mayor” as he was suspected of collaborating with OLA (Shane). He stated that he was suspected because “he was doing his job very well without any challenge” in an area where OLA operated. He noted that he was arrested and taken to Special Force Camp, kept in detention for three days without any criminal charges.

A victim from Shaggar City (Melka Nono Sub city also known as Ashewa Meda) testified that a police officer from Woreda 2 Police Station arrested her on 24 June 2022 without arrest warrant. She noted that she was never brought before a court and was released on 31 August 2022 with EHRC’s intervention.

Two witnesses from Agarfa Woreda (Bale Zone) testified that their sons were arrested on 29 December 2022 without an arrest warrant. One of the witnesses said that he was arrested on 28 December 2022 by the Woreda police in order to force his son to surrender to the police custody.

Another victim from Darimu Woreda (Ilu Abba Bor Zone) said that he was arrested in 2019 by five Oromia Special Force members and detained in Darimu Police Station

for five days without appearing in court. He said that he was never told the reasons of his arrest. He added that when his family went to the public prosecutor's office and requested information on the reasons of his arrest and the police replied, "he is working with and providing information to Shane". He also stated that he was arrested again in 2020 and released after two days.

A victim from Metu Town (Ilu Abba Bor Zone) said that he was arrested on 20 August 2022 by the police without arrest warrant and he was kept in Metu Town Police Station for two hours and then he was transferred to the Special Forces camp, where he was detained for three months without any criminal charge and trial, before he was transferred back to Metu Police Station. He believed that he was arrested because he came to Metu Town from Wollega Zone, although the police did not inform him of the reason of his arrest.

One of the victims said that he was arrested because of his OLF membership. He said that he was arrested at Burayu Police Station when he went to visit members of the political party who were detained at the police station. He noted that even though he asked the arresting police officer for an arrest warrant, the police officer replied that "the uniform he is wearing is enough to make the arrest". Although the reason of his arrest was not communicated to him formally, he added that the police told him that his arrest was ordered by the "higher authority". He also testified that there were political party members detained with him who were transferred to Oromia Special Force training camp called Awash Shone after two months of detention at Burayu Police station. He explained that there were more than 10 Jimma University lecturers among the transferred detainees, who were again transferred to Gelan Police station on 27 May 2022.

### ***Repeated Arrests***

A victim from Burayu town testified that he was arrested four times: first time a day before *Irreecha*<sup>25</sup> Melka Atete festival in September 2018 for organizing and leading OLA (Shane) in Burayu, the second time on 13 October 2020 for inciting and organizing groups to disrupt the *Irreecha* celebration, the third time on 9 June 2021 for hiding a relative who escaped OLA, and the fourth time on 17 May 2022 for hiding weapons and a member of OLA in his house.

Three victims from Metu town (Ilu Abba Bor Zone) testified that they were subjected to repeated arrests and detentions. The first victim from Metu testified that he was arrested seventeen times since 2018, and his last arrest was on 12 October 2022 by the order of the Zonal Security Council. He added that the detention period ranged from one day to seven months. He noted that he was arrested by the Special Force and the regular police, and was detained in Metu Police station, and in Special Force camps at Awash Bishole and Darimu Birbir.

The second victim from Metu said that he was arrested five times since 2018. According to him, a police officer in civilian clothes arrested him without a warrant and detained him in a police station for one month and one week in 2019. The second time, he was detained in July 2020 for one month and nine days at Metu Police station

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<sup>25</sup> *Irreecha* is a thanksgiving Oromo holiday celebrated to mark the end of rainy season.

and then he was transported along with other detainees at night and transferred to Awash Special Force and Military Training Camp, where he was detained for one month and two weeks. The third time, he was detained in October 2020 for two days at Zonal police station, then he was again transferred to the Special Forces camp and detained in a shipment container for five months and two weeks. The fourth time was in March 2022 at Metu Police station for two months. He noted that he was never brought before a court in all of the four arrests and detentions. On his fifth arrest, he was detained in July 2022 for three months and one week. Even though a court ordered his release, the police refused to release him immediately and detained him for an additional week.

The third victim from Metu stated that he was arrested three times. There were no charges brought against him for two arrests, whereas he was charged for “defaming and insulting government intelligence” on the third arrest. He stated that he was released by “the order of a higher government official”.

Two victims from Jimma Zone testified that they were repeatedly arrested. The first victim was from Jimma City and testified that he was arrested without warrant in April 2020 and detained at Alazar Police Station in Jimma City for nine months without any criminal charge. He was then arrested by seven militia members in Bacho Bore village in 2022 and was detained again at Alazar Police Station in Jimma City for four months, before he was transferred to and detained in an informal detention facility called Dem Bank in Jimma City for more than six months. His family members were not informed about his detention and whereabouts.

The second victim was from Limmu Kosa Woreda and testified that he was arrested four times since 2018. He said that the Command Post ordered his arrest. According to him, members of the regular police and the military arrested him in 2018 without an arrest warrant and without informing him of the reasons of his arrest. They detained him in a kebele administration. Members of kebele militia and the police arrested him for the second time in 2019 and detained him for two months at a kebele detention center. The third time, members of Special Forces arrested him in 2020 and detained him in a nearby warehouse for expressing his opinions and asking questions in a meeting where kebele administration gathered people for consultations. He was beaten. He was finally released because his family paid bribes to a member of the kebele administration and the police. He was not brought to a court in all the arrests and detentions.

### *Detention of family members*

Victims from Bale and Shaggar City testified that their family members were detained to force them to appear before the police. A victim from Burayu (Shaggar City) stated that the police arrested his wife on 9 June 2021 at the Woreda Police station. According to him, the police called and informed him of the arrest of his wife and told him to appear at the police station to take his wife. When he reached the police station, the police arrested him, and released his wife. They took him to his house for a search, destroyed properties in his house, and slapped his wife several times for begging the police to stop the search.



A victim from Agarfa Woreda (Bale Zone) testified that the police arrested him instead of his 17-year-old son. He stated that the police were looking for his son as the Woreda Security Council wanted him in relation to *haala yeroo*;<sup>26</sup> that the police came to his house on 28 December 2021, asked about the whereabouts of his son, and told him that he would be detained until they find his son, saying, “bring your son, you are a father of Shane”. He added that he was detained for one day at Agarfa Woreda Police Station. He called his son to appear in the police station; and he was released the next day in the morning when his son appeared at the police station.

#### **6.4.2 Right to be brought before a court**

Victims and witnesses alleged violations of their right to be brought before a court within 48 hours of their arrest. Thirteen victims and two witnesses said that they were subjected to prolonged detention without appearing before a court, without a criminal charge, a trial or a conviction. A victim from Burayu (Shaggar City) testified that he was arrested and detained four times for a total of two months and three weeks without appearing before a court, without a criminal charge and a trial. The first time, he was released from detention after paying the police officer a bribe of Birr 10,000. The second time, he was released after other detainees and himself contributed and paid a bribe of Birr 50,000 to the police. The fourth time, he was released in September 2022 after his uncle bribed the police.

A witness from Agarfa Woreda (Bale Zone) testified that his 17-year-old child was detained for one year and 21 days at Agarfa Police Station without appearing in court; and that the police refused to release his son despite a court order. Another witness from the same woreda testified that his son was detained for more than a year without any criminal charge; that he obtained, after several struggles, a court order to bring his son before a court, but the police refused; and that the police kept his son in custody for more than one year although the court granted application for bail.

A victim from Adami Tullu and Jido Kombolcha Woreda (East Showa Zone) stated that he had never appeared before a court although he was transferred from the Special Force Camp to a police detention center. According to him, when he requested the police to take him to the court, the police refused, saying, “Shanes have no right to appear in court”.

A victim from Metu town (Ilu Abba Bor Zone) said that he was arrested seventeen times; that there were no criminal charges brought against him except once; and that the court dismissed the charge and ordered his release on bail for Birr 2,000 when he was brought before the court.

