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# 'BECAUSE I AM OROMO'

SWEEPING REPRESSION IN THE  
OROMIA REGION OF ETHIOPIA

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INTERNATIONAL



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## LIST OF ACRONYMS

ACHPR – African Charter on Human and Peoples' Rights/African Commission on Human and Peoples' Rights

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

CSP – Charities and Societies Proclamation

EHRC – Ethiopian Human Rights Commission

ENDF – Ethiopian National Defence Force

EPRDF – Ethiopian Peoples' Revolutionary Democratic Front

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

NHRAP – National Human Rights Action Plan (2013-2015)

OFC – Oromo Federalist Congress (formed after the merger of the OPC and OFDM parties)

OFDM – Oromo Federalist Democratic Movement

OLA – Oromo Liberation Army (the armed wing of the OLF)

OLF – Oromo Liberation Front

ONC – Oromo National Congress (opposition political party at the time of the 2005 elections. After divisions within the party, former ONC Chairman Merera Gudina re-registered his party as the OPC)

OPDO – Oromo People's Democratic Organisation

OPC – Oromo People's Congress

# SUMMARY: REPRESSION OF DISSENT IN OROMIA

“I was arrested for about eight months. Some school students had been arrested, so their classmates had a demonstration to ask where they were and for them to be released. I was accused of organising the demonstration because the government said my father supported the OLF so I did too and therefore I must be the one who is organising the students.”

Young man from Dodola Woreda, Bale Zone<sup>1</sup>

**The anticipation and repression of dissent in Oromia manifests in many ways. The below are some of the numerous and varied individual stories contained in this report:**

A student told Amnesty International how he was detained and tortured in Maikelawi Federal Police detention centre because a business plan he had prepared for a competition was alleged to be underpinned by political motivations. A singer told how he had been detained, tortured and forced to agree to only sing in praise of the government in the future. A school girl told Amnesty International how she was detained because she refused to give false testimony against someone else. A former teacher showed Amnesty International where he had been stabbed and blinded in one eye with a bayonet during torture in detention because he had refused to 'teach' his students propaganda about the achievements of the ruling political party as he had been ordered to do. A midwife was arrested for delivering the baby of a woman who was married to an alleged member of the Oromo Liberation Front. A young girl told Amnesty International how she had successively lost both parents and four brothers through death in detention, arrest or disappearance until, aged 16, she was left alone caring for two young siblings. An agricultural expert employed by the government told how he was arrested on the accusation he had incited a series of demonstrations staged by hundreds of farmers in his area, because his job involved presenting the grievances of the farmers to the government.

In April and May 2014, protests broke out across Oromia against a proposed 'Integrated Master Plan' to expand the capital, Addis Ababa, into Oromia regional territory. The protests

were led by students, though many other people participated. Security services, comprised of federal police and the military special forces, responded to the protests with unnecessary and excessive force, firing live ammunition on peaceful protestors in a number of locations and beating hundreds of peaceful protestors and bystanders, resulting in dozens of deaths and scores of injuries. In the wake of the protests, thousands of people were arrested.

These incidents were far from being unprecedented in Oromia. They were the latest and bloodiest in a long pattern of the suppression – sometimes pre-emptive and often brutal – of even suggestions of dissent in the region.

The Government of Ethiopia is hostile to dissent, wherever and however it manifests, and also shows hostility to influential individuals or groups not affiliated to the ruling Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) political party. The government has used arbitrary arrest and detention, often without charge, to suppress suggestions of dissent in many parts of the country. But this hostility, and the resulting acts of suppression, have manifested often and at scale in Oromia.

A number of former detainees, as well as former officials, have observed that Oromos make up a high proportion of the prison population in federal prisons and in the Federal Police Crime Investigation and Forensic Sector, commonly known as Maikelawi, in Addis Ababa, where prisoners of conscience and others subject to politically-motivated detention are often detained when first arrested. Oromos also constitute a high proportion of Ethiopian refugees. According to a 2012 Inter-Censal Population Survey, the Oromo constituted 35.3% of Ethiopia's population. However, this numerical size alone does not account for the high proportion of Oromos in the country's prisons, or the proportion of Oromos among Ethiopians fleeing the country. Oromia and the Oromo have long been subject to repression based on a widespread imputed opposition to the EPRDF which, in conjunction with the size of the population, is taken as posing a potential political threat to the government.

Between 2011 and 2014, at least 5,000 Oromos have been arrested as a result of their actual or suspected peaceful opposition to the government, based on their manifestation of dissenting opinions, exercise of freedom of expression or their imputed political opinion. These included thousands of peaceful protestors and hundreds of political opposition members, but also hundreds of other individuals from all walks of life – students, pharmacists, civil servants, singers, businesspeople and people expressing their Oromo cultural heritage – arrested based on the expression of dissenting opinions or their suspected opposition to the government. Due to restrictions on human rights reporting, independent journalism and information exchange in Ethiopia, as well as a lack of transparency on detention practices, it is possible there are many additional cases that have not been reported or documented. In the cases known to Amnesty International, the majority of those arrested were detained without charge or trial for some or all of their detention, for weeks, months or years – a system apparently intended to warn, punish or silence them, from which justice is often absent.

Openly dissenting individuals have been arrested in large numbers. Thousands of Oromos have been arrested for participating in peaceful protests on a range of issues. Large-scale arrests were seen during the protests against the 'Master Plan' in 2014 and during a series of protests staged in 2012-13 by the Muslim community in Oromia and other parts of the country against alleged government interference in Islamic affairs. In addition, Oromos have

been arrested for participation in peaceful protests over job opportunities, forced evictions, the price of fertilizer, students' rights, the teaching of the Oromo language and the arrest or extra-judicial executions of farmers, students, children and others targeted for expressing dissent, participation in peaceful protests or based on their imputed political opinion. Between 2011 and 2014, peaceful protests have witnessed several incidents of the alleged use of unnecessary and excessive force by security services against unarmed protestors.

Hundreds of members of legally-registered opposition political parties have also been arrested in large sweeps that took place in 2011 and in 2014, as well as in individual incidents.

In addition to targeting openly dissenting groups, the government also anticipates dissent amongst certain groups and individuals, and interprets certain actions as signs of dissent. Students in Oromia report that there are high levels of surveillance for signs of dissent or political activity among the student body in schools and universities. Students have been arrested based on their actual or suspected political opinion, for refusing to join the ruling party or their participation in student societies, which are treated with hostility on the suspicion that they are underpinned by political motivations. Hundreds of students have also been arrested for participation in peaceful protests.

Expressions of Oromo culture and heritage have been interpreted as manifestations of dissent, and the government has also shown signs of fearing cultural expression as a potential catalyst for opposition to the government. Oromo singers, writers and poets have been arrested for allegedly criticising the government and/or inciting people through their work. People wearing traditional Oromo clothing have been arrested on the accusation that this demonstrated a political agenda. Hundreds of people have been arrested at Oromo traditional festivals.

Members of these groups - opposition political parties, student groups, peaceful protestors, people promoting Oromo culture and people in positions the government believes could have influence on their communities - are treated with hostility not only due to their own actual or perceived dissenting behaviour, but also due to their perceived potential to act as a conduit or catalyst for further dissent. A number of people arrested for actual or suspected dissent told Amnesty International they were accused of the 'incitement' of others to oppose the government.

The majority of actual or suspected dissenters who had been arrested in Oromia interviewed by Amnesty International were accused of supporting the Oromo Liberation Front (OLF) – the armed group that has fought a long-term low-level insurgency in the region, which was proscribed as a terrorist organization by the Ethiopian parliament in June 2011. The accusation of OLF support has often been used as a pretext to silence individuals openly exercising dissenting behaviour such as membership of an opposition political party or participation in a peaceful protest. However, in addition to targeting demonstrators, students, members of opposition political parties and people celebrating Oromo culture based on their actual or imputed political opinion, the government frequently demonstrates that it anticipates dissenting political opinion widely among the population of Oromia. People from all walks of life are regularly arrested based only on their suspected political opinion – on the accusation they support the OLF. Amnesty International interviewed medical professionals, business owners, farmers, teachers, employees of international NGOs and many others who

had been arrested based on this accusation in recent years. These arrests were often based on suspicion alone, with little or no supporting evidence.

Certain behaviour arouses suspicion, such as refusal to join the ruling political party or movement around or in and out of the region. Some people 'inherit' suspicion from their parents or other family members. Expressions of dissenting opinions within the Oromo party in the ruling coalition – the Oromo People's Democratic Organization (OPDO) – have also been responded to with the accusation that the dissenter supports the OLF. Family members have also been arrested in lieu of somebody else wanted for actual or suspected dissenting behaviour, a form of collective punishment illegal under international law.

In some of these cases too, the accusation of OLF support and arrest on that basis appears to be a pretext used to warn, control or punish signs of 'political disobedience' and people who have influence over others and are not members of the ruling political party. But the constant repetition of the allegation suggests the government continues to anticipate a level of sympathy for the OLF amongst the Oromo population writ large. Further, the government appears to also believe that the OLF is behind many signs of peaceful dissent in the region.

However, in numerous cases, the accusation of supporting the OLF and the resulting arrest do not ever translate into a criminal charge. The majority of all people interviewed by Amnesty International who had been arrested for their actual or suspected dissenting behaviour or political opinion said that they were detained without being charged, tried or going to court to review the legality of their detention, in some cases for months or years. Frequently, therefore, the alleged support for the OLF remains unsubstantiated and unproven. Often, it is merely an informal allegation made during the course of interrogation. Further, questions asked of actual or suspected dissenters by interrogators in detention also suggest that the exercise of certain legal rights – for example, participation in a peaceful protest – is taken as evidence of OLF support. A number of people interviewed by Amnesty International had been subjected to repeated arrest on the same allegation of being anti-government or of OLF support, without ever being charged.

Amnesty International interviewed around 150 Oromos who were targeted for actual or suspected dissent. Of those who were arrested on these bases, the majority said they were subjected to arbitrary detention without judicial review, charge or trial, for some or all of the period of their detention, for periods ranging from several days to several years. In the majority of those cases, the individual said they were arbitrarily detained for the entire duration of their detention. In fewer cases, though still reported by a notable number of interviewees, the detainee was held arbitrarily – without charge or being brought before a court – during an initial period that again ranged from a number of weeks to a number of years, before the detainee was eventually brought before a court.

A high proportion of people interviewed by Amnesty International were also held *incommunicado* – denied access to legal representation and family members and contact with the outside world – for some or all of their period of detention. In many of these cases, the detention amounted to enforced disappearance, such as where lack of access to legal counsel and family members and lack of information on the detainee's fate or whereabouts placed a detainee outside the protection of the law. Many people reported to Amnesty International that, after their family members had been arrested, they had never heard from

them again. The family continued to be ignorant of their fate and did not know whether they were alive or dead.

Arrests of actual or suspected dissenters in Oromia reported to Amnesty International were made by local and federal police, the federal military and intelligence officers, often without a warrant. Detainees were held in Kebele, Woreda and Zonal<sup>3</sup> detention centres, police stations, regional and federal prisons. However, a large proportion of former detainees interviewed by Amnesty International were detained in unofficial places of detention, mostly in military camps throughout the region. In some cases apparently considered more serious, detainees were transferred to Maikelawi in Addis Ababa. Arbitrary detention without charge or trial was reported in all of these places of detention.

Almost all people interviewed by Amnesty International who had been detained in military camps or other unofficial places of detention said their detention was not subject to any form of judicial review. All detainees in military camps in Oromia interviewed by Amnesty International experienced some violations of the rights and protections of due process and a high proportion of all interviewees who had been detained in a military camp reported torture, including rape, and other ill-treatment.

Actual or suspected dissenters have been subjected to torture in federal and regional detention centres and prisons, police stations, including Maikelawi, military camps and other unofficial places of detention. The majority of former detainees interviewed by Amnesty International, arrested based on their actual or imputed political opinion, reported that they had been subjected to treatment amounting to torture and other cruel, inhuman or degrading treatment, in most cases repeatedly, while in detention or had been subjected to treatment that amounts to torture or ill-treatment in and around their homes. Frequently reported methods of torture were beating, particularly with fists, rubber batons, wooden or metal sticks or gun butts, kicking, tying in contorted stress positions often in conjunction with beating on the soles of the feet, electric shocks, mock execution or death threats involving a gun, beating with electric wire, burning, including with heated metal or molten plastic, chaining or tying hands or ankles together for extended periods (up to several months), rape, including gang rape, and extended solitary confinement. Former detainees repeatedly said that they were coerced, in many cases under torture or the threat of torture, to provide a statement or confession or incriminating evidence against others.

Accounts of former detainees interviewed by Amnesty International consistently demonstrate that conditions in detention in regional and federal police stations, regional and federal prisons, military camps and other unofficial places of detention, violate international law and national and international standards. Cases of death in detention were reported to Amnesty International by former fellow detainees or family members of detainees. These deaths were reported to result from torture, poor detention conditions and lack of medical assistance. Some of these cases may amount to extra-judicial executions, where the detainees died as a result of torture or the intentional deprivation of food or medical assistance.

There is no transparency or oversight of this system of arbitrary detention, and no independent investigation of allegations of torture and other violations in detention. No independent human rights organizations that monitor and publically document violations have access to detention centres in Ethiopia.

In numerous cases, former detainees interviewed by Amnesty International also said their release from arbitrary detention was premised on their agreement to a set of arbitrary conditions unlawfully imposed by their captors rather than by any judicial procedure, and many of which entailed foregoing the exercise of other human rights, such as those to the freedoms of expression, association and movement. Failure to uphold the conditions, detainees were told, could lead to re-arrest or worse. Regularly cited conditions included: not participating in demonstrations or other gatherings, political meetings or student activities; not meeting with more than two or three individuals at one time; not having any contact with certain people, including spouses or family members wanted by the authorities for alleged dissenting behaviour; or not leaving the area where they lived without seeking permission from local authorities. For a number of people interviewed by Amnesty International, it was the difficulty of complying with these conditions and the restricting impact they had on their lives, or fear of the consequences if they failed to comply, intentionally or unintentionally, that caused them to flee the country.

The testimonies of people interviewed by Amnesty International, as well as information received from a number of other sources and legal documents seen by the organization, indicate a number of fair trial rights are regularly violated in cases of actual or suspected Oromo dissenters that have gone to court, including the rights to a public hearing, to not be compelled to incriminate oneself, to be tried without undue delay and the right to presumption of innocence. Amnesty International has also documented cases in which the lawful exercise of the right to freedom of expression, or other protected human rights, is cited as evidence of illegal support for the OLF in trials.

Amnesty International also received dozens of reports of actual or suspected dissenters being killed by security services, in the context of security services' response to protests, during the arrests of actual or suspected dissidents, and while in detention. Some of these killings may amount to extra-judicial executions.

A multiplicity of both regional and federal actors are involved in committing human rights violations against actual or suspected dissenters in Oromia, including civilian administrative officials, local police, federal police, local militia, federal military and intelligence services, with cooperation between the different entities, including between the regional and federal levels.

Because of the many restrictions on human rights organizations and on the freedoms of association and expression in Ethiopia, arrests and detentions are under-reported and almost no sources exist to assist detainees and their families in accessing justice and pressing for remedies and accountability for human rights violations.

The violations documented in this report take place in an environment of almost complete impunity for the perpetrators. Interviewees regularly told Amnesty International that it was either not possible or that there was no point in trying to complain, seek answers or seek justice in cases of enforced disappearance, torture, possible extra-judicial execution or other violations. Many feared repercussions for asking. Some were arrested when they did ask about a relative's fate or whereabouts.

As Ethiopia heads towards general elections in 2015, it is likely that the government's efforts

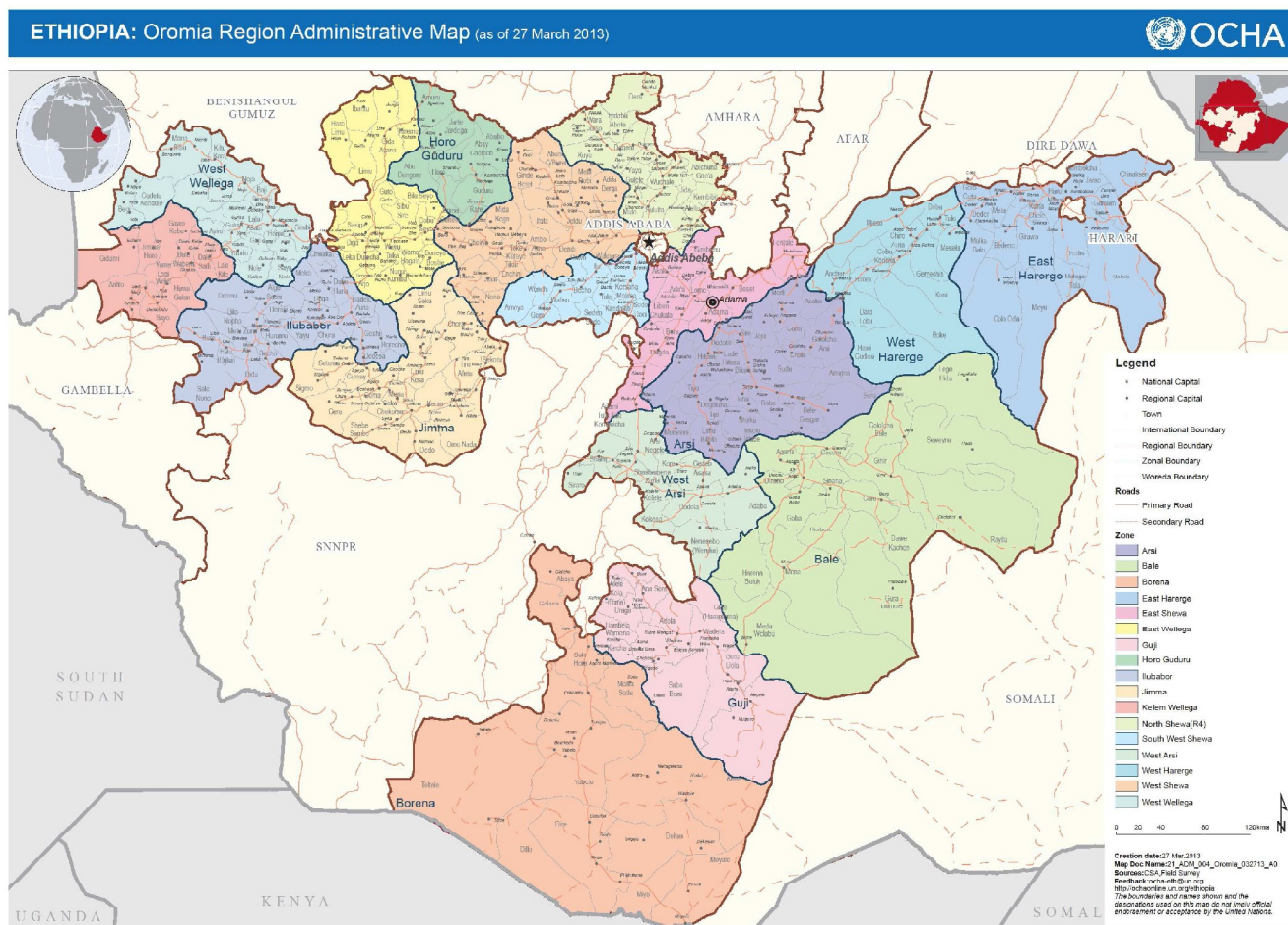
to suppress dissent, including through the use of arbitrary arrest and detention and other violations, will continue unabated and may even increase.

The Ethiopian government must take a number of urgent and substantial measures to ensure no-one is arrested, detained, charged, tried, convicted or sentenced on account of the peaceful exercise of their rights to the freedoms of expression, association and assembly, including the right to peacefully assemble to protest, or based on their imputed political opinion; to end unlawful practices of arbitrary detention without charge or trial, incommunicado detention without access to the outside world, detention in unofficial detention centres, and enforced disappearance; and to address the prevalence of torture and other ill-treatment in Ethiopia's detention centres. All allegations of torture, incidents involving allegations of the unnecessary or excessive use of force by security services against peaceful protestors, and all suspected cases of extra-judicial executions must be urgently and properly investigated. Access to all prisons and other places of detention and to all prisoners should be extended to appropriate independent, non-governmental bodies, including international human rights bodies.

Donors with existing funding programmes working with federal and regional police, with the military or with the prison system, should carry out thorough and impartial investigations into allegations of human rights violations within those institutions, to ensure their funding is not contributing to the commission of human rights violations.

Further, the international community should accord the situation in Ethiopia the highest possible level of scrutiny. Existing domestic investigative and accountability mechanisms have proved not capable of carrying out investigations that are independent, adequate, prompt, open to public scrutiny and which sufficiently involve victims. Therefore, due to the apparent existence of an entrenched pattern of violations in Ethiopia and due to concerns over the impartiality of established domestic investigative procedures, there is a substantial and urgent need for intervention by regional and international human rights bodies to conduct independent investigations into allegations of widespread human rights violations in Oromia, as well as the rest of Ethiopia. Investigations should be pursued through the establishment of an independent commission of inquiry, fact-finding mission or comparable procedure, comprised of independent international experts, under the auspices of the United Nations Human Rights Council or the African Commission on Human and Peoples' Rights.

## MAP OF OROMIA



Source: OCHA/ReliefWeb

# METHODOLOGY

This report documents patterns of human rights violations against actual and suspected dissenters in the Oromia region of Ethiopia between 2011 and 2014.

Many former prisoners have commented on the high proportion of Oromos in the prison population in federal prisons and the Federal Police Crime Investigation and Forensic Sector of Maikelawi in Addis Ababa. Amnesty International has also for many years received regular unsolicited reports of the targeting of actual or suspected dissenting voices in Oromia. In 2011, large sweeps seemingly in response to a fear that the Middle East and North Africa popular uprisings of the period might be replicated in Ethiopia resulted in the majority of those arrested being Oromos. For these reasons, research was undertaken to examine and map patterns of violations against actual or suspected dissenting voices in Oromia from the period beginning with the 2011 sweeps up to the time of writing. Many of the patterns of violations documented in this report are long-standing – Oromia has witnessed violations of the freedoms of expression and association, arbitrary detention, torture and other human rights violations over a sustained period. This report documents the current situation in the region, demonstrating that these patterns continue at scale.

Many of the human rights violations documented in this report, including arrests based on actual or suspected dissent, violations of detainees' due process rights, torture, violations in federal prisons and in Maikelawi, affected other ethnic groups as well as Oromos over the same time period. However, this report focuses specifically on Oromia and Oromos due to the large scale of the targeting of actual or perceived dissent in the region. This research did not, however, compare the treatment of the Oromo to treatment of other ethnic groups, so the report does not seek to establish discriminatory treatment, but to specifically document patterns of violations in Oromia.

The government has not permitted Amnesty International to access Ethiopia to conduct research since the organization's last visit in 2011. The 2011 visit was itself the first research visit for several years and was cut short when Amnesty International delegates were ordered to leave the country, despite possession of valid business visas.

The majority of the information and first-hand testimonies contained in this report were therefore gathered through face-to-face interviews with 176 Oromo refugees conducted between July 2013 and July 2014. Interviews were conducted in four main locations – Nairobi and Kakuma refugee camp in Kenya, Hargeisa in Somaliland and Kampala in Uganda. A range of sources were used to identify interviewees, including referrals by other former detainees.

Many interviewees feared repercussions if their names were revealed, particularly those who still have family members in Ethiopia. For this reason, the names of all interviewees have been withheld. In some cases, the location of interviewees has also been withheld to avoid endangering them. In some cases, the location in which the events described took place has also been withheld for the same reason.

Interviews were conducted in Afan Oromo and occasionally in Amharic, using interpreters, except for a small number of cases where the interviewees spoke English. Fourteen translators were used during the collection of testimonies.

In addition, more than 40 telephone interviews and email exchanges were conducted with people in different locations in Oromia and in Addis Ababa between 2012 and 2014. These people were victims of human rights violations, family members of victims or eye-witnesses of human rights violations. Due to the risk of reprisals against those giving information to human rights organizations, Amnesty International has not included identifying details for information received from within Ethiopia.

In addition, a small number of individual telephone or face-to-face interviews were conducted with Oromo refugees in the United Kingdom (UK), the United States (US) and Sweden.

Information was also taken from a further 30 face-to-face interviews conducted with Oromos in Egypt and Ethiopia in 2011 (during Amnesty International's last research and advocacy visit to the country) and in Kenya in 2012.

In total, over 240 testimonies were used to compile this report. Details and corroborating information was also taken from phone calls and emailed exchanges with Oromo activists in exile, former prisoners from other ethnic groups, lawyers, media sources and previous Amnesty International research.

Testimonies collected from interviewees over a range of locations and over a main research period of one year consistently repeated the same or similar violations and experiences. The consistency of these reports suggest patterns in the targeting of actual or suspected dissenters and their treatment if arrested in Oromia. The same or similar experiences featured in the testimonies of interviewees originally from a range of locations throughout Oromia, again demonstrating patterns in the response of the government to dissent in the region. Human rights violations reported to Amnesty International were included in this report where a substantial number of interviewees, interviewed by Amnesty International on different days and in different locations, reported the same human rights violation or pattern of treatment and where the pattern was supported by other corroborative information. Of the 176 primary interviewees, around 150 had been harassed or arrested based on possession of actual or suspected dissenting opinions or demonstration of dissenting behaviour. In addition, the 40 interviews with people inside Oromia all concerned incidents or cases of the targeting of dissenters, mostly peaceful protestors.

The majority of interviewees who had been arrested reported they were subjected to arbitrary detention without charge or being brought before a judicial authority to review the legality of their detention for some or all of the period of their detention, and a high proportion of those detained reported they were subjected to torture. Methods of torture documented in this report were included where between five and forty interviewees reported the same method. Descriptions provided by former detainees and photographs of physical scars and other results of torture were also corroborated with an independent medical forensics expert.

While this report looks at the period from the 2011 sweeps to the present day to document current patterns of violations in Oromia, many interviewees had accumulated long histories of

the targeting of both themselves and their families, had experienced multiple incidents of arbitrary detention, had family members who had been subjected to extra-judicial execution or enforced disappearance or had experienced other violations over many years. Violations which occurred before 2011 were not included in the report, but were relevant in identifying and corroborating repeat violations or patterns of violations.

As Amnesty International does not have access to Ethiopia, it was not possible to meet with local or regional authorities in Oromia or with the federal authorities in Addis Ababa to discuss the findings of this research. Therefore, the organization communicated the main findings of the research to the federal ministries of Defence, Federal Affairs and Justice and the regional government of Oromia, copied to the Oromia Justice Bureau, along with sets of questions relating to the specific jurisdiction of each addressee, to request information and comment on the findings. These letters are included in an annex at the end of this report. A response was received from the Oromia Justice Bureau. Where relevant, its contents have been incorporated into this report, and the response itself is also included at the end of the report. At time of publication, Amnesty International had not received a response from the three federal ministries.

This report is by no means a comprehensive appraisal of the situation in Oromia and all human rights violations committed in the region since 2011. It seeks to identify and document patterns of human rights violations in the region which require substantial action by the Government of Ethiopia – to credibly and thoroughly investigate all incidents, identify perpetrators and bring them to justice and provide information and reparations to victims and their families.

The restrictive 2009 Charities and Societies Proclamation (CSP) has had a devastating impact on domestic human rights organizations in Ethiopia. The independent media has also been under sustained attack since the 2005 elections. For these reasons, in conjunction with the climate of fear and risk of repercussions against anyone reporting human rights violations, incidents and patterns of human rights violations in Ethiopia are under-reported and investigated. As a result, in the period covered in this report, there has been limited information on, or documentation of, human rights violations in Oromia from domestic independent human rights organizations or other relevant actors within the country.

# INTRODUCTION

## “The prison speaks Oromiffa”

Siye Abraha

A number of former prisoners have commented on the high proportion of Oromos among the population of Ethiopia's federal prisons and the federal police detention centre of Maikelawi. Siye Abraha, former politburo member of the Tigray People's Liberation Front (TPLF), the most powerful group in the ruling coalition, famously said upon his release in 2007 after more than five years' detention on alleged corruption charges “the prison speaks Oromiffa” (the Oromo language, also referred to as Afan Oromo). Former President of Ethiopia, Negasso Gidada, has stated that, when he left power in 2001, there were 25,000 Oromo prisoners in regional and federal prisons on the accusation of supporting the Oromo Liberation Front (OLF).<sup>4</sup>

Oromia is Ethiopia's largest region, covering more than 30% of the country's landmass,<sup>5</sup> and the Oromo are the largest ethnic group in the country – comprising 35.3% of the population according to a 2012 Inter-Censal Population Survey.<sup>6</sup> However, this numerical size alone does not account for the high proportion of Oromos in the country's prisons. Oromia and the Oromo have long been subject to repression based on an imputed opposition to the government. Among the Oromo population inside Ethiopia and in exile, there is much criticism of the government's treatment of the Oromo, the historical treatment of the Oromo by previous governments and criticism of the government's practices in the region.

The ruling Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) is hostile to dissent wherever and however it manifests. Since the 2005 elections, the environment for freedom of expression and association has steadily deteriorated – members of legally-registered opposition political parties have been jailed in large numbers, the independent media and human rights civil society have been dismantled through a combination of harassment and repressive legislation. But in Oromia, the government's intolerance of dissent is particularly potent. The government has demonstrated repeatedly that it anticipates a high level of dissent among the Oromo. This, in conjunction with the numerical size of the Oromo and the sense of Oromo identity and nationalism, is assumed to pose a potential political threat.

As a result, hundreds of Oromos are regularly arrested, individually and in groups, based on their actual or suspected opposition to the government. Thousands have been arrested in the last few years alone. Signs of dissent are sought out and suppressed. Peaceful protestors, students, people celebrating Oromo cultural heritage and members of political opposition parties are targeted for arbitrary arrest and detention. In addition, people from all walks of life, including medical professionals, artists, athletes, businesspeople, teachers and many others, are regularly arrested and detained based on their suspected political opinion.

Comprehensive official statistics are not available of the number of Oromos currently in detention. A 2012 report from the Ethiopian Human Rights Commission (EHRC) stated there were 26,527 detainees in regional detention centres in Oromia.<sup>7</sup> The statistics also cited a total of 17,752 detainees in federal detention centres. However, a breakdown of this figure disaggregated by ethnicity was not available, so it is not known how many of these were Oromos. The regional figure for Oromia does not include detainees in police stations or in unofficial places of detention such as military camps – in which hundreds of people are arbitrarily detained in Oromia. Nor does the report acknowledge or take into account people held arbitrarily without charge or trial and without being brought before a judicial authority to review the lawfulness of the detention. Therefore, it is not possible to know the accurate figure of Oromo detainees in the country.

The significant majority of Oromos arrested for their actual or suspected opposition to the government are accused of supporting the Oromo Liberation Front (OLF) – see box below. However, in a high proportion of these cases, the arrested person is not charged with a crime. Hundreds of people are regularly detained without charge or trial, for weeks, months or years – apparently intended to warn, punish or silence them, in ways in which justice is often absent.

Part I of this report documents the patterns of targeting, harassment and arbitrary arrest of people based on their actual or imputed political opinion. Part II of the report documents the patterns of arbitrary detention without charge or trial, enforced disappearance, torture and other ill-treatment, extra-judicial executions and other violations against actual or suspected dissenters targeted by the government.

## THE OROMO LIBERATION FRONT (OLF)

The majority of Oromos arrested for actual or suspected dissent interviewed by Amnesty International, as well as suspected Oromo dissidents arrested in scores of other cases reported to the organization, were accused of supporting the Oromo Liberation Front (OLF).

The OLF (and its armed wing the Oromo Liberation Army, OLA), formed in the 1970s, was one of a number of armed groups that fought against the previous government of Mengistu Hailemariam. When Mengistu Hailemariam was overthrown in 1991, the OLF was briefly part of a transitional government led by the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) coalition. However, the OLF always had an uneasy relationship with the TPLF – the strongest political party in the EPRDF coalition. These tensions led to the OLF leaving the transitional government in 1992. Subsequently, thousands of OLF fighters, supporters and suspected supporters were arrested.

Since then, the OLF has continued to wage a low-level armed struggle against the government, stating that its fundamental objective is to exercise the Oromo peoples' right to self-determination.

The 1994 Constitution guarantees the "right of self-determination up to secession" (Article 39). Nevertheless, since the OLF left the transitional government, thousands of Oromos have been arrested and detained, often without charge or trial, and sometimes for many years, on the allegation of supporting the OLF. In June 2011, parliament proscribed the OLF as a terrorist organization.

The Constitution established Ethiopia as a multicultural federation based on ethno-national representation and provided for nine ethnic-based regional states. However, the regional state governments are considered to

be weak compared to the federal government. Further, the Oromo-based party in the ruling EPRDF coalition – the Oromo People's Democratic Organisation (OPDO), which was formed in 1990 – is widely known to have been created by the TPLF, and never had the same base of popular support in the region as the OLF. The OPDO continues to be distrusted by many Oromos. In addition, the OPDO is considered weak within the ruling coalition.

The OLF has been riven by leadership divisions and relatively inactive in recent years. Estimates put the number of fighters now at a few thousand. A summary of the group's activities in 2012 (the latest available) listed around 65 incidents, including single targeted killings, attacks on military camps, ambushes and skirmishes. The group says it killed around 150 people during 2012 including soldiers, local and federal police, 'security officers' and militia.

The OLF has also been accused of human rights abuses through the years. The government has accused the group of responsibility for a series of bombings throughout the country. The group openly states in its list of 2012 activities that some people were killed for refusing to stop collaborating with the government.

The government suggests the OLF continues to enjoy popular support in Oromia and many observers agree. This may be true, at least to some extent – a widely-held perception of marginalisation and repression of the Oromo at the hands of the government may cause some Oromos to retain sympathy for the aims of the OLF, and a belief that the OLF represents their interests, although some young Oromos state the OLF ceased to exist before they were born and is not relevant to them in the current context.

However, the government regularly equates exercising various rights such as participation in peaceful protests, membership of a political opposition party or refusal to join the ruling political party, as 'evidence' of OLF support.

In the context of the EPRDF's hostility to dissent, it is often unclear whether the government still believes there to be a high level of support for the OLF or whether it is merely politically expedient for it to say so. The government anticipates opposition to the EPRDF in Oromia and the pretext of OLF support is frequently used to silence voices the government does not wish to be heard and justify the large-scale repression of all dissent in Oromia.

# PART I: ARBITRARY ARRESTS OF ACTUAL OR SUSPECTED DISSENTERS

**“In 2011, there was unrest and revolution in the Middle East. So the government had fear that such a movement would happen in Ethiopia and, if it did, we would mobilise the people. So they arrested people before anything happened.”**

Member and former regional parliamentary candidate of Oromo People's Congress opposition political party, arrested in 2011<sup>8</sup>

Under international law and the Ethiopian Constitution, the rights to the freedoms of expression, association and cultural participation are guaranteed.<sup>9</sup> No-one can be arrested based on their actual or imputed political opinion, participation in peaceful protests, lawful exercise of their right to freedom of expression or expression of their cultural identity. Such arrests are arbitrary and contrary to international and Ethiopian law.

However, Amnesty International has received reports and information about the arbitrary arrests of at least 5000 actual or suspected opponents of the government in Oromia since 2011, based on their manifestation of dissenting opinions, exercise of freedom of expression or imputed political opinions. These included thousands of peaceful protestors, hundreds of political opposition members and hundreds of other individuals arrested for various reasons.<sup>10</sup> Due to restrictions on human rights reporting, independent journalism and information exchange in Ethiopia and a lack of transparency with respect to detention practices, it is possible there are many additional cases that have not been reported or documented.

The Government of Ethiopia exhibits a general intolerance of dissent, encompassing criticism of the government or even suggestions about the government's unpopularity.<sup>11</sup> In Oromia, this intolerance manifests regularly. But further, the government repeatedly shows that it anticipates a high level of dissent or opposition to the government in Oromia, and signs of dissent are sought out and regularly, sometimes pre-emptively, suppressed, including through the use of arbitrary arrest and detention, often without charge.

Thousands of people openly expressing dissent – such as peaceful protestors and members of legally-registered opposition parties – have been arrested between 2011 and 2014. In addition, the government also anticipates dissent amongst certain groups and individuals. Many students in Oromia are harassed, subjected to surveillance and arrested based on their

actual or suspected political opinion or participation in peaceful protests. Expressions of Oromo history and culture have also been interpreted by the government as manifestations of dissent and not tolerated – Amnesty International has received reports of hundreds of people arrested for celebrating their cultural identity as Oromos, singing or writing about their culture, or during traditional Oromo festivals.<sup>12</sup>

These groups – opposition political parties, student groups, peaceful protestors, people involved in promoting Oromo culture and other people in positions the government believes could influence their communities – are treated with hostility, not only due to their own actual or alleged dissenting behaviour, but also due to their perceived potential to catalyse opposition to the government. A number of people arrested for actual or suspected dissent told Amnesty International they were accused of the 'incitement' of others to oppose the government.

Anyone arrested based on their actual or suspected political opinion, their participation in peaceful protests, the exercise of their right to freedom of expression or their expression of their cultural identity as an Oromo, is a prisoner of conscience and should be released immediately and unconditionally.

The majority of actual or suspected dissenters who had been arrested in Oromia interviewed by Amnesty International were accused of supporting the OLF – the armed group in the region, proscribed as a terrorist organization by parliament in June 2011. This accusation is often levelled against individuals arrested for openly exercising dissenting behaviour such as membership of an opposition political party or participation in a peaceful protest as a pretext to silence them.

In addition to targeting openly dissenting or politically active individuals, the government frequently demonstrates that it anticipates dissenting political opinion widely among the general population of Oromia. People from all walks of life are regularly arrested based on their suspected political opinion – on the accusation they support the OLF. Amnesty International interviewed medical professionals, business owners, farmers, artists, civil society workers and others who had been arrested based on this accusation in recent years. These arrests were often based on suspicion alone, with little or no supporting evidence. In some cases, suspicion is based on actions such as refusing to join the ruling political party and some people 'inherit' suspicion from their parents or other family members. Family members have been arrested in lieu of somebody else wanted for suspected OLF support, a form of collective punishment illegal under international law. Even expressions of dissenting opinions within the OPDO have been responded to with the accusation that the dissenter supports the OLF. In some of these cases too, the accusation of OLF support and arrest on that basis appear to be a pretext to control or punish signs of 'political disobedience' and/or people who might influence others.

The government demonstrates that it continues to believe sympathy or support for the OLF remains widespread in the region. Further, the government appears to also believe the OLF is behind many signs of peaceful dissent in the region. People arrested for participation in peaceful protests on a range of issues, for membership of legally-registered opposition political parties, for membership in a student or cultural society and other peaceful expressions of their political opinions or cultural identity, have been compelled during

interrogation in detention to confess the OLF was behind their actions.