Another victim from Metu town who was detained in the Special Forces camp for three months, stated that he applied to a court to be released on bail when he was transferred from the camp to a police station. However, even though the court ordered his release for a bail bond of Birr 2,000, which he paid the amount, the police detained him for an additional month despite four court orders.

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<sup>26</sup> *Haala yeroo* is roughly translated as ‘current situation’ and refers to security challenges or breakdown of law and order mostly because of attacks by armed groups or conflict.



A victim from Jimma City (Jimma Zone) noted that although he applied to the court to be released on bail, the police refused to bring him before the court on the date of the adjournment. According to him, the police also refused to release him despite several habeas corpus applications. A victim from Limmu Kosa Woreda (Jimma Zone) said that the court granted his bail application on his fourth arrest between 2021 and 2022, but the police kept him in custody for several days.

#### **6.4.3 Prohibition of torture and other ill treatment**

All victims (13 persons) who testified at the public hearing said that they were insulted and degraded during their arrest and detention. The following testimonies illustrate the types and manners of torture and other ill-treatment.

A victim from Metu town (Ilu Abba Bor Zone) testified that the police forced him to take off his clothes and beat him several times, forcing him to admit that “he had a working relationship with leaders of OLA.”

A victim from Burayu (Shaggar City) who claimed to be arrested by the police on 12 October 2020 and taken to a place 500 meters away from the main road of Burayu town, testified that four police officers kicked him several times in his neck, hips and abdomen and beat him with their weapon until he fell unconscious. According to him, they left him lying on the ground, thinking he was dead. One of the police officers who beat him, arrested him again on 9 June 2021 and on 17 May 2022, took him to Woreda 03 Police Station in Burayu, beating him on his way to the police station; and that one of the police officers urinated on him. He stated that police officers took off his clothes and repeatedly beat him with electric cable and a stick in the middle of the night until he was unconscious again; that they damped him in the garbage disposal area inside the compound of the police station; and left him there for two days without any medical attention. He noted that the Chief Inspector of the Police Station was watching when six police officers took turns to beat him. He also testified that there were other detainees who were beaten like him; and that the police chained detainees for months.

Another victim from Shaggar City reported that seven police officers beat her severely while arresting her. According to her, while beating her, they were asking questions such as “how is OLA giving you instructions?”, “where are they training you?” The female investigator who was interrogating her, brought other six policemen inside the interrogation room to assist her with the beating. They removed her clothes, tied her hand and feet behind her back and flogged her, using a thick electric wire. They took her from the police station to a forest area called Gefersa to beat her and force her to confess that she was a member of OLA. The police took her to a government health center, where the nurse physically assaulted her with his shoes and insulted her: “you are an animal.” She was forced to undergo HIV/ AIDS and pregnancy tests, instead of getting treatment for the injuries she incurred from the beatings.

A victim from Darimu Woreda (Ilu Abba Bor Zone) noted that five members of Oromia Special Force arrested him on 21 May 2022 because he complained against the Special Force to the Woreda Administration, Peace and Security Office and Justice Office. According to him, they took him to Boto area Special Forces Camp in Darimu

Woreda, and stripped him naked, beat him with a wire, and tied his hand and feet together.

A victim from Jimma City (Jimma Zone) stated that the police took him from the jail cell at night and beat him, that he was subjected to electric shock; that electric current was applied to his anus, saying, “he hid weapons in his house.”

A victim from Limmu Kosa Woreda (Jimma Zone) noted that members of Oromia Special Force took her somewhere in the forest beat her severely, took off her *Hijab* (head cover), and pulled her hair. She added that she did not cry at the beginning of the beating; but that they continued beating her saying, “she is a well-trained Shane member” for several hours until she fell unconscious.

A victim from Jimma City (Jimma Zone) said he was denied access to toilet, forcing him to urinate and defecate on himself in an informal detention center called Dem Bank; that he was beaten repeatedly and forced to walk on his knees on the sand in the compound while bleeding from the beatings.

A victim, who said he was a member of OLF, testified that a police officer beat him and injured his head because he refused the police order to kneel before him. According to him, he was taken to the clinic in the camp and caught an infectious disease because of contaminated medical appliances used during his treatment. Although, he was referred to Adama Hospital for further treatment, the responsible police officer refused to take him to the hospital.

A victim from Agarfa Woreda (Bale Zone) said that the police harassed, insulted, and physically assaulted him during arrest and in the detention center.

A lawyer, who said that he represented a victim, testified that his client was arrested and detained since 2018 in Adama City, Chiro City, Meakelawi detention center, and Bishoftu City. The exact locations of the detention were not disclosed, the family members were unable to visit him, and it had been five years since family members and lawyer met the victim in person. The lawyer noted that when he met the victim at Oromia Special forces training camp in Bishoftu City after five years of enforced disappearance, the victim was not in good health.

#### **6.4.4 Detention conditions**

Victims and witnesses described conditions of detention including the size of jail cells or detention rooms, access to toilets, and access to food and water. They reported that detention rooms were too small to accommodate the high number of detainees. A victim from Burayu (Shaggar City) noted that he was detained with 35 persons in a room of around 16 square meters (4m x 4m). A victim from Adami Tullu and Jido Kombolcha Woreda (East Showa Zone) said that he was detained with 100 to 113 persons in a small room. A victim from Metu town (Ilu Abba Bor Zone) testified that he was detained in a shipment container, which was labelled “Dangerous for Humans”. Another victim from Metu town (Ilu Abba Bor Zone), who reported to have been detained in Awash Special Forces and Military Training camp, testified that there were 1080 detainees in the camp and around 108 persons were detained in one room. A witness from Agarfa Woreda (Bale Zone) said that the police detained his son with

40 to 45 persons in a room of around 12 square meters (3m x 4m), forcing the detainees to take turns to sleep on the floor that was unhygienic, exposing his son to skin disease, coughing and asthma. A victim from Darimu Woreda (Ilu Abba Bor Zone) testified that detainees used to sleep on cardboard because there was no proper mattress to sleep on in the Special Forces Camp.

Three victims from Jimma Zone reported that they were detained in a very small room. A victim from Jimma city testified that 40 to 50 persons were detained in a small room at Alazar Police Station. A victim from Limmu Kosa Woreda said that 45 persons were detained in a congested room of around nine square meters (3m x 3m). Another victim from Limmu Kosa Woreda noted that he was detained in a kebele detention center with 30 to 40 persons in a room of nine square meters (3m x 3m).

A victim from Jimma City (Jimma Zone) testified that police officers at Alazar Police Station allowed detainees only three to four minutes to use the toilet. A victim, who said he was OLF member, testified that he was detained in a camp with 367 persons and all of them had to use the toilet within 15 minutes, forcing detainees to urinate in plastic bottles and bags, and worsening the already poor hygiene of the detention center.

Victims and witnesses noted that the police did not provide food for the detainees. A victim from Metu town (Ilu Abba Bor Zone) stated that he had to buy food from a cafeteria at the military camp where he was detained, because detainees in the camp were not provided with food. Victims and witnesses stated that detainees received food from families and relatives who visited them. A victim detained in a Special Forces camp testified that there was no proper food provided to detainees; and that he survived on biscuits from the military, and food occasionally shared with him by some police officers.

A witness from Agarfa Woreda (Bale Zone) said that the police did not provide adequate food for the detainees; and that his detained son used to get only a loaf of bread a day; that it was very difficult for the family to provide food to his son since the place detention was far away from home. Another witness said that the police station did not provide food to the detainees; and that his son and other detainees had access to water only once a week although there was water service in the police station. A victim, who said he was a member of the OLF, testified that there was no water for drinking and sanitation at Awash Shone Special Forces Training camp.

Victims from Adami Tullu and Jido Kombolcha Woreda (East Showa Zone) and Metu town (Ilu Abba Bor Zone) said that the police prohibited, threatened and harassed family members who brought them food.

A victim from Metu town (Ilu Abba Bor Zone) reported that children (teenagers below the age of 18 years) were detained with adults in the Special Force camp. A witness from Agarfa Woreda (Bale Zone) noted that his son, who was 17 years old, was detained with adults in the Woreda Police station for one year and three months; and that there were no separate rooms for children in conflict with the law.

#### **6.4.5 Right to be visited**

Victims and witnesses reported that their family members and lawyers were unable to visit them. A victim from Burayu (Shaggar City) said that police officers insulted, beat, and sometimes detained for hours family members and other persons who visited detainees; and that they hid him from visitors' sight. A victim from Metu town (Ilu Abba Bor Zone), who was suspected of helping OLA and TPLF, noted that police officers prohibited him from meeting his family members and other visitors; and transferred him from one detention center to another to hide him from visitors. He added that it was very difficult for families and relatives to visit detainees in military camps.

Another victim from Metu town (Ilu Abba Bor Zone), who reported of being arrested seventeen times since 2018, testified that his family members were unable to visit him as they did not know his whereabouts. He said that police officers sexually harassed his mother, wife, and sister when they visited him at Special Forces camp; and that they arrested two individuals (one male and one female) who came to the detention center to visit him. Another victim, who was reported to be a member of OLF, provided similar testimony. He said that police officers chased away his family members from the police station when they came to visit him; and that they arrested his wife for three days when she came to visit him.

A victim from Darimu Woreda (Ilu Abba Bor Zone) further testified that his family members were unable to visit him during his detention. A victim from Metu Town (Ilu Abba Bor Zone) similarly testified that his family members were not allowed to visit him in the Special Forces Camp.

A victim from Jimma City (Jimma Zone) testified that police officers did not allow his family members to visit him; that he was not able to receive food from them; and that he survived on food received from other detainees.

A witness from Agarfa Woreda (Bale Zone) said that, at first, police officers prohibited family members and himself from visiting his 17-year-old child detained in Agarfa Police Station. When they were finally permitted visitation, they were only given around four minutes.

A victim from Limmu Kosa Woreda (Jimma Zone) testified that relatives and family members were prohibited from visiting her; that police officers arrested her aunt when she came to visit her, saying, "she was a member of Shane"; and that the police officers also arrested her two brothers (one was a 14-year-old child) for three months along with her at Woreda 2 Police Station in Jimma City.

A victim from Metu town (Ilu Abba Bor Zone) who reported to be a lecturer at a university, testified that police officers prevented him from communicating with his lawyer.

#### **6.4.6 Prohibition of forced confessions**

Victims and witnesses testified that they were forced to make confessions. A victim from Adami Tullu and Jido Kombolcha Woreda (East Showa Zone) reported that police officers threatened to kill him unless he confessed; and that several police

officers beat him at the Special Force Camp and forced him to confess that he was working with OLA. A victim from Metu town (Ilu Abba Bor Zone) testified that he was tortured continuously for five days in a week and forced to confess that he was a member of Shane.

A victim from Shaggar City, a 21-year-old lady, stated that police officers arrested her at her aunt's home and took her first to a place with explosives. According to her, they then took her to a police station for interrogation by a female investigator. The investigator slapped her, pulled her breasts, and beat her on private and other parts of her body to force her to confess that she worked with OLA and that she brought the explosives (bombs) to the city. The police officers took her into the woods, cut stick from a tree and beat her to force her admit that she was a member of OLA and threatened to kill her unless she confessed.

A victim from Limmu Kosa Woreda (Jimma Zone) testified that a member of the Oromia Special Force verbally harassed and threatened to kill her with a gun unless she confessed her role in Shane. She said that a police officer threatened to kill anyone who came to the police station to visit her.

A witness from Agarfa Woreda (Bale Zone) noted that his son was forced to admit that "he was Shane;" that the police officers promised to release his son if the latter admitted his membership in Shane; and that they threatened to take his son to Kilinto (a federal prison in Addis Ababa) to rot there.

#### **6.4.7 Right to Bail**

A victim from Metu town (Ilu Abba Bor Zone) who reported to have been arrested on 5 December 2021, had his application for bail granted, but the police kept him in detention despite the court order. Another victim from Metu, who reported to be arrested seventeen times, testified that he was brought to a court only once; and even though the court ordered his release on bail for Birr 2,000, the police disobeyed the order and kept him in detention for additional weeks.

A victim, who reported to be a member of OLF, testified that police officers brought him before a court after three days of his detention at Burayu Police Station (Shaggar City); and was charged with "aiding detainees to escape". According to him, although the court ordered his release for a bail bond worth Birr 500, the police disobeyed the order and detained him for two more months without further investigation or appearing in court.

Two witnesses from Agarfa (Bale Zone), whose sons were detained, testified that police officers refused to release their sons despite court orders.

#### **6.4.8 Socio-economic rights**

Victims and witnesses alleged violations of several socio-economic rights, including the right to health, the right to work, the right to education, and the right to property as described below.

## *Right to Health*

Victims and witnesses testified that the police denied them access to medical treatment even when the medical need arose from police brutality. A victim from Burayu (Shaggar City) said that the police denied him access to medical treatment even though he suffered severe physical injuries due to torture by the police. A victim from Adami Tullu and Jido Kombolcha Woreda (East Showa Zone) testified that the police denied him access to health care for his pre-existing medical condition even at his own expenses.

A female victim from Shaggar City reported that, after three weeks of continuous illness, the police allowed her to visit a private health care center at the expenses of her father. A witness from Agarfa Woreda (Bale Zone) testified that even though his 17-year-old son suffered from severe coughing and asthma in the police station, the police denied him medical treatment. Another witness from Agarfa testified that his son suffered pneumonia and the police denied him access to medical treatment. His son was permitted to get medical treatment only once at his expense after he repeatedly begged the police and other authorities.

A victim from Darimu Woreda (Ilu Abba Bora Zone) testified that he was denied access to medical treatment; that he was allowed to go to a hospital only after kebele authorities pleaded with the Woreda administration for his treatment; that the police informed the hospital that, “they have found the victim beaten and left by Shane”. He was unable to access further medical treatment because he could not cover the expenses as the Special Forces looted his property.

A victim from Jimma City (Jimma Zone) testified that he was denied access to medical care for injuries from torture at a detention facility called Dem Bank. Another victim, who claimed to be a member of OLF, testified that the police denied him access to medical treatment although he was severely ill of lung and liver diseases.

A victim from Darimu Woreda (Ilu Abba Bor Zone) reported that his hands were paralyzed due to being tortured by members of Special Forces. He was unable to eat, dress and conduct other activities due to the paralysis. A victim from Burayu town said his family incurred more than Birr 160,000 for his medical treatment at government and private hospitals for the physical injuries he suffered from torture.

## *Other rights*

Victims and witnesses alleged violations of the right to education, the right to work and the right to property. A victim from Shaggar City said that she discontinued her education due to arrest and torture. A witness from Agarfa (Bale Zone) said that his son dropped out of grade 8 due to his detention. A victim from Limmu Kosa Woreda (Jimma Zone) said that even though she was a grade-10 student and was preparing for the National Examination, she missed the Exam due to her arrest and detention.

A victim from Metu town, who reported to be arrested seventeen times since 2018, alleged a violation of his right to work. He claimed that he was unable to have a stable life; and that the fear of arrest forced him to flee his work and place of residence.

A victim from Darimu Woreda (Ilu Abba Bor Zone) alleged a violation of his right to property. He said that members of Special Force destroyed his household items

including food stock such as maize and looted Birr 2,800,000 on 18 May 2022 when they went to arrest him but did not find him at home. Another victim from Metu town (Ilu Abba Bor Zone) reported that the police and other government organs took possession of the land he inherited; and that he sued the government and won the case, but the government took the land forcefully despite the judgment in his favor.