The testimonies of many people interviewed by Amnesty International showed a pattern of suspicion accumulating based on previous actions:

*"The 2011 arrest was worse than previous arrests. The problem was my accumulated record: I became more and more of a suspect because I didn't attend the government's political meetings."*<sup>13</sup>

People who had participated in a peaceful protest, failed to attend ruling political party meetings, refused join the ruling political party or had previously fallen under suspicion of holding dissenting opinions, told Amnesty International they subsequently fell under ongoing suspicion and, in some cases, would be subjected to repeated arrest on the allegation of being anti-government:

*"If you've been suspected once by the government, then you are under constant surveillance. All your activities are monitored."*<sup>14</sup>

Many Oromos have been arrested on repeated occasions based on the same suspicion of holding dissenting opinions, without being charged, taken to court or having any evidence presented against them. One young man interviewed by Amnesty International had been detained five times between the ages of 14 and 18, for periods ranging from three weeks to eight months, without being charged on any occasion.<sup>15</sup> Another young man detailed to Amnesty International the four times he had been detained, for periods ranging from two weeks to nine months, without charge or trial, each time on suspicion of having instigated demonstrations. When he heard the government was looking for him to arrest him for a fifth time, he fled the country.<sup>16</sup>

The targets of suppression are often young people, particularly those who are frequently the instigators of and participants in protests, but also as part of a demographic from which the government appears to fear large-scale dissent or popular unrest might manifest, as detailed below in relation to the harassment of students. In 2012-13, Ethiopia's Muslim community staged a series of protests against alleged government interference in Islamic affairs, including in Oromia, which saw incidents of unnecessary and excessive use of force by security services and mass arrests. In the wake of one such incident in Oromia, a local resident told Amnesty International:

*"You can't see any youth in the area now. They have been arrested, they are not leaving their houses, or they have fled to the rural areas to hide."*<sup>17</sup>

Many Oromos believe they are targeted based purely on their ethnic identity. When asked why they were arrested, the initial answer many people gave to Amnesty International was simply "because I am Oromo."

*"For this government, being Oromo is a crime."*<sup>18</sup>

The accusation of OLF support is frequently levelled against people with little or no evidence. In numerous cases, the accusation and the resulting arrest do not ever translate into a criminal charge. In the majority of all cases documented in this section of the report – in all categories of reasons for arrest – individuals said they were detained without being charged,

sometimes for months or years. In many cases, therefore, their alleged support for the OLF remains unsubstantiated and unproven. Frequently, it is merely an informal allegation made during the course of interrogation. Questions asked of actual or suspected dissenters by interrogators in detention also suggest the exercise of certain legal rights – for example, participation in a peaceful protest – is taken as evidence of OLF support. Amnesty International has also documented cases in which the lawful exercise of the right to freedom of expression, or other protected human rights, is cited as evidence of illegal support for the OLF in trials.

Further, in cases where there is a genuine basis for the allegation of OLF support, and where charges and a trial do take place, broad and ambiguous terms in the criminal law which criminalize, for example, “moral support”<sup>19</sup> for a terrorist organization lack the clarity required of laws restricting the exercise of rights.<sup>20</sup> It is difficult to discern, for example, whether the law criminalizes acts such as holding an opinion in support of the OLF – for example, where an individual believes the OLF is fighting a just cause, agrees with the aims of the OLF or similar – or whether the law considers such opinions the valid exercise of freedom of expression and opinion protected under the Constitution and international law which may not be criminalised.<sup>21</sup>

Therefore, many people arrested based on genuine suspicion of support for the OLF, who have not had further involvement or used or advocated violence, are prisoners of conscience – arrested solely on the basis of their suspected political opinion and should be released immediately and unconditionally.

Arrests of actual or suspected dissenters in Oromia reported to Amnesty International were made by local and federal police, the federal military and intelligence officers, often without a warrant. Detainees were held in Kebele, Woreda and Zonal<sup>22</sup> detention centres, police stations, regional and federal prisons, military camps and other unofficial places of detention. In some cases apparently considered more serious, the detainee was transferred to the Federal Police Crime Investigation and Forensic Sector known as Maikelawi in Addis Ababa. Both the regional and federal authorities are responsible for arbitrary arrests and detentions. In some cases, former detainees interviewed by Amnesty International reported there had been cooperation between local and federal authorities in these practices.

The majority of people arrested for actual or suspected dissent interviewed by Amnesty International said they were held arbitrarily – without charge or trial, and without being brought before a judicial officer to review the legality of the detention. Actual or suspected dissenters were detained for periods ranging from several days to several years, in many cases without ever being charged. In several cases reported to Amnesty International, when large numbers of people (hundreds or more) were arrested after demonstrations, the majority were released after periods ranging from a few days to a few months, while some, including those suspected of instigating the demonstration, were detained for longer periods. However, often, as detention is arbitrary and the duration is not decided by a judicial process, periods for which people are detained for a similar ‘offence,’ for example, membership of an opposition political party, can vary significantly, and there does not appear to be consistency in the treatment of actual or suspected dissenters arrested for similar reasons.

Part II of this report documents what happens to actual or suspected dissenters after arrest,

including numerous violations of the due process rights of detainees. In addition to detention without charge, trial or judicial review, a significant proportion of former detainees interviewed by Amnesty International said they were held incommunicado – with no contact with family members, legal representatives or others, and many were held in unofficial places of detention. Detentions in these circumstances often amount to enforced disappearance – the government refuses to confirm the arrests or conceals the whereabouts or fate of the disappeared persons, placing them outside the protection of the law. Torture and other ill-treatment were widely reported among former detainees interviewed by Amnesty International.

In cases where actual or suspected dissenters are charged, generally on the accusation of supporting the OLF, the charges usually fall under the group of charges in the Criminal Code entitled 'Crimes against the Constitutional Order and the Internal Security of the State,' a group of charges used innumerable times in the past to imprison and thereby suppress suggestions of dissent amongst the Oromo, as well as against actual or suspected dissenters in other regions.<sup>23</sup> Convictions have been handed down against actual or perceived dissenters in proceedings marred by fair trial concerns.

Part II also documents cases of extra-judicial execution of actual or suspected dissenters.

## GROUPS AT RISK OF ARBITRARY ARREST IN OROMIA BASED ON ACTUAL OR SUSPECTED DISSENT

### PEACEFUL PROTESTORS

The right to peacefully assemble to protest is protected in Ethiopian and international law. The Constitution contains an expansive provision on this right which states "Everyone shall have the freedom, in association with others, to peaceably assemble without arms, engage in public demonstration and the right to petition."<sup>24</sup> The response received by Amnesty International from the Oromia Justice Bureau noted that "appropriate regulations are put in place in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrators or, for the protection of democratic rights, public morality and peace during such a meeting or demonstration." But, it further noted, "This does not exempt organizers from liability under laws enacted to protect the well-being of youth or the honour and reputation of individuals, and laws prohibiting propaganda."<sup>25</sup>

The United Nations (UN) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials establish guidelines which govern, inter alia, situations in which law enforcement officials may use force without violating human rights, including the right to life. They state law enforcement officials may use only such force as is necessary and proportionate to achieve legitimate aims and may resort to the intentional lethal use of firearms only if strictly unavoidable to protect human life.<sup>26</sup>

The violent crackdown on student protests across Oromia in April and May 2014 had a

number of large and small-scale precedents in which the federal and regional authorities aggressively and sometimes violently suppressed protests and demonstrations in Oromia. They included large-scale incidents involving protests occurring in multiple locations and smaller, more localised demonstrations.<sup>27</sup>

Thousands of Oromos have been arrested between 2011 and 2014 for participating in peaceful protests on a wide range of issues. Several thousand people were reported to have been arrested in the context of a series of protests carried out by the Muslim community in 2012-2013 against alleged government interference in Islamic affairs, and during and after the 'Master Plan' protests in 2014. Several thousand people were reported to have been arrested in relation to coordinated protests staged by farmers in 10 locations across Oromia in 2012. Around 1000 further arrests were reported to Amnesty International as having taken place in seven different incidents of peaceful protests.

Protests are taken as criticism of, or opposition to, the government, which is not tolerated, no matter what issue or grievance is the subject of the demonstration. The government has shown intolerance of protests, particularly since the disputed 2005 elections, in the aftermath of which security services opened fire on peaceful protestors in Addis Ababa and thousands of people were arrested around the country.<sup>28</sup> Amnesty International is aware of incidents in other parts of the country of the suppression of peaceful protests and the related arrests of many people, including during the Muslim protest movement. These are regular occurrences in Oromia.

Amnesty International interviewed people arrested for demonstrating about job opportunities, forced evictions, the price of fertilizer, students' rights, the teaching of the Oromo language, and, in several incidents, the arrest or extra-judicial executions of farmers, students, children and others targeted for expressing dissent, participation in peaceful protests or based on their imputed political opinion – on the accusation they supported the OLF or simply did not support the government.<sup>29</sup> Peaceful protestors made up a significant proportion of the 5000 cases of actual or suspected dissenters arrested in Oromia since 2011 known to Amnesty International.

Amnesty International has received information and testimonies relating to several incidents over the last three years in which security services are alleged to have used unnecessary force against peaceful protestors, including firing live ammunition on unarmed protestors and allegations of beating of peaceful protestors and, in some cases, bystanders, resulting in deaths and injuries.<sup>30</sup> The killing of protestors during several demonstrations since 2011 amount to extra-judicial executions, as discussed later in this report.

Amnesty International interviewed around three dozen people involved in or witnesses to incidents in the large scale protests of the 2012-13 Muslim protest movement and the 2014 'Master Plan' protests. In addition, Amnesty International interviewed nine people who had been arrested for their participation in other protests, and around 10 people arrested in apparent pre-emptive moves against demonstrations happening in 2011.

Some people were arrested during the protest itself but, in at least five reported cases, people who had been involved and those suspected of organising the protest were also pursued and arrested after the protest had taken place. People interviewed by Amnesty

International reported incidents of arrests of protestors carried out by local and federal police and the federal military. Some interviewees reported that the ensuing detention of protestors – often without charge – was longer in cases of organisers or suspected organisers and that the organisers were subjected to worse conditions of detention. Incidents of the enforced disappearance of organisers or suspected organisers were reported to Amnesty International.

#### THE 2014 'MASTER PLAN' PROTESTS

In April and May 2014, protests against the 'Addis Ababa and Oromia Special Zone Integrated Development Master Plan' took place in many universities and towns across Oromia. According to the government, the 'Master Plan' would bring urban services to remote areas. However, protestors and other Oromos feared that the move would be detrimental to the interests of Oromo farmers and would lead to large-scale evictions to make way for land leasing or sale, which had already happened in some parts of the region. Many Oromos also considered the move to be in violation of the Constitutionally-guaranteed protection of the "special interest" of Oromia in relation to the "supply of services or the utilization of resources or administrative matters arising from the presence of the city of Addis Ababa within the state of Oromia."<sup>31</sup> The security services responded to the protests with unnecessary and excessive force and arbitrary arrests. The violent response of the security services to the initial protests contributed to fuelling further protests. Eye-witnesses, local residents and other sources told Amnesty International that security services, comprised of federal police and the military special forces, opened fire with live ammunition on peaceful protestors in Ambo and Guder towns and at Wallega and Madawalabu universities.<sup>32</sup> Due to the ongoing military operation, restrictions on independent media and human rights organizations and the number of incidents involved, even three months after the incidents there was no confirmed number of those killed during the protests. However, reports consistently indicated at least 30 people had been killed. Students and children as young as eleven were among the dead. According to available information, at time of writing, no investigations had taken place into the incidents.

Amnesty International received reports of the security services beating hundreds of people, during and after the protests, including protestors, bystanders and parents of protestors for failing to 'control' their children, resulting in scores of injuries in locations including Ambo, Jimma, Nekemte, Wallega, Dembi Dollo, Robe town, Madawalabu and Haromaya.<sup>33</sup> Thousands of people were reported to have been arrested in the wake of the protests. Witnesses told Amnesty International many of the arrests took place after the protestors had dispersed. Security services conducted house-to-house searches in a number of locations in the region, looking for students and others who may have been involved. Hundreds were initially taken to Senkele police training camp near Ambo. Subsequently, detainees were reported to be in prisons across the region, including in Ambo, Dire Dawa, Gimbi, Dembi Dollo and Kelem Wallega. Arrests continued to be reported during June 2014.<sup>34</sup>

Following the protests, local residents told Amnesty International there was a high security force presence in several towns across the region and on some university campuses. In early May, sources in Oromia told Amnesty International that classes were suspended in some universities, and in other universities where classes had not been suspended or had already resumed after brief suspensions, attendance registers were being taken for classes and those not present would fall under suspicion of involvement in the protests, which could result in further repercussions.

Most of those arrested were reported to have been initially detained without charge and incommunicado. Some who fell under suspicion of having organised the protests or who were previously suspected of dissenting tendencies were transported to Maikelawi. Amnesty International had received the names of 43 individuals transferred to Maikelawi by the end of July 2014 and some reports indicated 40 other people may also have been transferred. These were reported to include students from Haromaya, Jimma, Wallega and Adama universities, as well as farmers and businesspeople from various locations throughout the region. Amnesty International received information from the family of one of the detained students that they had been denied access to visit the detainee in Maikelawi in mid-June 2014.<sup>35</sup>

In July 2014, Amnesty International received several reports that a number of people arrested in relation to the 'Master Plan' protests continued to be held in detention in Kelem Wallega, Jimma and Ambo despite the fact the courts had ordered their release on bail or their unconditional release.

Many of those arrested were released after varying periods of time in detention, between May and October 2014. By late September sources indicated that many of those arrested had been released either on bail or released without charge. However, Amnesty International also received information of individuals who were denied bail, and others who continued to be detained without charge, including in Maikelawi. Others, including students and Oromo Federalist Congress (OFC) opposition political party members, were prosecuted and convicted in rapid trials on various charges relating to the protests, including a group in Ambo reportedly convicted in late September and sentenced to periods of imprisonment ranging from one year to six years. Amnesty International received information that some protestors were charged with offences such as theft during the protests, while others were reportedly charged with 'inciting unrest to overthrow the government.'

The OFC reported that further arrests of their members, students and other people took place in September and October 2014, including several hundred arrests in early October in Hurumu and Yayu Woredas in Illubabor Zone, of high school students, farmers and other local residents.<sup>36</sup>

#### 2012-2013 MUSLIM PROTEST MOVEMENT

In 2012 and 2013, another large-scale protest movement witnessed arrests and the reported use of excessive and unnecessary force by security services, as the Muslim community staged a series of demonstrations against alleged government interference in Islamic affairs. These took place in Addis Ababa, a number of locations across Oromia and other parts of the country. Amnesty International is aware of at least five incidents in Oromia that resulted in the arrests of people involved in, or suspected of involvement in, the Muslim protest movement. As with the 'Master Plan' protests, local and federal police, and the federal military were reported to have been responsible for arrests in relation to the Muslim movement.

One incident in the town of Kofele in August 2013, resulted in the deaths of at least 11 people, including children. The demonstrators were protesting against the arrests of members of the local Muslim community. Witnesses told Amnesty International the police and military

opened fire on the demonstrators. One resident of Kofele told Amnesty International 14 people were shot dead by the army, including at least three children. Another said that 11 people had been killed. One resident told Amnesty International:

*"They didn't even shoot towards the sky, they shot at the people who were running. I don't even have the words to describe it."<sup>37</sup>*

A young man told Amnesty International that his father had been beaten by soldiers when he went to retrieve the body of his 14-year-old son (the interviewee's brother) who had been killed at the town mosque.<sup>38</sup> Many hundreds of people were reported to have been arrested, including in house-to-house searches after the demonstration dispersed. A significant security presence was reported around the area in the aftermath of the incident.

In April 2012, the police allegedly shot dead at least four people in Asasa town, Arsi district, in relation to the Muslim protest movement during that year.<sup>39</sup> Reports about the incident from the government and from those involved differ. The violence is reported to have occurred when the police attempted to arrest an Imam from the mosque. In statements to the media after the event, the government stated supporters of the Imam attacked the police station to try to secure his release. However, eye-witnesses said the police had opened fire in the town when supporters tried to prevent the man's arrest. The Imam was reportedly arrested because he had refused to undergo 'training' in Al Ahbash ideology, which the government had made obligatory for Muslim preachers.<sup>40</sup>

#### OTHER PEACEFUL PROTESTORS TARGETED BETWEEN 2011 AND 2014

Between 2011 and 2014, peaceful protests across Oromia have resulted in arrests of protestors and incidents of the alleged use of unnecessary and excessive force by security services against unarmed protestors.

Amnesty International interviewed nine people arrested for actual or suspected participation in individual protests on a wide range of issues and received information from other sources about further protest-related arrests. Another 10 interviewees told Amnesty International their problems with the government had begun when they participated in a peaceful protest in previous years.

In three of these cases, arrests took place at demonstrations against incidents of arbitrary arrest and detention, enforced disappearance or killing of class-mates, friends or community members. A former student told Amnesty International he and his fellow students had staged two demonstrations demanding information on the whereabouts of four of their class-mates arrested by the military and subjected to enforced disappearance for their membership in a student development association:

*"We asked the university where the four students were but they said they had asked the military what happened to them and the military said they didn't know anything about them. So we organised a demonstration to demand where they were. After the demo dispersed, we heard that the military were coming to arrest the people involved, so we left the university and went into hiding."<sup>41</sup>*

Another young man told Amnesty International dozens of people were arrested in Dodola town in early 2012 for demonstrating about the shooting by the military of a young boy as he went home from school.<sup>42</sup>

In two of the incidents reported to Amnesty International, people were arrested for demonstrating over a lack of job opportunities for graduating Oromo students, which they and their fellow students believed was due to discrimination in the distribution of jobs by the government:

*"In October 2012, I was arrested the second time. We demonstrated because Oromos who graduate from college are not offered a job. People were asking for their rights because the government is supposed to give them jobs."*<sup>43</sup>

*"In early 2013, many people demonstrated in Chiro because most Oromo students do not get assigned to any job because of our ethnicity if we're not a member of OPDO. Twelve people were arrested for that demonstration."*<sup>44</sup>

Another man interviewed by Amnesty International was arrested for petitioning the local authorities over a road-building project which he said had caused displacement with no consultation or compensation of the local community:

*"We took our complaint about the road-building project and the lack of compensation for people to the regional level. A large number of us were arrested that day. If you complained about anything to do with the project, they say you are anti-government and pro-OLF."*<sup>45</sup>

Another young man told Amnesty International how he had been arrested after taking part in a demonstration in 2011 in Chancho town in Gololcaha Woreda, Arsi Zone of young people and their parents protesting about children being taught in Amharic in school, instead of Afan Oromo:

*"We demonstrated to say we wanted to learn in Afan Oromo. The farmers were demonstrating because they wanted their children to learn in the Oromo language. Even some people in the local government who felt bad about the decision that we should be taught in Amharic joined in. Then the military came and took us to the jail. About 250 people were arrested, including many students."*<sup>46</sup>

In early 2011, the authorities made large-scale arrests which appeared to be pre-emptive – to prevent demonstrations from taking place. Hundreds of students and opposition political party members were arrested across Oromia, apparently in relation to the 'Arab Spring' uprisings in the Middle East and North Africa of that period. The government showed signs of fearing the unrest would be replicated in Ethiopia and large numbers of opposition political party members, students and other dissenters, including independent journalists and advocates of reform, were arrested. Of the cases of arrests made known to Amnesty International, the majority were Oromos.<sup>47</sup> In addition to the large numbers of opposition political party members and students targeted in the sweeps, farmers, lecturers, pharmacists,

artists, employees of international non-governmental organizations (NGOs) and others were also arrested.

Amnesty International received the names of at least 60 students who were reported to have been arrested. In addition to this, sources believed that there had been further arrests, but the details of those arrested were not known. Therefore, the true figure of students arrested may have been higher.<sup>48</sup> Students were reportedly arrested across Oromia, including from the universities of Jimma, Haromaya, Awassa, Wallega, Nekemte, Ambo and Addis Ababa. A student from Jimma University arrested in April 2011 had the same opinion on the cause of the arrests:

*"They feared the same [the uprisings] would happen in Ethiopia, particularly in universities and particularly in Oromia. So, to prevent that, they arrested students from the universities to frustrate any ideas they had about uprisings."*<sup>49</sup>

He was arrested alongside four other students from his department and detained without charge for one month. During his detention, he was interrogated to tell if he knew of a clandestine student network in the universities. He was released but said the four others were not and were transferred to Maikelawi. Another student arrested from Addis Ababa University in 2011 was also held in Maikelawi for six weeks. He told Amnesty International that Oromo students were detained with him from universities across the region as well as many from Addis Ababa University.<sup>50</sup>

The arrests continued throughout the year. Further, members of the Oromo opposition political parties were arrested in August and September 2011, as well as a number of students in August 2011. Amnesty International also received information about the arrests of more than 75 students from Wallega and Adama universities and Gimbi town in December 2011.

Many of the people who reported protest-related arrests to Amnesty International said that, after the demonstrations, the government searched for and tried to establish the leaders or organisers. Interviewees said those suspected of having organised the demonstrations were treated as more serious cases – resulting in longer detention periods, incommunicado detention or enforced disappearance:

*"Those who were accused of organising the demonstration were treated the worst."*<sup>51</sup>

*"In the military camp, those put underground and in the other building in the dark were the ones of accused of organising the demonstration."*<sup>52</sup>

A man who worked as an agricultural expert in a Zonal Bureau of Agriculture,<sup>53</sup> told Amnesty International large numbers of farmers were arrested on a regular basis either for protesting about economic concerns or simply on the suspicion they supported the OLF. He said that, in May 2012, peaceful demonstrations took place in 10 different locations in the course of one week to protest about the availability and price of fertilizer and the detention of other farmers on the accusation of supporting the OLF. Hundreds of farmers were arrested by the military

for their involvement in the demonstrations:

*"The government sent soldiers and hundreds of farmers were detained. I was not involved in the demonstration but my job was presenting those kind of questions from the farmers to the government so they accused me of being behind the demonstration. While the people were detained at the Kebele level – in the Kebele office and at the police station – they took some time and identified who they suspected was behind the demonstration and they took those people to the military camp – Dembi Dollo camp in Kebele 7. I was among about 500 who were taken to the camp."*<sup>54</sup>

Several people said they had been targeted when the government was searching for those responsible after a demonstration because they were already under suspicion for reasons including, inter alia, previous involvement in a demonstration, refusal to join the ruling political party or because of the known or suspected political affiliation of their family members. A number of dissenters arrested for various reasons said they were threatened by the authorities that they would be held responsible if demonstrations or similar political activities took place in their area:

*"I was arrested for about eight months. Some school students had been arrested, so their classmates had a demonstration to ask where they were and for them to be released. I was accused of organising the demonstration because the government said my father supported the OLF so I did too and therefore I must be the one who is organising the students."*<sup>55</sup>

Several people who had been arrested for their participation in peaceful protests told Amnesty International they were accused, while in detention, of having had alternative political motivations – that they did not genuinely wish to raise the issue the protest was ostensibly about, but merely wished to oppose the government. Several people also told Amnesty International it was alleged the demonstration they took part in – no matter what grievance was being protested – was instigated by the OLF:

*"They said I was behind the demonstration and was inciting farmers against the government. They said I had a connection with OLF."*<sup>56</sup>

It was reported to Amnesty International that during the 2014 'Master Plan' protests, the 2012-13 Muslim protest movement and other individual demonstrations, bystanders within the vicinity of the demonstrations were also arrested:

*"In October 2012, there was a demonstration in our town because people were not being offered jobs by the government when they graduated. I did not participate but I was standing in front of our shop watching the demonstration. The military came and started beating and arresting people and they arrested me too. Many were arrested on that day. I was arrested for one month in a military camp."*<sup>57</sup>

A journalist told Amnesty International how he had been arrested while trying to report on a demonstration in Adama in May 2012 about unemployment, inflation and other economic

issues. The demonstration was broken up by the military:

*"I was filming the demonstration. The military came and took the video camera. They broke it. I ran away from them. In the evening, the military came to my house and arrested me."*<sup>58</sup>

Participation in demonstrations can cause long-term repercussions. Amnesty International interviewed 10 people who said they experienced recurring problems with the government – suspicion, harassment or arrest – based on previous participation in a demonstration. These included students being suspended or expelled from school or university. One student arrested for participating in a peaceful demonstration said:

*"Although we were released, the government cadres continued to watch over all of us on a daily basis. This helps the government to identify where to target those who oppose them."*<sup>59</sup>

## STUDENTS

Students comprised a significant proportion of all cases of arrests in relation to peaceful protests reported to Amnesty International, including arrests during the 2014 'Master Plan' protests. Scores of students were also arrested in the large-scale sweeps in 2011 documented above.

But students in Oromia also face a wider, ongoing context of suspicion. A pattern of surveillance and arrests demonstrates that the government anticipates dissent amongst students in Oromia and is watchful for signs of dissent manifesting in this group. Current and former students have reported to Amnesty International that there are high levels of surveillance for signs of dissent in schools and universities.

As a result, large numbers of students are reported to have been arbitrarily arrested in recent years based on their suspected political opinion. Oromo students have also reported restrictions on their right to the freedoms of expression and association, including forming cultural societies. Perceived dissenters, including those who have been arbitrarily arrested based on suspicion of holding dissenting opinions or for participation in peaceful demonstrations, have been suspended or expelled from their universities or high schools as punishment.

Amnesty International interviewed over 20 former students, from universities and high schools in different locations across Oromia, who had been arrested on suspicion of holding dissenting opinions. The interviewees reported similar patterns of surveillance and targeting of students in different locations around the region.

## SURVEILLANCE OF STUDENTS

Former students interviewed by Amnesty International felt there was high surveillance of Oromo students.<sup>60</sup> The sources of surveillance are reported to be extensive:

*"They [the ruling political party] have spies in the university, from the police, from federal security offices, from regional security offices, but*

*also their members who are in the class with you. If you ask a remotely political question, they will report you. Then you will be accused of being a member of OLF.*"<sup>61</sup>

The regular presence of police or other security officers was reported on some university campuses, including plain-clothed officers living alongside students in dormitories as informers:

*"There are agents among students and university compound police who leak information to the police outside the compound."*<sup>62</sup>

*"They call the university from the town. They have securities allocated for the college. To report on the students, they call the police."*<sup>63</sup>

Several former students reported cooperation between university staff and local security forces or local civilian officials in the surveillance of students and identification of suspected dissenters:

*"The university itself is the one who gives the list to the police of the students they think should be investigated."*<sup>64</sup>

One student commented that university staff were under pressure to do so:

*"The lecturers ask students to join the ruling political party, then they report to the police. The lecturer himself, it is not because he likes to do this, the government is forcing him to. So many lecturers have suffered."*<sup>65</sup>

In the case cited above of the arrest of four members of a student development association, Amnesty International was told:

*"The soldiers already had the list of their names. They got it from the security guards in the compound. The military inform to the police and also the university administration so they all work together."*<sup>66</sup>

#### HARASSMENT AND ARREST OF STUDENTS

The various surveillance efforts appear to be intended to watch for signs of dissent or political activity among the student body, or to intimidate and harass students as a means of control. Students repeatedly told Amnesty International that falling under suspicion of not supporting the government or having dissenting tendencies, either causing the student to come under surveillance or, in some cases, resulting from surveillance, can lead to 'investigation' and possible arrest:

*"It is common that the government fears the students might have different ideology so you get investigated. The police come and interrogate the students. After that, the military come for those who are suspected and take them away. One night after 9 pm, soldiers came to our dormitory and took three students, including me. They asked us*

*who we are, where we come from, what is our objective in learning at this university. We told them we'd come to university for education and they were asking us about politics. I was detained for eight months. They said that I wasn't learning to change myself, I was trying to mobilise students to overthrow the government.*"<sup>67</sup>

A number of former students interviewed by Amnesty International said all students are expected to demonstrate loyalty to the ruling political party and, by doing so, they protect themselves against suspicion of holding anti-government opinions. Students and other people also told Amnesty International membership in the ruling political party is necessary to enjoy opportunities, including employment opportunities, after graduation. One former student at Jimma University said:

*"The government was forcing students to be a member of the party [OPDO]. They have a form to fill in to become a member and in order to get opportunities, including job opportunities, after graduation. If students refused, there was a consequence."*<sup>68</sup>

One consequence of refusal to join can be arrest. Amnesty International received information from interviewees and from other sources of numerous cases of individual and group arrests of students in Oromia between 2011 and 2014, in addition to those cases cited above who were arrested in 2011.

Seven former students told Amnesty International they had come under suspicion at university because they refused to join the ruling EPRDF political party within the university and were therefore suspected of having an alternative political agenda.<sup>69</sup> One student arrested after he refused to join the ruling party told Amnesty International:

*"In detention, the police interrogated me twice a week. They asked which kind of meeting I attended at college. I said I didn't call any meeting, I didn't attend my meeting. The police officer beat me badly on the face. I lost two teeth."*<sup>70</sup>

Several among those arrested for refusing to join the party, as well as students arrested for other manifestations of actual or suspected dissent interviewed by Amnesty International said they were accused during interrogation in detention of 'incitement' of others to not support the government. The repetition of this accusation suggests the government fears students as potential instigators of dissent:

*"I was in college in Arsi Negele. They said we had to be a member of the government in order to learn in the college. A lot of students become the government supporter because of that. My brother and I refused so we and two other students were said to be terrorists who were opposing the government and were arrested. In the prison, they said if we agreed to be their member [of the ruling party], we would go back to college; if not, we would be killed. We were told to join the ruling party so many times. The time when we were arrested, the catalyst was that many students refused. They said we incited them."*<sup>71</sup>

The testimony of several former students suggested students suspected of anti-government

opinions and also considered to have influence over other students appear to be particularly targeted for ruling political party membership, apparently to neutralise a perceived threat. A student at Adama University who was a local leader of the Oromo traditional religion Waaqeffannaa was detained for a week at the local police station, interrogated and threatened. He said the people who interrogated him were federal intelligence officers:

*"They told me unless you become a member of OPDO, you will not graduate from university, this is your last warning. I said no, I don't want to be involved in politics. They told me that people were always reporting on me. He asked why I am not a member of OPDO. This is why they suspect you, he told me."*<sup>72</sup>

One young man told Amnesty International he had been ordered by members of the Kebele administration to recruit fellow students to join the ruling political party and then prove how many had converted:

*"The other students said they came to learn, not to be members of the OPDO, so they refused. I had to go back to the office and say the students refused. They said, so now the problem is with you – we suspected you were doing some things against your government. I was arrested for two months, in Chiro prison. I was never taken to court. The police asked the same question every time – why are you trying to form your own political opinion?"*<sup>73</sup>

Many students arrested on the suspicion of holding dissenting opinions, for refusal to join the ruling political party or the formation of student societies told Amnesty International that, during interrogation, it was alleged these activities were underpinned by support for the OLF. A former student at Awassa University who won a competition to produce a business plan was subsequently arrested on the accusation the plan was underpinned by political ideas. He was detained for eight months without charge in Maikelawi and tortured:

*"They said you are doing the business plan to organise the Oromo people, the OLF is behind this. Who is the member of the OLF in your university? Tell us who is a member of the government or not a member and who runs the political agenda of the OLF in the campus."*<sup>74</sup>

#### VIOLETIONS OF THE RIGHTS TO FREEDOM OF ASSOCIATION AND CULTURAL EXPRESSION

Oromo student societies are treated with hostility on the suspicion their actions are politically motivated. One former student told Amnesty International:

*"They fear if Oromo are organised, if they come together, that they will be supporters of OLF."*<sup>75</sup>

Amnesty International interviewed six students who had experienced harassment or arrest based on their participation in a student society or, in some cases, suspicion of participating in a meeting of such a society. This included discussions or advocacy about issues relating to students' rights or taking part in demonstrations on those issues:

*"If a student asked too many questions about their rights, later the military come and take them. That is the system."*<sup>76</sup>

Another Oromo student assigned to Bahir Dar University in Amhara, said they had an Oromia development association to discuss issues related to students' rights in the university. As a result of this, he told Amnesty International, soldiers came with a list of names and arrested four students on the accusation their activities were political. The remaining students experienced further harassment and were compelled to sign a commitment they would not do any further political activities. He said:

*"I don't know what happened to the four who were arrested, I don't know where they were taken to or if they were released. We asked the university but they said that they had asked the military what happened to them and the military said they didn't know anything about them."*<sup>77</sup>

Most students arrested on this basis were accused of being motivated by OLF support. One student who had been arbitrarily arrested on repeated occasions told Amnesty International he and some other students had formed a group to discuss how to promote the well-being of the Oromo people:

*"One day the army came and surrounded the meeting. Twenty-two students were arrested. They took us to Ambo police station for one night and then, in the morning, transferred us to Ambo detention centre. I was detained for over seven months. After a couple of months of detention, they gave us the accusation letter of what we were accused of – that we were OLF and were against the government. We didn't go to court for seven months. When we did, the court released us because there was no evidence."*<sup>78</sup>

Participating in societies to discuss and promote Oromo culture and history also causes harassment and in some cases, arrest:

*"We had a project of Oromo cultural studies. The government accused us that we are doing an activity that can link information to the OLF, and to make the government collapse."*<sup>79</sup>

A young man who was the leader of a student association celebrating Oromo language, history, culture and structures such as the Gadaa system said he was warned repeatedly to stop his activities and join the ruling political party, but refused. As a result, he was subjected to arrest and arbitrary detention on repeated occasions.<sup>80</sup>

#### **VIOLATION OF THE RIGHT TO EDUCATION**

The right to education is protected under international law on a non-discriminatory basis.<sup>81</sup> Suspension, expulsion or conditionality placed on access to education based on actual or suspected political opinions or activities including participation in peaceful protests constitute a violation of this right.

Oromo students have been expelled or suspended from their education as punishment for

their actual or suspected involvement in political activities, including hundreds expelled or suspended for participation in peaceful protests on a range of issues. Others have been expelled or suspended because they were suspected of having anti-government opinions, in some cases after being arbitrarily arrested for that reason. These acts of suspension or expulsion happen in individual cases but Amnesty International has also received information from interviewees and other sources of a number of instances of suspension or expulsion being imposed on groups of students, sometimes in large numbers.

Students interviewed by Amnesty International believed these decisions were not made by the school or university administration alone but reflected the involvement of local officials and/or security services, in the same way that the involvement of local civilian authorities and local and federal security services was reported in the surveillance and arrest of students suspected of dissenting tendencies, often in co-operation with academic staff.<sup>82</sup> In some cases, the involvement of government entities was explicit – where conditions imposed on the release of students from arbitrary detention included not returning to their education.

A student from Awassa University detained in Maikelawi for two and a half weeks because he was accused of being responsible for protests that had happened in another location said:

*“They released me, but gave me many conditions, including that I was not allowed to study for one semester.”<sup>83</sup>*

Students also reported that conditions imposed on their release after a period of arbitrary detention based on their suspected political opinion included a requirement to disengage from any non-curricular activities. A student from Addis Ababa University briefly arrested in January 2013 had to sign a number of conditions before he was released:

*“They also forced me to sign a document that I would not participate in any student gatherings or meetings.”<sup>84</sup>*

Twenty-two students were reportedly dismissed from Ambo University on 1 March 2013 because they protested the reported expulsion or suspension of 33 Oromo students from Addis Ababa University after an altercation between Tigrayan and Oromo students.

Some students were not able to return to their education after a period of arbitrary arrest because the university or college refused to re-register them or to provide the academic papers they required to pursue the next stage of their education:

*“When I went back to the university after my release, they wouldn’t register me.”<sup>85</sup>*

Another said he was released from arbitrary detention on conditions that he could not fulfil, which prevented him from returning to his education:

*“I was released under the conditions that I had one month to convert the students to membership of OPDO. They said if you don’t, there will be consequences for you. I was sure the students would not agree and also this was not work for a student, I didn’t want to do that, I wanted to study, not do politics. So I didn’t go back to school.”<sup>86</sup>*

## MEMBERS OF OPPOSITION POLITICAL PARTIES

The Constitution guarantees the right to freely hold opinions, the right to vote and to be elected, without distinction or discrimination, and the right to join political parties. These rights are also protected under international law.<sup>87</sup> Any arrest based on someone's beliefs or the legitimate expression of political opinion is arbitrary and unlawful under international law.<sup>88</sup> Amnesty International categorises persons arrested on this basis as prisoners of conscience.

Hundreds of members of Oromo opposition political parties have been arrested in Oromia and Addis Ababa between 2011 and 2014, in large sweeps as well as in individual incidents. Amnesty International spoke to a number of party officials from Oromo opposition parties who reported arrests of large numbers of their members. In addition, the organization also interviewed over 20 people who had themselves, or whose spouses had, been arrested based on their involvement with opposition political parties. The opposition political parties report members at the grass-roots level are particularly vulnerable to harassment and possible arrest, though high profile members are also targeted.

In some cases, those arrested were questioned in detention about their activities with legally-registered opposition political parties. In some cases, security officers alleged links between opposition political parties and the OLF and demanded information about the connection. The pretext of OLF support is used in many of these cases to silence influential political voices which could pose a – peaceful political – threat to the ruling political party.

The government's intolerance and fear of dissent manifests in ongoing arrests of members and supporters of opposition political parties but there appears to be an increase in this pattern around elections. An OFC opposition political party official told Amnesty International he believes the large number of opposition members arrested in sweeps in 2014 and 2011 were in part election-related. Some people interviewed by Amnesty International reported their problems with the government stemmed from involvement with an opposition political party at the time of the 2010 and 2005 elections. A number of cases were reported of opposition political party members being arrested around both the 2005 and 2010 elections, because of their peaceful and legitimate activities, and not being released until the elections were over:

*"My father was detained in Malka Wakena [military camp] from 2005 to 2010 because he supported Oromo National Congress (ONC).<sup>89</sup> He was released in 2010 but soon arrested again because he was accused of still campaigning for that party. I tried to search for him but the authorities warned that if I made efforts to find him, I would face consequences. I couldn't trace him since then. But the police continued to threaten me saying we are still supporting ONC. This lasted for more than two years after the election was finished."<sup>90</sup>*

#### SWEEPS OF OPPOSITION POLITICAL PARTY MEMBERS IN 2014 AND 2011

2014 and 2011 saw large sweeps targeting Oromo opposition political party members, with hundreds being arrested over a short period.

In the wake of the April and May 2014 'Master Plan' protests across Oromia, the OFC opposition political party reported that between 350 and 500 of their members had been arrested in May, June and July 2014.<sup>91</sup> Arrests were reported to have taken place in a number of places including Kelem Wallega, Gimbi, Ambo and Dembi Dollo. Local leadership of the opposition political party, including party representatives and committee members, were among those arrested.

The OFC also reported that, in June 2014, its office in Dembi Dollo had been broken into and membership details taken. An OFC official alleged arrests were subsequently made on the basis of the membership list.<sup>92</sup>

The party reported that over 200 further arrests, including of OFC members and other people, had taken place in mid-September 2014, and more still in early October, including several local officials of the party.<sup>93</sup> Hundreds of high-school students, farmers and others were also reportedly arrested in early October as mentioned in the section on 'Peaceful protestors' above. At time of writing a number of the local party officials were reported to be detained incommunicado, without access to lawyers or family members, and had not been taken to court. The party also reported that membership documents had been taken from its office in Darimu woreda in Illubabor Zone at the beginning of October.

By early October 2014, the OFC reported that some of its members who had been arrested in the wake of the protests had been released on bail, some had been released without charge, while others continued to be detained without charge.<sup>94</sup> Some OFC members, as well as students and other people, had been convicted in rapid trials on charges relating to the protests, including a group in Ambo reportedly convicted in late September and sentenced to periods of imprisonment ranging from one year to six years. The OFC said some of the charges involved theft and similar crimes during the unrest, which the party maintained were false allegations. Others were reportedly charged with 'inciting unrest to overthrow the government,' including at least one OFC member, according to a party official.<sup>95</sup>

The OFC leadership believes the 'Master Plan' protests were being used by the government as a pretext to begin large-scale harassment and silencing of OFC members before the 2015 general elections.

Large-scale arrests also took place in 2011. In March and April of that year, between 200 and 300 people were arrested in sweeps in Oromia and in Addis Ababa.<sup>96</sup> Arrests were reported from towns across the region, including Moyale, Jimma, Harar and Nekemte. Amongst those arrested were at least 89 members of the two largest Oromo opposition political parties – the Oromo People's Congress (OPC) and the Oromo Federalist Democratic Movement (OFDM).<sup>97</sup> As documented above, during the same period, large numbers of students were also arrested across Oromia.<sup>98</sup> The arrests were apparently an attempt to discourage the Middle East and North Africa uprisings from being replicated in Ethiopia. The 89 members of the two opposition political parties who were arrested were accused of supporting the OLF, charged and tried – discussed later in this report in the section 'Unfair

trial.' The defendants were accused of various forms of participation in the OLF, including making financial contributions, participating in or conducting training and recruiting others. Amnesty International believes the accusation of OLF support was a pretext to target influential members of opposition political parties and to warn their members. Many of the OFDM and OPC members arrested had been members of the national parliament or of the Oromia regional assembly from 2005-10 and had also stood unsuccessfully for re-election in the 2010 elections.<sup>99</sup> A number of youth and student members of the two opposition political parties, including a 17-year-old female OFDM supporter, were also arrested in the March and April 2011 sweeps.

Further arrests in Oromia occurred in late August and early September 2011, including 29 arrests reported to have taken place on 27 August 2011 alone. At least nine OFDM and OPC members were among those arrested, including two senior members of the opposition political parties – Bekele Gerba and Olbana Lelisa – see below.

In the wake of the arrests, opposition political parties and some family members reported they did not know the whereabouts of some of those arrested. The missing persons were presumed to be in arbitrary, incommunicado detention.

Subsequently, three cases featuring OFDM and OPC members arrested between March and August 2011 were grouped together and charged – one group of 69, charged in May 2011, one group of 20, charged in June 2011, and one group of nine, including Bekele Gerba and Olbana Lelisa, charged in October 2011. The latter trial concluded in 2012 – see below. The trials of the two remaining groups did not conclude until early 2014 – three years after the arrests. It has not been possible to establish full details of the outcome of these two trials, but, according to information received by Amnesty International, some defendants in both trials were found not guilty and released, having spent three years in detention. Others were given sentences ranging from one to 13 years' imprisonment. Amongst those, some were ruled by the court to have already served their sentence and were released.

#### BEKELE GERBA AND OLBANA LELISA – ARRESTED OPPOSITION POLITICAL PARTY LEADERS

Among those arrested in August 2011, were two key figures from the two opposition political parties. Bekele Gerba, an English teacher at Addis Ababa University and deputy chair of the OFDM, and Olbana Lelisa, an OPC party official said by the party to have been popular with young people, were arrested on 27 August 2011, within days of meeting with Amnesty International delegates.<sup>100</sup> The Amnesty International delegates were ordered to leave the country on the same day the arrests took place. Amnesty International believes the arrests were part of the same crackdown based on the government's heightened nervousness about political opposition that year. The two men were subsequently charged, alongside seven other people, under a group of charges in the Criminal Code often used in the past against Oromos accused of supporting the OLF – 'Crimes against the Constitutional Order and the Internal Security of the State.'<sup>101</sup> Both were initially charged under Article 241 of the Criminal Code 'Attack on the Political or Territorial Integrity of the State,' although at a later date Bekele Gerba's charges were reduced to the less serious charge of Article 257 'Provocation and Preparation' to commit the same. At least two of the other defendants on trial with Bekele Gerba and Olbana Lelisa were also OPC members.

In November 2012, they were found guilty and, in a subsequent sentencing hearing, Olbana Lelisa was sentenced to 13 years' imprisonment and Bekele Gerba to eight years' imprisonment. In June 2013, these sentences were reduced on appeal by the Supreme Court to 11 years and three years and seven months respectively.

Their detention and trial were marred by irregularities, including the denial of access to family members and legal representatives during the initial stages of detention in both Maikelawi and, later, Kaliti prison. Their lawyer also reported difficulties visiting them in prison at some points during their trial. According to information received by Amnesty International, there were also inconsistencies in their trial, including with the validity and admissibility of some witness statements and the limited evidence presented against the two men. Amnesty International believes Bekele Gerba and Olbana Lelisa are prisoners of conscience, prosecuted and convicted based on their peaceful opposition to the government, and should be released immediately and unconditionally.

#### OTHER ARRESTS OF OPPOSITION POLITICAL PARTY SUPPORTERS

Amnesty International also interviewed a number of people harassed or arrested in individual incidents based on their connection or alleged connection to opposition political parties. A young man whose father had been arrested in 2005 for his support of the OPC and again in 2010, after which his family did not know his whereabouts or his fate, continued to suffer himself based on his presumed political opinion:

*"After the death of the Prime Minister [Meles Zenawi, in August 2012], I didn't attend where people were forced to mourn. I was arrested by the police and first taken to the police station, then to the prison in Shashemene. They accused me of not mourning Meles because, like my father, I supported the OPC.<sup>102</sup> I was detained for eight months and 25 days and never taken to court. I was interrogated on the support I was giving to the OPC. I was released on condition to provide the documents they said my father hid belonging to OPC, including his party ID and documents that showed the donations he made to the party. I was given two days to produce these to the police and told if I did not I would face severe consequences."<sup>103</sup>*

One man interviewed by Amnesty International had been a candidate for the OPC in eastern Hararge during the 2005 elections. After sustained harassment, he fled the country in 2006 and sought asylum in Somaliland. In 2012, he was kidnapped from Somaliland and forcibly returned to Ethiopia where he was detained arbitrarily, interrogated and tortured in a small military camp before being transferred to a larger camp in Harar. He told Amnesty International:

*"In Harar, they interrogated me about who of the OPC<sup>104</sup> candidates were connected with the OLF. They said 'tell us the people you organised for that crime,' and tried to force me to tell them the names of OLF representatives in Hargeisa [Somaliland]. They said you OPC party are receiving assistance directly from OLF, so tell us, who has linkages, like you, or others."<sup>105</sup>*

An OPC candidate in the 2010 elections said he continued to be harassed by the security services after the poll and was eventually arrested in 2011:

*"After the election, they were still trying to make me join their party. I told them how can I, when I already have my own party. On 10 June 2011, I was taken from my workplace and taken to Maikelawi. I spent the next four and a half months in detention."*<sup>106</sup>

## OROMO ARTISTS AND OTHERS CELEBRATING OROMO CULTURE

Under Ethiopian and international law everyone has the right to enjoy, develop and promote their own culture and therefore no-one may be arrested for the expression of their cultural identity.<sup>107</sup>

Nevertheless, hundreds of people have been arrested in recent years because of their involvement in expressions of Oromo culture. The government has exhibited hostility to displays of Oromo cultural heritage. Oromo artists, including writers and singers, have been harassed, arrested and tortured. In a number of incidents, the government has shown signs of equating Oromo cultural expression with anti-government sentiment and fearing cultural expression as a potential catalyst for political opposition to the government. A former student told Amnesty International:

*"If you talk about your rights, culture and identity as an Oromo, you must be a supporter of OLF."*<sup>108</sup>

More than 10 people interviewed by Amnesty International said they had been arrested for some form of cultural expression, in addition to students interviewed by Amnesty International who were harassed or arrested for their involvement with student cultural societies, as documented above. The organization also received information from a number of sources about large numbers of arrests at Oromo traditional festivals and several other cases of singers and artists arrested since 2011.

More than 200 people were reported to have been arrested at the 2012 celebration of the traditional festival of Irreecha, celebrated in Debre Zeit (which the Oromo call Bishoftu). Some were reportedly arrested in several locations including Guder, Ambo and Shashemene on 29 September 2012 as they were on their way to the festival and further arrests were reported to have taken place at the festival itself on 30 September 2012. Some of those arrested were reportedly transferred to Maikelawi. Reported reasons for arrests included wearing clothes in colours considered as symbols of Oromo resistance – red and green – or alleged chanting of political slogans during the festival.

Several people reported to Amnesty International they had been arrested because of their participation in or promotion of the Oromo traditional religion Waaqeffannaa or the traditional governance system of Gadaa. Over 150 people were reportedly arrested on 23 August 2011, after the ceremony in the Gadaa tradition when leadership is handed over to the next generation. One of those arrested, a young man who had been a student at Adama University, told Amnesty International he had been travelling around the region to document the ceremony but was arrested on the accusation he had been trying to incite people to rebel

against the government. He was arrested and transferred to Maikelawi, along with six other Adama University students who belonged to the same cultural society. In Maikelawi, he encountered 20 other students from Adama University arrested over the same period of a few days.<sup>109</sup>

In addition to those arrested for wearing green and red clothing at the 2012 celebration of Irreechaa, other people have been arrested for wearing or selling Oromo traditional clothing:

*"There was a public holiday and some students wore their traditional clothes to express their culture. The authorities said that we were expressing a political opinion. Eleven of us were arrested and detained at the police station for five days, beaten and interrogated. They asked us which political organization was behind us, who we were supporting. They said I was opposing the government and was inciting the other students against the government."*<sup>110</sup>

Amnesty International interviewed five Oromo artists – singers and writers – who were subjected to harassment, arrest and torture. The organization also received information from other sources about the cases of two other singers. Writing or singing about Oromo history, including the perception of a history of oppression many Oromos hold, or expressing criticism of the government's treatment of Oromos, are met with hostility by the government as expressions of dissent and perceived to have the intention of inciting others against the government.

One popular Oromo singer told Amnesty International he was arrested twice, on both occasions that he released an album. After the release of his first album, he was arbitrarily detained for seven months, on the accusation the album was popular because it was inciting people against the government. Just before he released a second album, he was arrested again and taken to Maikelawi. He was detained without charge for 11 months, and was interrogated and threatened about his songs being political. During his interrogation and torture he said:

*"The guys interrogating me said that I had to sing to praise the government in the future. I couldn't sing about Oromo martyrs any more. They made me sign a paper to not sing about Oromo issues and incite people against the government."*<sup>111</sup>

Another singer and chair of a cultural music club in Shashemene had a similar experience. He was accused of inciting people through his music and was also arrested just before he released an album:

*"The government said: 'we don't like your club. None of you are members of ruling party so we suspect you are with another party and have the intention to do bad things and incite people. You must become our member or we will continue to suspect you. They said if I was an innocent person why didn't I join the government?'"*<sup>112</sup>

After releasing a second album, the distribution of an arrest warrant along with a photo of him taken from his album cover forced him to leave the country. He said the owner of the

studio where the album was produced was also arrested and his studio closed down.

Yet another singer told Amnesty International a similar story. She fled the country after being tipped off that the government was searching for her after the release of an album, on the accusation she was inciting people against the government through the content of her songs.<sup>113</sup>

In 2012, an Oromo singer named Kadir Martu, previously arrested based on lyrics criticising the government's treatment of Oromos in his songs, was among a group of asylum seekers arrested in Sudan for unlawful entry and subsequently deported back to Ethiopia.<sup>114</sup> Amnesty International received information that he was re-arrested on return and detained in Maikelawi.

Oromo writers have also experienced harassment or arrest because of books they had written. A young man who had published a book of poems which he said related to Oromo history, culture and language was arrested for a week and interrogated about the political intentions of his poems.<sup>115</sup>

Another man who self-published two books was temporarily detained after the publication of both. In 2011, after selling copies of his second book at the Irreechaa festival in Debre Zeit, he was arrested and arbitrarily detained for two months on the accusation he had been attempting to incite people against the government. He told Amnesty International that, after his second release, he was threatened with murder if he published anything else.<sup>116</sup>

## GENERAL SUSPICION OF THE OROMO COMMUNITY

All targeting of individuals for harassment, arrest and detention based on their peacefully held opinion, or based on a suspicion or assumption about the individual's political opinion is a violation of the rights to freedom of opinion protected under Ethiopian and international law.<sup>117</sup>

However, in addition to targeting demonstrators, students, members of opposition political parties and people celebrating Oromo culture based on their actual or imputed political opinion, there is a general targeting of individuals based only on their suspected political opinion and the government's anticipation of high levels of dissent in Oromia. Amnesty International interviewed over 60 people from all walks of life, including businesspeople, medical professionals, civil society workers, teachers, university lecturers, farmers and even members of the OPDO, who were targeted for arrest and detention – often without charge – based on a suspicion they did not support the government or conversely, that they supported the OLF:

*"I don't have any political ideology. But being Oromo itself makes you fall under suspicion."*<sup>118</sup>

A range of behaviours or factors were reported to Amnesty International as interpreted as indicating dissent or arousing suspicion of or hostility towards individuals. These included doing work that involves regular contact or influence with local communities and movement

around or in and out of the region. Some targeting is geographical – based on areas where the OLF has been active. Refusal to join the ruling political party is a major risk factor. However, while many people expressed to Amnesty International a belief that joining the ruling political party was a way to protect themselves from generalised suspicion and hostility, doing so is not always sufficient. Members of the Oromo political party of the ruling coalition – the OPDO – have also been arrested and detained based on the expression of dissenting opinions or behaviour within the party, which was not tolerated and, further, was in some cases claimed to indicate underlying support for the OLF.

In the cases of the significant majority of people interviewed by Amnesty International, individuals targeted on suspicion of holding dissenting opinions were accused of supporting the OLF. In some cases, this appeared to be a pretext to warn and control people who had influence over others and were not members of the ruling political party. But the constant repetition of the allegation suggests the government anticipates a level of sympathy for the OLF amongst the Oromo population writ large.

A significant proportion of people arrested for alleged OLF support interviewed by Amnesty International were not brought to court, charged or tried. Their political opinion or, more specifically, their alleged support for the OLF, the level and nature of that support, thus remained unproven. The suspicion or accusation of OLF support is frequently used to arrest and detain people, but in a high proportion of those cases, it never forms the basis or part of a criminal charge. Nevertheless, people are detained for months or even years on this basis and, in some cases, are subjected to repeated arrests based on the same suspicion.

#### OROMOS IN POSITIONS OF INFLUENCE

The government shows signs of fearing people who might have influence or popularity, even at a local level, who are not members of the ruling political party. People in positions of local influence and people who come into contact with many people in their course of their work fall under scrutiny and seem to be particularly targeted to join the ruling political party. Amnesty International interviewed around 10 businesspeople and medical professionals arrested and detained on the accusation of using their profession to assist the OLF. Interviewees believed this was based either on their exposure to and sometimes popularity with the community, which the government did not like if they were not a ruling political party member, or on the fact that, in the course of their work, they may have encountered people who were members or fighters of the OLF.

Under international law, everyone has the right to the highest attainable standard of health, without discrimination.<sup>119</sup> The government is obligated to exercise due diligence to prevent discrimination in access to health. Further, health professionals have an ethical duty of non-discrimination on any basis, including political affiliation. Therefore, the government should not punish medical professionals for fulfilling their ethical or professional responsibilities to deliver medical care.

A pharmacist from Shewa told Amnesty International that, because his business was successful and he went into the rural areas to deliver treatments, he had 'popularity with the people.' As a result, he said, the local civilian officials of the government asked him

repeatedly to join the ruling political party. He refused as he did not want to be involved in politics. He told Amnesty International:

*“So after I refused membership they started accusing me of supporting the OLF, that I am treating OLF, providing them with medicine and that I am going into the bush to treat the wounded OLF soldiers. I was under a lot of surveillance, they followed every action. Finally, they arrested me for two months, closed my clinic and refused to renew my license. My three employees were also arrested.”<sup>120</sup>*

A midwife told Amnesty International he was arrested and detained for two months in a military camp because he had assisted in a home delivery of a woman whose husband was linked to the OLF:

*“The authorities used this to claim that I was an OLF supporter, even though I told them I was acting according to medical ethics. They detained me the same day.”<sup>121</sup>*

Businesspeople have also fallen under government suspicion. Amnesty International interviewed a number of former businesspeople who had been harassed and arrested based on the accusation they were using their profits to assist the OLF or that their movement around the country – when buying stock or trading goods – was to benefit the OLF:

*“My problems began because I had property. The local police and the soldiers suspected me for that, thinking that an Oromo shouldn't have such property, that I must have it for OLF. I was temporarily arrested several times. They said I had better tell them the truth, before they did something bad to me, tell them where I got the property and how it belonged to the OLF.”<sup>122</sup>*

*“I was a businessman – trading goods to various village markets. I was accused by the government of taking goods and medicines to the OLF. One night the soldiers came to my house. They arrested me and confiscated all my goods from the store.”<sup>123</sup>*

Amnesty International interviewed or received information about several cases of teachers and university lecturers who had experienced problems based on their failure to support the ruling political party or their refusal to relay propaganda about the ruling political party to the students. A man who had been a mathematics teacher told Amnesty International he had been ordered by the Woreda administration to teach students about the achievements of OPDO. He said he refused to bring politics into the classroom and so was arrested on the accusation he was teaching the students about other political ideas. He was arbitrarily detained, tortured, resulting in the loss of sight in one eye, and repeatedly questioned about which political party he was working with.<sup>124</sup>

A young man who had coordinated a youth social group told Amnesty International he had been arrested based on a general hostility to social gatherings:

*“The authorities repeatedly warned me against such social gatherings*

*as they feared they were political. The government structure – down to the village level – is very suspicious of anyone who is organising people. So they need us to cooperate with them. Eventually, in 2013, I was arrested.*"<sup>125</sup>

The Kebele administrator and soldiers came to his house one evening, searched the house, and took him first to the Kebele office and then to a military camp, where he was detained without charge for three months. He was released on condition that he would cooperate with the ruling political party to coordinate youth in the area in support of the government.

#### OROMOS WHO REFUSE TO JOIN THE RULING POLITICAL PARTY

A frequently repeated belief among people interviewed by Amnesty International was that the only way to protect themselves from generalised suspicion was to join the ruling political party:<sup>126</sup>

*"You need to cooperate and work with the government structure – then you will survive."*<sup>127</sup>

Refusal to join the ruling political party engenders suspicion and surveillance that may culminate in arrest and arbitrary detention, on the supposition that, if a person will not join the government, they must support the OLF or at least hold dissenting opinions or that they might use their activities to assist the OLF or incite others to anti-government actions:

*"These people from the Woreda administration asked me to be their member. If someone refuses to join, they report to the police. I refused so I was arrested again in 2012."*<sup>128</sup>

*"The Woreda authorities insisted that I should become a member of the ruling party. I told them frankly that I didn't want to. I was targeted because of this. They said that I was refusing because I was OLF. From then on the authorities used to call me once a week in the evening to the local military camp. They kept interrogating me about why I was not joining the party."*<sup>129</sup>

Failure to attend compulsory meetings can also arouse suspicion. One man described to Amnesty International:

*"The government wants us to come to meetings of groups it formed. If you don't participate, they accuse you of supporting other organizations. There are people who monitor your actions. If you miss a few meetings, you're in trouble. Because of this, I was arrested and accused of not supporting the government but rather supporting the OLF."*<sup>130</sup>

#### OROMOS TARGETED IN AREAS OF OLF OPERATIONS

Amnesty International gathered many testimonies about the arrests of farmers for alleged support of the OLF and also received information from other sources of incidents of individual and multiple arrests of farmers. A significant part of the economy of Oromia, and the whole of Ethiopia, consists of small-scale agriculture, so it is not surprising that farmers

would number significantly among those arrested in targeting of the population. Amnesty International was also told about several incidents where farmers participated in demonstrations on issues relating to development assistance for agricultural purposes – the availability and price of fertilizer, distribution of seeds and other issues. As documented above, thousands of farmers were reportedly arrested in one series of protests in 2012. Farmers – who feared the loss of their land – also participated in the 'Master Plan' protests in 2014 and were among the large numbers of people subsequently arrested. At least 13 farmers were reported to be among those transferred to Maikelawi following their arrests after the protests, according to information received by Amnesty International.

Amnesty International also interviewed around 20 people who were farmers or were the spouse or child of farmers who had been arrested for alleged OLF support. Several further people interviewed by Amnesty International who had worked in various jobs in the local authorities which involved interaction with farmers, such as agricultural or environmental bureaus, had been arrested for 'inciting' farmers. A number of interviewees arrested for different reasons also reported encountering high numbers of farmers in detention centres.

Interviewees, as well as other sources, reported that the Ethiopian National Defence Forces (ENDF) targets local communities after an OLF attack on an army base or a skirmish between the OLF and the army. Communities in areas where the OLF actions have taken place have been questioned, harassed and subjected to brief periods of arrest – based on suspicion that the community passed information to the OLF to inform the attack or was aware of it and failed to inform the army prior to the attack:

*"Every time when the OLF passed through or there was an operation, everyone would be detained, questioned, houses searched. It was regular and brief."*<sup>131</sup>

A medical professional told Amnesty International:

*"I owned a pharmacy and I had the requisite permit from the government. But one day the government soldiers and OLF fought in that area. Afterwards the government started arresting people they suspected. They accused me of assisting the OLF by giving them medicine and going to bush to help those who were sick. I was detained for three months."*<sup>132</sup>

Another man said:

*"I was arrested so many times, for one day, two days...they'd ask things like 'the OLF moved through here, have you seen them? Have you fed them? Where are they? Have you been informed? If so why haven't you informed the government?' It wasn't just me, they'd do it to everyone."*<sup>133</sup>

Several interviewees said they were blamed for incidents happening in their area – ranging from peaceful demonstrations to OLF attacks on the army – on the accusation the incidents were revenge for the death of their family members at the hands of the security services:

*"The OLF rebels attacked the Mega militia camp and Hiddi Lola military camp near where we lived. I was nearby with my cattle. The government said that I was the one who gave the OLF the information to revenge my brother and his children's deaths and my detention. The next day they came to arrest me. So I fled."*<sup>134</sup>

A number of interviewees including business people and others reported that movement around the region or travel in and out of the region aroused suspicion as to the purposes of the travel. An OPC member was reportedly arrested after he spent time in hospital. A fellow OPC member told Amnesty International:

*"He had been sick and had gone to Sololo hospital for treatment. The government concluded that he went there to communicate with the OLF. They accused him and threw him in jail."*<sup>135</sup>

Another man who lived in an area in which the OLF occasionally operated said:

*"If anyone went out of town, they [the government] suspected them of taking food to the OLF and they might detain them or even shoot them."*<sup>136</sup>

Return from abroad also arouses suspicion. In 2011, the Government of Somaliland issued a directive requiring all asylum-seekers to leave the country, which forced some Ethiopian refugees to return to Ethiopia. One young man who was a victim of these forced returns told Amnesty International he was arrested shortly after his return:

*"I went to my home in west Hararghe. I stayed five days and then was arrested by local security agents in civilian dress. They took me to Machara police station. It was the time of the uprisings in the Arab world, so the government was afraid. They targeted those coming back from abroad, as if they'd been planning some action against the government. They accused me of doing training abroad with the OLF."*<sup>137</sup>

#### OPDO MEMBERS AND GOVERNMENT EMPLOYEES

Although membership of the ruling political party is reported to provide some protection against suspicion of holding dissenting opinions, members of the OPDO nevertheless fall under suspicion if they disagree with government policies or object to orders or instructions they are issued. Amnesty International interviewed over a dozen former OPDO members and public officials arrested on suspicion of holding dissenting opinions, which in some cases was followed by the accusation of working for the OLF.

Some of the OPDO members and government employees interviewed said they had fallen under suspicion because they refused to follow orders they believed were abusive. Such orders reported to Amnesty International included carrying out surveillance of individuals under suspicion and identification of people to provide – false – witness against suspects.

An OPDO member arbitrarily detained for two years after the 2010 elections for failing to

convince a sufficient number of people to vote for the ruling political party was arrested again not long after his release in 2012. He told Amnesty International:

*“On release, I was told to prepare three persons to witness against some people the government were spying on. I refused. So then I was arrested again in November [2012].”<sup>138</sup>*

Another who was a Woreda officer for community affairs in west Arsi said he became a suspect because he refused to follow orders he did not believe should be part of his job:

*“The government was targeting various people due to their association with the opposition party. I was told to identify people for the government to take action against and prepare a case against one man. I said that I would not bring this man in as he was just a simple peasant and had nothing to do with any politics.”<sup>139</sup>*

Several cases involved former government employees who, as part of their work, relayed grievances to the government from sections of the local community, but were then themselves accused of representing the political opposition or inciting others. One man who worked in the bureau of agriculture in Kelem Zone for more than 20 years told Amnesty International part of his role was to listen to farmers' grievances and report them back. The main grievances repeatedly raised with him were: discrimination in favour of ruling political party members in the distribution of fertilizer among farmers, non-ruling political party members being forced to pay for fertilizer when it was too late for them to use it and calls for the release of farmers arbitrarily detained:

*“When I presented the problems of the farmers to the government, they made accusations that the questions I was presenting did not come from the farmers but from the OLF. So because of that I ended up being arrested twice and I lost my job.”<sup>140</sup>*

Another Woreda officer had been petitioned by students about job creation and referred them to the Zone authorities:<sup>141</sup>

*“The government said they were creating jobs for graduates but there were no funds for it. Students came and asked for job creation. I said ‘we don’t have any budget, the money disappeared.’ I told them to go and ask the Zone authorities if they wanted job creation. So they did, and said they’d got the information about the lack of funds from my office. They got no response so they held a demonstration. I was accused of inciting them. So they [the government] ordered my arrest.”<sup>142</sup>*

#### OROMOS TARGETED DUE TO THEIR FAMILY CONNECTIONS

Over a dozen people reported to Amnesty International they had fallen under suspicion which led to harassment or arrest and detention, based on previous activities or the actual or suspected political opinions of family members. This can lead to several members of the same family being arrested, including parents and children. ‘Inherited suspicion’ reported to

Amnesty International related both to recent cases and activities of family members of those who inherit the suspicion but also, in many of these cases, dating back to the period the OLF was part of the transitional government between 1991 and 1992. People known to be members of the OLF at that time (though a legal entity at that point), their families and children continue to suffer on that basis. One young man told Amnesty International his father had been an OLF supporter during the time the OLF was a recognised political organization in the transitional government but later stopped supporting the OLF and campaigned for an opposition political party in the 2010 elections:

*“But they still suspected him of supporting the OLF and, after that election, he was arrested and later disappeared. Then the police started to suspect that I had links to the OLF too and that I knew people who had been working with my father. Eventually, I was arrested too, and detained at the police station for one and a half months.”<sup>143</sup>*

In many of these cases, this ‘inherited’ suspicion was reported to manifest when other incidents occurred. For example, when the government was looking for suspects who may have instigated a demonstration, suspicion might fall on people whose parents were known or suspected to have dissenting opinions. One young man who was arrested for around eight months based on suspicion of OLF support he had ‘inherited’ from his father said:

*“The students in the school had some kind of demonstration and I was accused of organising the students. They said my father supported the OLF so I did too and therefore I must be the one who organised the students. About a week after the demonstration, the police came and arrested me.”<sup>144</sup>*

Another man told Amnesty International his father had been repeatedly arrested on suspicion of supporting the OLF until he died shortly after release from his final detention in Kaliti prison in Addis Ababa, at which point the suspicion transferred to him:

*“After my father was arrested on the allegation that he supported the OLF, they started to investigate me for the same thing. Whenever a protest happened in our area, they’d come to my house. I was always the first person they’d come to.”<sup>145</sup>*

One woman said her father and brother had both been accused of supporting the OLF. Her father died and her brother was subjected to enforced disappearance. But her family continued to be harassed. She said:

*“They came several times and searched the house and asked which political party or organization we supported. They said we were doing what our father and brother used to do. They said that we had weapons which we were hiding to supply to OLF. Finally they arrested me. They interrogated me about my brother and said he was a member of the OLF and I was supporting him in the bush by bringing food to him. They asked for information about him which I didn’t have. Mostly they interrogated me about my family background and my affiliation.”<sup>146</sup>*

In several cases reported to Amnesty International, multiple members of the same family

were arrested based on 'inherited' suspicion. One young woman told of how she had successively lost almost every member of her family. Her father, who had been a member of the OLF during the transitional government, continued to be targeted on suspicion he still supported the OLF and eventually died in prison. One of her brothers was killed during an escape attempt from detention following the 2005 post-election protests. Three other brothers were subsequently arrested for alleged OLF support. Her mother went to investigate what happened to them and did not return. The girl was left alone with her two younger siblings and continued to be harassed:

*"After my mother was gone, the soldiers came to the house, asking about my mum – where did she go? Why did she go? They came so many times to pressure me though I said I didn't know. They threatened to kill us if I didn't tell them the information they wanted."*<sup>147</sup>

Eventually the girl, though only 16 years old, took her two younger siblings and fled the country.

#### OROMOS ARRESTED IN LIEU OF FAMILY MEMBERS

Under international human rights law, no one may be deprived of their liberty except on grounds and according to procedures established by law.<sup>148</sup> International standards prohibit the imposition of collective punishments. The African Charter on Human and Peoples' Rights (ACHPR), to which Ethiopia is a party, states: "Punishment is personal and can be imposed only on the offender."<sup>149</sup> Arrests and punishments of family members in place of their relatives violate international human rights law.

Amnesty International interviewed 19 people who said they had been harassed, arrested or detained in place of a spouse or close relative whom the government was searching for. These arrests were carried out by both regional and federal security services. Some people were harassed at their homes, often on multiple occasions, including being subjected to threats or torture, including rape and other sexual violence.

In some accounts given to Amnesty International, the arrest of another family member was either an attempt to incite the wanted person to return or a punishment for the actions of the family member:

*"One of my brothers was wanted by the authorities. He had gone to look for another brother of ours who joined the OLF many years ago and we did not have contact with. The soldiers came to take my brother, but he hadn't returned. So they took away my mother. I don't know where she was taken and I have not seen her since that time."*<sup>150</sup>

In other cases, family members, particularly spouses, were arrested in lieu of someone else in order to pressure them to either reveal the whereabouts of the wanted person or to provide incriminating evidence against them. One young man had been arbitrarily detained for five months in a military camp because his older brother, a teacher, was wanted for allegedly inciting students against the government:

*"They took me to Galemso military camp. For three months I experienced interrogation and torture. They said tell us what your brother has been doing, he's organising people in the society against us, so tell us what he has been doing, if you don't we'll torture you."*<sup>151</sup>

A young woman told Amnesty International:

*"My husband had been arrested because he was falsely accused of supporting the OLF. Then they arrested me for three months in Mieso military camp. They said I had to give them the gun that my husband owned and the documents he had connecting him with OLF. They interrogated me and beat me and threatened me with a gun."*<sup>152</sup>

Another woman told Amnesty International her brother had been arrested to try to force him to reveal her whereabouts. The woman herself was also not the alleged offender – she was wanted by the police because they wanted her to provide documents to incriminate her husband who had been arrested on the allegation of supporting the OLF.<sup>153</sup>

Family members and spouses also said they were arrested, detained, tortured or harassed as punishment for the escape from detention or evasion of arrest of a relative. One woman reported she had been arbitrarily detained for four months and tortured after her husband escaped from detention during a transfer between military camps:

*"They tortured me to give some information on his whereabouts but I didn't know where he was so I couldn't give any information."*<sup>154</sup>

After she was released, she was subsequently arrested again and spent nearly three months detained without charge in Dalo Mana, in Bale Zone. She was again subjected to torture, including rape, in an attempt to force her to reveal her husband's whereabouts. At the end of this period, she told Amnesty International, she signed a condition of release that she would report her husband's whereabouts within one month or she would be shot. She fled the country after release.

Several people arrested in lieu of a relative said they were released on condition they would hand over the wanted person. One woman told Amnesty International her husband had been arbitrarily detained for two months because his father, arrested on suspicion of supporting the OLF, was said to have escaped from detention. She and her husband were ordered to 'produce' the father to guarantee their own liberty.<sup>155</sup>

Another woman was arrested twice in an attempt to force her to reveal the whereabouts of her husband (who had already left the country after repeated incidents of arbitrary detention). On the second occasion, she was released after two weeks on the condition that she had five days to hand her husband over to the government. The impossibility of complying with this caused her to flee the country.<sup>156</sup>

In several cases reported to Amnesty International, multiple family members were arrested in connection to the government's search for an individual. Children were arrested in some of these incidents of collective punishment. A young man who had fled from his area to avoid arrest for his involvement in a peaceful demonstration in Chiro in 2013, later heard that nine

members of his family, including both his parents and seven siblings, were temporarily arrested to reveal his whereabouts. The youngest was five years old.<sup>157</sup>

In at least three cases reported to Amnesty International, the family member was arrested when they went to police stations or detention centres to visit or enquire about relatives. One young man, whose father had been subject to enforced disappearance after his arrest in 2010, said his mother or he and his sister went regularly to the police station to ask his whereabouts:

*“My sister and I were arrested when we went to ask about the issue of our father in March [2013]. We were detained in the police station in Shashemene for one month and 13 days. The police said that we knew some of the people my father had been working with.”<sup>158</sup>*

Another was arrested when trying to visit his father in detention:

*“My father was accused of supporting OLF and was arrested. In January [2013], when I went to the prison to try and see my father, they arrested me also. I was taken to Harar prison and was kept there for about seven months. It was terrible. The guards kept telling me that they knew everything I had been doing and how I was linked with OLF. They interrogated me very roughly and tortured me repeatedly.”<sup>159</sup>*

In the majority of cases of family members arrested in lieu of a relative reported to Amnesty International, the detainees were not charged with any offence, brought before a judicial authority or provided with access to a lawyer. The duration of detention in these cases varied, usually between several days and several months. The longest detention of a family member held in place of a relative reported to Amnesty International was one year.

Exacerbating the levels of the human rights violation, in a significant proportion of these cases the family member originally wanted by the government was targeted for arrest based on the exercise of her or his human rights or other acts whose criminalization is contrary to international human rights law.

## PART II: ARBITRARY DETENTION, ENFORCED DISAPPEARANCE, EXTRA- JUDICIAL EXECUTIONS AND TORTURE

### ARBITRARY DETENTION

**“He said: ‘the first time we released you because you were adolescent. Now you are big. Your crime is big.’ I said: ‘no, the court decides if I’m innocent or guilty.’ He slapped me and said, ‘until we get what we want from you, you don’t have anything. We are tired of talking to you Oromo people.’”**

19-year-old man detained arbitrarily without charge twice in Maikelawi<sup>160</sup>

Ethiopian and international law require that no-one is subject to arbitrary detention. The detention of any person must be subject to review by a judicial or other authority whose status and tenure afford the strongest possible guarantees of competence, impartiality and independence and all arrested persons have the right to challenge the lawfulness of their detention before a court at the outset.<sup>161</sup> Arbitrary detention is prohibited in all circumstances, including during armed conflict and other emergencies. It occurs primarily in three situations: when an individual is deprived of their liberty without a clear basis in law; where persons are detained solely for the peaceful exercise of certain rights such as freedom of expression or association; or in cases of sufficiently serious violations of the right to fair trial. The Constitution states “no one shall be arrested or detained without being charged or convicted of a crime except in accordance with such procedures as are laid down by law.”<sup>162</sup>

Yet, thousands of people in Oromia arrested for actual or suspected dissenting behaviour are arbitrarily detained during the initial stages of their detention or, in some cases, for the

duration of their detention. Detainees have been held arbitrarily without charge for months and, in some cases, years. Some are tried and convicted in trials with enough fair trial concerns to render their subsequent imprisonment arbitrary. Amnesty International interviewed around 150 people who were targeted for actual or suspected dissent. Of those who were arrested on these bases, the majority said they were subjected to arbitrary detention without judicial review, charge or trial for some or all of the period of their detention. A significant proportion said they were never brought to court or charged with a crime for the duration of their detention. In fewer cases, though still reported by a notable number of interviewees, the detention was arbitrary – without judicial oversight, being brought before a court or having access to lawyers and family members – during an initial period that ranged from a number of weeks to a number of years, before the detainee was eventually brought before a court. In addition to individuals interviewed, Amnesty International has received information on large numbers of other cases, such as hundreds of people detained in relation to the 'Master Plan' protests, who were initially not brought before a court and were detained incommunicado.

As documented earlier in this report, the majority of the actual or suspected dissenters interviewed by Amnesty International were accused of supporting the OLF. But, in most of these cases, the individual was detained without charge or trial, meaning the accusation was neither substantiated nor proved. In many cases, the accusation is merely an informal allegation made during the course of interrogation. In a number of cases, the questions that former detainees reported they were asked in detention by their interrogators suggest that examples of their exercise of legal rights – such as cultural expression and participation in peaceful protests – are taken to indicate support for the OLF.

Actual or suspected dissenters arrested in Oromia told Amnesty International they were detained in police stations, local and regional prisons (at the Zone, Woreda and Kebele levels), federal prisons and the federal police detention centre Maikelawi in Addis Ababa. Arbitrary detention without charge and non-observance of due process was reported by interviewees to occur in all these places of detention. A number of people interviewed by Amnesty International, as well as people in several further cases about which Amnesty International received information from other sources, were transferred from different locations across Oromia to Maikelawi, apparently because their cases were accorded higher priority by the government. Maikelawi has been used for many years to detain high profile political detainees (hundreds of them prisoners of conscience), and is frequently the site of arbitrary detention without charge and incommunicado detention, torture and other ill-treatment, such as the use of underground cells and prolonged solitary confinement.<sup>163</sup>

In addition, a high proportion of Oromos interviewed by Amnesty International who were detained for actual or suspected dissent were held in unofficial places of detention – particularly in military camps around the region or, in a small number of cases, in private houses or buildings. Almost all people interviewed by Amnesty International who had been detained in military camps or other unofficial places of detention, said their detention was not subject to any form of judicial review.