#### **6.4.9 Right to remedy and reparation**

Most victims said that their efforts to obtain remedies for their violations were unsuccessful. A victim from Burayu (Shaggar City) said that he suffered from hypertension, liver and heart diseases, renal failure, and injury in one of his ears due to the detention; that he wanted to sue police officers who beat him to unconsciousness and left him to die. However, the police officers threatened to kill him saying, “if you wish to sue us, you will not be able to see the results because you will be dead.”

A victim from Darimu Woreda (Ilu Abba Bor Zone), who claimed that members of the Special Forces destroyed his property and looted his money, testified that even though he submitted a complaint on 21 May 2022 to the Woreda Administration and to Peace and Security office, the administration responded that “the issue of the Special Forces is beyond its authority.” He noted that he also submitted his complaint to the justice office, which similarly responded, “they don’t have the authority to prosecute Oromia Special Forces.” He added that members of the Special Forces arrested him right after he submitted his complaint to the justice office.

A female victim from Shaggar City reported that she suffered from severe physical and psychological pain because police officers tortured her several times. She noted that reconciliation was conducted with police officers who tortured according to the local tradition, and they paid her Birr 62,000 ETB as a compensation.

### **6.5 Views of stakeholders**

Representatives of civil society organizations (CSOs), community leaders and researchers presented their views on the right to liberty and the rights of persons deprived of liberty at Adama public hearing as summarized below.

#### **6.5.1 Civil society organizations**

Representatives of three civil society organizations and one researcher presented their work and findings on the right to liberty and the rights of persons deprived of liberty as summarized below.

##### ***Oromo Legacy Leadership and Advocacy Association***

The Oromo Legacy Leadership and Advocacy Association (OLLAA) is a civil society organization registered abroad and working in Ethiopia addressing issues such as the freedom of Oromo people, the human rights abuses in prison and the gaps in the law. Two representatives from OLLAA presented their research findings at the public hearing in Adama. They said that their research findings indicate that government security agents detained and tortured several individuals in Oromia Region in relation

to OLA. For example, 1070 persons, including children, were detained and tortured in Guji Zone.

OLLAA representatives added that law enforcement agents arrested and detained persons in secret places unknown to families and the EHRC, failed to bring them to courts, released them if they pay bribes, and killed detainees in custody. They said that law enforcement agents disobeyed court orders to release detainees on bail, and arrested family members of wanted suspects; that government officials threatened judges for carrying out their duties; and that Anti-terrorism and Hate Speech proclamations were used as grounds of arrest and remained legal problems.

### ***Ethiopian Human Rights Council***

A representative of the Ethiopian Human Rights Council (EHRCO) stated that enforced disappearance on the ground of political opinions, as long as six years in one case, was one of the major problems in Oromia. He said that law enforcement agents arrested individuals who were not criminal suspects by orders of command post and prevented them from meeting their families and religious leaders; that they detained mothers with children in conditions not favorable to them; that they kept in custody individuals arrested during the state of emergency even after expiry of the state of emergency without any charge; and that they disobeyed court orders to release individuals on bail.

### ***Human Rights League of the Horn of Africa***

A representative from Human Rights League of the Horn of Africa (HRLHA) explained that individuals were arrested in Oromia Region, on the ground of the so-called current affairs, for coming from places of active violent conflict, or when security council ordered, or when related to a suspect or in connection to assassination of Hachalu Hundesa by members of *Gachana Sirna* and other law enforcement agents. He noted that security agents took detainees from their place of detention and killed them in Horo Guduru Wollega, Guji and West Guji zones. The representative mentioned forced disappearances, torture, incommunicado detention, refusal to execute court orders to release detainees on bail, and corruption in law enforcement agencies as some of the problems in Oromia Region.

### ***Legal researcher***

A legal researcher from a higher education institution presented his views relating to the right to liberty and the rights of persons deprived of liberty in Oromia. The researcher reported about a detained woman with twin children, who had her application for bail granted. Furthermore, the court ordered the public prosecutor to either charge her within nine days or release her. The researcher added that the woman remained in custody for additional four months because she was unable to find a guarantor.

## **6.5.2 Views of community leaders**

Community leaders participated in Adama public hearing and expressed their views. These include *Abbaa Gadaas* and *Haadha Siinqees* as summarized below.



### ***Abbaa Gadaas***

*Abbaa Gadaas* took turns to explain situations of arrested persons in Oromia. One *Abbaa Gadaa* said that the lower level of government officials disobeyed the law; that regular and special police forces arrested individuals and committed violations in the last four years; that it was unreasonable to expect people to obey the law, when the law enforcement bodies themselves disobeyed it; that government officials retaliated against individuals and institutions; that the number of arrests, detentions and incidents of violence were higher during the state of emergency; and that anyone with a gun may commit crimes he or she wished. Highly frustrated, he stated that Oromos were killing one another.

Another *Abbaa Gadaa* said that there was more serious suffering and violence than those described by the victims and witnesses in the public hearing. He added that law enforcement agents conducted mass arrests and indiscriminate killings of innocent individuals against the legal procedures. He said that courts had no power as the police decided everything. He added that even though *Abbaa Gadaas* advised the government to stop the violence and suffering, nobody listened. Finally, he recommended that the police and other security bodies work for the people and listen to what the people say.

### ***Haadha Siinqees***

One *Haadha Siinqee* reported that the violence and sufferings were worse than any violence she observed in her entire life; that dead bodies were left in the jungle for vultures; that it was challenging to identify the culprits as most of the killings took place in the night; that law enforcement agents arrested, detained, and beat anybody they wanted; that students were unable to go to school because of the detention; and that government did not allow *Abbaa Gadaas* and *Haadha Siinqees* to visit detainees, including detained students.

## **6.6 Responses of government officials**

Government officials from the justice bureau, peace and security bureau, the courts, the police, and the prison administration participated in Adama public hearing and listened to testimonies of victims and witnesses. The officials were from the regional and zonal levels. The following paragraph summarizes their responses at the hearing.

### **6.6.1 Ilu Abba Bor Zone**

Representatives from the police and justice office responded to allegations of violations in Ilu Abba Bor Zone.

#### ***Police***

A representative from Ilu Abba Bor Zone Police, Commander Abdulrazak Naga, acknowledged that the violations described in the hearing were serious and should not have occurred; and that the police would make sure that such violations would never occur again. He provided the context in which the violence occurred, including an incident where armed groups killed 40 members of law enforcement agents on a single day in Ilu Abba Bor Zone. He said that investigations into the incident revealed

that there were individuals who aided armed groups; and law enforcement agents arrested those who collaborated with the armed groups. He argued that the arrest was necessary to avoid major problems including loss of lives, injuries, and the resulting security crisis. He also acknowledged instances where the law enforcement agents failed to follow procedures and committed crimes; and said that the perpetrators were held accountable.

Commander Abdulrazak explained that security councils comprised of police, prosecutors, and the zonal administration, were established at the zonal level; that the police did not want the security council to give them orders, but to help them with budget and logistical support. He claimed that the police collected information and worked independently; that the police did not receive orders from the security council in writing, and that there were instances when the police disagreed with security council decisions. Commander Abdulrazak stated that the police always respected court orders and carried them out.

### *Justice Office*

The Head of Justice Office, Mr. Hunde Tefera, responded to alleged violations in Ilu Abba Bor Zone. He said that it was depressing to hear the sufferings described by the victims and witnesses at the public hearing; that the allegations against the Zone were not false; and that the testimonies described what representatives of the Justice Office saw while visiting detention centers.

Mr. Hunde Tefera explained that the situation was generally better in peaceful woredas, and rights were well respected. However, he elaborated, in the Woredas where there were violent conflicts, the armed groups burned down courts, government buildings, including justice bureaus, resulting in the interruption of judicial services; forcing leaders and workers of the Woreda to flee the areas.

Mr. Hunde Tefera explained that individuals suspected of working with the armed group were detained; and that police stations provided food and water to detainees. In comparison, he noted, the treatment of suspects and detainees by the police was better than the treatment by the Special Forces.