The majority of former detainees interviewed by Amnesty International whose detention was not subject to judicial review also experienced denial of other rights of arrested persons in detention. A high proportion of people interviewed by Amnesty International were also held

incommunicado – denied access to legal representation and family members – for some or all of their period of detention. In many of these cases, the detention amounts to enforced disappearance, such as where lack of access to legal counsel and family members and lack of information on the detainee's fate or whereabouts place a detainee outside the protection of the law. In numerous cases, former detainees interviewed by Amnesty International also said their release from arbitrary detention was premised on their agreement to a set of arbitrary conditions unlawfully imposed by their captors rather than by any judicial procedure, many of which conditions entailed foregoing the exercise of other human rights, such as those to the freedoms of expression, association and movement.

Detention without judicial oversight, detention incommunicado – without communication with legal representatives and family members – and detention in un-gazetted places of detention all place detainees outside the protection of the law and, further, increase the risk of detainees being subject to other human rights violations – particularly torture or other ill-treatment, as documented later in this report.

Some people interviewed by Amnesty International had been detained on repeated occasions, based on the same suspicion – of holding dissenting opinions – and on a similarly arbitrary basis – with no recourse to judicial oversight.

In cases of actual or suspected Oromo dissenters that have gone to court, there have been numerous fair trial concerns.

## DETENTION WITHOUT CHARGE OR TRIAL

The Constitution states “everyone shall have the right to be brought before a court of law within 48 hours after his arrest” and every person has the inalienable right to petition the court to order their physical release where the arresting police officer or the law enforcer fails to bring them before a court within the prescribed time.<sup>164</sup> Any arrested person must be informed promptly of the charges against them<sup>165</sup> and, if charged, must be tried without undue delay.<sup>166</sup>

Yet hundreds of people are arbitrarily detained in Oromia, without charge or trial for indefinite periods. Amnesty International interviewed around 100 people who said they had not been charged or taken before a court for some or all of the period of their detention. Additionally, the organization received information on hundreds of cases of arrests, including of protestors and opposition members, where the individuals or group were subjected to arbitrary detention during the initial stages or throughout the duration of their detention. Some detainees have been held arbitrarily for a few weeks. In other cases, detention lasted for a number of years, with no form of judicial review, without charge or trial or access to a lawyer or a court. A number of people interviewed by Amnesty International said they had been arbitrarily detained on more than one occasion on the same allegation, but without at any point being charged with a crime.

One young girl who fled Ethiopia with her father told Amnesty International:

*“My father escaped from detention in 2012. He was detained for 11 years before he escaped. I didn't know where he was the whole time he*

*was arrested. When he escaped, he told me that in 11 years he was never charged and never had a trial.*"<sup>167</sup>

A young man subjected to arbitrary detention without charge on five separate occasions told Amnesty International about a conversation with his interrogators in Maikelawi:

*"I asked them, why don't you take me to the court? In the Constitution, it says you go to the court in 48 hours. But I'd been there nine days. They said 'we are the court, we are the judge, we are the prosecutor, we are the security, we are the police, we are the government. We are the ones who arrest you, kill you, we do what we want.' I stayed in Maikelawi for eight months, without one single time going to court."*<sup>168</sup>

A man arrested on suspicion of belonging to an opposition political party because he had not participated in mourning the late Prime Minister Meles Zenawi<sup>169</sup> said:

*"It was police who arrested me and I was initially held at the police station for one week then moved to prison in Shashemene. I was detained for eight months and 25 days. I was not taken to court at any point but I was interrogated on the support I was giving to the OPC."*<sup>170</sup>

A student arrested for participating in a peaceful protest and detained in a military camp told Amnesty International:

*"I was held there for about two months. I never went to court. There is no court there."*<sup>171</sup>

As these detentions are not subject to judicial review or a judicial decision on sentencing or release, the length of time individuals remain in detention is also arbitrary – apparently decided by the arresting entity – local or federal police, the military, intelligence agents and, in some cases, local officials:

*"There was no court in that Kebele, the decision of how long to keep you and when to release you is just made by the Kebele administration."*<sup>172</sup>

Former detainees who were subjected to arbitrary detention told Amnesty International they had no idea how long they would be detained and when they might be released. In some cases, release was secured by the detainee agreeing to certain demands or conditions imposed by their captors. In other cases, there does not appear to have been a reason for release at a certain time.

A young man detained for eight months in Adele military camp said:

*"I didn't ask about when I'd be released or if I'd be taken to court or if I could have a lawyer – there is no such opportunity there."*<sup>173</sup>

In some cases, after an initial period of arbitrary detention – without going before a judge, and without charge – detainees were taken to court and charged or ordered released by the court. Periods of detention before being taken to court reported to Amnesty International by

former detainees ranged from a number of weeks to a number of years:

*"After three months, we were accused, they opened a file on us in the court as if we were only arrested the day before. The three months already spent in prison were entirely forgotten."*<sup>174</sup>

*"The first time I was taken to court was sometime in 2011-12. By then, I had been detained for over six years. I do not know what was in the court papers - even after a case was brought against me, I did not have access to a lawyer, but, one day at the end of 2012, the authorities gave me a paper from the court and told me to go home."*<sup>175</sup>

As mentioned above, some cases of actual or suspected dissenters apparently considered more serious, were taken to Maikelawi in Addis Ababa. Former detainees in Maikelawi consistently reported they were detained without charge during the initial stages of detention, often coinciding with a period of solitary confinement, interrogation and torture and other ill-treatment. In some cases, after this initial period or arbitrary detention, the detainee was then charged. Some former detainees at Maikelawi said, just before being charged, they were moved to the comparably better area of the prison – jokingly named Sheraton by the detainees in reference to the improvements on the other parts of the prison – Taola bet (wooden house) and the worst – Chelama bet (dark house):

*"I was three months in Chelama bet in a small room alone, then I was moved to Sheraton for two days when we were taken to court and charged and then they moved me to Kaliti [a federal prison near Addis Ababa]."*<sup>176</sup>

However, as with the young man quoted earlier, who was detained for eight months without going to court or having access to a lawyer, some detainees stay for prolonged periods in Maikelawi without ever being charged or their detention being subject to any form of judicial review.

Testimonies of former detainees suggest there continue to be people in detention around Oromia who are long-term arbitrary detainees. A number of former detainees told Amnesty International they met other prisoners in detention who had been held without charge or trial for many years and remained in detention when the interviewee was released. A young man detained in Ambo detention centre on one of his multiple instances of arbitrary detention said:

*"There were many people who had been there for a long time and had not been taken to court and had no contact with their family. Some had been there for 15 years without any court or any sentence."*<sup>177</sup>

Another man who did not know which detention centre he had been held in said:

*"There were 18 people held with me, 17 were Oromo; one was Amhara. They were all like me – in for political reasons. Some said they had been held for many years without being brought to a court. Some of them couldn't walk or talk. I spoke with two of them: one had been*

*held there for 13 years and the other had been held there for nine years. They had been accused of working for the OLF. They had never gone to court.*"<sup>178</sup>

It was reported by many interviewees that they had been arrested for actual or suspected dissent on more than one occasion on the same allegation but each time had not been charged or had evidence produced against them. A man who had been an OPDO member told Amnesty International he was arrested for failing to adequately convince people to vote for the ruling political party in the 2010 elections and detained without charge for two years in Sebategna ('7<sup>th</sup>') and Zetenegna ('9<sup>th</sup>') military camps near Dire Dawa. He was released in 2012 but arrested again a few months later and spent five more months in arbitrary detention in one of the same camps.<sup>179</sup>

Several detainees told Amnesty International they did not know where they were held until they were released or, in some cases, until another prisoner informed them. This is also an indication of denial of other rights such as contact with a lawyer and family members, which would require the prisoner to have information on her/his own whereabouts:

*"Until I was mixed with the others, I didn't even know where I was. The other prisoners told me where we were."*<sup>180</sup>

Former detainees arbitrarily held and subjected to other violations in detention, repeatedly told Amnesty International they could not complain about their treatment or seek justice for what they had experienced. Interviewees either had no faith in the government to respond to their grievances or feared they would create further trouble for themselves or their families if they attempted to raise issues:

*"We have no chance to ask about what happened to my father and to me and my brother. We are afraid that if we complain they will take even more of our family to jail."*<sup>181</sup>

## ACCESS TO LEGAL REPRESENTATIVES AND FAMILY MEMBERS

Everyone charged with a criminal offence has the right to defend themselves, in person or through a lawyer.<sup>182</sup> In addition, prompt and regular access to a lawyer is an important safeguard against torture, other ill-treatment, coerced confessions and other abuses.<sup>183</sup> The UN Human Rights Committee has stated "all persons arrested must have immediate access to counsel."<sup>184</sup> Article 21 of the Constitution provides that all arrested persons have "the right to communicate with, and be visited by, spouse(s), close relatives and friends, medical attendants, religious and legal counsellors."<sup>185</sup>

Yet individuals in detention are frequently held incommunicado, with no contact with the outside world and denied access to legal counsel and family members for the entire duration of their detention.

The majority of former detainees interviewed by Amnesty International did not have access to a lawyer at any point during their detention. Even in cases where people were charged or went to court, several people told Amnesty International they had no contact with a lawyer:

*"No-one visited us in the military camp, no lawyer, we suffered a lot."*<sup>186</sup>

*"When I was arrested, my wife and family had no idea where I was. Even after a case was brought against me, I did not have access to a lawyer."*<sup>187</sup>

Families are not routinely informed of the arrest of individuals. Numerous former detainees told Amnesty International their families did not know their whereabouts for the duration of their detention – whether for weeks or years. Family members of detainees said they did not know where the arrested persons were or what had happened to them:

*"I never saw my husband while he was arrested. For four years and six months, I didn't know where he was. After four years and six months, I heard that he had been transferred to Karchele in Chiro, so I went to visit him there and saw him for the first time. I heard from the neighbours because they also had someone detained in Karchele."*<sup>188</sup>

*"I was never able to meet any person throughout my detention period or before a judge. My family also had no idea that I was in Boku [military camp]."*<sup>189</sup>

In some cases, families asked local authorities or detention centres to confirm the whereabouts of their arrested relatives but were refused any information:

*"My mum, dad and I were all arrested but they separated us. When they released me after five months, my dad was not at home, only my mum was released. She didn't know where my dad was. We tried to ask the police officers. They said they were not in charge of his case, they said it was the government security agents so they wouldn't tell us anything."*<sup>190</sup>

However, it was also reported to Amnesty International that some families were too afraid to ask the whereabouts of arrested relatives for fear of their families getting into further trouble or being arrested themselves. Relatives of detainees have been arrested and detained themselves when asking questions about their family members. A young man told Amnesty International he and his sister had been arrested and detained for a month and a half when they went to the police station to ask about the fate of their father, who had disappeared:<sup>191</sup>

*"My father was initially detained where we lived in Dodola Woreda. Then he was moved to an unknown place and we never heard where he was after that. We did not attempt to find out where he was because we feared the government would suspect us for asking."*<sup>192</sup>

In some cases, people get to hear where their family members are because someone who was detained with them is released and passes on information about their detention and whereabouts to their family:

*"Although my family knew I was detained, they did not know where I was until one prisoner was released and told them about my presence"*

*in that centre. The military did not tell my family anything. I was not allowed to meet anyone from outside.*"<sup>193</sup>

In several cases, former detainees said their families did know where they were, but were not permitted to visit them in detention:

*"My family knew where I was but they were not allowed to come and visit me."*<sup>194</sup>

## ENFORCED DISAPPEARANCE

The International Convention for the Protection of All Persons from Enforced Disappearance defines enforced disappearance as "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."<sup>195</sup> Ethiopia has not ratified the Convention. However, enforced disappearances may also violate a number of other human rights, including the right to be free from torture or other ill-treatment, the right to recognition as a person before the law, the right to liberty and security of the person and the right to life, which are protected by other treaties to which Ethiopia is a party and by customary international law, binding on all states.<sup>196</sup>

Of the former detainees interviewed by Amnesty International, a large proportion of the cases amounted to enforced disappearance – the government refused to confirm the arrests, concealed the whereabouts or fate of the disappeared person and the detainee was not brought before a judicial authority to review the lawfulness of the detention and was held incommunicado without access to the outside world. All of these conditions place the detainee outside the protection of the law. All the cases cited above, in which the detainee was subjected to these conditions, amount to enforced disappearance. Many people reported to Amnesty International that, after their family members had been arrested, they had never heard from them again. The family continued to be ignorant of their fate and did not know whether they were alive or dead. Amnesty International has also received reports from other sources of individuals and groups who have disappeared after arrest in Oromia since 2011.

As well as cases amounting to enforced disappearance that were reported to Amnesty International to have occurred in Oromia since 2011, many longer-term cases of enforced disappearance were also reported by interviewees – in which family members had been arrested years ago and not been heard of since. In these cases, the families had never received information about the fate of the persons or justice for what happened to them. It is possible that, in some of these cases, an individual may have been released from incommunicado detention and immediately fled the country without contacting their families. A number of interviewees told Amnesty International they did this themselves, due to the immediacy of their need to flee after release, the difficulties of contacting their families, and the risk involved for both sides due to the high levels of surveillance of communications. However, the high number of people interviewed by Amnesty International who reported the long-term arbitrary, incommunicado detention of themselves or of fellow detainees, or reported cases of the deaths in custody of fellow detainees (as documented later in this report), suggest some of the disappeared persons reported to Amnesty either continue to be

arbitrarily detained or may have died in detention.

## **SOME CASES OF ENFORCED DISAPPEARANCE OF ACTUAL OR SUSPECTED DISSENTERS OVER THE YEARS OF THE EPRDF'S RULE REPORTED TO AMNESTY INTERNATIONAL**

**Many families in Oromia carry the scars of the loss of relatives through enforced disappearances.**

"There was another election in 2010. My father was again a supporter of OPC. But he wasn't involved actively in party activity, he was just a supporter. In fact, he was sick because of the experience he'd had in the first detention. He was receiving treatment for that when he was arrested again. For the second time, he was accused of supporting the opposition party, he was arrested and, since then, nobody knows his whereabouts. My mother went and asked the officer but nobody answered where he is."<sup>197</sup>

"My father was arrested five years ago by the police, in 2009. He was a farmer and they accused him of being a member of OLF. We still don't know where he is since he was arrested."<sup>198</sup>

"My younger brother was arrested in 2010 and for five months he disappeared. We asked in the prisons, we couldn't find him. After five months, they brought him back and left him outside the door. His body was almost worms – it was decaying. They brought him back for us to bury him."<sup>199</sup>

"My father was arrested for being an OLF supporter. Then they came for my mum and me and my two sisters. We were taken to a military camp. They separated us from our parents. In the morning, my mother and father were gone. I never saw them again. I don't know whether they're dead or alive, even now."<sup>200</sup>

"When I was about three years old, my mum was arrested and we've never seen her since that time."<sup>201</sup>

"My brother was arrested because they said he supported the OLF and it is now about seven years since we have no idea where he is. We have never had any information of him after that."<sup>202</sup>

"At the time of the 2004 protests,<sup>203</sup> one of my brothers was arrested and then disappeared. I don't know what he was accused of. Since that time, I haven't heard any news about him. My parents don't know where he is."<sup>204</sup>

"In 2007, my brother was kidnapped by the government security forces. They accused him of supporting the OLF. We have not heard about him since that time. No one knows where he was taken and whether he is alive or dead."<sup>205</sup>

"The authorities wanted to arrest my brother. He was not at home when they came to search for him. So the government soldiers surrounded the house and they took away my mother. I don't know where she was taken and I have not seen her since that time."<sup>206</sup>

"I don't know where my friend is now. His family have searched all over the prisons and they never found him. They tried in many ways, even to approach the police, and they wrote a letter to the concerned offices but they never got any information."<sup>207</sup>

"My wife's parents were arrested but we never knew what happened to them. We don't know if they were killed or not."<sup>208</sup>

## UNOFFICIAL PLACES OF DETENTION

International law and standards explicitly prohibit detention in unofficial places of detention and provide that people must be detained in officially recognized and supervised places of deprivation of liberty.<sup>209</sup> The UN Human Rights Committee has stated “provisions should be made for detainees to be held in places officially recognized as places of detention and for their names and places of detention, as well as for the names of persons responsible for their detention, to be kept in registers readily available and accessible to those concerned, including relatives and friends.”<sup>210</sup>

Hundreds of Oromos who are detained for actual or suspected dissent are held in unofficial places of detention, most frequently in military camps throughout the region. Over 40 of the people arrested for actual or suspected dissenting behaviour interviewed by Amnesty International reported they had been detained in one or more military camps. Arrests and detention in military camps comprised both individual and group arrests. In some cases, people interviewed reported being detained with large numbers of other people, for example one man said that he and around 500 other people were taken to a military camp after being arrested during a demonstration. Additionally, Amnesty International has also received information of other cases in which large numbers of people have been detained in military camps and one police training camp after group arrests, such as the hundreds of people who were reportedly taken to Senkele police training camp, after the 2014 ‘Master Plan’ protests. In a much smaller number of cases, former detainees told Amnesty International they were detained in other unofficial places of detention – in private houses, offices and other buildings.

The military are responsible for making many of the arrests of actual or suspected dissenters in Oromia, according to testimonies and eye-witness accounts received by Amnesty International, as documented in Part I of this report. However, it was also reported in a number of cases that people arrested by the police or by plainclothed officers who may have been police or intelligence operatives were also taken to military camps or transferred to a military camp after initially being detained in a police station or local detention centre. Some people who had been detained in military camps also told Amnesty International the people who interrogated them in detention were wearing civilian clothing and were believed by the interviewees not to be members of the military, but from other branches of the security services. Testimonies of former detainees suggest the involvement of different branches of the security services in the system of arbitrary detention in unofficial places of detention in Oromia, and a degree of cooperation and coordination between intelligence services and the soldiers responsible for detentions in military camps.

Over 25 military camps (some operational and some apparently training camps) and at least one police training camp around the region were named by former detainees as their places of detention. Some of these are large and long-established camps such Misrak Iz in Harar, Dedessa in Ilubabor Zone and Senkele (a police training camp) near Ambo.<sup>211</sup> Some appeared from the description of detainees to be smaller camps and, in some cases, possibly temporary camps.

Locations of military camps named by interviewees as places of detention since 2011 included: Adama Woreda Kebele 07, Adama Woreda Kebele 19, Adele in east Hararghe, Arsi

Negele Woreda, Ayra Woreda, Badano Woreda, Boku, Dembi Dollo in west Wallega Zone, Didessa Woreda in Illubabor Zone, Dodola Woreda, Gatiro, Galemso, Guji Zone, Hiddi Lola in Borana Zone, Holota near Addis Ababa, Malka Wakena in Dodola Woreda, Mieso in Chiro Woreda, Mega in Borana Zone, Misrak Iz near Harar, Sebategna ('7th') near Dire Dawa, Shashemene, Sinja in Goba Woreda, Zetenegna ('9th') near Dire Dawa.<sup>212</sup> In most cases the 'name' of the camp given was the name of the Kebele, Woreda or city where the camp was located. It is possible some camps have different titles. Further, some people said, for example, Malka Wakena in Dodola Woreda, and someone else said Dodola – these may or may not be the same place. It is possible there is some inaccuracy about the locations of camps given, based on the lack of information provided to detainees about their locations. Some interviewees did not find out where they were detained until after they were released.

The above list is in no way intended to be comprehensive. Due to the lack of transparency over detention practices, the lack of publically available official information and the proliferation of small and large military bases in Oromia, it is not possible to compile comprehensive information on military camps used as places of detention in Oromia.

Military camps in Oromia are under the command of the federal Ministry of Defence. Official information is not available on the location of military camps in Oromia or the size of the military presence. However, the testimonies of a large number of the Oromos interviewed by Amnesty International suggest there is a significant military presence throughout the region. A former member of the armed forces told Amnesty International that in every Zone in the region there is a large military base, in addition to a wider presence of smaller bases.<sup>213</sup>

Some former detainees described being detained in large camps and estimated there may have been hundreds of other detainees. Some said they were in small camps and did not know if there were other detainees. In other cases of interviewees who had been detained in a military camp, they said they did not know how big it was or if there were other detainees because they were not permitted to leave their cell at any point:

*"I don't know if there were other prisoners because we were never allowed outside the room to see other parts of the camp."*<sup>214</sup>

Detention in unofficial places of detention puts detainees at high risk of being beyond the protection of the law and judicial procedures. It also puts detainees at high risk of torture and ill-treatment. All former detainees in military camps in Oromia interviewed by Amnesty International experienced some violations of the rights and protections of due process and a high proportion of all interviewees who had been detained in a military camp reported torture, including rape, and other ill-treatment.<sup>215</sup>

In almost all cases of detention in military camps reported to Amnesty International, the detainees were not charged or taken to a court for the duration of their detention which, in some cases, lasted for many years. A young man detained for eight months in Adele military camp told Amnesty International:

*"Nobody was taken to court at any point. Even the court doesn't know that people are detained in that military camp."*<sup>216</sup>

Another man detained twice in a military camp in Dembi Dollo said:

*"There is no lawyer in that camp. Nobody is allowed to come to that camp. No visitors. Nobody I was with was charged with a crime."*<sup>217</sup>

A man detained for one year in a military camp in Badano said:

*"I never went to court or to see a judge. There was no kind of court in the military camp."*<sup>218</sup>

In the majority of cases of detention in military camps reported to Amnesty International, the detainees were also held incommunicado – with no access to lawyers or to their families for the duration of their detention. Families were not informed of their whereabouts and those families who discovered the whereabouts of their detained relatives were not permitted to see them:

*"Our families were not informed about our arrests by the military. They got to know from some of my friends who were there when I got arrested. They tried to look for me but it was not easy as the military camps do not allow people to come there. I never saw anybody from outside and never saw a judge."*<sup>219</sup>

*"During the three months in that camp, none of our family members were allowed to visit us, they did not even know where we were. My family were looking for me everywhere but they couldn't find me and no-one told them where I was."*<sup>220</sup>

In a handful of cases, former detainees reported detention in other unofficial places of detention – in what the detainees believed were private houses or offices. In these cases, the individuals were held in houses or offices for a short amount of time – several days or up to a week – before being moved to an official detention centre. In one case reported to Amnesty International, a youth leader of the OPC was arbitrarily detained for three weeks in a place he believed was a house or an office, before being released.<sup>221</sup>

A former OPC member who was kidnapped and forcibly returned to Ethiopia from Somaliland in 2012 told Amnesty International he was initially taken to Dire Dawa, to what he thought were offices of the security forces:

*"I was in security area 'Number 1.' It looks like offices. It is a hundred metres square compound with five rooms on one side. There is also another building in the centre which I did not enter, I think that was the residence for the security agents. All those who lived there wore civilian clothes. They locked me in a small room. There was blood on the walls, on the floor. They said 'you see the blood of your friends here, you will die in the same way if you not accept our conditions' [to work with them]. I stayed for a week in Number 1 and, then they transferred me to Addis Ababa."*<sup>222</sup>

A student subjected to repeated incidents of arbitrary arrest because he was suspected of being anti-government, was held in one of these locations during one of his terms of detention. He told Amnesty International:

*"They tied my arms behind me and left me in the office with two security guards. I asked them where I was. They said it was the security agents' office, by the immigration offices. I knew that place - it's on the road to Hawassa referral hospital. I stayed there one week. They beat me terribly and didn't give me any food. Finally, they put me in a car and took me. And I saw a sign so I knew I was in Maikelawi again."*<sup>223</sup>

Another man believed he had been detained in a private house:

*"They came to my home around 2 am. They were wearing civilian clothes, not uniforms. They said I'd return home soon. I don't know where I was brought. They put a sack over my head. But it was a personal house, not a police station. I saw a lot of rope and blood on the floor. They were yelling and they started to beat me. After three days, they put a sack over my head and brought me to a jail, I don't know which one."*<sup>224</sup>

## CONDITIONAL RELEASE

Numerous former detainees interviewed by Amnesty International said their release from arbitrary detention was subject to a set of arbitrary conditions unlawfully imposed by their captors rather than by a judicial procedure, and many of which conditions entailed foregoing the exercise of other human rights, such as those to the freedoms of expression, association and movement. Such coercive restrictions on human rights are contrary to human rights law and any subsequent detention on the basis of such restrictions is arbitrary.

The number of former detainees who reported this suggests it is a regular practice that when actual or suspected dissenters are released from arbitrary detention they are forced to sign to conditions. Over 40 of the people arrested based on their actual or imputed political opinion interviewed by Amnesty International reported that, upon release from detention, they were given a set of conditions they were forced to sign to, failure to uphold which, they were told, could lead to re-arrest or worse. These conditions of release were imposed despite the fact that, in almost all of these cases, the detainee had not been charged or tried, brought before a court or accessed a lawyer. In some cases, detainees secured their own release by agreeing and signing to certain conditions demanded of them during interrogation and torture.

Local and federal police and the military were all reported to have been responsible for imposing conditions upon the release from detention of actual or suspected dissenters. Sometimes conditions were imposed in conjunction with local officials or intelligence agents. In no cases reported to Amnesty International were these conditions imposed by a judicial authority.

Further, many of these detentions were based on accusations about activities that had to do with the exercise of the rights to the freedoms of opinion, expression or association and whose criminalization is inconsistent with international human rights law. Therefore, the imposition of conditions on release from arbitrary detention for arrest on an arbitrary basis, represents multiple human rights violations.

In addition to this, the majority of the conditions imposed upon release reported to Amnesty International and the conditions some detainees agreed to secure their release, involved unlawful infringements on human rights, including unlawful restrictions on the freedoms of expression, association and movement.<sup>225</sup> For example, the conditions imposed on release from arbitrary detention most frequently reported by interviewees included not participating in demonstrations or other gatherings, political meetings or student activities. Some people were ordered not to meet with more than two or three individuals at one time, and some were ordered not to have any contact with certain people, including spouses or family members wanted by the authorities for alleged dissenting behaviour. All of these conditions violate the rights to freedom of expression and association. Many people had to sign a condition not to leave the area they lived in without seeking permission from local authorities, in violation of the right to freedom of movement.<sup>226</sup> As documented earlier, a number of students told Amnesty International they were not permitted to return to their studies for certain periods:

*"When we were released, we were given conditions not to participate or be involved in any public gathering and not to discuss with more than two people at any one time or make any kind of discussion. Also not to leave the town and go to any other place without the permission of the government."*<sup>227</sup>

Some people were required to report at regular intervals to the local (Kebele or Woreda) officials or police station. A woman accused of providing medicine to the OLF from her clinic said:

*"I was released on a warning to report three times a week to the nearest Kebele. They told me I couldn't run the clinic any more, I was not allowed to move from place to place without permission from local officials. And they made me promise to be their member."*<sup>228</sup>

A man who had gone to the police to report alleged OLF theft of his cattle, but was then arrested himself for having contact with the OLF, told Amnesty International:

*"I was given the conditions that I had to report to the militia office three times a day (morning, afternoon and night), not take part in gatherings or leave the area. I was also told not to talk about my detention."*<sup>229</sup>

The imposition of conditions was reported to be often accompanied by either the threat of re-arrest or the threat of death for failure to fulfil them. A student who had many of the regularly-reported conditions imposed on his release from Maikelawi told Amnesty International:

*"There were many conditions: 1) to stay only in Hawassa, never go to any other place without informing them; 2) every Friday I had to report to them about the other students – what they are talking about, who is a member [of the ruling political party], who is not a member; 3) my email and Facebook are open for them – I am not allowed to change my passwords so they can continue to access them; 4) if I don't fulfil these conditions, they will kill me."*<sup>230</sup>

While the conditions documented above were imposed upon release, some people were compelled (often under torture or threat of torture) to agree to certain conditions to secure their release. These included joining or cooperating with the ruling political party, including by informing on others or testifying against one or more individuals in a trial:

*"One top security agent came to the detention. He said if you agree to witness you can be released. If not, you will not be released."*<sup>231</sup>

*"They wanted me to join them as an agent and give information about other students. I was 24 years old. They told me I would spend another 24 years in jail if I refused to work with them. It was only when I agreed to work with them that they released me."*<sup>232</sup>

Some people were released on the condition that they had to produce a certain thing, such as evidence to incriminate others or a certain person wanted by the authorities, within a given time period or they would be re-arrested. A student arrested for failing to convince other students to join the OPDO said he was given one month to convert a number of students to join and to bring proof of their membership.<sup>233</sup> A man arrested for participation in a farmers' demonstration said upon release he was given two months to provide the names and information of people who mobilised the demonstration.<sup>234</sup> Another young man was given two days to bring documents relating to his father's membership of the OPC, including his membership card and proof of donations he had made to the party.<sup>235</sup>

Another condition of release repeated by several former detainees was that, if unrest or political activity happened in that area, such as demonstrations, expressions of local grievances or OLF activity, the individual in question would be held responsible:

*"After six months, they released me from the military camp after forcing me to sign to very strict conditions – including that if there was any trouble in the village, they would hold me responsible."*<sup>236</sup>

For some people, this was not a condition but a direct threat:

*"The soldiers said that if something happened, the first one to be shot in the head would be me."*<sup>237</sup>

For a number of people interviewed by Amnesty International, it was the difficulty of complying with these conditions and the restricting impact they had on their lives, including on their ability to exercise their rights to the freedoms of association and movement or fear of the consequences if they failed to comply, intentionally or unintentionally, that caused them to flee:

*"I was ordered not to move from where I was living and to give the names and information of the people who mobilised the demonstration. I knew I could not fulfil these conditions and I decided to leave in order to save my life."*<sup>238</sup>

Several former detainees forced to sign to accept responsibility for any incidents that happened in their area, said they fled the country when such an incident occurred because they feared it would lead to their re-arrest, even where they had had no involvement with the

incident. A man arbitrarily detained for three years on the allegation of passing information to the OLF said:

*"I was given various conditions on my release, including to inform them of any rebel movement. After my release, there was a clash between government soldiers and OLF. I was scared that I would be taken again so I fled."*<sup>239</sup>

## UNFAIR TRIAL

Under Ethiopian and international law everyone charged with a criminal offence is entitled to a fair trial, guaranteed through the observance of a number of rights enumerated in the Constitution, the ACHPR, the International Covenant on Civil and Political Rights (ICCPR) and other international law and standards. The Constitution guarantees everyone the rights *inter alia* to be tried in a public hearing without undue delay, to be presumed innocent until proved guilty by a court of law and to defend themselves through legal assistance.<sup>240</sup> The Constitution also guarantees detainees the right not to be forced to make any confessions or admissions of any evidence that may be brought against them during trial and states no evidence obtained in such a manner shall be legally admissible.<sup>241</sup> The UN Human Rights Committee has stated that "the presumption of innocence, which is fundamental to the protection of human rights, imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt."<sup>242</sup>

The violations of due process in the pre-trial stages, documented above, often negatively impact on individuals' right to receive a fair trial. In addition, the testimonies of people interviewed by Amnesty International, as well as information received from a number of other sources and legal documents seen by the organization, indicate a number of fair trial rights are regularly violated in cases of actual or suspected dissenters that do go to court, including the rights to a public hearing, to not be compelled to incriminate oneself, to be tried without undue delay and the right to presumption of innocence.

The significant majority of actual or suspected Oromo dissenters interviewed by Amnesty International, and in other cases documented by the organization, were accused of supporting the OLF. As documented above, although this accusation was levelled against the majority of those interviewees who were detained, in a high proportion of those cases, the accusation did not translate into a criminal charge and the individual was detained arbitrarily without charge throughout their detention. However, some actual or suspected dissenters are charged – in many cases after initial periods of arbitrary detention in which they are denied due process rights, including being promptly brought before a court and given access to legal representatives and family members. Individuals charged on this basis are usually charged under the group of charges in the Criminal Code entitled 'Crimes against the Constitutional Order and the Internal Security of the State.'<sup>243</sup> This group of charges has been used countless times in the past against actual or suspected dissenters. Although the OLF was proscribed as a terrorist organization by parliament in June 2011, it appears – based on the cases known to Amnesty International – to remain uncommon for alleged OLF supporters to be charged under the Anti-Terrorism Proclamation, though it is being used with increasing frequency against other alleged dissenters, including independent journalists and members

of other opposition political parties.<sup>244</sup>

All of the actual or suspected dissenters interviewed by Amnesty International who were charged with a crime when arrested, were charged based on alleged membership of or connections to the OLF.

In a handful of the cases that were brought to court, people told Amnesty International they were not represented by a lawyer for some or all of their trial hearings. It is a regular practice for large groups of Oromos to be charged together. Oromos who were charged and tried in a group of people have often reported they had never met some or all of the people they were tried alongside before they were charged together and went to court, although in these cases the defendants are alleged to have perpetrated crimes as a group.

As documented above, detainees may be subject to prolonged periods of pre-trial detention before proceedings commence. Defendants also reported trials lasting for long periods, up to several years in some cases, which may violate the right to be tried within a reasonable timeframe. This can affect the defendants' right to receive a fair trial in other ways. For example, in the case of two large groups of OPC and OFDM members – one group of 69 defendants and one group of 20 defendants – who were arrested and charged with OLF-related charges in 2011, as documented earlier in this report, the trials did not conclude until early 2014.

Amnesty International received consistent reports from several cases of actual or suspected dissenters that significant parts (and sometimes the entirety) of the evidence presented by the prosecution consisted of confessions allegedly extracted under duress and the statements of a small number of witnesses, sometimes only one. Numerous former detainees interviewed by Amnesty International said that during interrogation and torture, they were repeatedly compelled to 'confess' their alleged crimes, to sign confessions and sometimes other incriminating documents.<sup>245</sup> Some former detainees reported that during interrogation, sometimes under torture, they were forced to reveal their email passwords. The contents of individuals' email accounts have been cited as evidence against them during trial.<sup>246</sup>

Amnesty International is aware of cases where confessions and other information elicited by torture have been admitted as evidence in trials of suspected dissenters. In the case of 69 members of the OFDM and OPC opposition political parties documented above, of 48 pieces of documentary evidence cited in support of the charge of 'Provocation and Preparation' for Crimes against the Constitution or the state, 38 items were written confessions from defendants made in Maikelawi. A large proportion of these confessions were reportedly extracted under duress. The remaining pieces of documentary evidence cited by the prosecution included poems, tracts and papers written by defendants, including one called 'What can we learn from the Egyptian civil disobedience?' and another called 'Oromo is a struggle against slavery.'

Amnesty International has received repeated information from different cases of the use of coerced, false witnesses in trials against actual or suspected dissenters. A number of people told Amnesty International they were compelled to testify against someone else to secure their own release from detention or that the purpose of their own arrest was to force them to testify against someone else:

*"The officer, Mesay, took me out from the interrogation room and showed me some people and asked me if I knew them. I said I did know some of them, they were my neighbours and classmates. He said, 'The reason you are arrested is that those people are seven OLF militia members and you have to be a witness against them. If you don't, you are already reported as dead and I'm going to actualise that into reality.' I was scared they would kill me so I agreed to become a witness."*<sup>247</sup>

A former OPDO member who fled the country when he himself fell under suspicion told Amnesty International that intelligence officers would identify the 'politically disobedient' for the police, provide a list of individuals and order the police to "incriminate them, bring them to court and organise witnesses."<sup>248</sup>

In a number of cases, former defendants in trials told Amnesty International the only witnesses against them were the security officers who arrested them. The involvement of the security services in human rights violations against actual and suspected dissenters makes the validity of those testimonies a point of concern, particularly where no other evidence was presented against the defendants:

*"One policeman witnessed against me. He was the only witness."*<sup>249</sup>

*"I was taken to court only once, after a month of detention. The court said I had to choose fine or imprisonment. I did not have a lawyer and the three police who arrested me were the only witnesses against me. Their accusation was completely false."*<sup>250</sup>

Major concerns have also been reported in a number of cases over the evidence accepted by the court. Two reliable sources present at trials told Amnesty International of incidents in which alleged witnesses were not able to identify in court the persons they were testifying against. Amnesty International also received information of instances where the prosecution failed to prove the witnesses knew the defendant, when the defendant denied any acquaintance. A number of sources, including a legal professional, told Amnesty International that, in the trial of Bekele Gerba and Olbana Lelisa, one witness was proven to have perjured himself in court yet his evidence was nevertheless deemed admissible by the court.<sup>251</sup>

In conjunction with these reports, several people told Amnesty International that, while they were detained themselves, they were compelled to agree to provide – false – testimony against others, under the threat of continued detention or torture or the promise of release for those who complied:

*"Junedin Sado's<sup>252</sup> wife was detained and three security officers came to my school to get witnesses against her. I was a youth leader of my class. They collected three youth leaders and told us that we should witness against her, say she was teaching children in the school about religious issues. I refused to witness on her, so they left, but they returned the following day, and took me from the school to detention. I was 17 at this point."*<sup>253</sup>

Amnesty International interviewed a handful of former government employees and ruling political party members who told how they were expected as part of their work to testify against people suspected of involvement with the OLF. A former member of a Kebele militia told Amnesty International how he and his fellow militia members received training in identifying OLF supporters and:

*"Then they told us that if someone was suspected as OLF we were all expected to witness against them."*<sup>254</sup>

# EXTRA-JUDICIAL EXECUTIONS

**“I know the military could kill me because they killed my husband and my mother. They can do whatever they like. There are no limits.”**

38-year-old woman<sup>255</sup>

Extra-judicial executions – unlawful and deliberate killings carried out by order of a government or with its complicity or acquiescence – violate the right to life protected in international law<sup>256</sup> and international standards on the use of force by security services.<sup>257</sup>

Dozens of extra-judicial executions have been reported in Oromia between 2011 and 2014, including of peaceful protestors, students, suspected OLF supporters, other suspected dissenters and family members of suspects. Victims have been killed in custody, in their homes, in the course of military operations and during peaceful demonstrations. Children have been among the victims of extra-judicial executions. These killings continue to take place in an environment of impunity for perpetrators.

Amnesty International received information on cases or possible cases of extra-judicial execution that took place between 2011 and 2014 from family members of victims, eye-witnesses and from other sources. Over 40 people interviewed by Amnesty International reported a case of extra-judicial execution. Some of these cases took place since 2011, but many interviewees also reported older cases, including a number of people reporting the extra-judicial execution of one or both parents when they were young.

As documented earlier, there have been a number of allegations of the police and military using unnecessary force against peaceful protestors in Oromia in recent years. These incidents have taken place in response to the 2014 ‘Master Plan’ protests, the 2012-13 Muslim protest movement and during individual protests around the region. There have also been allegations of the use of excessive force in incidents where violence has flared between protestors and security services.

The killing of peaceful protestors – where the response of the law enforcement officials<sup>258</sup> is disproportionate to any threat posed and the use of lethal force was unnecessary – falls into the category of extra-judicial executions. The killing of protestors during several demonstrations since 2011 amount to extra-judicial executions.

As documented earlier in this report, in a number of incidents during the 2014 ‘Master Plan’ protests, the security services were reported by victims and eye-witnesses to have used

unnecessary force against unarmed protestors. A woman who witnessed one of the protests in Guder town told Amnesty International:

*"On the third day of protests, the military came to the street and were waiting for them. When the kids came to protest again, the military just started to shoot at them."*<sup>259</sup>

A man at an incident of reported unnecessary use of force in 2013, relating to the Muslim protest movement, told Amnesty International:

*"With no warning, the military just started shooting. They didn't even shoot towards the sky, they shot at the people who were running away."*<sup>260</sup>

A number of people were reported to have died in the incident, including a child under two years old who died on the back of her mother. The mother also died. Another man told Amnesty International he went to collect the body of his 14-year-old brother, who had been killed in the local mosque. According to his brother, the boy had seven bullet wounds in his chest.<sup>261</sup>

Another man told Amnesty International of an incident in the context of a local protest:

*"We were marching to the office of the governor of the province in Ayra and the police opened fire on the protestors. One student was killed, many people were injured. I was shot in the leg. The protest dispersed."*<sup>262</sup>

In some cases, it was suggested that, during the shooting of protestors in peaceful demonstrations, specific people were intentionally targeted by those doing the shooting.

The OFC reported that in early March 2014, a former member of an Oromo opposition political party, Seifu Oda, who had fled the country after the 2005 elections due to the harassment he experienced, but had recently returned to his home in Ginmir town in Bale, was taken from his home by the police and shot in the mouth. According to the OFC, the following day an OFC supporter, Abdi Bilya, was shot dead by security services while leading a demonstration to protest against the killing. An OFC official told Amnesty International:

*"They specifically aimed at him and shot him."*<sup>263</sup>

Another man who witnessed the police using unnecessary force against protestors at an incident in 2012 also reported intentional targeting by the security services:

*"The students were demonstrating because another student had been shot by government soldiers as he was going home from school. The military started arresting and shooting the protestors. One of the students I was arrested with before was shot because they said he organised the demonstration."*<sup>264</sup>

Extra-judicial executions are also reported to take place in detention. A number of former detainees reported to Amnesty International that one of their fellow-detainees had been killed

by the security services while they were in detention. A young man detained in an unofficial detention centre in Nekemte in 2012 told Amnesty International:

*"There was another prisoner called Fekede from eastern Wallega, they shot him in front of me."*<sup>265</sup>

Further, some deaths in detention or shortly after release from detention have resulted from torture or poor conditions of detention, sometimes in conjunction with the denial of medical treatment. Where intentional and deliberate, some of these deaths may amount to extra-judicial executions.<sup>266</sup> Several people told Amnesty International that their family had been informed of the death of a relative in detention, but were not informed of the cause of death.

A number of incidents were reported to Amnesty International by interviewees where unnecessary or excessive force during an arrest or attempted arrest by the police or the military resulted in the death of the suspect or the death of a family member of the suspect:

*"My mother cried and pled with them. She said you can't take my son; please take me instead. She threw a cup of tea at one of the security people. Our community had gathered and was protesting my arrest. One of the soldiers shot his gun and my mother was killed. She was 50 years old."*<sup>267</sup>

The 'Students' section of this report cites the case of a young man who had been arrested along with his brother and two other students because they refused to join the ruling political party in their college and allegedly incited others to do the same. He told Amnesty International that, in late October 2012, after 49 days in the prison in Arsi Negele, he, his brother and one other student attempted to escape. While trying to escape, his brother was shot dead.<sup>268</sup>

In another incident reported to Amnesty International, at the end of November 2011 in Tikur Inchini Woreda in west Shewa, soldiers came to arrest members of an Oromo student society who had petitioned the local authorities for some land to use for their activities:

*"Two days after we submitted the request to the Woreda administrator, the military came and surrounded our house. They arrested my brother and another of our members and they killed another member, Feyisa, who was running away. He was one of the committee and a member of our church. They shot him."*<sup>269</sup>

In many of the cases reported to Amnesty International, the victim of shooting was wanted for arrest based on the actual or suspected possession of dissenting opinions or was a family member of a person wanted on that basis. The victim could not therefore be considered to constitute a risk in the sense of perpetrating a dangerous crime or posing a threat to others, which would justify the use of lethal force.<sup>270</sup> Shootings in these circumstances therefore constitute unnecessary use of lethal force by the police or military and amount to extra-judicial executions.

Many people interviewed by Amnesty International expressed a belief that the security services act with impunity – they are 'free' to kill or detain people without charge and the

victims and their families have no recourse to justice or assistance. One woman said:

*"I knew they could kill me. Killing is very easy for the government. I saw them kill people. When there was a protest, the police shot protestors."*<sup>271</sup>

In all cases of extra-judicial executions reported to Amnesty International, the family member or friend reporting said no investigation took place and that it was not possible to ask for an investigation or even any information on what happened to their relatives.

The lack of investigation into incidents of unnecessary force against peaceful protestors, unnecessary and excessive use of force during arrests, deaths of suspects in custody and other fatalities at the hands of the government, demonstrates impunity and the acquiescence of the government in the killing of actual or suspected dissenters.

# TORTURE AND OTHER ILL-TREATMENT

**“Under torture I signed the paper. They just showed me where to sign. I didn’t even know the content. You confess anything under torture.”**

Oromo singer detained arbitrarily without charge in Maikelawi for 11 months<sup>272</sup>

The Constitution prohibits the use of cruel, inhuman or degrading treatment or punishment.<sup>273</sup> Torture is also absolutely prohibited under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the ACHPR and the ICCPR, to which Ethiopia is a party, as well as under customary international law.<sup>274</sup>

The definition of torture in Article 1 of the CAT includes both physical and mental suffering, stating “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind.”<sup>275</sup>

The Constitution also states “persons arrested shall not be compelled to make confessions or admissions which could be used in evidence against them. Any evidence obtained under coercion shall not be admissible.”<sup>276</sup>

However, torture takes place in federal and regional detention centres and prisons, police stations, including Maikelawi, military camps and other unofficial places of detention. Amnesty International received repeated, consistent reports of treatment of detainees amounting to torture and other cruel, inhuman or degrading treatment. Torture and other forms of ill-treatment are reported to be used for the purposes of interrogation, coercion and punishment.

Amnesty International interviewed over 75 people who had been subjected to torture, in most cases repeatedly, while in detention or had been subjected to treatment that amounts to torture or ill-treatment in and around their homes. The significant majority of all former detainees interviewed by Amnesty International reported they had been subjected to torture.

The most frequently reported methods of torture were beating, particularly with fists, rubber batons, wooden or metal sticks or gun butts, kicking, tying in contorted stress positions often in conjunction with beating on the soles of the feet, electric shocks, mock execution or death threats involving a gun, beating with electric wire, burning, including with heated metal or molten plastic, and rape, including gang rape.

Other regularly reported methods of torture included chaining or tying hands or ankles together for extended periods (up to several months), mock drowning, whipping, being forced to walk on knees over rough ground, forced physical exertion and extended solitary confinement.

As detailed in previous chapters, a high proportion of former detainees interviewed by Amnesty International were detained arbitrarily – without charge and without judicial oversight of their detention. Many were detained in unofficial places of detention, including military camps and private buildings; and many were detained incommunicado – without contact or access to legal representatives or family members. All of these conditions increase the risk of detainees being subjected to torture or other cruel, inhuman or degrading treatment. The significant restrictions on access for independent human rights organizations to monitor places of detention also exacerbates the risk of torture or other ill-treatment for detainees.

## PURPOSES AND CIRCUMSTANCES OF TORTURE

According to former detainees interviewed by Amnesty International, torture takes place primarily for the purpose of and during interrogation – to extract confessions or other information. Although a high proportion of former detainees interviewed by Amnesty International were never charged or taken to court, almost all were interrogated in detention. Interrogation sessions are reported to regularly involve torture. Torture is used or threatened to coerce detainees into giving information, if detainees fail to give information or do not give the answers desired by interrogators:

*“They just kept up the interrogations until we would give them the information that they wanted. The beatings were very serious at the beginning and then they became less frequent.”<sup>277</sup>*

Former detainees consistently reported that during interrogation and torture sessions they were repeatedly asked to provide information about the ‘offence’ they were alleged to have committed or been involved with, such as who organised the demonstration they took part in, the whereabouts of a relative wanted by the authorities or their connections with the OLF:

*“They hit me in the face and said tell us who you gave money to, who are your contacts? Who do you support?”<sup>278</sup>*

A high proportion of former detainees also reported they were compelled to confess their alleged crimes, often under torture or the threat of torture. In many cases of former detainees interviewed by Amnesty International, although they were not charged and never went to court, they were still compelled to confess:

*"They wanted me to confess that I had a connection with OLF and that I was behind the demonstration."*<sup>279</sup>

*"My elbows were tied behind my back, then they dropped the melted plastic on me when I refused to confess."*<sup>280</sup>

A number of interviewees said they confessed to things they were innocent of as a result of torture. Several interviewees said that their interrogators tried to force them to sign a blank piece of paper.

A foreign journalist who temporarily shared a cell in Maikelawi with an Oromo detainee accused of supporting the OLF told Amnesty International the man was being forced to write down everything he knew about the OLF, as part of his confession. But as he did not know anything about the OLF he was asking his cell-mate if he knew anything he could write.<sup>281</sup>

Torture is also used for the purpose of extracting information to incriminate others:

*"Their main aim in beating and threatening me was to extract names of other people who I allegedly worked with for the OLF so that they could also arrest those people."*<sup>282</sup>

Detainees are also tortured to compel them to cooperate with a demand put to them by their captors. Demands reported to Amnesty International by multiple interviewees included, *inter alia*, to join the ruling party, collaborate with the government in reporting on others, including fellow students or community members, implicate others or testify against others in trials.

One man arbitrarily detained based on his OPC membership and accused of working for the OLF told Amnesty International:

*"In that room, I saw blood on the walls, on the floor. They told me if I accepted their condition to work with them, I would get released. If I did not accept, I would die. They said 'you see the blood of your friends here, you will die in the same way if you do not accept our conditions.'"*<sup>283</sup>

A man who had fled to Somaliland after spending 13 years in prison because he had been a supporter of the OLF at the time of the transitional government, was kidnapped and forcibly returned to Ethiopia in 2011. He was arbitrarily detained in Jail Ogaden in Jijiga, and lost two toenails as a result of beatings in detention. He told Amnesty International:

*"They took me back to that ARRA [Administration for Refugee and Returnee Affairs – the state refugee agency] office. There were two generals. They said they needed me to work with them to trace the rest of the OLF in Somaliland. They made me sign that I would spy on other refugees in Somaliland. They said 'If you don't comply with this you'll be killed without any conditions.'"*<sup>284</sup>

Torture is also used as punishment for suspected or actual anti-government tendencies, with victims being asked during torture sessions why they did not support the government and why they were trying to oppose the government.

Former detainees subjected to torture or other ill-treatment predominantly reported torture took place during the initial stages of detention or took place most frequently during that period. This was widely reported to coincide with the main period of interrogation for the purposes of extracting information and confessions of guilt. The length of this initial period of interrogation and torture can vary from the first few days of detention to several months. Many former detainees said torture sessions would take place every few days during the initial stages of detention though in some cases it was reported to be more frequent – every day in some instances – or less frequent. Most former detainees interviewed by Amnesty International said torture occurred less frequently as the detention continued:

*“This happened once or twice a week. It continued for the first four months, while they tried to get information from me.”<sup>285</sup>*

*“In the beginning, the beatings and interrogations happened regularly but, because they didn’t get any information from me, the frequency reduced.”<sup>286</sup>*

However, there were some cases in which former detainees reported that torture continued to take place occasionally throughout detention periods that lasted from several months to a number of years:

*“The torture was every three to five days throughout the whole five months detention.”<sup>287</sup>*

Almost all former detainees who had experienced torture interviewed by Amnesty International said torture took place in a different room to the one in which the detainee was held, usually some sort of interrogation room and usually with only one prisoner tortured in a room at one time:

*“During the interrogation, we would be separated. They would take us to separate rooms. It would be usually two or three soldiers who would do the interrogation and torture.”<sup>288</sup>*

A young man who was repeatedly harassed and arrested for his activism with the OPC said of one of his detentions in the police station:

*“They would take me from the prison room to the office. They shut the doors and then they do what they like.”<sup>289</sup>*

The exception to this was in the small number of cases reported to Amnesty International where detainees were held in unofficial places of detention such as offices or private houses, where torture would take place in the same room in which the detainee was held:

*“It was a personal house, not a police station. In that room, I saw a lot of rope, and blood on the floor.” They said tell us the truth or you’re going to die. They started to beat me, hit me in the face, then they used rope on me.”<sup>290</sup>*

The significant majority of people interviewed by Amnesty International said torture sessions took place at night. Three former detainees reported incidents where they were tortured until

they were unconscious and awoke back in their cells:

*"I might be interrogated and tortured by three different people during the night. When one of them tired, another would take over. They would generally take me from my cell at about 9 pm and then take me back in the morning."*<sup>291</sup>

Former detainees reported torture in police stations, including in Maikelawi, regional and local prisons, military camps and other unofficial places of detention. Incidents of torture reported to Amnesty International were carried out by federal and local police, the military and plainclothed operatives some of whom were believed by some detainees to be part of the intelligence service:

*"It was soldiers doing the interrogation, wearing uniforms."*<sup>292</sup>

Former detainees told Amnesty International of incidents where different branches of the security and intelligence services appeared to cooperate in the interrogation and torture and ill-treatment of detainees in police stations, detention centres, military camps and other unofficial places of detention:

*"It was security people doing it. Some with uniforms, some with civilian clothes."*<sup>293</sup>

A young man detained arbitrarily in a military camp in Harar and interrogated about OLF activities in the area, told Amnesty International:

*"Every day there would be different people who would interrogate, different people who would torture, but they were all federal military and the questions always remained the same."*<sup>294</sup>

## METHODS AND EXPERIENCES OF TORTURE

Many former detainees interviewed by Amnesty International exhibited scars on parts of the body, including head, arms, wrists, legs, feet, torso and back, missing body parts (parts of fingers, ears), missing or broken teeth, burn scars, damaged eyes (including where the lids were fused or the eye-ball sunken in the socket) and badly-healed broken bones, all of which were reported to result from torture. A number of interviewees reported ongoing pain or physical difficulties as a result of torture, including hearing impairment from beatings, kidney problems and problems urinating, including as a result of rape of women. Several interviewees reported the deaths of family members after release from detention as a result of torture.

Beating was the most regularly reported form of torture. This was with hands, fists or, frequently, with objects – wooden or metal sticks, gun butts or other items. The most frequently reported object used in beating was the black rubber baton carried by police. Over 20 interviewees specified being beaten with this item. A young woman arrested for a second time and arbitrarily detained for 13 days for interrogation about her husband, who had fled the country after being harassed and arbitrarily detained on suspicion of supporting the OLF

because his father had, told Amnesty International:

*"They beat me with electric wire and they had a black object that most policemen hold that they use to beat people with. About one and half inches in diameter."*<sup>295</sup>

Another interviewee with an eye that did not open fully told Amnesty International that was a result of being beaten on the head:<sup>296</sup>

*"They would use ropes and tie my hands behind my back and beat me with sticks."*<sup>297</sup>

Beating with electric wire was also reported by multiple interviewees. A young man detained without charge for over eight months for allegedly supporting the OPC, initially for a week in a police station and then in prison in Shashemene, told Amnesty International:

*"In the prison, there was a dark room where I was taken and beaten with electric wire. There was no interrogation at this point, it was pure punishment. I was beaten with electric wire and sometimes the plastic/rubber stick which the police carry. In the police station, I was beaten in the evening for the whole week. After I transferred to prison, I was beaten every night for the first month."*<sup>298</sup>

Several interviewees told Amnesty International they had been handcuffed or tied by one or both wrists to a point high on the wall or the ceiling so their feet barely touched the floor, putting pressure on their wrists. A young man arrested repeatedly because he was a youth leader in the OPC and accused of 'inciting' young people against the government showed Amnesty International scars circling both wrists as a result of this treatment during one period of arbitrary arrest.<sup>299</sup>

In addition, around 15 interviewees told Amnesty International they had been subjected to prolonged periods of permanent handcuffing, chaining or tying of their hands. In some cases, this was reported to last up to four or five months. An Oromo singer arbitrarily detained at Maikelawi for 11 months, showed Amnesty International a scar on his ankle which he said was from being chained at the ankles for the duration of his detention.<sup>300</sup>



A man arbitrarily arrested after the OLF stole his cattle, and detained without charge in Boku military camp for three years, who said his hands were tied with rope almost constantly during his detention

Tying in stress positions was reported by 17 former detainees. In a number of these cases, former detainees, detained in different detention centres across the region and in Addis Ababa, described to Amnesty International the same contorted position they had been subjected to, involving the wrists and ankles being tied together and a pole inserted between the elbows and the knees, which is then used to suspend the prisoners upside-down.<sup>301</sup> Detainees were left in this position for up to one hour. While suspended, they were subjected to beating on the soles of their feet and, sometimes, on other parts of their bodies. Tying and suspension in this way makes the whole body accessible for beating. Some reported they were told to give a signal, often raising a finger, if they wished 'to tell the truth' and be released from the position.<sup>302</sup>

A businessman, detained arbitrarily without charge in a military camp because he was accused of collecting funds for the OLF, described being subjected to this same treatment on more than one occasion:

*"They tied my wrists and then tied them with my ankles. Then they put a stick through my arms and under my knees. They turned me upside-down and then they beat me. They would leave me like that for an hour or more. It is very severe. You can hardly breathe in that position. They said whenever you want to tell the truth raise your finger. I raised my finger because I couldn't breathe."*<sup>303</sup>

A man arrested on the accusation he had provided medicine from his pharmacy to the OLF and arbitrarily detained without charge in another military camp described his treatment on the first day he was arrested:

*"Immediately when they took me to the military camp, they tied my hands around my legs and put a pole through over my arms and under my knees, made of wood, and turned me upside-down and suspended it between two metal objects, and then they started beating my feet. They beat with metal wire. For half an hour I was kept in that position. It makes your feet bleed and after that they made you walk...the thing with the pole happened again in my second month of detention when my feet had just about recovered from the first time."*<sup>304</sup>

As well as beating with electric wire, multiple former detainees reported they were subject to electric shocks. A man detained in a military camp in Harar showed Amnesty International a small round scar on the inside of each heel, which he said was where electric shocks had been administered.<sup>305</sup> A man arbitrarily detained for six months in a military camp in Harar and questioned about OLF activities in the area, explained the use of electric shocks during torture:

*"They made me sit in a chair and tied both hands on the side. They had an electric shock machine and one man would keep putting the wires on me. They put dirty cloth in my mouth to stop me from screaming. Another man would be pointing a gun at me. They would give shocks and then the man would stop, ask some questions and then restart. In all, I was taken for electric shocks on six occasions. They would give three to four shocks each time."*<sup>306</sup>

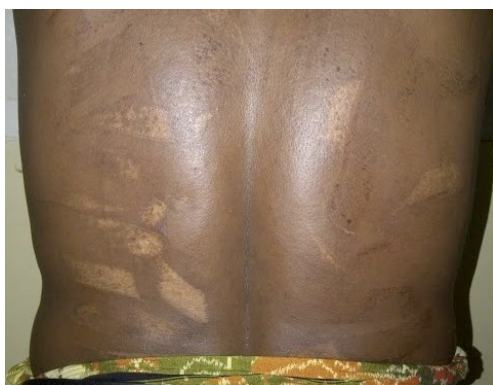
Several former detainees said rags, a sock or other material was forced into their mouths during torture to prevent them from screaming. Others said the torturers were immune to screams. A young woman detained at a military camp for several years with her two sisters because of her father's alleged affiliation with the OLF and forced to act as labour for the soldiers, showed Amnesty International disfiguring and extensive scarring that covered her entire stomach. She said:

*"Two soldiers did this. They came at night into the room and tied up our hands and made us lie down on our backs. They put coals on our stomachs. Our clothes melted on us. We screamed but the soldier didn't care. They're accustomed to screaming."*<sup>307</sup>



Young girl whose stomach was burnt with hot coals whilst she was arbitrarily detained in a military camp because her father was accused of supporting the OLF

Burning with different objects including coals, heated metal or molten plastic was reported in several cases. A number of people interviewed showed scarring consistent with burning on different parts of their bodies. A young man showed Amnesty International scars on his legs and said he had molten plastic dropped onto his legs when he refused to confess that he had incited other students to refuse to join the ruling political party.<sup>308</sup> Others showed Amnesty International scarring on their back, torso and buttocks reported to be from the same cause.<sup>309</sup> Another man told Amnesty International that he was flogged and burnt with a plastic rope which had been heated in coals.<sup>310</sup>



Businessman, arrested on the accusation he gave money to the OLF, and arbitrarily detained and tortured in an unofficial place of detention in a private house, before being taken to a prison

A handful of people told Amnesty International they had been cut or stabbed with knives, bayonets or other objects during interrogation and torture. Amnesty International interviewed one man who was blind in his right eye. That eye-ball was collapsed and sunken in the socket and its surface was glazed and grey. He said he had been stabbed in the eye with a bayonet during torture.<sup>311</sup> Another showed Amnesty International a scar on his neck he said was the result of being cut with a knife during interrogation.<sup>312</sup>

Six male former detainees reported having a plastic bottle filled with water tied around and suspended from their penis or genitalia. One man interviewed by Amnesty International said his brother had had to have 70% of his penis removed after release from detention as a result of being subjected to this treatment:<sup>313</sup>

*“Because of the torture carried out on his private parts, the parts had become decayed. The doctors said that if we did not remove the diseased part it might spread to the rest of his body so it was necessary to cut off his private parts.”<sup>314</sup>*

A former ONC parliamentary candidate kidnapped and forcibly taken back to Ethiopia from Somaliland in 2012 and arbitrarily detained said he was subjected to torture every night for the first 25 days of his detention and regularly during the following 20 days. His interrogators told him to admit his connection to the OLF, give names of OLF coordinators in Somaliland and tell them which ONC/OPC candidates were connected to the OLF. He told Amnesty International:

*“Every night there was torture. They beat me with legs, fists, sticks. They kicked me on my joints. Sometimes they administered electric shocks. And in my private parts they tied a one litre bottle of water.”<sup>315</sup>*

In several cases, former detainees said they were subjected to mock drowning, either where their torturer forcibly held their heads down in a tank of water or where material was placed over their face and water then poured over it. Several former detainees also reported being subjected to cold stress through being forced to stand or sit in cold water for long periods of time:

*“During interrogation, they have rooms where a [tank] is filled with cold water. They put you in the there. You can't sit in the cold water so you have to stand up for a long time. You can't sit down because the water would come over your head so you were forced to stand...for hours.”<sup>316</sup>*

## RAPE

Amnesty International received reports from women that torture by an act of rape is used as a form of coercion or punishment. Rape also occurs as a result of security services exploiting situations where women are held arbitrarily, incommunicado and sometimes in unofficial places of detention – which all place the women beyond the protection of the law and at heightened vulnerability to sexual violence.

Amnesty International interviewed over 15 people who reported one or more incidents of

rape. This included women reporting rape against themselves and men reporting incidents of rape against their wives. Rape was reported to take place in detention and in people's homes, perpetrated by members of the military or police force. In a number of these cases, women reported being raped by two or more perpetrators. Most women who reported rape in detention said it occurred on repeated occasions. Several reported they had had children as a result of rape and two women who were visibly pregnant during interviews told Amnesty International their pregnancies resulted from rape by security services in detention or in their homes:

*"That was the time when I was raped while in detention. It was not during interrogation. Two people came at night and raped me."*<sup>317</sup>

*"I was raped several times during the month. It was more than one person at one time - it might be three or four soldiers. One would rape me and the other would stand and wait."*<sup>318</sup>

One woman arbitrarily detained without charge for nine months in a military camp in Shinile told Amnesty International:

*"During the interrogation, I was thoroughly beaten. I cried for help saying that I was not guilty and should not be killed. One night three men came to my cell and said that I was being taken for interrogating but they just took me to a room and all raped me. After that, they just threw me back into the cell. I was not the only one – they would do the same to the other women there."*<sup>319</sup>

Women detained in military camps arbitrarily and incommunicado – outside the protection of the law - are especially vulnerable to rape and other sexual violence at the hands of the soldiers stationed there:

*"I was raped by three men – one after the other. I remember them very clearly and can identify them. Rape happened several times over the nine months. This was not unique to me, the other women in the cell had the same experience. There were so many soldiers in the camp and they were all taking advantage of the situation. They had no shame."*<sup>320</sup>

Interviewees also reported to Amnesty International incidents of rape taking place in people's homes by members of the security services who came to threaten or intimidate them, search for evidence or demand information. Rape is used as a form of torture against the victim to threaten her or her relatives, as punishment for the alleged activities of her relatives or to coerce her into giving information.

## PSYCHOLOGICAL TORTURE

Some forms of physical torture documented above also have a psychological element – for example, genital torture can be accompanied by threats on the part of the torturer or fear on the part of the victim of permanent damage to sexual or reproductive functions.

In addition to this, several other forms of psychological torture were reported by former

detainees. Over 20 former detainees reported that, during interrogation and torture sessions, they had been threatened with death if they did not provide information that their interrogators wanted, did not incriminate others, agree to conditions which included working with the government to monitor and report on others or testify against others in court cases:

*"They said tell us where you got the property and how it belonged to the OLF. Tell us the truth or you're going to die."<sup>321</sup>*

A number of former detainees said they had been threatened with death or subjected to a mock execution during their detention, causing psychological suffering. Several people, detained in different locations, told Amnesty International they had been taken to a location outside the detention centre or military camp, in the bush, and made to get into a hole dug in the ground by the soldiers detaining them:

*"They took us to the bush and dug a hole and made us lie in it. They pointed the gun at us and said tell us the truth. We said we don't know anything about the things you are asking us."<sup>322</sup>*

A number of former detainees reported they had been subjected to sustained periods of solitary confinement. The longest period reported by a former detainee was 11 months.<sup>323</sup> Prolonged periods of solitary confinement constitute ill-treatment and the UN Special Rapporteur on Torture has found prolonged solitary confinement, can, on a case-by-case basis, amount to torture. The Special Rapporteur also found solitary confinement, when used for the purposes of punishment, cannot be justified for any reason and violates the absolute prohibition on torture or other ill-treatment.<sup>324</sup> Of the former detainees interviewed by Amnesty International who had been detained at Maikelawi, the majority reported being in solitary confinement in the initial stages of their detention.<sup>325</sup> Among detainees who reported this treatment, there was a clear pattern of the period of solitary confinement coinciding with the period during which detainees were interrogated and subjected to torture. There are indications that solitary confinement, as well as the poor conditions of their cells, were used as a further means of coercion and punishment to make detainees confess or provide information desired by their interrogators.

## MAIKELAWI, ADDIS ABABA

For many years, Amnesty International has received numerous reports of torture and other cruel, inhuman or degrading treatment at the Federal Police Crime Investigation and Forensic Sector known as 'Maikelawi' in Addis Ababa, which is under the authority of the federal police. Large numbers of political detainees – perceived dissenters, political opposition party members and supporters and alleged supporters of insurgent groups – are detained in Maikelawi. As is reportedly the case in the six federal prisons,<sup>326</sup> many former detainees at Maikelawi, including Oromos, members of other ethnic groups and, in some cases, foreign nationals, have reported the majority of inmates at Maikelawi are Oromos.

Actual or suspected dissenters whose cases are higher profile, who are suspected to be the organisers or instigators of protests or are considered of high importance for other reasons have been transferred to Maikelawi from locations across Oromia. In the aftermath of the April and May 2014 'Master Plan' protests, students and others believed to have been

instigators of the protests or under particular suspicion for other reasons were transferred to Maikelawi.

Detainees often undergo pre-trial interrogation in Maikelawi and are then transferred to other detention centres – often the federal prison of Kaliti – after being charged. However, some actual or suspected dissenters interviewed by Amnesty International were detained at Maikelawi for sustained periods – up to 11 months – and then released without charge. Some former detainees at Maikelawi have reported encountering other prisoners who have been detained for a number of years without charge or trial.

Former detainees in Maikelawi interviewed by Amnesty International consistently reported patterns of torture and other ill-treatment of detainees held at the detention centre, including beating with sticks, electric wire and other objects, kicking, burning with heated objects, tying and suspension in contorted positions and death threats:

*“I was tied with my hands behind me and tied to my legs and then suspended from the ceiling so that I was facing the floor. I was left in this position for about an hour. Then they beat me on the bottom of my feet and on my hands.”<sup>327</sup>*

*“They beat me with a big hard strip of rubber which cut straight in to my skin. They tied my hands behind me, put a cloth in my mouth and beat me so hard. On another occasion, they made me stand with my arms outstretched and my mouth open for seven hours. At the end of it, I could not close my mouth. Another time I was chained by one wrist from the wall so that my toes only just scraped the floor and left me there for two hours.”<sup>328</sup>*

Many of the former Maikelawi detainees interviewed by Amnesty International said they were in the underground section during the initial period of their detention, called Chelama bet (dark house) by the inmates. Some of those detained underground were also in solitary confinement. In several cases, both underground detention and solitary confinement were reported to have lasted for several months or longer. Amnesty International received a number of reports that cell number eight, in the underground section of Maikelawi, has the worst conditions. Cell number eight is divided into four separate cells, in which people are detained in solitary confinement. The four cells are all small – one to two metres squared and are reported to be completely dark. Other cells in the underground section are reported to have small openings through which light comes in.<sup>329</sup>

*“In the four departments of number eight, you cannot move, you cannot stretch your legs. For the first three months in that small room, I was alone in the dark. Only when police came for interrogation did they switch on the light, to take you from the room at night. Then they had many materials to make you suffer.”<sup>330</sup>*

*“In number eight, there is no hole to let in light, it is totally dark. Later I was moved to number seven and number three [also in Chelama bet], in those there is a very small hole close to the roof so it only lets in a tiny bit of light.”<sup>331</sup>*

Several detainees in the cells of number eight said their hands and, in some cases, their feet were chained for the duration of their time in those cells. One student told Amnesty International his hands were tied constantly for the five months that he spent in the underground section.<sup>332</sup> These conditions are used to exert additional pressure on detainees to extract confessions or other information:

*"In that underground, you even want to hear the sound of the shoes coming. Because there is no sound and you are alone. When they come, it is only for two reasons, food or punishment. You only know it's morning because they give you tea and bread. That's the only way you count the days. And if they say 'out' you know it's evening and you are going to be beaten."*<sup>333</sup>

The conditions of prolonged solitary confinement and detention underground, and their use to exert pressure on detainees, is in violation of the absolute prohibition on torture or other ill-treatment of punishment under international law.

## TORTURE OUTSIDE DETENTION, IN HOMES

Amnesty International received a number of reports of people in Oromia being subjected to treatment amounting to torture in their own homes by the military or the police. Interviewees reported acts that could amount to torture taking place during the arrests of suspects, including beatings and the firing of live ammunition. Family members of people who were wanted by the government on suspicion of dissenting behaviour or allegedly supporting the OLF were also subjected to beating, death threats, rape and other acts that constitute physical or psychological torture or other ill-treatment. Interviewees who were relatives of wanted or detained persons said members of the security services came to their homes and harassed or threatened them to either reveal the persons' whereabouts or to hand over documents or other evidence that would incriminate them.

Amnesty International received several reports of death or injury resulting from police or military personnel using firearms against an unarmed suspect or a family member of a suspect during arrest. A woman arrested on the allegation of providing food to the OLF showed Amnesty International small scars either side of her wrist, which she said occurred while she was being taken from her home:

*"They shot me in the wrist with a pistol while they were arresting me."*<sup>334</sup>

Some incidents reportedly resulted in the death of a suspect or family member. A killing through the use of unnecessary or excessive force during arrest may amount to extra-judicial execution. One woman, whose husband was affiliated with the OLF and had been subjected to an enforced disappearance, told Amnesty International that after her husband was taken away, the military brought his blood-stained clothes to the house and told her if she did not give up her husband's documents she would face the same fate:

*"They would come frequently. They would beat me. They put a pistol in my mouth to frighten me. They also beat my mother. On one of these occasions, after they beat her, she died."*<sup>335</sup>

Another man, who had gone into hiding because the government suspected he supported the OLF, based on his father's support, said his wife was harassed in his absence:

*"So when they couldn't find me, they arrested and beat my wife and pointed a gun at her."*<sup>336</sup>

Another man, who had gone into hiding after release from detention on the accusation of being in contact with the OLF, said federal police came to his home looking for him:

*"My brother was there but he was afraid and he ran away and they shot him and his leg was broken by the bullet. He is still now limping."*<sup>337</sup>

In several of the cases of this nature reported to Amnesty International, it was the spouse of the individual in question who was harassed in this way, sometimes over a number of different occasions. Rape of women in these circumstances was reported to Amnesty International. A woman whose husband had been arrested and subjected to enforced disappearance on suspicion of affiliation with the OLF told Amnesty International soldiers came to the house after her husband had escaped from detention. She said:

*"The government soldiers came looking for him and surrounded our home. They beat me, they raped me and they asked me about my husband. Two soldiers raped me, the other was searching the house. Then they warned me not to talk about the things that happened to me and they just left."*<sup>338</sup>

Another woman told Amnesty International that she was repeatedly harassed by soldiers after her husband fled the country after his release from detention on the accusation that he supported the OLF:

*"They would come to the house and ask me about my husband's connection to OLF and where he was. I was beaten very badly, several times."*<sup>339</sup>

She showed Amnesty International scars on several parts of her body, including on her upper arms which she said were from her arms being tied while she was interrogated, and scars on her legs from being beaten with sticks.



Woman beaten during interrogation in her home about her husband's whereabouts

# CONDITIONS IN DETENTION

**“The cell was so small and it was very overcrowded – there were about 100 people stuffed into it. There were ventilation slits but no windows. There was no place for anyone to lie down – we were all sleeping on top of each other.”**

A student arrested and detained for three weeks in a military camp because he and other students complained about government restrictions on the rights of students in his university to hold meetings.<sup>340</sup>

All people deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person.<sup>341</sup> The obligation to treat detainees with humanity and respect for their dignity is a fundamental and universally applicable rule, which cannot depend on the availability of material resources.<sup>342</sup> International standards and Ethiopian laws set out specific requirements for the treatment of prisoners. The UN Standard Minimum Rules for the Treatment of Detainees requires that all accommodation for prisoners should meet all requirements of health, with particular regard to minimum floor space, heating and ventilation. The Rules also provide for a window to provide natural light and fresh air, adequate sanitary and bathing arrangements, a bed with sufficient bedding, adequate nutritional food and no limitations on drinking water, access to fresh air and the provision of medical services.<sup>343</sup> The Ethiopian Federal Prisons Commission Establishing Proclamation echoes the requirements of accommodation with fresh air and sufficient light, sufficient food and medical care<sup>344</sup> and the Council of Ministers' Regulations on the Treatment of Federal Prisoners additionally provides for every prisoner to receive a bed and bedding and the provision of toilet facilities and enough water and materials for cleanliness.<sup>345</sup>

However, accounts of former detainees interviewed by Amnesty International consistently demonstrate conditions in detention in regional and federal police stations, regional and federal prisons, military camps and other unofficial places of detention, violate international law and national and international standards.

The size of cells and numbers of detainees held together varies between detention centres and also within the same detention centre – from isolation cells to large rooms holding many people. In some detention centres, including federal prisons, up to 200 prisoners were reported to be held in the same room.

A former government employee detained on the accusation of having incited local farmers, was detained at a military camp in Dembi Dollo. He described the conditions of detention:

*"The building was big and had many rooms. In the room where I was, there were more than 200 people. The room was made from wood. We got food and water once a day. There was no blanket or mattress – we just slept on the floor. In the morning, we got to go to the toilets."*<sup>346</sup>

Over-crowding was reported in many cases, often to the point it was not possible for all detainees – who slept on the floor – to lie down simultaneously. A young man arbitrarily detained for three months in a military camp in Bale based on a suspicion of OLF membership he had 'inherited' from his father, told Amnesty International:

*"We were about five prisoners in the room where I was. It was a very small, approximately 2.5m x 1.5m. There was not enough room for us all to lie down to sleep. We had to curl up all squashed together. We took it in turns to stand so that others could sleep."*<sup>347</sup>

The nature of cells reported to Amnesty International varied, particularly in military camps. Some said their cell was made of stone, some reported cells made of iron sheets with earth floors or walls made of mud with iron sheet roofs, particularly in smaller military camps:

*"In the military camp, I was kept in a cell with about 15 detainees. The cell was made of iron sheets, the floor was rough. It was about 2m x 3m."*<sup>348</sup>

Many of the former detainees interviewed by Amnesty International said they had to sleep on the floor, often with no mattress or bedding provided, in police stations, prisons and military camps. Former detainees complained of the cold, particularly in underground cells and those who had to sleep on the bare concrete floor:

*"The cell was made of cement and was very cold. There were no windows but some holes for ventilation. They gave us small blankets, but often we could not sleep because the floor was very cold."*<sup>349</sup>

It was frequently reported that cells and detention rooms had no windows or only a small window to provide light for a large room. A man detained in a military camp in Negele Borana told Amnesty International:

*"The walls of the cell were made of iron sheets. It was very small and we were many people in there. There was no place to lie down. We'd be standing most of the time and huddled when trying to sleep. The floor was rough. There were no windows, but some ventilation due to gaps between the iron sheet wall and the iron sheet roof."*<sup>350</sup>

Underground cells are used in several locations, including in a number of military camps. As documented above, Maikelawi in Addis Ababa has underground cells in the section which the prisoners refer to as Chelama bet ('dark house'), in which conditions are reported to be appalling. After initial periods in Chelama bet, many prisoners are moved to the section of the prison they refer to as Sheraton, given the better conditions in that section. In Sheraton,

detainees share cells with other prisoners, have access to daylight, can move around and have access to a small exercise yard:

*“Then I was moved to Sheraton. Sheraton is not dark, it’s a relatively good place compared to the other cells. Most of us considered that we were freed when we were in Sheraton because you can get sunlight, you can talk to each other, you can move in the compound.”<sup>351</sup>*

Underground cells were also reported in some military camps. A young man arrested during a demonstration over the perceived marginalisation of Afan Oromo (the Oromo language) was detained underground in a local detention camp in Gololcha Woreda in Arsi Zone. He told Amnesty International:

*“Around 250 people were arrested, about 150 were students. According to their ‘crime,’ some people were detained in the compound, some were underground, some in a building in the dark. Those underground and in the dark room were the ones accused of organising the demonstration, already targeted by the government or the strongest voices. I was among the people under the ground. There were about 80 people in the cell with me.”<sup>352</sup>*

A significant proportion of detainees held in both official and unofficial detention centres said they did not leave their cells at any point during the day, except for interrogation sessions, which usually took place at night and, in some cases, detainees were permitted to leave their cell to use the toilet, at allocated times, either once or twice during the day. Some detainees also said they were taken from their cells to fetch drinking water. But many who were detained in military camps, police stations and in the underground section of Maikelawi said they did not leave their cell at any point, including during detention periods of many months or even longer. Many detainees are therefore denied adequate access to natural light, the open air and exercise as provided in national and international standards.<sup>353</sup>

*“Let alone going to court, you’re not even allowed to go outside the cell.”<sup>354</sup>*

*“When we were underground, we never left the cell, except to go to investigation, which is only at night. So we never got sunlight. After three weeks of this, I got sunlight for 20 minutes.”<sup>355</sup>*

*“We were only allowed out of the room for two reasons – interrogation, and to fetch drinking water every two days.”<sup>356</sup>*

A man arbitrarily detained for three months at a military camp Gedo in west Shewa, described his conditions of detention:

*“Except when we went for torture, they didn’t allow us out of the cell except once at 5 am and once in the evening they would take us out of the cell to use the toilet.”<sup>357</sup>*

Almost all former detainees interviewed by Amnesty International reported they received inadequate amounts of food in detention and it was of poor quality, whether detained in

official or unofficial places of detention. Some believed they had been subjected to food deprivation as a form of torture. The majority of former detainees reported they received bread and tea, either once or twice a day. In some cases, a second meal in the day consisted of injera<sup>358</sup> instead of bread:

*"In the morning, we got tea and a piece of bread, one injera for lunch and some unclean water. Some detainees suffered diarrhoea because of this."*<sup>359</sup>

*"Sometimes you cannot sit because you have nothing on your body, just bones. You cannot sit, you cannot lie down; it is too painful because there is nothing on your bones so you have to crouch or curl in a ball like a child."*<sup>360</sup>

It is common in Ethiopia that families bring food to detention centres and prisons for their relatives, to supplement prison rations. However, as a significant proportion of former detainees interviewed by Amnesty International had been held incommunicado or subjected to enforced disappearance – their families did not know their whereabouts – it was not possible for families to bring supplementary food.