In connection with the state of emergency, Mr. Hunde Tefera explained that prosecutors visited several woredas, investigated grounds of arrest, and ordered release when they did not find reasonable grounds for detention. However, he admitted, the Justice Office did not visit and monitor areas with security problems in the Zone for safety reasons. He added that the Justice Office did not visit the Special Forces camp although there were detentions in the camp. He noted that although the Justice Office wanted to conduct all investigations in accordance with the law, the role of the Justice Office was limited to making recommendations to the zonal security council during a state of emergency. He affirmed that there were individuals who remained in custody despite court orders to release them.

Mr. Hunde Tefera confirmed being aware of the case of the victim from Darimu Woreda because he filed a complaint with the Justice Office. However, he explained that the Justice Office did not bring criminal charge against the suspected police office because it could not find evidence.

Mr. Hunde Tefera spoke of accountability measures taken in Ilu Abba Bor Zone. He stated that police officers were prosecuted and sentenced to 10-15 years of imprisonment for beating suspects and committing other ill-treatments. He noted that a member of the Special Forces was prosecuted and sentenced to 10 years imprisonment for assaulting women. He added that the Justice Office prosecuted police officers and members of the Special Forces for arresting and releasing individuals for bribe. In addition, disciplinary actions were taken against members of the security forces.

### **6.6.2 Shaggar City**

A representative from Shaggar City Police, Assistant Commissioner Daraje Muleta, explained that the city is a newly established administrative unit of Oromia, consisting of 12 sub-cities and 36 woredas. He stated that even though the violations described in the testimonies occurred prior to the establishment of the city, he promised to investigate the alleged violations and take corrective measures.

The Assistant Commissioner referred to the allegations relating to inadequate food and water supply in detention centers and said that the City has limited budget capacity to provide food and water. He explained that the City's security council decides how to proceed with legal action, but it is the responsibility of courts to determine who should be released on bail, and not the security council. He said that the security council will not stand by and watch when dangerous terrorist groups, such as Al-Shabaab attempt to establish a unit in the City.

### **6.6.3 Bale Zone**

Representatives of the police and justice office responded to allegations of violations in Bale Zone.

#### ***Police***

A representative from Bale Zone Police, Assistant Commissioner Jeylan Aman, stressed that "no one wants human rights violations to occur;" and that most of the violations described in the testimonies occurred during a state of emergency. He said that 29 government institutions were burned in Agarfa Woreda during the unrest following the assassination of Hachalu Hundesa; and that the unrest was later transformed into religious conflict, resulting in several human rights violations, including loss of lives.

Assistant Commissioner Jeylan Aman explained that the government established Zonal Security Council, which investigates security and political issues; collects information relating to individuals suspected of organizing ethnic-based attacks, murder, and arson; deliberates based on the information presented to it and decides the next legal steps to protect lives and properties. He noted that there was nothing wrong or negative about this, although he did not mean to say that the security council was perfect and made no mistakes.

Assistant Commissioner Jeylan Aman explained the security challenges in Bale Zone, including the formation of a terrorist group called Al-Shabaab in Bale Forest by

foreigners trained in Kenya, Somalia, and Uganda. He said that the group recruited members and provided them with combat training. He noted that the group killed several zonal police officers and militiamen, against which the police took measures in response.

Assistant Commissioner Jeylan Aman explained that the police took young individuals suspected of committing serious crimes, such as murder, to hospitals to have their age verified. However, he added that due to lack of resources, Bale Zone does not have a separate facility for children in conflict with the law, except for a room of corrugated iron roof built with community donations. He noted that suspects under the age of 18 were detained with adults at the Bale Zone Police Station.

Assistant Commissioner Jeylan Aman acknowledged that there were police officers who violated ethical rules and committed crimes, including bribery. He said that disciplinary measures were taken against corrupted police officers. Finally, he stressed that the police always executed court orders.

### *Justice Office*

The Head of Bale Zone Justice Office, Mr. Abdulwahid Abdurahman, stressed that prosecutors respect provisions of the Constitution but acknowledged the possibility of making mistakes in the process of implementing human rights. Referring to testimonies relating to Agarfa Woreda, he said that the alleged violations occurred because all institutions of the Woreda were burned down during the unrest in Bale Zone; that the courts were closed; that suspects were detained in informal places such as schools; and that it was not possible for the Woreda to provide proper services to arrested persons.

Mr. Abdulwahid Abdurahman explained that some of the allegations during the public hearing were not a violation of human rights as they occurred during a state of emergency where some rights were suspended, and the Zone was run by a command post. He noted that the Justice Office visited detention facilities as a member of a committee and several corrective measures were taken even during the state of emergency. Following the end of the state of emergency, prosecutors visited police stations and ordered the release of detainees when there was insufficient evidence to charge them. Finally, he stressed that Bale Zone Justice Office did not receive complaints relating to the allegations described in the testimonies of victims and witnesses at the public hearing.

### **6.6.4 Jimma Zone Justice Office**

The Head of Jimma Zone Justice Office, Mr.s Zahara Mohammed, noted that the Zonal Justice Office did not receive any complaints relating to the allegations described in the testimonies of victims and witnesses at the public hearing. She admitted recognizing some of the facts as most of them occurred during a state of emergency where individuals were arrested in relation to violence that erupted following the assassination of Hachalu Hundessa. She acknowledged that there were detentions at the place called Dem Bank with the approval of the command post. However, she denied that the alleged facts constitute a violation because some rights were suspended during the state of emergency.

Mrs Zahara Mohammed denied detentions in informal places, detention of children, and beating of detainees or ill-treatment in detentions centers. Finally, she noted that the Justice Office was unable to address the problem because complaints relating to allegations described in the testimonies were not submitted to the Zonal Justice Office. She promised that prosecutors and police officers would investigate and address the problem when they returned to Jimma Zone.

### **6.6.5 Regional officials**

Officials of Oromia Region explained the context in Oromia and responded to some of the issues raised in the testimonies of victims and witnesses. They also addressed the views of civil society organization, particularly the allegations by the Ethiopian Human Rights Council. The responses of regional officials are summarized below.

#### ***Oromia Police Commission***

The Oromia Police Commission Deputy Commissioner General, Mr. Zerihun Dhuguma, appreciated the public hearing, explained the context in Oromia and responded to some of the issues raised in the testimonies of victims and witnesses, as well as the views of stakeholders. He stressed that the purpose of the police is serving the people; that police officers sacrificed their lives to maintain peace and order in Oromia; that the death of police officers in armed confrontation with armed groups broke families apart; and that collateral damage might have occurred affecting property, liberty, and lives of innocent individuals during armed responses to armed groups.

The Deputy Commissioner General admitted that intimidation, beating, killing, and detaining individuals in informal places might have occurred in some places; and that the frequency of such practice had declined. He stated that the Constitution requires the government to respect and protect human rights; that the police should treat arrested persons with dignity; and that most of the problems would be addressed as efforts to restore peace were underway. Referring to testimonies relating to detaining individuals far away from their home, he stated that the police detained individuals in areas where they are arrested.

Noting that the problem of corruption is prevalent, the Deputy Commissioner General emphasized that corruption is not limited to the police and other law enforcement agencies; and that it was a societal problem. He admitted that there were police officers who abused their power and arrested wealthy individuals to obtain bribes. He noted that the Police Commission recognized the problem and took corrective measures, which included releasing individuals who were arbitrarily arrested and were not brought before a court.

The Deputy Commissioner General explained that prolonged pre-trial detention usually occurred in cases of individuals suspected of terrorism and brought before the nearest courts, but the courts declined to consider the case for lack of jurisdiction because the crime of terrorism falls under the jurisdiction of federal courts. He said that the police do not sit idle but transport the arrested persons to courts with jurisdiction whenever the security situation permit. He noted that the Police Commission established a committee at the regional level, which monitored

conditions of arrested persons and ordered release of thousands of people who were wrongfully detained on suspicion of terrorism.

The Deputy Commissioner General remarked that it is necessary to distinguish between the police and other institutions that arrested individuals, and not blame the police for all the unlawful detentions. He stated that kebele militia and political leaders also arrested individuals. He said that most of the violations described in the testimonies of victims and witnesses were committed by members of the regional special force. He noted that the government addressed the problem as it decided to reorganize regional special force, train, and integrate them into the regular police, ending the detentions in the special force camp.

The Deputy Commissioner General further explained the role of security councils established at different administrative levels and mentioned in several testimonies at the public hearing. He stressed that the councils did not wish for human rights violations to happen. To the contrary, he continued, there were times when the council took corrective measures against the police for wrongdoings. He explained that the councils were not formally established as permanent bodies, but as a consultative forum for responding to security crises during periods of instability. He noted that the councils made some mistakes like any other group of individuals.

Referring to testimonies that victims remained in custody despite a court order to release them on bail, the Deputy Commissioner General stated that the police obeyed court orders as if they were orders from the Almighty. He explained that the lower courts' decision to grant applications for bail are appealable to the higher courts; that arrested persons might remain in custody until the final determination of the bail application; and that waiting until final determination did not amount to disobeying court orders.

Responding to testimonies about repeated arrests, the Deputy Commissioner General explained that individuals who committed another crime after they were released from detention may be arrested for the new crime. However, he admitted that unethical police officers might have repeatedly arrested and detained individuals to seek bribes. He promised that the Police Commission will address repeated arrests and detentions by corrupt police officers.

The Deputy Commissioner General explained that although there is a traditional practice of paying compensation in Oromia, known as *gumaa*, there were no instances where police officers gave or received compensation, as this mechanism could not be implemented for lack of resources.

Furthermore, the Deputy Commissioner General recalled accountability measures taken by the Oromia Police Commission. He stated that the Oromia Police Commission prosecuted 961 police officers for crimes and subjected over 3800 police officers to disciplinary penalties in 2022/2023 fiscal year. He also noted that the Police Commission took other measures, including provision of a series of leadership and ethics training for police officers. He acknowledged that the Police Commission lacked capacity to conduct effective criminal investigation, including lack of necessary technological equipment. He also acknowledged legislative gaps in relation to professional autonomy of the Police Commission.

Finally, the Deputy Commissioner General responded to EHRCO's complaints that the police arbitrarily arrested its employees who were deployed to conduct human rights investigations. He stated that the police arrested EHRCO employees for implementing a political agenda unrelated to human rights investigation and interfering in and disrupting police function in relation to illegal construction. He added that it was the duty of law enforcement agents to enforce the law, investigate and arrest individuals suspected of committing crimes; that the arrested EHRCO employees were brought before the court within 48 hours as provided by the law; and that they were released on bail. He stressed that conducting normal law enforcement activities are not violations of human rights. He added that EHRCO usually presented itself as Ethiopian Human Rights Commission and committed misrepresentation.

### *Oromia Attorney General*

The Attorney General of Oromia, Mr. Guyo Wariyo, responded to some of the issues raised by the testimonies of victims and witnesses and views of stakeholders. Explaining the context in Oromia, Mr. Guyo Wariyo stated that the government has the obligation to maintain law and order, while also respecting the rights of individuals, particularly those affected by the criminal justice system. He said that both the government security forces and members of armed groups tortured and killed individuals following the assassination of Hachalu Hundesa; and that Oromo brothers and sisters killed one another.

The Attorney General explained that most of the facts and allegations of violations described in the testimonies of victims and witnesses in the public hearing occurred during a state of emergency, when the exercise of some rights was suspended. He said that law enforcement agents arrested and detained individuals suspected of committing crimes during the unrest to maintain law and order and protect property, security, and lives in the Region; and that the arrested persons were brought before court and were visited by their family in accordance with the Constitution. He noted that violations might occur even in relatively peaceful places, but the measures taken to maintain law and order during the state of emergency did not constitute human rights violations.

The Attorney General stressed that since some rights cannot be suspended during a state of emergency, his institution collaborated with law enforcement agencies to guarantee the respect of those rights. He acknowledged that beatings and ill-treatment occurred because of lack of awareness; and that the Attorney General prosecuted members of the security forces who were responsible for beatings and other ill-treatments. He said that his Office has been working to take measures against law enforcement agents who did not comply with court orders.

The Attorney General explained that his institution visited formal detention facilities, such as police stations and prisons and found that some detention facilities at the police stations were below standard. He noted that prosecutors sometimes closed prosecution files according to Article 42 of the Criminal Procedure Code, but all detainees were not released. He stated that the Attorney General Office was dealing with cases of individuals arrested during the state of emergency even after the state of emergency was lifted. He stated that the Attorney General Office established a joint

committee composed of police officers and prosecutors to deal with these detentions; that the committee visited police stations and informal detention centers, identified around 200 detainees whom they were unable to prosecute for lack of sufficient evidence and released them. He clarified that the Attorney General Office did not receive complaints relating to individuals detained in informal places, although his Office was aware of detentions in informal places.

The Attorney General acknowledged that human rights violations occurred during the state of emergency. He noted that the Attorney General Office conducted investigation, but faced challenges in obtaining sufficient evidence to prosecute, except in some places such as Agarfa Woreda, Bale Zone. He explained that government institutions were completely burned down in Agarfa Woreda during the unrest that occurred following the assassination of Hachalu Hundesa. He said that some of the violations, for example, those described by victims from Jimma Zone, could have been addressed at zonal office.

The Attorney General specifically responded to the testimonies that EHRCO employees were subjected to arbitrary arrest and detention. While acknowledging that EHRCO can investigate allegations of human rights violations and advocate for the protection of human rights, he stressed that EHRCO should not have done that in a way that interfered with the government's function or by hiding their identity, particularly while taking measures against illegal construction in Shaggar City. He explained that the circumstances justified the arrest of EHRCO employees; that the arrest was legal as the legal procedures were followed and EHRCO employees did not have immunity from arrest or prosecution.

Finally, the Attorney General concluded by stating that his institution had taken note of the gaps indicated during the hearing and promised to take corrective measures including training of experts. He also promised to receive complaints, investigate them, and provide solutions at woreda and zonal levels.

### ***Oromia Supreme Court***

Mr. Gazali Abba Simal (President of Oromia Supreme Court), Mr. Badri Tamam Umar (Vice-President of Oromia Supreme Court) and presidents of Oromia high courts participated in Adama public hearing. Mr. Badri Tamam Umar, Mr. Birhanu Bekele (President of Jimma Zone High Court), Mr. Midhagsa Magarsa (President of West Arsi Zone High Court), and Mr. Mammo Tusi (President of Adama High Court and former President of Bale Zone High Court) responded to some of the issues raised at Adama public hearing.

The presidents specifically responded to issues concerning compliance with court orders, right to bail, accessibility of courts, and persons with mental disabilities. They provided similar responses on issues regarding compliance with court orders, especially in cases where courts granted application for bail. They said that the police and other state security organs generally comply with court orders, including compliance with orders requiring release of arrested or accused persons. They also explained exceptions, particularly in areas affected by unrest and insecurity such as Agarfa (Bale Zone), where court houses and other public properties were destroyed, and it was impossible to provide court services. Mr. Birhanu Bekele explained



instances where state security agents refused to release detainees because of the risk such release might pose to public safety and peace. Mr. Birhanu explained that even in such cases, the court fined the responsible police officers.

Mr. Badri explained that courts granted applications for bail and ordered the release of detainees except in places where it was impossible to bring them before court due to unrest and instability in the areas. Mr. Badri explained that there were improvements in accessibility of courts as they employed technologies to hear appeals without the need to physically appear before high courts or the Supreme Court.

Mr. Badri explained that it took courts up to three years to obtain medical opinions on cases involving accused persons with mental disabilities. Mr. Birhanu added that it courts take up to six years to dispose of cases involving accused persons with mental disabilities because health institutions that provide medical certificate to persons with disabilities are scarce take long period to respond to court orders.