Many former detainees reported they were given little drinking water and, in many cases, detainees said it was dirty and unsafe. A man detained in several different prisons over the course of eight years' arbitrary detention without charge told Amnesty International:

*"In the prison there is no sufficient water and the water is not clean. So the prisoners are subject to many diseases."*<sup>361</sup>

Detainees in official and unofficial detention centres are denied adequate access to toilet facilities. In some cases, detainees are permitted to leave their cells at one or two designated times during the day to use toilets. However, numerous former detainees told Amnesty International they were provided with a jerry can or a bucket or even a plastic water bottle in the cell to use as a toilet. Often one jerry can or bucket was shared by many inmates in a cell. Access to washing facilities was reported to be limited or denied altogether for many former detainees:

*"For a toilet, they gave us a jerry can which was in the cell with us and that was our only toilet. We were not given one opportunity to wash at any point that I was in the camp."*<sup>362</sup>

A young man detained for two months in Chiro allegedly because he failed to recruit his fellow students for the OPDO party, described the toilet facilities:

*"The room was about 7 x 10m. We were about 40 - 50 prisoners inside. You had to urinate inside that room. There was one jerry can but, when it was full, people just had to urinate on the floor. People lived in that room like animals."*<sup>363</sup>

A man arbitrarily detained in a military camp for five months because his brother, a teacher, was wanted by the authorities for allegedly inciting his students to stage an anti-government demonstration, told Amnesty International:

*"In the room where I slept, there were about 10 people who were with me. There was a bucket in the room for all of us to use as a toilet."*<sup>364</sup>

A number of people said they could not change their clothes throughout detention periods that lasted many months. Several women mentioned they were not provided with any sanitary equipment for menstruation while in detention in military camps.<sup>365</sup>

A high level of illness was reported to Amnesty International in official and unofficial detention centres because of the conditions of detention and the poor quality of food and water:

*"We were about 80 people in the cell. There were two toilets inside the room. We were not permitted out of the room. We were given bread in the morning, injera with sauce in the evening. We had a piece of sheet to sleep on. Because of these things people got sick."*<sup>366</sup>

A young man whose mother had been arbitrarily detained in lieu of and to provide information on her husband, for one year in Dodola Woreda, said:

*"The food was very little, she was starving. She was detained with so many women in the room so it was extremely hot and illnesses were rampant because of the conditions. They allowed her to be released in the end because she was sick."*<sup>367</sup>

In 2012, the EHRC published a report on research conducted in 114 of 119 detention centres throughout Ethiopia, including the six federal prisons. The scope of the report did not include police stations, Maikelawi (which is under the federal police) or unofficial places of detention such as military camps. The report acknowledged shortcomings with detention conditions which reflect the accounts of former detainees given to Amnesty International. The report documented that many detention centres were dilapidated and that most were congested, devoid of sufficient air and light;<sup>368</sup> "detainees in most of detention centres reported that the food was not sufficient and poor in quality;"<sup>369</sup> there was serious water scarcity in 33 prisons;<sup>370</sup> in the majority of prisons "there is no bedding of any sort, no mattress and other necessary materials;"<sup>371</sup> all detention centres have toilets, but except for 26 of them, they are usable only during daytime and the absence of toilets which are usable during the night forces detainees to use buckets.<sup>372</sup>

## FORCED LABOUR

The ICCPR provides "no-one shall be required to perform forced or compulsory labour."<sup>373</sup> It does, however, state this does not preclude "the performance of hard labour in pursuance of a sentence to such punishment by a competent court,"<sup>374</sup> and that forced labour does not include, *inter alia*, "any work or service... normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention."<sup>375</sup> The international Forced Labour Convention also exempts from prohibitions on forced labour work by prisoners where that work or service is "exact[ed] from any person as a consequence of a conviction in a court of law [and] provided that the said work or service is carried out under the supervision and control of a public authority."<sup>376</sup>

The Ethiopian Federal Prison Commission Establishing Proclamation provides for prisoners to be assigned to work that “suits his ability and vocation.” This provision applies to convicted prisoners in recognised places of detention. The provision further provides that prisoners assigned to work under this provision will receive remuneration.<sup>377</sup>

The Abolition of Forced Labour Convention provides that states should not make use of any form of forced or compulsory labour “as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.”<sup>378</sup>

In almost all cases of detention in military camps reported to Amnesty International, the detention was not subject to judicial oversight and detainees did not go to trial. They were therefore neither subject to legally imposed convictions and sentences nor to other lawful orders of a court. The compulsion of arbitrarily detained prisoners in these circumstances to conduct tasks of physical labour therefore amounts to unlawful forced labour.

A number of former detainees in military camps reported being forced to perform labour tasks in detention. The sort of tasks reported to Amnesty International usually related to construction or the day-to-day running of the camp. Tasks reported by several former detainees, held in at least seven different locations, included collecting firewood, fetching water, breaking stones, cooking food for the soldiers, washing soldiers' clothing and cleaning the compound:

*“They forced us to work cutting trees and breaking stones.”<sup>379</sup>*

A young man detained at Sabategna military camp near Dire Dawa said he and other prisoners were made to wash the soldiers' clothes and collect firewood.<sup>380</sup> Another man arbitrarily detained in a military camp for two years reported he and his fellow prisoners were forced to chop wood.<sup>381</sup>

## DEATH IN DETENTION

Cases of death in detention were reported to Amnesty International by former fellow detainees or family members of detainees. These deaths were reported to result from torture, poor detention conditions and lack of medical assistance. Some of these cases may amount to extra-judicial executions, where the detainees died as a result of torture or the intentional deprivation of food or medical assistance. All allegations of death in custody should be subject to independent and impartial investigations to establish the facts with a view to ensuring accountability for perpetrators and justice and compensation for victims.

A number of former detainees told Amnesty International they had seen fellow detainees die in detention as a result of conditions, poor food and poor sanitation, which exacerbated the spread of illnesses between prisoners. A former member of the ruling political party, detained in Didessa military camp on the accusation of assisting the political opposition, told Amnesty International:

*“There were 47 people in the room with me. Two died while I was there.”<sup>382</sup>*

Another former detainee said:

*"The water they gave us to drink was very dirty. Because of the poor sanitation, some detainees died. Two of those were my friends from school, both were around 20 years old. They died after five months in detention. I don't think the families even knew they had died – they did not even know where we were being held."*<sup>383</sup>

Other detainees were reported to have died as a result of torture:

*"One of the women who was on trial with me died in hospital as a result of beating. She was a businesswoman who they accused of funding the OLF."*<sup>384</sup>

*"One of my cellmates died from of the injuries she suffered as a result of being gang-raped."*<sup>385</sup>

In August 2013, Tesfahun Chemed, an Oromo engineer, died in Kaliti federal prison. The cause of death was unconfirmed. Chemed had been forcibly returned from Kenya in 2007, where he had had refugee status. He was subsequently sentenced to life imprisonment for membership of the OLF. He was reported to have been subjected to prolonged solitary confinement in detention. A friend of Tesfahun Chemed who had visited him in 2012 told Amnesty International he had reported to her about being subject to repeated torture in detention.<sup>386</sup>

Other interviewees told Amnesty International a relative or friend of theirs had died in detention or shortly after being released from detention. A young man from eastern Hararghe told Amnesty International:

*"My father was arrested. They took him to Addis, to a place called Kaliti. They suspected he was OLF but he wasn't OLF. He was there for over a year. They broke his back and leg. He was released a broken man and died soon after due to this mistreatment."*<sup>387</sup>

One young man told Amnesty International how his father died after release from two years detention in Sinja military camp in Goba, in Bale:

*"They did so many things to him in the jail and, as a result, he died. We were not permitted to visit him. We only found out where he had been after he was released. He was released in January [2013] and five months later he passed away. Then they came to me and accused me of carrying on the activities of my father and arrested me."*<sup>388</sup>

In several cases, family members of former detainees reported they did not know what happened to their relatives after they were no longer permitted to visit them in detention or were told they had been moved. One former detainee told Amnesty International:

*"When the family came to visit a person who had died, they'd tell him that the person had been transferred."*<sup>389</sup>

Some people said that they did not get to see the body of a relative who had reportedly died in detention or receive it for burial:

*“My father was detained by the military. One month into his detention, we were told to come to the hospital but by the time we got there he had already passed away. We could not even see the body.”<sup>90</sup>*

Due to the lack of transparency over detention practices, lack of independent monitoring and lack of investigations into deaths in custody, it is not possible to know how many detainees have died in Ethiopia's prisons.

# **ACTIONS AND RESPONSES OF THE GOVERNMENT OF ETHIOPIA IN RESPECT OF ARBITRARY DETENTION AND TORTURE AND THE MONITORING OF DETENTION FACILITIES**

Access to detention facilities for independent human rights organizations is restricted in Ethiopia. No independent human rights organizations are currently monitoring and publicly documenting conditions and violations inside Ethiopia's detention centres.

The 2009 Charities and Societies Proclamation (CSP) placed severe restrictions on the work and ability to function of human rights organizations, including restrictions on the ability of organizations to work on the 'advancement of human and democratic rights' and the promotion of the 'efficiency of the justice and law enforcement services.'<sup>391</sup> The law prevents organizations working on human rights from receiving more than 10% of their funding from foreign sources. In practice, this has negatively impacted human rights organizations, with many either shutting down, changing their mandate to no longer work on human rights or reducing their work, closing offices and laying off staff. Human rights organizations have also been subjected to other restrictions under the law.

Before the law was passed in 2009, the Human Rights Council (HRCO), Ethiopia's oldest human rights monitoring and documenting organization, used to conduct prison monitoring visits and also used to regularly conduct human rights training, including on torture, with law enforcement and prison officials. Since the law was passed, HRCO has had to significantly reduce its work and has not had the capacity to conduct regular training of officials. Further, in recent years, HRCO made a number of requests to access Maikelawi, but received no response.

The International Committee of the Red Cross (ICRC) regained access to federal prisons in 2013. The ICRC's access to federal prisons and to facilities under the jurisdiction of the Federal Police Crime Investigation Sector (CIS) – Maikelawi – had been suspended in 2005. Access to the six federal prisons was reinstated in 2013 and the organization said it conducted regular visits to federal prisons during the year. During 2013, the ICRC also resumed visits to regional prisons in Oromia and Amhara.<sup>392</sup> However, under the terms of its mandate, the ICRC does not disclose its findings to any party other than the Government of Ethiopia. The ICRC continues to be denied access to Maikelawi. The organization does not currently have, nor is it currently requesting, access to military camps.

The EHRC has accessed Maikelawi, federal prisons and more recently, police stations, to conduct monitoring visits. The Federal Police Commission has also reportedly conducted monitoring visits in Maikelawi.<sup>393</sup>

The EHRC is mandated to document violations but lacks independence and political space to act as an objective voice.<sup>394</sup> It has consistently failed to highlight or comment on human rights violations perpetrated by the government. A 2012 report on prisons acknowledges a number of shortcomings in relation to prison conditions. With respect to torture, the report stated “detainees also spoke of instances where in certain prisons they are arbitrarily beaten by some prison wardens,” but the accusations were denied by prison administrators. The report concluded “the acts were not of institutional nature, nor were they ordered by public officials.”<sup>395</sup> The report did not cover police stations, the federal police detention centre of Maikelawi or military camps, where the most frequent and severe incidents of torture are reported to take place in pre-trial or pre-charge interrogation. In addition, the scale of torture in prisons found by the EHRC in its report and the responsibility attributed for incidents of torture are inconsistent with both the findings of national and international human rights organizations and the testimonies of numerous former detainees obtained by Amnesty International and other human rights organizations.

In 2011, Ambassador Tiruneh Zena, the Chief Commissioner of the EHRC, led a visit to Maikelawi in response to complaints made in court by opposition political party members and journalists that they had been tortured in detention. A press release after the visit announced the team found no concerns relating to torture or ill-treatment or arrested persons not being brought promptly before a judicial authority to review the detention.<sup>396</sup> The press release announced that all prisoners the team had spoken to were happy with their treatment and had no complaints of ill-treatment. However, the Chief Commissioner and his team had not actually spoken to any of the prisoners who had alleged – in court and in front of local and international media – they had been tortured. The Commission’s visit thereby undermined the detainees’ complaints. Those complaints were not investigated beyond the visit of the Chief Commissioner and his team to the detention centre. Again, the findings of the EHRC’s visit to Maikelawi were inconsistent with both the findings of many human rights reports concerning Maikelawi and the testimonies of numerous former detainees in Maikelawi who have consistently reported patterns of denial of due process rights and the use of torture and other ill-treatment in the centre.

An NGO, the Justice for All-Prison Fellowship Ethiopia, maintains access to detention centres due to its having a good relationship with the government. The organization is one of few organizations granted exemptions from the 10% funding rule contained in the CSP. The organization works on improvement and capacity building in the justice sector and detention conditions for prisoners. However, it does not cover issues of torture and ill-treatment and does not conduct monitoring and documenting of violations.<sup>397</sup>

UN human rights mechanisms and other entities have also been denied access to detention centres. Requests to visit Ethiopia from the UN Special Rapporteur on Torture and the Working Group on Arbitrary Detention remain outstanding.<sup>398</sup> Diplomats in Ethiopia do not have access to visit detention centres. In 2011, during Amnesty International’s last research trip to Ethiopia, the delegation requested permission to visit Maikelawi, which was denied.<sup>399</sup> In 2013, a delegation from the European parliament’s human rights committee was refused

entry to Kaliti federal prison, although the visit had previously been confirmed by the Ministry of Federal Affairs.<sup>400</sup>

Torture is prohibited under the CAT, the ICCPR and the ACHPR, to which Ethiopia is a party, as well as under customary international law. However, important safeguards against torture are lacking in Ethiopia. In 2010, the UN Committee against Torture expressed concern that the use of the term 'improper methods' in the Ethiopian Criminal Code is more limited in scope than the international definition of torture contained in the CAT and called for an amendment.<sup>401</sup> The Committee further expressed 'deep concern' at "numerous consistent reports about the State party's persistent failure to investigate allegations of torture and prosecute perpetrators, including members of the ENDF and military or police commanders" and called on Ethiopia to ensure all allegations of torture and ill-treatment are promptly and impartially investigated and perpetrators prosecuted.<sup>402</sup>

Ethiopia has not signed the Optional Protocol to the CAT which provides for the establishment of a system of regular visits undertaken by independent international and national bodies to any place of detention; and the maintenance, designation or establishment of one or several independent national preventive mechanisms for the prevention of torture at the domestic level.<sup>403</sup>

The response to Amnesty International's findings received from the Oromia Justice Bureau specified that "Federal and regional police commissions as well as prison administrations have incorporated the right to human dignity and prohibition against torture and inhuman treatment into the curricula of their respective training institutions. They provide continuous on-job training to their members in order to ensure that they do not commit violations and are able to prevent violations by third parties."<sup>404</sup>

The response referred to the findings of the EHRC prison monitoring report cited above, stating that "some occasional cases [of torture] have occurred in a very few detention centres and disciplinary actions have been taken." The response cited the conclusion of the EHRC that instances of "arbitrary beatings of detainees... appeared due to lack of awareness or understanding." The Justice Bureau's response further asserted that "legal and disciplinary measures are always taken against investigative police officers and prison wardens that are found to have beaten detainees." The letter did not specify any details of any disciplinary measures or any investigations that have been conducted, or their outcomes.

In 2013, parliament adopted the National Human Rights Action Plan (NHRAP) – a two-year plan to "ensure the full implementation of fundamental and democratic rights guaranteed under the Constitution."<sup>405</sup> However, the plan does not use the word 'torture' and fails to adequately acknowledge the extent and scale of torture and other ill-treatment in Ethiopia. The report of the Government of Ethiopia to the UN Universal Period Review (UPR) in January 2014 similarly failed to mention torture. The repeated failure to acknowledge the existence of torture demonstrates a concerning lack of political will to tackle the prevalent use of torture in Ethiopia.

The NHRAP acknowledges delays in justice in many cases, which is attributed to a shortage of public prosecutors and judges and continuing problems with providing legal representatives to arrested persons before their cases reach a court of law or before charges

are filed, again attributed to a lack of capacity. These capacity issues, the NHRAP acknowledges, cause delays in charging people or bringing them to trial, which could account for the delays in some cases documented by Amnesty International. But the plan does not acknowledge or address the issue of arbitrary detention in Ethiopia – where neither the detention nor the release of an individual are subject to judicial review – demonstrating an entrenched practice of detaining people without a legal framework or oversight.

The NHRAP provides for the continued monitoring of police detention centres and prisons by senior police and prison administration officials, prosecutors and House of Peoples' Representatives/Regional Council members. It does not, however, provide for access for independent human rights organizations. Law enforcement agencies are themselves regularly accused of human rights violations and are regularly implicated in torture and other violations in Oromia as well as in other parts of the country. The judiciary has shown repeated signs of being subject to influence in political trials. In its 2010 report the UN Committee Against Torture also called upon Ethiopia to "take the necessary measures to ensure the full independence and impartiality of the judiciary in the performance of its duties in conformity with international standards; ... ensure that the judiciary is free from any interference, in particular from the executive branch, in law as well as in practice... [and] promptly and impartially investigate and prosecute cases where judges were harassed, intimidated or unfairly dismissed."<sup>406</sup> Issues relating to political influence over the judiciary have manifested in the many fair trial concerns witnessed in trials of actual or suspected dissenters.<sup>407</sup> It has also been reported by former employees in the judicial system, including prosecutors and judges, a number of whom have fled the country due to harassment from government and ruling party officials that they experienced in the course of their work. Therefore, the bodies cited in the NHRAP cannot be considered sufficiently independent to monitor the prevention of human rights violations in detention.

The Oromia Justice Bureau is responsible for detainees and prisoners in regional detention centres.<sup>408</sup> The response from the Oromia Justice Bureau to Amnesty International reports that the "Public Prosecutor and the regional police together visit detention centres on a daily basis to inquire into whether a person has been arrested unlawfully and to secure their release where such is the case." It also reports that periodic monitoring is conducted by the Chaffe – the Oromia Regional Assembly, as well as the Administrative and Legal Committee of the House of Peoples' Representatives, as provided for in the NHRAP, which, it states, has resulted in recommendations on corrective measures being made to concerned bodies.

The Oromia Justice Bureau further asserts that "appropriate investigations and inquiries are conducted when claims of disappearance are brought to the attention of the Police Administrations." No details or examples of such an investigation were provided.

The response from the Oromia Justice Bureau laid out the accountability framework at the regional and federal levels, specifically citing the provision in the Regional Police Commission Members Code of Conduct Regulations No. 32/1995 that police officers in breach of their duties will be held accountable both administratively and legally, and the provision in the federal Criminal Code that any public servant responsible for an instance of arbitrary detention shall be held to account. No details were provided of any instances where a regional or federal official has been held accountable for a violation of the rights of a detainee or prisoner.

The NHRAP states a large number of police stations and investigation centres across the country have set up ethics control and complaints reception offices within their premises to receive citizens' complaints of human rights violations and to take necessary administrative measures against perpetrators.<sup>409</sup>

Despite referring to instances of "unlawful punishment of detainees," "arbitrary beatings," and "claims of disappearance," the response from the Oromia Justice Bureau also asserts that there are no complaints lodged regarding allegations of inhuman treatment, torture and extra-judicial detentions.

Interviewees repeatedly told Amnesty International they could not make a complaint or pursue justice for cases of arbitrary arrest and detention, enforced disappearance, torture or extra-judicial execution due to distrust of and lack of faith in the police and other officials and fear of repercussions for even trying to ask. However, other interviewees said they did attempt to make inquiries about the fate of a relative, but were refused information when they asked, or that they fell under suspicion or even were arrested themselves for asking.

## CONCLUSION

As documented in this report, patterns of human rights violations in Oromia, including arbitrary arrests, restrictions on freedoms of expression, opinion and association, detention without charge, incommunicado and without other aspects of due process, enforced disappearance, extra-judicial execution and torture and other ill-treatment, are widespread and appear to be entrenched.

A multiplicity of both regional and federal actors are involved in committing human rights violations against actual or suspected dissenters in Oromia, including civilian administrative officials, local police, federal police, local militia, federal military and intelligence services, with cooperation between the different entities, including between the regional and federal levels.

The federal ministries of Defence, Federal Affairs and Justice and the regional government of Oromia should investigate all allegations of human rights violations committed by actors or within structures falling under their respective jurisdictions, and where sufficient evidence of the commission of violations is found, perpetrators should be held to account. Instead, the violations documented in this report take place in an environment of almost complete impunity for the perpetrators. Victims of violations or family members of victims repeatedly told Amnesty International that there was no point in trying to complain or seek justice for violations they had experienced, that they feared repercussions if they attempted to do so, that they were refused information about the fate of a relative when they asked, or that they fell under suspicion or even were arrested themselves for asking. According to available information, none of the incidents of alleged use of excessive and unnecessary force documented in this report have been subject to investigations. Complaints of torture made by defendants in court have similarly gone un-investigated.

As Ethiopia heads towards general elections in 2015, it is likely that the government's efforts to suppress dissent, including through the use of arbitrary arrest and detention and other violations, will continue unabated and may even increase. The previous two general elections – in 2005 and 2010 – were the scenes of a raft of human rights violations, some of which are mentioned in this report in relation to the arrest and detention of opposition members. Urgent measures are needed to reduce violations of civil and political rights in general, and particularly against actual or suspected government opponents before the elections.

The UN Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>410</sup> provide that states shall ensure complaints and reports of torture or ill-treatment are promptly and effectively investigated. The principles state that “in cases in which the established investigative procedures are inadequate because of insufficient expertise or suspected bias, or because of the apparent existence of a pattern of abuse...States shall ensure that investigations are undertaken through an independent commission of inquiry or similar procedure.” The UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions

also require states to pursue investigations through an independent procedure where established investigative procedures are inadequate.<sup>411</sup>

As documented above, the judiciary, the EHRC and other public institutions lack adequate independence, and local human rights organizations have been effectively disbanded over the last five years under the CSP.<sup>412</sup> In late 2005, a Commission of Inquiry was established by parliament to investigate violence, including killings, during demonstrations in June and November of that year against alleged rigging of the general elections in May 2005. The Commission's investigations were apparently conducted effectively and impartially. However, before the Commission presented its report to parliament, the Commission chair said that they were called to meet the Prime Minister, who told them to reconsider their conclusion that police had used excessive force in response to the demonstrations. The chair and the vice-chair of the Commission subsequently fled the country, saying they had received threats and feared for their lives. The final report of the Commission reversed the decision on excessive use of force, which led to the security forces being given blanket impunity for the use of lethal force on a large scale and without distinction of particular incidents.<sup>413</sup>

In light of these considerations, Amnesty International believes that existing domestic investigative and accountability mechanisms have proved not capable of carrying out investigations that are independent, adequate, prompt, open to public scrutiny and which sufficiently involve victims.<sup>414</sup>

Amnesty International therefore believes there is a substantial and urgent need for intervention by regional and international human rights bodies to conduct independent investigations into allegations of widespread arbitrary arrest, arbitrary detention, enforced disappearance, extra-judicial executions and torture in Ethiopia. Investigations should be pursued through the establishment of an independent commission of inquiry, fact-finding mission or comparable procedure, comprised of independent international experts, under the auspices of the United Nations Human Rights Council or the African Commission on Human and Peoples' Rights.

# RECOMMENDATIONS

## **To the government of Ethiopia**

**Particularly to the federal ministries of Defence, Federal Affairs and Justice, and the government of the regional state of Oromia**

### **Arbitrary arrest – freedoms of expression and association**

- Immediately and unconditionally release all prisoners of conscience – those detained because of their peaceful exercise of their rights to freedom of expression, freedom to hold opinions without interference or freedom of association, including because of their peaceful opposition to the government, criticism of government policies, participation in peaceful protests, expression of their cultural identity, their identity as a family member of someone who is wanted by the authorities or because of their imputed political opinion;
- Take effective measures to ensure no-one is arrested, detained, charged, tried, convicted or sentenced on account of the peaceful exercise of their rights to the freedoms of expression, association and assembly, including the right to peacefully assemble to protest, as guaranteed by the Constitution and international and regional treaties ratified by Ethiopia;
- End the use of politically-motivated charges and trials, particularly the use of the accusation of OLF support as a pretext, to silence members and leaders of opposition political parties and other dissenting voices;
- Ensure that no students suffer a suspension or termination of their education as a result of their peaceful exercise of their human rights, including the right to peacefully assemble to protest, and reinstate any students who have been subjected to such penalties;
- In the lead-up to the 2015 general elections, guarantee the ability of all Ethiopians, including Oromos, to exercise their right to hold and express a political opinion without fear of arrest or other repercussions; immediately remove all restrictions on free and open political participation, including restrictions on the independent media, civil society organisations and political opposition parties;
- Amend the 2009 Charities and Societies Proclamation to remove restrictions on the work of human rights organizations, to facilitate independent, non-governmental monitoring of human rights violations, including monitoring of detention centres, and other relevant activities such as human rights training for law enforcement bodies and the provision of legal aid to victims of human rights violations.

### **Arbitrary detention**

- Take effective measures to bring an immediate end to the unlawful practices of arbitrary detention without charge or trial, incommunicado detention without access to the outside world and detention in unofficial detention centres;

- Ensure any detainee suspected of a recognizable criminal offence is promptly charged and tried within a reasonable time in a fair and public trial which complies with international fair trial standards or else is immediately released. Where such proceedings do not take place within a reasonable time, detainees should be released pending trial, particularly those who have to date been detained for prolonged periods without charge;
- Immediately provide detainees' families with information on their whereabouts and fate, including their current health status or official confirmation of any deaths in custody. In the latter case, there must be independent and impartial investigations into the deaths to establish the facts with a view to ensuring those responsible are held accountable and the families afforded reparation, including compensation;
- No-one should be held in a place which is not an officially recognised place of detention, interrogation should take place only at official detention centres; all persons currently detained in military camps or other unofficial places of detention must be immediately transferred to a recognised place of detention and either promptly charged with a criminal offence or immediately released;
- Ensure no conditions are imposed upon the release of a person from detention where that person has not been brought before a judicial authority and charged with an offence consistent with international human rights law; any conditions imposed on the release of a prisoner must be imposed by a judicial authority and consistent with international law;
- An up-to-date register of detainees must be maintained in all places of detention and centrally. The information in such registers must be made available to courts and other competent authorities, detainees' families and lawyers and others with a legitimate interest in the information;
- Ensure that anyone who is detained:
  - is able without delay to inform or have the authorities notify their families or another third party of their detention, including information on the place of detention and any transfers;
  - is given prompt access to family members, including the right to receive visits, a lawyer of their choice, with whom they must be able to communicate privately and confidentially, and medical care;
  - is brought within 48 hours before a judicial or other authority whose status and tenure afford the strongest possible guarantees of competence, impartiality and independence and is able to challenge the lawfulness of their detention before a court at the outset or at any time thereafter and to have the lawfulness of their detention reviewed by a court or other authority at reasonable intervals;
- Ensure that the Criminal Procedure Code is brought fully in line with international standards of fair trial, including by establishing clear rules on admissibility of evidence, standards and burden of proof, advance disclosure of witnesses, right to present a defence, confidential consultation with legal counsel, inadmissibility of evidence obtained by coercion,

including all forms of torture and other cruel, inhuman or degrading treatment or punishment and obligations of judges to thoroughly investigate allegations of torture and other ill-treatment and bring perpetrators to justice;

- Make nationwide and genuine efforts to facilitate access to justice for victims of human rights violations and their families, including by enabling victims and their families to seek information, make complaints or pursue judicial remedy for violations experienced without fear of repercussions.

### **Enforced disappearances**

- Any prisoners whose current status in detention amounts to enforced disappearance must be immediately given full access to family members and legal representatives and, if currently held in an unofficial place of detention, must be immediately moved to a recognised detention centre; such persons must be promptly charged with a recognisable criminal offence or else released immediately and unconditionally;
- Immediately provide detainees' families with accurate information on their whereabouts and fate, including their current health status or official confirmation of any death in custody;
- Any case of death in custody must be officially confirmed to the detainee's family and must also be subject to a thorough and impartial investigation;
- To facilitate access to information and to justice for detainees and for family members of people who have been subjected to enforced disappearance, a national database should be compiled of all reported cases of disappearance. Effective steps must be taken to ensure anyone who reports a case of enforced disappearance is not subjected to repercussions;
- Thorough and impartial investigations should be conducted into all cases or possible cases of enforced disappearance, including any cases not accounted for in the comprehensive list of detainees to establish the fate of the disappeared persons; where sufficient evidence exists that a person has committed, ordered, solicited or induced the commission of, or attempted commission of, or was an accomplice to or participated in, an enforced disappearance, they must be brought to justice in proceedings that meet international standards for fair trial;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

### **Extra-judicial executions and excessive use of force**

- Disclose all names of any person extra-judicially executed. All such cases must be subject to independent and impartial investigations to establish the facts with a view to ensuring those responsible are held accountable, with the families afforded reparation, including compensation;
- Immediately instruct the security services to cease using deadly force against peaceful

protestors. All incidents involving allegations of the unnecessary or excessive use of force by security services against peaceful protestors must be urgently and properly investigated, including incidents during the 2014 'Master Plan' protests and incidents during the 2012-2013 Muslim protest movement. Where admissible evidence of crimes is found, suspected perpetrators should be prosecuted in effective trial proceedings that meet international standards;

- Ensure that the use of force, including lethal force, by security forces complies with human rights standards at all times to protect the right to life. Any police or military response to peaceful protests must comply with international requirements of necessity and proportionality in the use of force, in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Thorough, prompt and impartial investigations must be conducted into all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in situations in which deaths occur in custody, or in situations of excessive or unnecessary use of force by a public official or other person acting in an official capacity or a person acting at the instigation or with the consent or acquiescence of such persons;
- Any persons identified by investigations as having participated in extra-legal, arbitrary or summary executions must be brought to justice in proceedings that meet international standards for fair trial; the families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.

#### **Torture, other ill-treatment and conditions in detention**

- Immediately issue clear orders for the cessation of all use of torture and other ill-treatment, in line with the prohibition in the Constitution of cruel, inhuman or degrading treatment or punishment and Ethiopia's obligations under international law, including the CAT. Ensure all detainees are treated humanely and in accordance with international human rights standards, particularly the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the UN Standard Minimum Rules for the Treatment of Prisoners;
- Bring an immediate end to the practice of holding prisoners in underground cells;
- Extend access to all prisons and other places of detention and to all prisoners, to appropriate independent, non-governmental bodies, including international human rights bodies, to allow such bodies to independently inspect and monitor prison conditions and treatment in detention;
- Ensure all allegations of torture or other ill-treatment are promptly, impartially, thoroughly and effectively investigated in a way which is capable of leading to the identification and punishment of those responsible; perpetrators must be prosecuted in proceedings which comply with international fair trial standards and, irrespective of whether perpetrators are identified, victims must receive reparation, including rehabilitation and

compensation;

- Ratify the Optional Protocol to the CAT to provide for the establishment of a system of regular visits undertaken by independent international and national bodies to any place under the government's jurisdiction and control where persons are or may be deprived of their liberty; and to provide for one or several independent national preventive mechanisms for the prevention of torture;
- Provide all detainees with adequate shelter, food and clean drinking water, and sanitation facilities and access to medical care, in line with Ethiopian laws and international standards, including the recently-adopted Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa.

### **Fair trial**

- Ensure trial proceedings never commence against a defendant without a legal representative present; ensure that all defendants are afforded a public hearing without undue delay, are presumed innocent until proved guilty by a court of law, can defend themselves through legal assistance, are afforded time to prepare a defence and access to evidence presented against them;
- Guarantee no statement of confession made by a person deprived of liberty, other than one made in presence of a judge or a lawyer, has a probative value in court; and that any evidence obtained from a detainee in an unofficial place of detention and not confirmed by the detainee during interrogation at official locations is not admitted as evidence in court;
- Ensure all court proceedings observe the right of the defendant to be presumed innocent until proven guilty and that the prosecution bears the burden of proving guilt beyond reasonable doubt;
- Ensure any allegations or reports that evidence, including confessions and signatures on incriminating documents, were extracted under duress are immediately investigated, thoroughly and impartially, and unless the prosecution can establish beyond reasonable doubt that evidence did not arise as a result of torture or coercion, such evidence must be excluded by the courts;
- Immediately end any current trials of actual or suspected dissenters where the defendants are being prosecuted solely on account of their lawful exercise of their rights to the freedoms of expression, association and peaceful assembly or their imputed political opinion; and immediately and unconditionally release anyone detained on charges based on these activities.

### **Cooperation with the UN human rights mechanisms**

- As a member of the UN Human Rights Council, comply with the obligations to "uphold the highest standards in the promotion and protection of human rights" and to "fully cooperate with the Council" by agreeing dates for visits by the Special Procedures that have requested to visit Ethiopia, giving priority to the Special Rapporteurs on Torture, Extra-judicial, Summary or Arbitrary Executions, Freedom of Expression and Freedom of

Association and Assembly, and the Working Group on Arbitrary Detention;

- Provide the UN Human Rights Council with a mid-term update on follow-up steps taken by the government of Ethiopia on recommendations accepted under the Universal Periodic Review, with particular attention to recommendations relating to guaranteeing political rights, including freedom of expression, association and assembly, ensuring that legitimate acts of political dissent are not criminalized, taking necessary measures to enable all citizens to fully take part in the democratic process in advance of the 2015 elections, and respecting the right to fair trial.

#### **To the Ethiopian Human Rights Commission**

- Conduct unannounced visits to Maikelawi, federal prisons and other places of detention, including military camps in Oromia, to conduct robust investigations into allegations of torture and other violations taking place within detention facilities, and make public the findings of the monitoring;
- Conduct thorough investigations into allegations of widespread, entrenched patterns of human rights violations in Oromia;
- In order to bring the EHRC into full compliance with the Paris Principles, implement the November 2013 recommendations of the International Coordinating Committee of National Human Rights Institutions' Sub-Committee on Accreditation, including to:
  - Advocate for changes to its legislation to make clear its power to make unannounced visits to all public and private places of detention or confinement;
  - Respond within a reasonable time to human rights concerns, including in connection with the Charities and Societies Proclamation and the Anti-Terrorism Proclamation;
  - Present all its reports to parliament, including reports on politically sensitive issues, to circulate them widely, and to promote their discussion and consideration by the authorities in a timely fashion.

#### **To the United Nations Human Rights Council (HRC) and the African Commission on Human and Peoples' Rights (ACHPR)**

**Due to the apparent existence of an entrenched pattern of violations in Ethiopia and due to concerns over the impartiality of established domestic investigative procedures, Amnesty International believes that the UN HRC and the ACHPR should accord the situation in Ethiopia the highest possible level of scrutiny, including by pursuing investigations, individually and/or jointly, into allegations of widespread violations through appropriate procedures, such as independent international commissions of inquiry or similar mechanisms.**

### **To the ACHPR**

- During the upcoming consideration of Ethiopia's periodic report on the implementation of the African Charter on Human and Peoples' Rights in Ethiopia, accord particular attention to issues of arbitrary arrest and detention, enforced disappearance, extra-judicial execution and torture and other ill-treatment, and request substantive responses from the Government of Ethiopia on the widespread perpetration of these violations;
- Request access for a fact-finding mission led by the Committee for the Prevention of Torture or another relevant mechanism of the Commission to investigate widespread violations of human rights in Oromia and the rest of Ethiopia;
- Individual mechanisms of the ACHPR, including the Committee for the Prevention of Torture, the Special Rapporteur on Prisons and Conditions of Detention, the Working Group on Death Penalty and Extra-Judicial, Summary or Arbitrary killings in Africa and the Special Rapporteur on Freedom of Expression and Access to Information, should also request invitations to conduct missions relating to their specific area of expertise.

### **To member and observer states of the United Nations Human Rights Council**

- Address the human rights situation in Ethiopia, including the entrenched pattern of violations, in debate in the Human Rights Council and through the creation of an international commission of inquiry or similar mechanism.