## 6.7 Key Findings

The security problem in Oromia Region, particularly attacks by armed groups in Wollega zones, was one of the main factors causing or contributing to unlawful and arbitrary arrests and detentions described by victims and witnesses in their testimonies at Adama public hearing. The victims were from East Shawa, Jimma, Ilu Abba Bor and Bale zones and Shaggar City, and were suspected of involvement in OLA, indicating that the armed conflicts affected people in Oromia in general, not limited to the locations of active hostilities. The testimonies also indicate that individuals who fled the conflict and moved to other locations were suspected of having a connection with OLA.

The evidence gathered for the National Inquiry and during the public hearing has shown that law enforcement agents conducted the arrests without an arrest warrant, failed to inform the suspects the reasons of their arrest, failed to bring them to courts within 48 hours, refused to execute court orders to release suspects on bail in some instances, and failed to bring formal criminal charges against most of them. While acknowledging these problems, government officials argued that these are not violations because the arrests and detention were conducted during a state of emergency where these rights were suspended.

The evidence also showed that several actors conducted the arrests and detentions. These include the regular police, the special forces, National Defense Force, kebele militia, and members of *Gachana Sirna*.

Furthermore, law enforcement agents committed torture and other ill-treatments to obtain confessions of victims relating to their involvement in OLA. They detained suspects in special force and military camps and subjected them to beatings and other ill-treatment to force them to confess. In addition, law enforcement agents arrested and released individuals for bribes, and disobeyed court orders to release arrested persons on bail. The government officials acknowledged instances of ill-treatment and corruption; and noted that police officers were held accountable.

The conditions of detention were below standard because the detention facilities were overcrowded and lacked proper food, drinking water and sanitation. Detainees, particularly those suspected of involvement with OLA, were not allowed to be visited by family and relatives. Government officials acknowledged that conditions of detention were below standard because of lack of resources and unusually high number of detainees during the state of emergency.

Finally, law enforcement agents arrested and detained family members and relatives of suspects whom they were unable to arrest. The purpose was to force suspects to appear or surrender to police custody.

## **6.8 Recommendations**

The government has the obligation to implement human rights at all levels (kebele, woreda, zonal, regional, and federal levels). Effective implementation of human rights requires several measures including legislative, administrative, judicial, financial, educational, and other measures indicated below.

### **6.8.1 Oromia and Federal Governments**

The federal and Oromia governments should

- Take necessary measures to end attacks by armed groups as they affected the enjoyment of human rights in Oromia and beyond;
- Conduct investigations and prosecute perpetrators of human rights violations;
- Close informal detention centers (including special force camps and other unofficial detention centers);
- Put in place reparation mechanisms for victims of human rights violations; and
- Raise awareness and improve implementation of human rights, particularly rights that cannot be suspended during a state of emergency.

### **6.8.2 Police Commission and Peace and Security Bureau**

The Oromia Police Commission and Peace and Security Bureau should

- Conduct investigation to prosecute police officers (and other law enforcement agents) suspected of committing human rights violations (including torture, unlawful and arbitrary detention, and bribery);
- Bring disciplinary charges against unethical law enforcement agents;
- Execute all court orders without exceptions;
- Prevent arrest without warrant except when prescribed by law;
- Promptly inform suspects the reasons of their arrest;
- Bring suspects before a court within 48 hours of arrest;
- End the practice of torture and other ill-treatment to obtain confessions from suspects;
- Permit arrested persons to be visited by family members, relatives, lawyers and religious advisers;
- End the practice of arresting and detaining family members and relatives of fugitive suspects;

- Ensure that detainees get sufficient medical care; and
- Improve conditions of detentions.

### **6.8.3 Attorney General**

The Oromia Attorney General should

- Regularly visit detention centers and follow up the implementation of its recommendations;
- Prepare draft laws relating to mechanisms of reparation for victims of human rights violations; and
- Prosecute law enforcement agents responsible for human rights violations.

### **6.8.4 Prison Commission**

Oromia Prison Commission should

- Separate children from adults; and
- Separate pre-trial detainees from accused persons and convicts.



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ETHIOPIAN HUMAN  
RIGHTS COMMISSION

## CHAPTER SEVEN

## CONCLUSION AND RECOMMENDATIONS

## 7.1 Conclusions

The right to liberty and the rights of persons deprived of liberty are guaranteed in international human rights treaties ratified by Ethiopia, the federal Constitution and subsidiary laws, and state constitutions and other state laws. Several institutions, including the legislatures, courts, ministry of justice or justice bureaus (attorney generals), police commissions, and prison commissions are responsible for the implementation of the right to liberty and the rights of persons deprived of liberty. However, there are practical challenges in the implementation of the rights. The major barrier has been violences resulting from attacks of organized armed groups and state responses. In addition, torture and other ill-treatments, detention of family members, detention for federal crimes in state prisons, corruption of law enforcement agents, lack of accountability, and lack of effective remedy and reparation are systemic problems and are barriers to the enjoyment of the right to liberty and the rights of persons deprived of liberty.

### 7.1.1 Violences and State responses

Violences in different parts of the country undermined the enjoyment of the right to liberty and the rights of persons deprived of liberty. These include armed clashes between armed groups and government security forces, for example, Wollega zones of Oromia, Dirashe Special Woreda of SNNPR, and the devastating conflict in the northern Ethiopia with impacts on other parts of the country. The violences also followed unrest caused by specific incidents, for example, the assassination of Hachalu Hundesa in Oromia, the unrest that finally led to the removal from power of former president of Somali Region, Abdi Mohamud Omar (also known as Abdi Illey), mainly in Jigjiga, or the breakdown of law and order in Amhara Region after the conflict in the northern Ethiopia. The violence resulted in loss of lives (killing of civilians, members of government security forces and members of armed groups) and destruction of properties and displacements.

The violences tested the capacity of the government to maintain law and order. The government responded with declarations of state of emergency and the establishment of command posts even in the absence of a state of emergency. The right to liberty and most of the rights of persons deprived of liberty were suspended although Art. 93(4)(b) of the Federal Constitution does not expressly permit suspension of civil rights such as the right to liberty and the rights of persons deprived of liberty. This provision of the Constitution empowers the Council of Ministers to suspend political and democratic rights, not civil rights.

A state of emergency is an exceptional situation. The requirements of arrest with warrant, promptly informing arrested persons the reason of their arrest or bringing them before court within 48 hours presuppose a period of normalcy, not a period of exception where, for example, suspects are captured on battle fields fighting state security forces or courts are destroyed as it was in the case of Agarfa (Bale Zone), Oromia. Places of detention were overcrowded and overflowed as police training camps (e.g., Abosto Police College in SNNPR) and other places were turned into detention centers.

### 7.1.2 Torture

The prohibition of torture and other ill-treatment cannot be suspended (i.e., non-derogable) even during a state of emergency according to the Constitution and international human rights treaties ratified by Ethiopia. In practice, however, victims testified that they were subjected to torture and other ill-treatment. Government officials explained that torture is unacceptable and said that they brought to justice some law enforcement agents responsible for torture and other ill-treatment.

However, the most shocking forms of torture did not occur in relation to the state of emergency, but as abuse of power for personal gains or as a method of criminal investigation to get confession.

### 7.1.3 Detention of family members

Law enforcement agents intentionally detained family members of suspects or fugitives to force the suspects or fugitives to surrender to or appear before the police. The practice is not isolated but is conducted in a systemic manner in several regions. Arresting or detaining family members in lieu of a suspect or a fugitive is not justified and is considered arbitrary and unlawful.

### 7.1.4 Detention for federal crimes in regional prisons

Judicial power is divided between federal courts and state courts as Ethiopia is a federation. The federal courts have jurisdiction over federal crimes such as crime against national state and crime against the fiscal interest of the federal government.