### **To the international community**

**Amnesty International calls on the European Union and governments having close political and economic relations with Ethiopia, including members of the Development Assistance Group, all of which have made commitments and developed policies including respect for human rights in their aid programmes and political relations, to:**

- Conduct monitoring of trials of actual or suspected Oromo dissenters accused of supporting the OLF, including members of Oromo opposition political parties, peaceful protestors, students and other categories of cases highlighted in this report, through representatives of the international community based in Addis Ababa; make findings of the monitoring publically available and share with relevant stakeholders;
- Request the Government of Ethiopia to provide unhindered access to detention centres for UN and AU human rights mechanisms and independent human rights organizations;
- Call upon the Government of Ethiopia to allow for independent and impartial investigations to be conducted into serious, widespread allegations of human rights violations in Oromia;
- Ensure any training or reform programmes planned or implemented with the security services, including the military, federal or regional police, or the judiciary, within

development assistance efforts, contain guarantees, *inter alia*, of human rights accountability, independent monitoring of human rights violations, accessible mechanisms through which people can pursue grievances and access to detention centres for reliable, independent human rights monitoring entities; financial assistance programmes to the military should include components of monitoring of military camps to ensure the military are not responsible for detaining persons arbitrarily and using torture and other ill-treatment in military facilities;

- Donors with existing funding programmes working with federal and regional police, with the military or with the prison system, should carry out immediate, thorough and impartial investigations into allegations of human rights violations within those institutions, to ensure their funding is not contributing to the commission of human rights violations;
- Publically and privately raise concerns with the Ethiopian government, and particularly the federal ministries of Defence, Federal Affairs and Justice, and the regional government of Oromia, about violations documented in this report, and urge those bodies to adopt systems to end the violations, with particular reference to the questions to those entities contained within Amnesty International's letters to the government annexed to this report;
- Treat with the utmost seriousness the detention of political activists, members and leaders of opposition political parties, peaceful protestors and other suspected or actual dissenters; the detention of opposition political party members during the lead-up to the 2015 general elections and over the election period – as happened in 2010 – must be taken into account in any assessment of the elections.

## END NOTES

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<sup>1</sup> Amnesty International interview, Oromo, m, 20, Kakuma refugee camp, Kenya, 4 May 2014.

<sup>2</sup> Available via the Central Statistical Agency:

<http://www.csa.gov.et/images/general/news/icps%202012%20report.pdf>.

<sup>3</sup> The kebele is a small administrative division of local governance in Ethiopia. Each region is divided into zones, zones, in turn, are divided into woredas and woredas are divided into kebeles. (In Afan Oromo Zone = godina, woreda = aanaa, kebele = ganda).

<sup>4</sup> According to President Negasso, this figure was reported to the Executive Committee of the Oromo People's Democratic Organization (OPDO), the Oromo party in the ruling coalition, from the Oromia regional administration.

<sup>5</sup> <http://www.ethiopia.gov.et/stateoromia>.

<sup>6</sup> See endnote 2 above. Note: Some Oromo live in other regions of the country and some members of other ethnic groups live in Oromia.

<sup>7</sup> p39, Table 3, Human Rights Protection Monitoring in Ethiopian Prisons Primary Report (July 2012), Ethiopian Human Rights Commission (EHRC), <http://www.ehrc.org.et/LinkClick.aspx?fileticket=1uE7T06QzbQ%3d&tabid=117>. The report also contains a list of regional detention centres in Oromia, Table 1, pp26-28.

<sup>8</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 17 July 2013.

<sup>9</sup> Article 29(1), Constitution: "Everyone shall have the right to hold opinions without any interference;" Article 29(2): "Everyone shall have the right to freedom of expression without interference;" and Article 39(2): "Every nation, nationality and people shall have the right to speak, write and develop its language and to promote its culture, help it grow and flourish, and preserve its historical heritage." Article 19(1), International Covenant on Civil and Political Rights (ICCPR): "Everyone shall have the right to hold opinions without interference;" Article 19(2): "Everyone shall have the right to freedom of expression;" and Article 27: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx#>. Article 15(1a), International Covenant on Economic, Social and Cultural Rights (ICESCR): "The States Parties to the present Covenant recognize the right of everyone: To take part in cultural life." <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

<sup>10</sup> Amnesty International has information on cases of individual and group arrests totalling over 1000 people since 2011. In addition to these incidents, several thousand people were reported to have been arrested during and in the wake of the 2014 protests against the Addis Ababa 'Integrated Master Plan', and well over 1000 were reported to have been arrested in Oromia in the context of the Muslim protest movement in 2012. (Note: arrests in relation to this movement also took place in other parts of the country). Around 1000 further arrests were reported to have taken place in seven different incidents of peaceful protests between 2011 and 2014 reported to Amnesty International in the course of this research. Several thousand people were reported to have been arrested in relation to coordinated protests

staged by farmers in ten locations across Oromia in 2012, though most were quickly released. Around 500 were reported to have remained in detention. Several hundred members of Oromo opposition political parties were arrested in sweeps in 2011 and between 350 and 500 were reported to have been arrested in the aftermath of the 2014 'Master Plan' protests.

<sup>11</sup> See for example, Amnesty International, *Dismantling Dissent: Intensified Crackdown on Free Speech in Ethiopia*, AFR 25/011/2011, (December 2011).

<sup>12</sup> For example, more than 200 people were reported to have been arrested at the 2012 celebration of the traditional festival of Irreecha in Debre Zeit (known as Bishoftu by the Oromo). 150 were reportedly arrested at another traditional festival in 2011. Amnesty International also received information about a number of individual cases of arrests relating to expression of Oromo cultural identity. See in more detail below.

<sup>13</sup> Amnesty International interview, Oromo, m, 32, Hargeisa, Somaliland, 16 September 2013.

<sup>14</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 17 July 2013.

<sup>15</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 28 April 2014.

<sup>16</sup> Amnesty International interview, Oromo, m, 24, Nairobi, Kenya, 19 July 2013.

<sup>17</sup> Amnesty International phone call, Oromo, m, specific location withheld, Ethiopia, August 2013 (specific date withheld).

<sup>18</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 4 October 2013.

<sup>19</sup> Article 5 (1, b) of the Anti-Terrorism Proclamation (No. 652/2009), 'Rendering Support to Terrorism' prohibits, *inter alia*, the provision of "moral support."

<sup>20</sup> Any restrictions on freedom of expression "to be characterised as a 'law', must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly." UN Human Rights Committee General Comment No. 34, para. 25. Article 15(1) of the ICCPR also imposes a more general requirement of legality for criminal offences, stating in part, "No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed;" See also, Amnesty International, *Dismantling Dissent: Intensified Crackdown on Free Speech in Ethiopia*, AFR 25/011/2011, (December 2011).

<sup>21</sup> Article 29(1), Constitution and Article 19(1) ICCPR: "Everyone shall have the right to hold opinions without any interference." <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. See also General Comment 34 of the UN Human Rights Committee, para. 46: 'States parties should ensure that counter-terrorism measures are compatible with paragraph 3. Such offences as "encouragement of terrorism" and "extremist activity" as well as offences of "praising", "glorifying", or "justifying" terrorism, should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression.' <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/422/35/PDF/G0842235.pdf?OpenElement>.

<sup>22</sup> The kebele is a small administrative division of local governance in Ethiopia. Each region is divided into zones, zones, in turn, are divided into woredas and woredas are divided into kebeles. (In Afan Oromo Zone = godina, woreda = aanaa, kebele = ganda).

<sup>23</sup> Part II, Book III, Title I, Chapter I – Crimes against the National State, (Articles 238-260) Criminal

Code. See for example, Amnesty International, *Dismantling Dissent: Intensified crackdown on free speech in Ethiopia*, (December 2011), which documents cases against 98 members of the Oromo Federalist Democratic Movement (OFDM) and the Oromo People's Congress (OPC) political parties under this group of charges, as well as in two additional cases of people from other ethnic groups arrested and charged for actual or suspected dissent or dissenting behaviour also charged under this group of charges.

<sup>24</sup> Constitution, Article 30: Freedom of Assembly, Public demonstration and the Right to Petition – (1): “Everyone shall have the freedom, in association with others, to peaceably assemble without arms, engage in public demonstration and the right to petition.”

<sup>25</sup> See response from the Oromia Justice Bureau, in annex at the end of this report.

<sup>26</sup> Principle 9, UN Basic Principles on the Use of Force and Firearms, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>. Article 3, UN Code of Conduct for Law Enforcement Officials, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>. While not legally binding on their own, the core provisions on the use of force are an elaboration of legal rules applicable to states by way of their treaty obligations or obligations under customary international law. The process of their development and adoption involved a very large number of states and at least the substance of article 3 of the Code of Conduct and principle 9 of the Basic Principles reflects binding international law (see, for example, UN Special Rapporteur on Extra-judicial Executions (EJEs), UN Doc A/61/311, para 35; see also Nigel Rodley, *The Treatment of Prisoners under International Law*, 3rd ed, p.257-8).

<sup>27</sup> The April-May 2014 events were reminiscent of events in 2004 when months of protests broke out across Oromia and in Addis Ababa by college and school students demonstrating against a federal government decision to transfer the regional state capital from Addis Ababa to Adama (also known as Nazret), a town 100 km south-east of Addis Ababa. The transfer was perceived to be against Oromo interests. Police used live ammunition in some incidents to disperse demonstrators, killing several students and wounding many others, which led to further protests. Hundreds of students were arrested and detained for periods ranging from several days to several months, without charge or trial. Many were beaten when police dispersed protests or in detention. Subsequently, hundreds were expelled or suspended from university and many suffered long-term repercussions such as repeated arrest based on the residual suspicion of holding dissenting opinions.

<sup>28</sup> A parliamentary Commission of Inquiry established in November 2005 found that 193 civilians had been killed in the demonstration violence (including 19 previously arrested criminal prisoners killed by guards at Kaliti prison on 3 November) and six police officers; that 763 civilians and 71 police had been wounded (including 99 women and 65 riot police); and that property worth just over half a million US dollars had been damaged, including several public buses and some government property. Most of the civilians were killed by bullets fired by police officers, backed up by soldiers. 30,000 people were detained, most of whom were beaten by police. For more information, see for example, Amnesty International, *Justice Under Fire: Trials of opposition leaders, journalists and human rights defenders in Ethiopia*, AFR 25/002/2011, (July 2011), <http://www.amnesty.org/en/library/asset/AFR25/002/2011/en/2cf63b00-1346-4997-b679-1141a150b797/afr250022011en.pdf>; Amnesty International, *Ethiopia: Over 30 reported dead and several hundred detained in fierce crackdown*, AFR 25/016/2005, (November 2005), <http://www.amnesty.org/en/library/asset/AFR25/016/2005/en/8705d8c7-fa14-11dd-999c-47605d4edc46/afr250162005en.pdf>; Amnesty International, *ETHIOPIA: Recent arrests of opposition leaders and police killings of 46 demonstrators*, AFR 25/019/2005, (November 2005),

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<http://www.amnesty.org/en/library/asset/AFR25/019/2005/en/e7f72855-fa13-11dd-999c-47605d4edc46/afr250192005en.pdf>.

<sup>29</sup> This is documented in chapters on protests and on extra-judicial executions later in this report.

<sup>30</sup> See below 'Extra-judicial executions' - The killing of peaceful protestors, where the response of the law enforcement officials is disproportionate to any threat posed and the use of lethal force was unnecessary falls into the category of extra-judicial executions.

<sup>31</sup> Constitution, Article 49(4): "The special interest of the state of Oromia with respect to supply of services or the utilization of resources or administrative matters arising from the presence of the city of Addis Ababa within the state of Oromia shall be protected. Particulars shall be determined by law."

<sup>32</sup> Amnesty International telephone interviews with individuals in seven locations in Oromia between 6 – 16 May 2014 (details and locations withheld for security reasons).

<sup>33</sup> Amnesty International telephone interviews with individuals in seven locations in Oromia between 6– 16 May 2014 (details and locations withheld for security reasons).

<sup>34</sup> Large numbers of these arrests were reported to be members of the main Oromo political opposition party, the Oromo Federalist Congress (OFC) – see below on opposition political party members.

<sup>35</sup> Amnesty International e-mail exchange (source and location withheld for security reasons), 10-12 July 2014.

<sup>36</sup> Amnesty International phone calls with two OFC officials, September and October 2014 (specific date and location withheld).

<sup>37</sup> Amnesty International telephone interview, Oromo, m, August 2013 (specific date withheld).

<sup>38</sup> Amnesty International telephone interview, Oromo, m, August 2013 (specific date withheld).

<sup>39</sup> See Amnesty International, 'Ethiopia: Government continues to target peaceful Muslim protest movement,' (November 2012), <http://www.amnesty.org/en/library/asset/AFR25/016/2012/en/17ccd118-26bf-447a-a875-42df354ce753/afr250162012en.pdf>, 'Ethiopia: Widespread violations feared in clampdown on Muslim protests,' (July 2012), <http://www.amnesty.org/en/library/asset/AFR25/010/2012/en/add94f7e-d5ed-4377-9ea8-83d37347158f/afr250102012en.pdf>, and 'Ethiopian repression of Muslim protests must stop,' (August 2013), <http://www.amnesty.org/en/for-media/press-releases/ethiopian-repression-muslim-protests-must-stop-2013-08-08>. Excessive or unnecessary force was also allegedly used by security forces in at least three other incidents in relation to the protest movement in 2012, one in the town of Gerba, in Amhara region and two in Addis Ababa.

<sup>40</sup> See Amnesty International, 'Ethiopia: Government continues to target peaceful Muslim protest movement,' (November 2012), <http://www.amnesty.org/en/library/asset/AFR25/016/2012/en/17ccd118-26bf-447a-a875-42df354ce753/afr250162012en.pdf>.

<sup>41</sup> Amnesty International interview, Oromo, m, 22, Kakuma refugee camp, Kenya, 4 May 2014.

<sup>42</sup> Amnesty International interview, Oromo, m, 20, Kakuma refugee camp, Kenya, 4 October 2013.

<sup>43</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 2 October 2013.

<sup>44</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 1 October 2013.

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- <sup>45</sup> Amnesty International interview, Oromo, m, 25, Kakuma refugee camp, Kenya, 3 October 2013.
- <sup>46</sup> Amnesty International interview, Oromo, m, 23, Kakuma refugee camp, Kenya, 2 May 2014.
- <sup>47</sup> For more detail, also see Amnesty International, *Dismantling Dissent: Intensified Crackdown on Free Speech in Ethiopia*, AFR 25/011/2011, (December 2011).
- <sup>48</sup> Comprehensive information on these arrests and the fate of those arrested was not established.
- <sup>49</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 21 September 2012.
- <sup>50</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 24 September 2012.
- <sup>51</sup> Amnesty International interview, Oromo, m, 23, Kakuma refugee camp, Kenya, 2 May 2014.
- <sup>52</sup> Amnesty International interview, Oromo, m, 23, Kakuma refugee camp, Kenya, 2 May 2014.
- <sup>53</sup> Geographic location withheld for security purposes.
- <sup>54</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya 15 July 2013.
- <sup>55</sup> Amnesty International interview, Oromo, m, 20, Kakuma refugee camp, Kenya, 4 May 2014.
- <sup>56</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya 15 July 2013.
- <sup>57</sup> Amnesty International interview, Oromo, f, 27, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>58</sup> Amnesty International interview, Oromo, m, 34, Nairobi, Kenya, 24 July 2013.
- <sup>59</sup> Amnesty International interview, Oromo, m, 22, Kakuma refugee camp, Kenya, 3 October 2013.
- <sup>60</sup> There is a high level of surveillance throughout the country, particularly of actual or suspected dissenters, but also of the population more widely. This includes physical surveillance, carried out by the large numbers of employees and networks of informers of the intelligence services, and also surveillance of telephone and digital communications. This surveillance is regularly reported by human rights activists, actual and suspected dissenters, and other actors, and has been experienced directly by Amnesty International staff, including during the last research visit to Ethiopia in 2011. For more information see, for example, Human Rights Watch, "They Know Everything We Do": Telecom and Internet Surveillance in Ethiopia, (March 2014), <http://www.hrw.org/reports/2014/03/25/they-know-everything-we-do>.
- <sup>61</sup> Amnesty International telephone interview, Oromo, m, Sweden, 13 August 2013.
- <sup>62</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.
- <sup>63</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>64</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.
- <sup>65</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>66</sup> Amnesty International interview, Oromo, m, 22, Kakuma refugee camp, Kenya, 4 May 2014.
- <sup>67</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.
- <sup>68</sup> Amnesty International interview, Oromo, m, 21, Nairobi, Kenya, 19 July 2013.
- <sup>69</sup> People from many other walks of life also reported problems based on their refusal to join the ruling

political party, as documented later in this report.

<sup>70</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>71</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>72</sup> Amnesty International telephone interview, Oromo, m, Sweden, 13 August 2013.

<sup>73</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 5 May 2014.

<sup>74</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>75</sup> Amnesty International telephone interview, Oromo, m, Sweden, 13 August 2013.

<sup>76</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.

<sup>77</sup> Amnesty International interview, Oromo, 22, Kakuma refugee camp, Kenya, 4 May 2014.

<sup>78</sup> Amnesty International interview, Oromo man, 24, Nairobi, Kenya, 19 July 2013.

<sup>79</sup> Amnesty International interview, Oromo, m, 18, Kakuma refugee camp, Kenya, 30 April 2014.

<sup>80</sup> Amnesty International telephone interview, Oromo, m, Sweden, 13 August 2013.

<sup>81</sup> Article 13 of the ICESCR: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

<sup>82</sup> The United States (US) State Department report on human rights practices in 2013 on Ethiopia stated "The government restricted academic freedom, including through decisions on student enrolment, teachers' appointments, and the curriculum. Authorities frequently restricted speech, expression, and assembly on university and high school campuses."

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>83</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>84</sup> Amnesty International interview, Oromo, m, 27, Kakuma refugee camp, Kenya, 3 October 2013.

<sup>85</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>86</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 5 May 2014.

<sup>87</sup> Constitution, Article 29(1), "Everyone shall have the right to hold opinions without any interference," Article 38(1), "Every citizen, without distinction on the basis of race, colour, nation, nationality, sex, language, religion, political or other opinion, or discrimination based on any other status shall have the right: (a) to take part in the conduct of public affairs, directly or through freely chosen representatives; (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot; guaranteeing the free expression of the will of the electors;" and Article 38(2), "Subject to the general and special rules of membership of the organization concerned, the right of everyone to join political parties, trade unions, chambers of commerce, employer's and professional associations is guaranteed." Article 19(1) and Article 25 of the ICCPR contain the same wording as Articles 29 and 38 of the Constitution.

<sup>88</sup> The ICCPR specifies caveats where the rights to freedom of expression and to seek, receive and impart information may be "subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals" (Article 19). Article 20 also specifies that "1. Any propaganda for war shall be prohibited by law. 2. Any advocacy of national, racial

or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>89</sup> The ONC contested the 2005 elections, but subsequently, due to political divisions in the party, former ONC Chairman Merera Gudina was forced to re-register his party under the new name ‘Oromo People’s Congress’ before the 2008 local elections. A few people interviewed by Amnesty International still used the old name of the party, or called it “Merera Gudina’s party.”

<sup>90</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 25 July 2013.

<sup>91</sup> Amnesty International phone calls with OFC official, various dates between May – July 2014.

<sup>92</sup> Amnesty International phone call with OFC official, July 2014 (specific date withheld).

<sup>93</sup> Amnesty International phone calls with two OFC officials, September 2014 (specific dates withheld).

<sup>94</sup> Amnesty International phone calls with OFC officials, September and October 2014 (specific dates withheld).

<sup>95</sup> Amnesty International was not able to confirm the charges before publication. This may have been Article 255, ‘Attempted Incitement and Assistance,’ under ‘Crimes Against the Constitution or the State.’

<sup>96</sup> The government was not able to provide more specific information on numbers arrested, numbers charged or numbers released without charge. The two Oromo political parties had information on their own members who were affected, but comprehensive information on these arrests has not been available.

<sup>97</sup> In July 2012, the OPC and the OFDM merged to form the OFC.

<sup>98</sup> Arrests of opposition members from other political parties and ethnic groups as well as critical journalists were also made in Addis Ababa during the year, but the significant majority of the arrests took place in Oromia.

<sup>99</sup> For instance Berhanu Emiru, arrested in April 2014, is a member of the Executive Committee of the OFDM, and a high school physics teacher. Berhanu Emiru campaigned in the 2010 elections and authored documents such as statements and media articles for the political party. Thirty-two of those arrested, including Asfaw Ngasso, Gutu Mulesa and Mengesha Tolesa, were OPC candidates in the 2010 elections. Asfaw Ngasso and Gutu Mulesa were also members of parliament between 2005 and 2010 (at that time the party they represented was the ONC – the name under which the party contested the 2005 elections).

<sup>100</sup> During interrogation in detention, both men were questioned about their meetings with Amnesty International.

<sup>101</sup> Part II, Book III, Title I, Chapter I – Crimes against the National State, (Articles 238-260) Criminal Code.

<sup>102</sup> Between the 2005 and 2010 elections the ONC had changed its name to the OPC, as described above.

<sup>103</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 25 July 2013.

<sup>104</sup> A few people interviewed by Amnesty International still used the old name of the party, or called it “Merera Gudina’s party.”

- <sup>105</sup> Amnesty International interview, Oromo m, Nairobi, Kenya, 27 July 2013.
- <sup>106</sup> Amnesty International interview, Oromo m, Nairobi, Kenya, 17 July 2013.
- <sup>107</sup> Constitution: Article 39(2): "Every nation, nationality and people shall have the right to speak, write and develop its language and to promote its culture, help it grow and flourish, and preserve its historical heritage." ICCPR: Article 27: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx#>. Article 15(1a), ICESCR: "The States Parties to the present Covenant recognize the right of everyone: To take part in cultural life." <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.
- <sup>108</sup> Amnesty International telephone interview, Oromo, m, Sweden, 16 August 2013.
- <sup>109</sup> Amnesty International telephone interview, Oromo, m, Sweden, 16 August 2013.
- <sup>110</sup> Amnesty International interview, Oromo, f, 27, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>111</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 16 July 2013.
- <sup>112</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 18 July 2013.
- <sup>113</sup> Amnesty International interview, Oromo, f, Nairobi, Kenya, 16 July 2013.
- <sup>114</sup> Amnesty International is aware of a number of incidents where Sudan has arrested and deported asylum seekers, in violation of the right to claim asylum and the obligation to ensure no person is returned to a country where they face a risk of persecution, covered in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. Sudan's own laws bar the government from removing from Sudan any person with a fear of persecution in their country of origin. See for example, Amnesty International '*Sudan must end forced returns of asylum seekers to Eritrea*', <http://www.amnesty.org/en/library/asset/AFR54/039/2012/en/ad11d911-8915-488b-b5c9-3831f4694b9e/afr540392012en.pdf>.
- <sup>115</sup> Amnesty International telephone interview, Oromo, m, Sweden, 16 August 2013.
- <sup>116</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 20 September 2012.
- <sup>117</sup> Article 29(1) of the Constitution states: "Everyone shall have the right to hold opinions without any interference." This right is also enshrined in Article 19(1) of the ICCPR, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
- <sup>118</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.
- <sup>119</sup> Article 12 (1), ICESR: "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health," <http://www.ohchr.org/EN/ProfessionalInterest/Pages/cescr.aspx>.
- <sup>120</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 15 July 2013.
- <sup>121</sup> Amnesty International interview, Oromo, m, 25, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>122</sup> Amnesty International interview, Oromo, m, 58, Hargeisa, Somaliland, 17 September 2013.
- <sup>123</sup> Amnesty International interview, Oromo, m, 41, Kampala, Uganda, 29 September 2013.

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- <sup>124</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 5 May 2014.
- <sup>125</sup> Amnesty International interview, Oromo, m, 28, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>126</sup> Many students also said this was the only way to protect themselves from the suspicion of Oromo students in universities and colleges.
- <sup>127</sup> Amnesty International interview, Oromo, m, 28, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>128</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 2 May 2014.
- <sup>129</sup> Amnesty International interview, Oromo, m, 25, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>130</sup> Amnesty International interview, Oromo, m, 32, Hargeisa, Somaliland, 16 September 2013.
- <sup>131</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 23 July 2013.
- <sup>132</sup> Amnesty International interview, Oromo, m, 45, Kakuma refugee camp, Kenya, 2 May 2014.
- <sup>133</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 24 July 2013.
- <sup>134</sup> Amnesty International interview, Oromo, m, 54, Nairobi, Kenya, 18 July 2013.
- <sup>135</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 23 July 2013.
- <sup>136</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 2 May 2014.
- <sup>137</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 23 July 2013.
- <sup>138</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 26 July 2013.
- <sup>139</sup> Amnesty International interview, Oromo, m, 27, Kakuma refugee camp, Kenya, 3 October 2013.
- <sup>140</sup> Amnesty International interview, m, Nairobi, Kenya, 15 July 2013.
- <sup>141</sup> The Zone is the administrative division above the Woreda (district) division.
- <sup>142</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 16 July 2013.
- <sup>143</sup> Amnesty International interview, Oromo, m, 25, Kakuma refugee camp, Kenya, 3 May 2014.
- <sup>144</sup> Amnesty International interview, Oromo, m, 20, Kakuma refugee camp, Kenya, 4 May 2014.
- <sup>145</sup> Amnesty International interview, Oromo, m, 35, Hargeisa, Somaliland, 16 Sept 2013.
- <sup>146</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>147</sup> Amnesty International interview, Oromo, f, 17, Kampala, Uganda, 29 September 2013.
- <sup>148</sup> Article 9, ICCRR, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.
- <sup>149</sup> Article 7(2), African Charter on Human and Peoples' Rights (ACHPR), <http://www.achpr.org/instruments/achpr/#a7>.
- <sup>150</sup> Amnesty International interview, Oromo, m, 20, Nairobi, Kenya, 24 July 2013.
- <sup>151</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.
- <sup>152</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>153</sup> Amnesty International interview, Oromo, f, 38, Hargeisa, Somaliland, 18 September 2013.

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- <sup>154</sup> Amnesty International interview, Oromo, f, 21, Nairobi, Kenya, 20 September 2012.
- <sup>155</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 3 October 2013.
- <sup>156</sup> Amnesty International interview, Oromo, f, 25, Kakuma refugee camp, Kenya, 4 May 2014.
- <sup>157</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>158</sup> Amnesty International interview, Oromo, m, 25, Kakuma refugee camp, Kenya, 3 May 2014.
- <sup>159</sup> Amnesty International interview, Oromo, m, 26, Kampala, Uganda, 28 September 2013.
- <sup>160</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>161</sup> Article 9(3, 4), ICCPR, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
- <sup>162</sup> Article 17(2), Ethiopian Constitution. This right is also enumerated in Article 9 of the ICCPR, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
- <sup>163</sup> See for example, Amnesty International, Justice Under Fire: Trials of opposition leaders, journalists and human rights defenders in Ethiopia, AFR 25/002/2011, (July 2011), <http://www.amnesty.org/en/library/asset/AFR25/002/2011/en/2cf63b00-1346-4997-b679-1141a150b797/afr250022011en.pdf>; Amnesty International, Ethiopia: Submission to the United Nations Human Rights Committee, AFR 25/003/2011, (June 2011), <http://www.amnesty.org/en/library/asset/AFR25/003/2011/en/f28f0376-dc7c-4749-80d7-72bee711d779/afr250032011en.pdf>. Many other Amnesty International documents also detail the use of torture, arbitrary detention and other human rights violations at Maikelawi for many years, for example, Amnesty International, Ethiopia: Accountability past and present: human rights in transition, AFR 25/006/1995, (April 1995), <http://www.amnesty.org/en/library/info/AFR25/006/1995/en>. See also Human Rights Watch, "They Want a Confession": Torture and Ill-treatment in Ethiopia's Maekelawi Police Station, (October 2013), [http://www.hrw.org/sites/default/files/reports/ethiopia1013\\_ForUpload.pdf](http://www.hrw.org/sites/default/files/reports/ethiopia1013_ForUpload.pdf).
- <sup>164</sup> Articles 19(3, 4), Constitution.
- <sup>165</sup> Article 19(1), Constitution; and Article 9(2), ICCPR, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
- <sup>166</sup> Article 20(1), Ethiopian Constitution; and Article 14(3, c), ICCPR, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
- <sup>167</sup> Amnesty International interview, Oromo, f, 18, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>168</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>169</sup> Amnesty International received a number of reports of individuals being harassed, arrested and tried and convicted for not showing sufficient grief over the death of Meles Zenawi, or refusing to join in public mourning or contribute money to mark his death.
- <sup>170</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 25 July 2013.
- <sup>171</sup> Amnesty International interview, Oromo, m, 23, Kakuma refugee camp, Kenya, 2 May 2014.
- <sup>172</sup> Amnesty International interview, Oromo, m, 23, Kakuma refugee camp, Kenya, 2 May 2014.
- <sup>173</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 25 July 2013.

- <sup>174</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 17 July 2013.
- <sup>175</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>176</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 17 July 2013.
- <sup>177</sup> Amnesty International interview, Oromo, m, 23, Nairobi, Kenya, 19 July 2013.
- <sup>178</sup> Amnesty International interview, Oromo, m, 58, Hargeisa, Somaliland, 17 September 2013.
- <sup>179</sup> Amnesty International interview, Oromo, m, 48, Nairobi, Kenya, 26 July 2013.
- <sup>180</sup> Amnesty International interview, Oromo, m, 54, Nairobi, Kenya, 18 July 2013.
- <sup>181</sup> Amnesty International interview, Oromo, m, 24, Nairobi, Kenya, 19 July 2013.
- <sup>182</sup> Article 20(5) Constitution; Article 14(2, d), ICCPR, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
- <sup>183</sup> UN Human Rights Committee General Comment 20, paragraph 11; Report of the UN Special Rapporteur on torture, (E/CN.4/1992/17), 17 December 1991, paragraph 284. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/422/35/PDF/G0842235.pdf?OpenElement>.
- <sup>184</sup> Concluding Observations of the UN Human Rights Committee: Georgia, UN Doc. CCPR/C/79/Add.74, 9 April 1997. para.28.
- <sup>185</sup> Article 21(2), Constitution.
- <sup>186</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 2 May 2014.
- <sup>187</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>188</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>189</sup> Amnesty International interview, Oromo, m, 28, Kakuma refugee camp, Kenya, 3 October 2013.
- <sup>190</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 3 October 2013.
- <sup>191</sup> Amnesty International interview, Oromo, m, 25, Kakuma refugee camp, Kenya, 3 May 2014.
- <sup>192</sup> Amnesty International interview, Oromo, f, Nairobi, Kenya, 16 July 2013.
- <sup>193</sup> Amnesty International interview, Oromo, m, 55, Kakuma refugee camp, Kenya, 4 October 2013.
- <sup>194</sup> Amnesty International interview, Oromo, m, 19, Nairobi, Kenya, 19 July 2013.
- <sup>195</sup> <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx>.
- <sup>196</sup> Fact Sheet No. 6 (Rev.2), Enforced or Involuntary Disappearances, <http://www.ohchr.org/Documents/Publications/FactSheet6rev.2en.pdf>.
- <sup>197</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 25 July 2013.
- <sup>198</sup> Amnesty International interview, Oromo, m, 22, Kakuma refugee camp, Kenya, 4 May 2014.
- <sup>199</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.
- <sup>200</sup> Amnesty International interview, Oromo, f, 21, Hargeisa, Somaliland, 18 September 2013.
- <sup>201</sup> Amnesty International interview, Oromo, f, 18, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>202</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 30 April 2014.

<sup>203</sup> See endnote 22.

<sup>204</sup> Amnesty International interview, Oromo, m, 39, Nairobi, Kenya 15 July 2013.

<sup>205</sup> Amnesty International interview, Oromo, m, 26, Kampala, Uganda, 28 September 2013.

<sup>206</sup> Amnesty International interview, Oromo, m, 20, Nairobi, Kenya, 24 July 2013.

<sup>207</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 30 April 2014.

<sup>208</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 4 October 2013.

<sup>209</sup> Article 10(1), UN Declaration on the Protection of All Persons from Enforced Disappearance: "Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention," <http://www.un.org/documents/ga/res/47/a47r133.htm>; also Article 17(1, 2), International Convention for the Protection of All Persons from Enforced Disappearance, <http://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx>.

<sup>210</sup> General Comment 20 on Article 7 of the ICCPR: "It should be noted that keeping under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment is an effective means of preventing cases of torture and ill-treatment. To guarantee the effective protection of detained persons, provisions should be made for detainees to be held in places officially recognized as places of detention and for their names and places of detention, as well as for the names of persons responsible for their detention, to be kept in registers readily available and accessible to those concerned, including relatives and friends. To the same effect, the time and place of all interrogations should be recorded, together with the names of all those present and this information should also be available for purposes of judicial or administrative proceedings. Provisions should also be made against incommunicado detention. In that connection, States parties should ensure that any places of detention be free from any equipment liable to be used for inflicting torture or ill-treatment. The protection of the detainee also requires that prompt and regular access be given to doctors and lawyers and, under appropriate supervision when the investigation so requires, to family members."

<sup>211</sup> The US State Department Country Report on Human Rights Practices for 2013 on Ethiopia stated that in addition to federal and regional prisons, "There also were many unofficial detention centers throughout the country, including in Dedessa, Bir Sheleko, Tolay, Hormat, Blate, Tatek, Jijiga, Holeta, and Senkele. Most were located at military camps." <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>212</sup> These are the names/locations of camps cited by detainees as being places of detention during and since 2011. Some may have closed since that time. It is also possible some have different names and the locations are not exact.

<sup>213</sup> Amnesty International interview, Oromo, m, Kampala, Uganda, 29 September 2013.

<sup>214</sup> Amnesty International interview, Oromo, m, 26, Kakuma refugee camp, Kenya, 3 May 2014.

<sup>215</sup> Torture and ill-treatment in military camps is documented later in this report.

<sup>216</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 25 July 2013.

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- <sup>217</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 15 July 2013.
- <sup>218</sup> Amnesty International interview, Oromo, m, 38, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>219</sup> Amnesty International interview, Oromo, m, 23, Kakuma refugee camp, 3 October 2013.
- <sup>220</sup> Amnesty International interview, Oromo, m, 45, Kakuma refugee camp, 2 May 2014.
- <sup>221</sup> Amnesty International interview, Oromo, m (date and location withheld).
- <sup>222</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.
- <sup>223</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>224</sup> Amnesty International interview, Oromo, m, 58, Hargeisa, Somaliland, 17 September 2013.
- <sup>225</sup> As protected in the Constitution, Article 29, the right to freedom of expression, Article 30, the right to freedom of assembly, Article 31, the right to association and Article 32, the right to freedom of movement; and the ICCPR, Article 19, the right to freedom of expression and Article 22, the right to freedom of association, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
- <sup>226</sup> The right to freedom of movement is enshrined in Article 12 of the ICCPR, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
- <sup>227</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>228</sup> Amnesty International interview, Oromo, f, Nairobi, Kenya, 15 July 2013.
- <sup>229</sup> Amnesty International interview, Oromo, m, 28, Kakuma refugee camp, 3 October 2013.
- <sup>230</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, 1 October 2013.
- <sup>231</sup> Amnesty International interview, Oromo, f, Nairobi, Kenya, 25 July 2013.
- <sup>232</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, 1 October 2013.
- <sup>233</sup> Amnesty International interview, Oromo, m, 24, Kakuma refugee camp, Kenya, 5 May 2014.
- <sup>234</sup> Amnesty International interview, Oromo, m, 46, Kakuma refugee camp, Kenya, 3 October 2013.
- <sup>235</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 25 July 2013.
- <sup>236</sup> Amnesty International interview, Oromo, f, 33, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>237</sup> Amnesty International interview, Oromo man, 20, Hargeisa, Somaliland, 16 September 2013.
- <sup>238</sup> Amnesty International interview, Oromo, m, 46, Kakuma refugee camp, Kenya, 3 October 2013.
- <sup>239</sup> Amnesty International interview, Oromo, m, 28, Kakuma refugee camp, Kenya, 3 October 2013.
- <sup>240</sup> Constitution, Article 20 (1-7), 'Rights of the Accused.' Also, ICCPR, Article 14 (1) "All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law (...). (2) Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law. (3) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) To have adequate time and facilities

for the preparation of his defence and to communicate with counsel of his own choosing; (c) To be tried without undue delay; (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right (...); (...) (g) Not to be compelled to testify against himself or to confess guilt,"

<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. See also ACHPR, Articles 3, 6 and 7, <http://www.achpr.org/instruments/achpr/#a7>.

<sup>241</sup> Article 19(5), Constitution.

<sup>242</sup> UN Human Rights Committee, General Comment Number 32, on Article 14 of the ICCPR, (2007), paragraph 30: "The presumption of innocence, which is fundamental to the protection of human rights, imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt, and requires that persons accused of a criminal act must be treated in accordance with this principle." <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/422/35/PDF/G0842235.pdf?OpenElement>.

<sup>243</sup> Part II, Book III, Title I, Chapter I – Crimes against the National State, (Articles 238-260) Criminal Code.

<sup>244</sup> See for example, Amnesty International, Dismantling Dissent: Intensified Crackdown on Free Speech in Ethiopia, AFR 25/011/2011, (December 2011), ), Amnesty International, Ethiopian repression of Muslim protests must stop, (August 2013), Amnesty International, Statement on freedom of expression to the African Commission on Human and Peoples' Rights, AFR 01/009/2014, (May 2014), Amnesty International, Ethiopia: Release Prisoners of Conscience Immediately and Unconditionally AFR 25/004/2014 (July 2014 ).

<sup>245</sup> This is documented in more detail in relation to torture and the purposes of torture later in this report.

<sup>246</sup> It was reported to Amnesty International that during the trial of Berhanu Emiru, one of the OFDM officials arrested in 2011, emails were cited as evidence against him which later proven to have been fabricated. The emails were written from Berhanu's e-mail account after he had been arrested and was already detained in Maikelawi. The emails were withdrawn as evidence.

<sup>247</sup> Amnesty International interview, Oromo, m, 29, Nairobi, Kenya, 18 July 2013.

<sup>248</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 21 September 2012

<sup>249</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 24 July 2013.

<sup>250</sup> Amnesty International interview, Oromo, m, 22, Nairobi, Kenya, 26 July 2013.

<sup>251</sup> Amnesty International interview, Ethiopian activist, 2013 (specific date and location withheld).

<sup>252</sup> Junedin Sado is a former government minister who fled to Kenya in early 2013. His wife, Habiba Mohamed, was arrested in 2012, and in October of that year was charged alongside 28 people in connection to the long-running Muslim protest movement of that year. Her co-defendants included members of the committee appointed by the community to represent their grievances to the government and at least one journalist.

<sup>253</sup> Amnesty International interview, Oromo, f, 18, Nairobi, Kenya, 25 July 2013.

<sup>254</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 24 July 2013.

<sup>255</sup> Amnesty International interview, Oromo, f, 38, Hargeisa, Somaliland, 18 September 2013.

<sup>256</sup> Article 3, Universal Declaration of Human Rights (UDHR): "Everyone has the right to life, liberty and security of person," <http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng>; Article 6(1), ICCPR: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life," <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. See also Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf> and Human Rights Committee, General Comment No. 6, HRI/GEN/1/Rev.6 (1982), para. 3, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/422/35/PDF/G0842235.pdf?OpenElement>. A State killing is legal only if it is required to protect life, making lethal force proportionate, and there is no other means, such as capture or non-lethal incapacitation, of preventing that threat to life.