Federal law enforcement agents arrested and detained individuals suspected of committing federal crimes such as the crime of terrorism in regional prisons or detention centers. This is called *yadera eser* (የአደራ እስር) in Amharic. Regional law enforcement agents held those detainees in custody on behalf of or in trust of the federal law enforcement agents. Regional law enforcement agents did not bring those detainees before state courts. Unfortunately, federal law enforcement agents also failed to follow up and bring those detainees before courts, who usually end up forgotten in detention.

Most of the detentions for federal crimes in regional prisons (*yadera eser*) were unlawful because federal or regional law enforcement agents did not bring the detainees before the courts within 48 hours and detained them for a long time without charges. Regional law enforcement agents did not take responsibility for their detention and the federal law enforcement agents are not accessible in the search for remedy. Therefore, detentions for federal crimes in regional prisons has been one of systemic problems affecting the enjoyment of the right to liberty.

### 7.1.5 Corruption

The public hearing has shown that law enforcement agents arrested and detained individuals for personal gain, usually to obtain bribe. That is, detainees who have the means to pay for their freedom enjoy their right to liberty whereas those who lack the means remain in detention. Thus, abuse of power by corrupt members of the law

enforcement agents is one of systemic problems leading to arbitrary arrest and detention, and in some cases to torture and disability of victims.

#### **7.1.6 Accountability**

Government officials acknowledged that there were unethical members of law enforcement agents who committed crimes including torture and unlawful detention, violating the right to liberty and the rights of persons deprived of liberty in their responses at the public hearings. The officials recalled that some measures were taken, including prosecution and disciplinary measures.

However, government officials did not indicate any participation by victims or their reparation in the prosecution of perpetrators of human rights violations. Evidence indicates that victims or their representatives do not make meaningful efforts to sue the perpetrators of human rights violations, while the law enforcement agents retaliate against victims who seek to hold them accountable. The lack of an independent institution that investigates cases against law enforcement agents is one of the barriers to accountability for human rights violations.

#### **7.1.7 Remedy and reparation**

Everyone has the right to effective remedy as guaranteed in the Constitution and international human rights treaties ratified by Ethiopia. Ethiopia has the obligation to take legislative, judicial, financial and other measures to implement the right to effective remedy. The 1960 Civil Code, the 2004 Criminal Code and other subsidiary legislation provide for different forms of reparation including restitution and compensation, but do not reflect recent developments in human rights.

The National Inquiry has shown that victims of human rights violations do not have access to effective remedy and reparation. Efforts to seek remedy from the police and justice bureaus do not usually bear fruit. There is no practice of using courts to seek remedy and reparation. While government officials deny receiving complaints, they do not dispute the fact that victims do not get effective remedy and reparation. Surprisingly, customary, or traditional mechanisms provided better options for violations that occurred within regional institutions and had better examples of reparation than government institutions. Therefore, lack of effective remedy and reparation remains a systemic barrier to the enjoyment of human rights, including the right to liberty and the rights of persons deprived of liberty.

#### **7.1.8 Human rights awareness and legal aid**

Most victims testified that they did not seek remedy and reparation, indicating that they were not aware of their rights, or they were unable to exercise them. In their responses, government officials raised issues relating to lack of human rights awareness among law enforcement agents and personnels working in the justice sector and emphasized the need to provide training on human rights knowledge and skills. Legal aid could have helped victims to obtain remedy and reparation. However, government officials and representatives of CSOs did not indicate instances of legal aid provided to victims.



## 7.2 Recommendations

The National Inquiry showed that there are several barriers to the enjoyment of the right to liberty and the rights of persons deprived of liberty. Some of these barriers are the results of attacks by armed groups and violent state responses, including the use of state of emergency powers and the establishment of command posts. Ending the violence through all means available to the state can remove the barriers to the enjoyment of the rights.

Other barriers are systemic and entrenched, requiring the adoption of several measures. Therefore, federal, and regional government should take legislative, financial, administrative, judicial, educational and other measures to

### **a) Eradicate torture and ill-treatment,**

The prohibition of torture and ill-treatment is absolute. To end torture and other ill-treatment in practice, legislative and administrative measures should be taken. The House of Peoples' Representatives should incorporate the definition of torture in the Criminal Code in line with the recommendations of the Committee Against Torture. Federal and regional police commissions should investigate allegations of torture and ill-treatment. The federal and regional prosecutors should prosecute perpetrators of torture and ill-treatment.

### **b) End the practice of arbitrary and unlawful detentions,**

Regional law enforcement agents should end the practice of arresting and detaining family members of suspects or fugitives as hostages. Federal law enforcement agents should bring individuals suspected of committing federal crimes and detained in regional detention facilities before federal courts with jurisdiction.

### **c) Eradicate corruption and unethical behaviors in law enforcement**

Law enforcement institutions should provide ethical education to law enforcement agents and take disciplinary measures against unethical behaviors. They should investigate allegations of corruption crimes and submit them for prosecution.

### **d) Ensure accountability of law enforcement agents**

Legislative measures should be taken to address accountability deficit in the law enforcement agents. These include laws establishing an independent institution at federal and regional level for civilian oversight of law enforcement agents. Alternatively, the new law may assign such functions to existing institutions. While the establishment of such institutions is pending, it is necessary to make use of the existing mechanisms. The law enforcement agents should be transparent in the investigation and prosecution of crimes by members of law enforcement agents and involve victims to claim reparation in the same criminal proceeding against perpetrators of human rights violations.

### **e) Provide effective remedy and reparation to victims of human rights violations**

The House of Peoples' Representatives should enact a comprehensive law on remedy and reparation of victims for victims of human rights violations. The law may establish an independent institution and procedures or assign the functions to existing



institutions. Federal and regional law enforcement institutions should allocate budget for reparation of victims of human rights violations perpetrated by law enforcement agents.

**f) Provide human rights education and legal aid**

At the federal level, the Ministry of Justice has the responsibility of providing human rights education and representing the indigents (particularly women, children and persons with disabilities) in civil suits before federal courts. The Ministry should carry out these responsibilities in practice. Regional justice bureaus should carry out similar responsibilities. In addition, federal and regional governments should encourage and support CSOs to provide human rights education and legal aid.

**ANNEX**  
**Ethiopian Human Rights Commission**  
**Informed Consent Form**

*I, the undersigned, confirm that:*

A staff member of the Ethiopian Human Rights Commission informed me that the Commission intends to conduct a national inquiry into persons deprived of liberty, which includes public hearings.

I was informed that the Ethiopian Human Rights Commission is an independent National Human Rights Institution established by Proclamation No. 210/2000 (as amended by Proclamation No. 1224/2020); that the Commission is mandated to promote and protect human rights; and that the Commission has the national inquiries.

I was invited to testify at the public hearings about violations of my rights and rights of my family members. I confirm that I freely agreed to participate in the public hearings in \_\_\_\_\_ (city of public hearing) between \_\_\_\_\_ (dates of public hearing) and testify what happened to me.

I agreed that the Commission can record my testimonies during the public hearings and use them in its report. I also agreed that the Commission may share my testimonies with state officials of the government of Ethiopia for the purposes of obtaining further information on my case as well as a response from the government. I agreed that the Commission can identify my testimonies by my name, provide my contact details, and provide general information on the nature and scope of violations of my rights. My consent to sharing my information with the government officials is conditional upon them treating the information with utmost confidentiality, ensuring that no information is made public in any way whatsoever, particularly (a) my name and the names of my family members, (b) my current residential address or that of my family members as well as any other identifying features, including specifics about my particular experience that might identify me or my family members.

I was informed that I should contact the city offices of the Commission if I have any security concern, and that the office would take steps to address the concerns. I was informed that the Commission would provide me and my family with psycho-social support if I needed the support. I was informed that I could give my testimonies in confidential hearing which will also be recorded should I wish to do so.

I, confirm that I have read and understood this consent form, and have freely and voluntarily consented to participate in the public hearing.

_____	_____	_____
Name	Signature	Date