<sup>257</sup> *Inter alia*, Principle 9, UN Basic Principles on the Use of Force and Firearms, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx> and Article 3, UN Code of Conduct for Law Enforcement Officials, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>. The Basic Principles state the "intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

<sup>258</sup> The definition of law enforcement officials involves the military when they are involved in policing functions such as the policing of demonstrations.

<sup>259</sup> Amnesty International phone call, Oromo, f, Ethiopia, May 2014 (specific date withheld).

<sup>260</sup> Amnesty International phone call, Oromo, m, specific location withheld, Ethiopia, August 2013 (specific date withheld).

<sup>261</sup> Amnesty International phone call, Oromo, m, specific location withheld, Ethiopia, August 2013 (specific date withheld).

<sup>262</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 5 May 2014.

<sup>263</sup> Amnesty International phone call, OFC official, location withheld, Ethiopia, April 2014 (specific date withheld).

<sup>264</sup> Amnesty International interview, Oromo, m, 20, Kakuma refugee camp, Kenya, 4 October 2013.

<sup>265</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>266</sup> See also 'Death in detention' later in this report.

<sup>267</sup> Amnesty International interview, Oromo, m, Hargeisa, Somaliland, 17 September 2013.

<sup>268</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>269</sup> Amnesty International interview, Oromo, m, 24, Nairobi, Kenya, 19 July 2013.

<sup>270</sup> The UN Basic Principles on the Use of Force and Firearms by law enforcement officials states: "law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. Intentional lethal use of firearms may only be made when strictly unavoidable in order

to protect life.” Principle 9, UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>. According to the UN Code of Conduct for Law Enforcement Officials (1979) those “who exercise police powers, especially the powers of arrest and detention” are law enforcement officials. When performing policing functions, military and other state security forces fall within this definition.

<sup>271</sup> Amnesty International interview, Oromo, m, 32, Hargeisa, Somaliland, 16 September 2013.

<sup>272</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 16 July 2013.

<sup>273</sup> Article 18, Constitution.

<sup>274</sup> Convention against Torture (CAT), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>.

<sup>275</sup> Article 1(1), CAT, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>.

<sup>276</sup> Article 19(5), Constitution.

<sup>277</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 3 May 2014.

<sup>278</sup> Amnesty International interview, Oromo, m, Hargeisa, Somaliland, 16 September 2013.

<sup>279</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 15 July 2013.

<sup>280</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 18 July 2013.

<sup>281</sup> Amnesty International phone interview, Swedish journalist Martin Schibbye, 16 October 2012

<sup>282</sup> Amnesty International interview, Oromo, m, 30, Kakuma refugee camp, Kenya, 5 May 2014.

<sup>283</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.

<sup>284</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 26 September 2012.

<sup>285</sup> Amnesty International interview, Oromo, m, 33, Nairobi, Kenya, 27 July 2013.

<sup>286</sup> Amnesty International interview, Oromo, m, 30, Kakuma refugee camp, Kenya, 5 May 2014.

<sup>287</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>288</sup> Amnesty International interview, Oromo, m, 45, Kakuma refugee camp, Kenya, 2 May 2014.

<sup>289</sup> Amnesty International interview, Oromo, m (date and location withheld).

<sup>290</sup> Amnesty International interview, Oromo, m, 58, Hargeisa, Somaliland, 17 September 2013.

<sup>291</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.

<sup>292</sup> Amnesty International interview, Oromo, m, 26, Kakuma refugee camp, Kenya, 3 May 2014.

<sup>293</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>294</sup> Amnesty International interview, Oromo, m, 32, Kampala, Uganda, 29 September 2013.

<sup>295</sup> Amnesty International interview, Oromo, f, 25, Kakuma refugee camp, Kenya, 4 May 2014.

<sup>296</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 17 July 2013.

<sup>297</sup> Amnesty International interview, Oromo, m, 20, Hargeisa, Somaliland, 16 September 2013.

- <sup>298</sup> Amnesty International interview, Oromo, m, 21, Nairobi, Kenya, 25 July 2013.
- <sup>299</sup> Amnesty International interview, Oromo, m, 25 (location and date withheld for security reasons).
- <sup>300</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 16 July 2013.
- <sup>301</sup> This use of this torture position has been documented in many countries around the world and has a number of names, including 'parrot's perch' – Amnesty International phone call with medical forensics expert, 26 June 2014. The parrot's perch is documented in the Istanbul Protocol - Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>.
- <sup>302</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>303</sup> Amnesty International interview, Oromo, m, 38, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>304</sup> Amnesty International interview, Oromo, m, 45, Kakuma refugee camp, Kenya, 2 May 2014.
- <sup>305</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 17 July 2013.
- <sup>306</sup> Amnesty International interview, Oromo, m, 32, Kampala, Uganda, 29 September 2013.
- <sup>307</sup> Amnesty International interview, Oromo, f, 20, Hargeisa, Somaliland, 19 September 2013.
- <sup>308</sup> Amnesty International interview, Oromo, m, 29, Nairobi, Kenya, 18 July 2013.
- <sup>309</sup> Amnesty International interview, Oromo, m, Hargeisa, Somaliland, 17 September 2013 and Amnesty International interview, Oromo, m, Kakuma refugee camp, 4 October 2013.
- <sup>310</sup> Amnesty International interview, Oromo, m, Hargeisa, Somaliland, 17 September 2013.
- <sup>311</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 5 May 2014.
- <sup>312</sup> Amnesty International interview, Oromo, m, Hargeisa, Somaliland, September 2013.
- <sup>313</sup> This may have been due to necrosis – death of cells, caused by infection. Amnesty International interview with medical forensics expert, 26 June 2014.
- <sup>314</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013. The victim of this treatment was present at the interview but did not speak, according to his brother because he continues to suffer from mental trauma from his experiences during detention.
- <sup>315</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.
- <sup>316</sup> Amnesty International interview, Oromo, m, 33, Nairobi, Kenya, 27 July 2013.
- <sup>317</sup> Amnesty International interview, Oromo, f, Nairobi, Kenya, 26 July 2013.
- <sup>318</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 2 October 2013.
- <sup>319</sup> Amnesty International interview, Oromo, f, 33, Kakuma refugee camp, Kenya, 1 October 2013.
- <sup>320</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 30 April 2014.
- <sup>321</sup> Amnesty International interview, Oromo, m, Hargeisa, Somaliland, 17 September 2013.
- <sup>322</sup> Amnesty International interview, Oromo, m, 45, Kakuma refugee camp, Kenya, 2 May 2014.
- <sup>323</sup> Oromo singer detained in Maikelawi for 11 months. Amnesty International interview, Oromo, m,

Nairobi, Kenya, 16 July 2013.

<sup>324</sup> Paragraph 72, Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, 5 August 2011, <http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf>. See also the Istanbul Statement on the Use and Effects of Solitary Confinement (2007) <http://www.solitaryconfinement.org/istanbul>.

<sup>325</sup> A number of other prisoners of conscience, including members of opposition political parties and journalists have reported being held in solitary confinement cells during initial stages of their detention at Maikelawi.

<sup>326</sup> The six federal prisons are Kaliti, Dire Dawa, Ziway, Shewa Robit, Kilinto (maximum security) and the women's prison.

<sup>327</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 18 July 2013.

<sup>328</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>329</sup> Amnesty International telephone interview, Oromo, m, Sweden, 13 August 2013.

<sup>330</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 17 July 2013.

<sup>331</sup> Amnesty International telephone interview, Oromo, m, Sweden, 13 August 2013.

<sup>332</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 28 April 2014.

<sup>333</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 28 April 2014.

<sup>334</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 2 October 2013.

<sup>335</sup> Amnesty International interview, Oromo, f, 38, Hargeisa, Somaliland, 18 September 2013.

<sup>336</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 23 July 2013.

<sup>337</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 18 July 2013.

<sup>338</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 2 October 2013.

<sup>339</sup> Amnesty International interview, Oromo, f, 40, Kakuma refugee camp, Kenya, 2 October 2013.

<sup>340</sup> Amnesty International interview, Oromo, m, 27, Kakuma refugee camp, Kenya, 3 October 2013.

<sup>341</sup> Article 10, ICCPR, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

<sup>342</sup> Human Rights Committee, General Comment 21, concerning humane treatment of persons deprived of liberty, paragraph 4, available in <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/422/35/PDF/G0842235.pdf?OpenElement>.

<sup>343</sup> Articles 9–26, UN Standard Minimum Rules for the Treatment of Prisoners, [https://www.unodc.org/pdf/criminal\\_justice/UN\\_Standard\\_Minimum\\_Rules\\_for\\_the\\_Treatment\\_of\\_Prisoners.pdf](https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf).

<sup>344</sup> Articles 26 and 27, Proclamation to Provide for the Establishment of Federal Prisons Commission (No. 365/2003), <http://www.fsc.gov.et/resources/Negarit%20Gazeta/Gazeta-1995/Proc%20No.%20365-2003%20Federal%20prisons%20commission%20Establishment.pdf>.

<sup>345</sup> Articles 8 and 9, Council of Ministers Regulations Number 138/2007 on the Treatment of Federal

Prisoners,

[https://docs.google.com/file/d/0B4f0l6J9WQrBZDg1MzA3MzctMjJkOS00NTE0LWlyNzltMmM3YzEyODgwMGU5/edit?hl=en\\_GB&pli=1](https://docs.google.com/file/d/0B4f0l6J9WQrBZDg1MzA3MzctMjJkOS00NTE0LWlyNzltMmM3YzEyODgwMGU5/edit?hl=en_GB&pli=1).

<sup>346</sup> Amnesty International interview, Oromo, m, 50, Nairobi, Kenya, 15 July 2013.

<sup>347</sup> Amnesty International interview, Oromo, m, 26, Kakuma refugee camp, Kenya, 3 May 2014.

<sup>348</sup> Amnesty International interview, Oromo, m, 25, Kakuma refugee camp, Kenya, 2 October 2013.

<sup>349</sup> Amnesty International interview, Oromo, m, 35, Kakuma refugee camp, Kenya, 4 October 2013.

<sup>350</sup> Amnesty International interview, Oromo, m, 23, Kakuma refugee camp, Kenya, 3 October 2013.

<sup>351</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 17 July 2013.

<sup>352</sup> Amnesty International interview, Oromo, m, 23, Kakuma refugee camp, Kenya, 2 May 2014.

<sup>353</sup> Articles 11(a) and 21(1), UN Standard Minimum Rules for the Treatment of Prisoners, [https://www.unodc.org/pdf/criminal\\_justice/UN\\_Standard\\_Minimum\\_Rules\\_for\\_the\\_Treatment\\_of\\_Prisoners.pdf](https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf).

<sup>354</sup> Amnesty International interview, Oromo, m, 45, Kakuma refugee camp, Kenya, 2 May 2014.

<sup>355</sup> Amnesty International interview, Oromo, m, 19, Kakuma refugee camp, Kenya, 28 April 2014.

<sup>356</sup> Amnesty International interview, Oromo, m, 26, Kakuma refugee camp, Kenya, 3 May 2014.

<sup>357</sup> Amnesty International interview, Oromo, m, 22, Kakuma refugee camp, Kenya, 5 May 2014.

<sup>358</sup> Injera is the traditional staple food of Ethiopia eaten daily by most people. It is a spongy pancake made from the grain teff.

<sup>359</sup> Amnesty International interview, Oromo, m, 27, Kakuma refugee camp, Kenya, 3 October 2013.

<sup>360</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 3 October 2013.

<sup>361</sup> Amnesty International interview, Oromo, m, 38, Nairobi, Kenya, 15 July 2013.

<sup>362</sup> Amnesty International interview, Oromo, m, 26, Kakuma refugee camp, Kenya, 3 May 2014.

<sup>363</sup> Amnesty International interview, Oromo, 45, Kakuma refugee camp, Kenya, 2 May 2014.

<sup>364</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 27 July 2013.

<sup>365</sup> For example, Amnesty International interview, Oromo, f, 27, Nairobi, Kenya, 26 July 2013.

<sup>366</sup> Amnesty International interview, Oromo, m, 48, Nairobi, Kenya, 26 July 2013.

<sup>367</sup> Amnesty International interview, Oromo, m, 22, Kakuma refugee camp, Kenya, 4 May 2014.

<sup>368</sup> Page 112, Human Rights Protection Monitoring in Ethiopian Prisons Primary Report, <http://www.ehrc.org.et/LinkClick.aspx?fileticket=1uE7T06QzbQ%3d&tabid=117>.

<sup>369</sup> Pages 104-5, *ibid*.

<sup>370</sup> Page 108, *ibid*.

<sup>371</sup> Page, 115-6, *ibid*.

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<sup>372</sup> Pages 125-6 *ibid*.

<sup>373</sup> Article 8(3), ICCPR, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

<sup>374</sup> Article 8(3,b), ICCPR, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

<sup>375</sup> Article 8(3,c(i)), ICCPR, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

<sup>376</sup> Article 2(2), Forced Labour Convention (C29), 1930, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_ILO\\_CODE:C029](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C029). Ethiopia is a party to both this Convention and the 1957 Abolition of Forced Labour Convention (cited below).

<sup>377</sup> Proclamation to Provide for the Establishment of Federal Prisons Commission (No. 365/2003), <http://www.fsc.gov.et/resources/Negarit%20Gazeta/Gazeta-1995/Proc%20No.%20365-2003%20Federal%20prisons%20commission%20Establishment.pdf>.

<sup>378</sup> Article 1(a), Abolition of Forced Labour Convention (C105), 1957, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C105](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C105).

<sup>379</sup> Amnesty International interview, Oromo, m, 34, Hargeisa, Somaliland, 17 September 2013.

<sup>380</sup> Amnesty International interview, Oromo, m, Kakuma refugee camp, Kenya, 4 October 2013.

<sup>381</sup> Amnesty International interview, Oromo, m, 42, Hargeisa, Somaliland, 18 September 2013.

<sup>382</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 15 July 2013.

<sup>383</sup> Amnesty International interview, Oromo, m, 23, Kakuma refugee camp, Kenya, 3 October 2013.

<sup>384</sup> Amnesty International interview, Oromo, m, Nairobi, Kenya, 17 July 2013.

<sup>385</sup> Amnesty International interview, Oromo, f, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>386</sup> Amnesty International meeting with Oromo refugee, f, location withheld, 11 December 2013.

<sup>387</sup> Amnesty International interview, Oromo, m, 20, Hargeisa, Somaliland, 16 September 2013.

<sup>388</sup> Amnesty International interview, Oromo, m, 26, Kakuma refugee camp, Kenya, 3 May 2014.

<sup>389</sup> Amnesty International interview, Oromo, m, 35, Hargeisa, Somaliland, 16 September 2013.

<sup>390</sup> Amnesty International interview, Oromo, m, 20, Kakuma refugee camp, Kenya, 1 October 2013.

<sup>391</sup> Article 14 (2, j & n), Charities and Societies Proclamation (621/2009).

<sup>392</sup> Access to regional prisons was not suspended between 2005 and 2013, but visits to prisons in these two regions had not been conducted due to limited organizational resources.

<sup>393</sup> Federal Police Commission Establishment Proclamation, Number 720/2011, which supplanted previous establishment acts Federal Police Proclamation, Number 207/2000, and Federal Police Commission Proclamation, Number 313/2003.

<sup>394</sup> According to available information, in the ten years since it was established the Commission has not reported on any serious human rights violations that it found were the responsibility of the government or government institutions, despite the widespread nature of serious violations perpetrated by the Ethiopian government. The findings of the Commission are contrary to the findings of numerous national and

international human rights reports. The EHRC is currently accredited with B status by the International Coordinating Committee (ICC) of National Human Rights Institutions, indicating that it is not fully in compliance with the Principles relating to the Status of National Institutions (The Paris Principles). In November 2013 the ICC Sub-Committee on Accreditation, made a number of recommendations to the EHRC to bring it into full compliance with the Principles.

<http://nhri.ohchr.org/EN/AboutUs/ICC/Accreditation/Documents/SCA%20NOVEMBER%202013%20FINAL%20REPORT%20ENGLISH.pdf>.

<sup>395</sup> pp98-101, 'Human Rights Protection Monitoring in Ethiopian Prisons Primary Report,' EHRC, July 2012, <http://www.ehrc.org.et/LinkClick.aspx?fileticket=1uE7T06QzbQ%3d&tabid=117>

<sup>396</sup> <http://www.ehrc.org.et/PressReleasesandSpeeches/PressReleases/tabid/121/Default.aspx>

<sup>397</sup> <http://www.jfa-pfe.org.et/home.php>

<sup>398</sup> Country and other visits by Special Procedures Mandate Holders since 1998 A-E, UN Office of the High Commissioner for Human Rights (OHCHR), <http://www.ohchr.org/EN/HRBodies/SP/Pages/countryvisitsa-e.aspx> Request to visit from the Special Rapporteur on Torture were made in 2005, 2007, 2010 and 2013 - <http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/Visits.aspx>; the request from the Working Group on Arbitrary Detention was made in 2005 and renewed in 2007, 2009 and 2011. Requests from a number of other UN Special Procedures also remain outstanding

<sup>399</sup> This was Amnesty International's last research visit to Ethiopia which was cut short when the delegation was instructed to leave the country immediately, August 2011.

<sup>400</sup> See for example [http://www.capitalethiopia.com/index.php?option=com\\_content&view=article&id=3312:eu-human-rights-experts-refused-access-to-kaliti-prison&catid=35:capital&Itemid=27](http://www.capitalethiopia.com/index.php?option=com_content&view=article&id=3312:eu-human-rights-experts-refused-access-to-kaliti-prison&catid=35:capital&Itemid=27)

<sup>401</sup> Paragraph 9, <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.ETH.CO.1.pdf>

<sup>402</sup> Paragraph 11, <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.ETH.CO.1.pdf>

<sup>403</sup> At the UN Universal Periodic Review (UPR) consideration of Ethiopia's human rights performance from 2009-14, in May 2014, a number of states recommended to Ethiopia to ratify the Optional Protocol to the CAT, but those recommendations were rejected by Ethiopia. The recommendation made by: Tunisia, Uruguay, Denmark, Estonia, Togo, Hungary, Paraguay, pp24-25, Report of the Working Group on the UPR: Ethiopia July 2014, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ETSession19.aspx>

<sup>404</sup> Response from the Oromia Justice Bureau to Amnesty International, annexed to this report.

<sup>405</sup> Available at <http://www.ehrc.org.et/LinkClick.aspx?fileticket=E2YA0XI%2bSHM%3d&tabid=115>

<sup>406</sup> Paragraph 22, [http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.ETH.CO.1\\_en.pdf](http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.ETH.CO.1_en.pdf),

<sup>407</sup> See, for example, Amnesty International, Justice Under Fire: Trials of opposition leaders, journalists and human rights defenders in Ethiopia, AFR 25/002/2011, (July 2011), <http://www.amnesty.org/en/library/asset/AFR25/002/2011/en/2cf63b00-1346-4997-b679-1141a150b797/afr250022011en.pdf>; Amnesty International, Ethiopian repression of Muslim protests must stop, (August 2013), <http://www.amnesty.org/en/news/ethiopian-repression-muslim-protests-must-stop-2013-08-08>; and Amnesty International, Ethiopia: Conviction of government opponents a 'dark day'

for freedom of expression, (June 2012), <http://www.amnesty.org/en/for-media/press-releases/ethiopia-conviction-government-opponents-dark-day-freedom-expression-2012-0>.

<sup>408</sup> Under the Proclamation to Provide for the Powers and Duties of the Executive Branch of the Regional Government, No. 163/2011, as cited in the response from the Oromia Justice Bureau to Amnesty International annexed to this report.

<sup>409</sup> Page 28, National Human Rights Action Plan (NHRAP), available at <http://www.ehrc.org.et/PublicationsandReports/Publications/tabid/115/Default.aspx>

<sup>410</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/EffectiveInvestigationAndDocumentationOfTorture.aspx>

<sup>411</sup> Paragraph 11, <http://www1.umn.edu/humanrts/instree/i7pepi.htm>.

<sup>412</sup> See for example, Amnesty International, *Stifling human rights work: The impact of civil society legislation in Ethiopia*, (Index AFR 25/002/2012), <http://www.amnesty.org/en/library/info/AFR25/002/2012/en> on the impact of the 2009 Charities and Societies Proclamation on human rights organizations in Ethiopia.

<sup>413</sup> For more information see Amnesty International, *Justice Under Fire: Trials of opposition leaders, journalists and human rights defenders in Ethiopia*, AFR 25/002/2011, (July 2011), <http://www.amnesty.org/en/library/asset/AFR25/002/2011/en/2cf63b00-1346-4997-b679-1141a150b797/afr250022011en.pdf>, particularly pp67-69. Other inquiries have led to similar concerns over issues of impartiality and impunity for perpetrators of violations. For example, a Commission of Inquiry to investigate killings of ethnic Anuak in Gambella in 2003, concluded that the number of dead was much lower than the number reported by survivors, eye-witnesses and other sources. The Commission made no recommendations regarding prosecution of those responsible, whether police, military or civilians. See for example, Human Rights Watch, *World Report 2005*, <http://www.hrw.org/world-report-2005/ethiopia>.

<sup>414</sup> For example, the Human Rights Commissioner of the Council of Europe has listed in detail factors necessary for effective police complaints mechanisms, [https://wcd.coe.int/ViewDoc.jsp?id=1417857#P97\\_5903](https://wcd.coe.int/ViewDoc.jsp?id=1417857#P97_5903)

# ANNEXES: CORRESPONDENCE WITH THE ETHIOPIAN GOVERNMENT

1. Letter from Amnesty International to the federal Ministry of Defence
2. Letter from Amnesty International to the federal Ministry of Federal Affairs
3. Letter from Amnesty International to the federal Ministry of Justice
4. Letter from Amnesty International to the President of the Oromia Regional State
5. Response from the Oromia Regional Justice Bureau to Amnesty International

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Siraj Fegessa  
Minister of Defence  
PO Box 1373  
Addis Ababa  
Ethiopia

16 September 2014

Dear Minister

I am writing to share with you the findings of research conducted by Amnesty International into patterns and circumstances of the repression of freedom of expression and association in Oromia between 2011 and 2014, and to seek your response to our findings.

Amnesty International will be publishing the research findings in a forthcoming report. We would like to ensure that the report reflects the response of the Government of Ethiopia to the concerns raised therein. Please find below our key findings and a number of questions to your ministry on the issues raised. We would be thankful for your response and input on these questions. In order that the views of the government may be included in our report, we would appreciate a written response to these questions by 6 October 2014. We are also sharing our findings with, and inviting responses from the federal ministries of Federal Affairs and Justice, and the Oromia regional government.

Over the course of the research, Amnesty International conducted face to face interviews with over 170 Oromo refugees, in a range of locations over the last year. In addition, more than 40 telephone interviews and emailed information exchanges were conducted with additional people in different locations in Oromia and in Addis Ababa between 2012 and 2014. Corroborating information was taken during a further 30 face to face interviews conducted with Oromos in Ethiopia and Egypt in 2011 and in Kenya in 2012 and from a range of other sources. As you know, Amnesty International is currently refused access to Ethiopia, so was not able to conduct research for this report from within Ethiopia after 2011.

The testimonies of these interviewees, as well as information received by Amnesty International from a range of other sources, demonstrate patterns of the targeting of actual or suspected dissenters in Oromia for harassment, arrest, arbitrary detention, incommunicado detention, and in some cases enforced disappearance or extra-judicial execution.

Amnesty International interviewed a range of actors, including students, people who had participated in peaceful protests, members of opposition political parties, people interested in expressing their Oromo cultural identity, former government employees and members of the Oromo People's Democratic Organization (OPDO), and other people from all walks of life. Almost all interviewees told Amnesty International that they, or in some cases a spouse or a close family member, had been harassed or arrested based on their peaceful expression of opposition to or criticism of the

government, or based on their suspected political opinion opposing the government. For example, joining cultural groups, refusing to join the ruling party, being related to a known or suspected dissident, and a number of other indicators and peaceful behaviours, led to accusations that the individual opposed the government, and resulted in harassment or arrest.

A number of large-scale arrests, as well as scores of individual arrests, have taken place in locations across Oromia and in Addis Ababa since 2011, targeting thousands of Oromo civilians. According to information gathered by Amnesty International, arrests took place in a wide variety of contexts. The majority of arrests of people based on their actual or suspected political opinion since 2011 were in relation to peaceful protests. In 2012 and 2013, many hundreds of people were arrested in relation to the Muslim protest movement; and more recently, thousands of protestors and others were arrested during and in the wake of the protests against the Addis Ababa 'Integrated Master Plan' in April and May 2014. A number of other incidents of single or multiple arrests in relation to individual protests were also reported to Amnesty International. Multiple arrests of suspected dissidents occurred in early 2011, including opposition party members and students, apparently in relation to the government's fear that the uprisings in the Middle East and North Africa during the period would be replicated in Ethiopia. Arrests also took place at Oromo cultural events, and of members of Oromo cultural groups, including student groups, and Oromo artists including singers and writers. Members of Oromo opposition parties were arrested individually and in groups, including high level party members such as Bekele Gerba and Olbana Lelisa. Large numbers of opposition party members were arrested after the 2014 Master Plan protests. Students from universities and schools in a number of locations across Oromia reported high levels of surveillance of their political or perceived-political activities, and in many cases reported that actions deemed to be anti-government resulted in harassment or arrest. Numerous incidents of harassment or arrest were reported to have been carried out by members of the federal military. Local and federal police, and local authorities were also cited by interviewees as responsible for other incidents of harassment or arrest.

In addition to the targeting of the groups mentioned above, our research has also revealed a pattern of targeting Oromos from all walks of life based on their actual or suspected opposition to the government. These included medical professionals, business people, people who failed to attend ruling party meetings or to join the ruling party, government employees who did not follow orders and a range of other actors.

In almost all of the cases cited above the individual was accused of supporting the Oromo Liberation Front (OLF). Our research suggests that in many cases there was little evidence to support this accusation. In many cases, engaging in activities such as participating in a peaceful protest or other dissenting behaviour against the government is assumed to indicate support for the OLF. Our research also suggests that the accusation of OLF support is frequently used as a pretext to target or silence peaceful opponents of the government.

In multiple cases, people who have been arrested arbitrarily on the bases cited above have been subjected to a number of further violations. Our research has revealed that a significant proportion of those who have been arrested have then been detained without charge or trial, and without access to the outside world. The majority of people interviewed by Amnesty International who were arrested based on their actual or suspected opposition to the government, were detained without charge or trial for some or all of the period of their detention, in a variety of locations including in police stations, local and regional prisons, federal prisons, Maikelawi in Addis Ababa, and some in

unofficial places of detention, particularly military camps, across Oromia. Many reported that they were also held incommunicado – without access to lawyers or family members. Many of these detentions amounted to enforced disappearance – where the government did not acknowledge the detention or disclose information about the detention to the detainee's family, placing the detainee outside the protection of the law.

In a significant proportion of the cases documented by Amnesty International, the detention was reported to take place in a military camp, in violation of international law and standards which prohibit detention of civilians in unofficial places of detention. Over 25 military camps were named by interviewees as places of detention in Oromia. Military camps/locations of camps cited by interviewees as places of detention since 2011 included Adama woreda kebele 07, Adama woreda kebele 19, Adele in east Hararghe, Arsi Negele woreda, Ayra woreda, Badano woreda, Boku, Daro Abona, Dembi Dollo in west Wallega zone, Didessa woreda in Illubabor zone, Dodola woreda, Gatiro, Gedo in west Shewa, Galemso, Guji zone, Hiddi Lola in Borana zone, Holota near Addis Ababa, Malka Wakena, Mieso in Chiro woreda, Mega in Borana zone, Mizrak Iz near Harar, Sabategna ('7th') near Dire Dawa, Shashemene, Sinja in Goba woreda, Zetenegna ('9th') near Dire Dawa. Please note that there may be some inaccuracy about the location of the camps given, based on the lack of information provided to detainees about their location. Many interviewees said they did not find out where they were detained until after they were released.

In almost all cases of detention in military camps reported to Amnesty International, the former detainee said they were not at any point charged or taken before a court, did not have access to a lawyer, and in most cases, did not have access to family members. Many of these former detainees reported being subjected to torture and other ill-treatment in military camps. Methods of torture reported to Amnesty International to have taken place in military camps included beatings with fists, sticks, gun butts and other objects, burning with molten plastic, hot coals and other items, tying in contorted stress positions, mock execution and death threats. Allegations of incidents of torture perpetrated in military camps included reports of the rape of female detainees by soldiers. Amnesty International also received reports of treatment that amounts to torture or ill-treatment, including rape, perpetrated against people in and around their homes, in the course of arrests or efforts to collect information about or evidence against persons wanted by the authorities.

It was also frequently reported by former detainees interviewed by Amnesty International who had been held arbitrarily without charge or trial that their release from detention was subject to conditions imposed by the arresting or civilian authorities, including local and federal police and the federal military, kebele and woreda officials and not by a judicial authority. Conditions most frequently reported included not participating in demonstrations or other gatherings, political meetings or student activities. Some people were ordered not to meet with more than two or three individuals at one time, and some were ordered not to have any contact with certain people, including spouses or family members wanted by the authorities for alleged dissenting behaviour. Many people had to sign a condition not to leave their residential area without seeking permission from local authorities. These conditions amount to unlawful restrictions on the rights to freedom of expression, association and movement.

Amnesty International also received dozens of reports of actual or suspected dissenters being killed by security services, including the federal military, in the context of security services' response to protests, during the arrests of actual or suspected dissidents, and in detention. Some of these killings may amount to extra-judicial execution.

In light of these findings, we would appreciate your response and input on the following questions:

1. Can you confirm that arrested persons are held in detention in military camps in Oromia? If so, can you disclose full details of the names and locations of military camps where the detention of civilians occurs, and full details of all prisoners in each location, including full names of detainees, charges against them, and the stage each case has reached in judicial proceedings, also specifying cases where detainees have not been charged?
2. What frameworks are in place to ensure the implementation of national and international minimum standards on the treatment of detainees and on conditions in detention for detainees in military camps, to protect detainees in military camps from torture and other forms of ill-treatment, including the rape of women, and for the investigation of allegations of torture? Do any non-military governmental entities, and any non-governmental independent entities have access to military camps to monitor the treatment and conditions of detainees in those locations? If so, how regularly are monitoring visits conducted? Who are the findings of these visits communicated to?
3. Can you provide details and documentation of any investigations that have been conducted into allegations of torture in a military camp? Has any member of the military been brought to account for the alleged commission of torture? If so, can you provide details of the prosecution and outcome?
4. Do guidelines exist to help ensure that military personnel do not target people for arrest based on their exercise of the right to freedom of expression or other conduct protected under Ethiopian and international law? When arrests of civilians are carried out by the military in Oromia, including in cases of protestors or cases of alleged supporters of the OLF, among others, are military personnel operating on orders from the military or civilian administration? Can you detail for us the chain of command in such cases and can you detail the jurisdiction under which federal soldiers are operating when conducting arrests of civilians outside of the parameters of a military operation? Are particular military units responsible for the arrest of civilians in Oromia? What mechanisms are in place to ensure that no-one is subject to arbitrary arrest – for a reason that does not constitute a criminal offence under international law, such as exercising the protected rights to freedom of expression, opinion and association?
5. What investigative procedures are followed in cases of alleged use of unnecessary or excessive force by the federal military resulting in deaths and injuries to civilians, including in the course of arrests, during security services' response to peaceful protests, and cases of deaths or alleged execution of detainees in military camps? Can you provide details and documentation of any such investigations that have taken place since 2011? Was any investigation conducted into alleged incidents of excessive or unnecessary force against protestors during the 2014 Master Plan protests or during the 2012-2013 Muslim protest movement? In cases where enough evidence is found to suggest the use of excessive or unnecessary force by soldiers, what procedures are in place to hold perpetrators to account? Have any members of the military been investigated and/or prosecuted for the alleged use of excessive or unnecessary force or alleged involvement in other killings that may amount to extra-judicial executions since 2011? If so, can you provide documentation of the process and the outcome?
6. What mechanisms exist for civilians to report, and seek redress for, alleged human rights violations committed by members of the military? Has any member of the military been suspended, disciplined or prosecuted for the commission of human rights violations? If so, can you provide

documentation of any such cases?

We will be grateful for any responses you can provide to the above questions. In order for any information you provide to be reflected in our report, we would appreciate your response in writing by 6 October 2014. Alternatively, I would be very happy to meet with you in person, to meet with representatives of your government in Kenya, or to arrange a telephone call to discuss these issues.

A handwritten signature in black ink, appearing to read 'L. Muthoni Wanyeki', with a stylized flourish at the end.

L Muthoni Wanyeki

Regional Director for east Africa, the Horn and the Great Lakes  
Amnesty International  
Muthoni.Wanyeki@amnesty.org

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Nairobi, Kenya

Dr Shiferaw Teklemariam  
Minister of Federal Affairs  
P O Box 5718  
Addis Ababa  
Ethiopia

16 September 2014

Dear Minister

I am writing to share with you the findings of research conducted by Amnesty International into patterns and circumstances of the repression of freedom of expression and association in Oromia between 2011 and 2014, and to seek your response to our findings.

Amnesty International will be publishing the research findings in a forthcoming report. We would like to ensure that the report reflects the response of the Government of Ethiopia to the concerns raised therein. Please find below our key findings and a number of questions to your ministry on the issues raised. We would be thankful for your response and input on these questions. In order that the views of the government may be included in our report, we would appreciate a written response to these questions by 6 October 2014. We are also sharing our findings with, and inviting responses from the federal ministries of Defence and Justice, and the Oromia regional government.

Over the course of the research, Amnesty International conducted face to face interviews with over 170 Oromo refugees, in a range of locations over the last year. In addition, more than 40 telephone interviews and emailed information exchanges were conducted with additional people in different locations in Oromia and in Addis Ababa between 2012 and 2014. Corroborating information was taken during a further 30 face to face interviews conducted with Oromos in Ethiopia and Egypt in 2011 and in Kenya in 2012 and from a range of other sources. As you know, Amnesty International is currently refused access to Ethiopia, so was not able to conduct research for this report from within Ethiopia after 2011.

The testimonies of these interviewees, as well as information received by Amnesty International from a range of other sources, demonstrate patterns of the targeting of actual or suspected dissenters in Oromia for harassment, arrest, arbitrary detention, incommunicado detention, and in some cases enforced disappearance or extra-judicial execution. The federal police were implicated in a number of the violations documented in this research.

Amnesty International interviewed a range of actors, including students, people who had participated in peaceful protests, members of opposition political parties, people interested in expressing their Oromo cultural identity, former government employees and members of the Oromo People's

Democratic Organization (OPDO), and other people from all walks of life. Almost all interviewees told Amnesty International that they, or in some cases a spouse or a close family member, had been harassed or arrested based on their peaceful expression of opposition to or criticism of the government, or based on their suspected political opinion opposing the government. For example, joining cultural groups, refusing to join the ruling party, being related to a known or suspected dissident, and a number of other indicators and peaceful behaviours, led to accusations that the individual opposed the government, and resulted in harassment or arrest.

A number of incidents of large-scale arrests, as well as scores of individual arrests, have taken place in locations across Oromia and in Addis Ababa since 2011, targeting thousands of Oromo civilians. According to information gathered by Amnesty International, arrests took place in a wide variety of contexts. The majority of arrests of people based on their actual or suspected political opinion since 2011 were in relation to peaceful protests. In 2012 and 2013, many hundreds of people were arrested in relation to the Muslim protest movement; and more recently, thousands of protestors and others were arrested during and in the wake of protests against the Addis Ababa 'Integrated Master Plan' in April and May 2014. A number of other incidents of single or multiple arrests in relation to individual protests were also reported to Amnesty International. Multiple arrests of suspected dissidents occurred in early 2011, including opposition party members and students, apparently in relation to the government's fear that the uprisings in the Middle East and North Africa during the period would be replicated in Ethiopia. Arrests also took place at Oromo cultural events, and of members of Oromo cultural groups, including student groups, and Oromo artists, including singers and writers. Members of Oromo opposition parties were arrested individually and in groups, including high level party members such as Bekele Gerba and Olbana Lelisa. Large numbers of opposition party members were arrested after the 2014 Master Plan protests. Students from universities and schools in a number of locations across Oromia reported high levels of surveillance of their political or perceived-political activities, and in many cases reported that actions deemed to be anti-government resulted in harassment or arrest.

In addition to the targeting of these groups, our research has also revealed a pattern of targeting Oromos from all walks of life based on their actual or suspected opposition to the government. This included medical professionals, business people, people who failed to attend ruling party meetings or to join the ruling party, government employees who did not follow orders and a range of other actors.

Numerous of these arrests were reported to have been carried out by the federal police. Members of the National Intelligence and Security Service (NISS) were also implicated in cases of arbitrary arrest. Other arrests and incidents of harassment were reported to have been carried out by the federal military, and harassment by civilian officials was also reported.

In almost all of the cases cited above the individual was accused of support for the Oromo Liberation Front (OLF). Our research suggests that in many cases there was little evidence to support this accusation. In many cases, engaging in activities such as participating in a peaceful protest or other dissenting behaviour against the government is assumed to indicate support for the OLF. Our research also suggests that the accusation of OLF support is frequently used as a pretext to target or silence peaceful opponents of the government.

In multiple cases, people who have been arrested arbitrarily on the bases cited above have been subjected to a number of further violations. Our research has revealed that a significant proportion of

those who have been arrested have then been detained without charge or trial, and without access to the outside world. Of the scores of people interviewed by Amnesty International who were arrested based on their actual or suspected opposition to the government between 2011 and 2014, the majority said they had been detained arbitrarily – without charge or trial, for some or all of the period of their detention, in a variety of locations including in federal prisons and in Maikelawi in Addis Ababa, as well as in police stations, local and regional prisons and unofficial places of detention, particularly in military camps, across Oromia. Many reported that they were also held incommunicado – without access to lawyers or family members. Many of these detentions amounted to enforced disappearance – where the government did not acknowledge the detention or disclose information about the detention to the detainee's family, placing the detainee outside the protection of the law.

Former detainees in federal prisons interviewed by Amnesty International reported a range of human rights violations in addition to detention without charge or trial, including incommunicado detention without access to lawyers or family members, and very poor conditions of detention. A significant proportion of the former detainees interviewed by Amnesty International said they had been subjected to torture and other ill-treatment. This included reports of the use of torture and other ill-treatment in federal prisons, and cases of deaths in detention or shortly after release from detention as a result of treatment or conditions in detention. Federal police and intelligence officers were implicated in reports of torture and ill-treatment.

Amnesty International also received consistent reports about human rights violations committed in the Federal Police Crime Investigation and Forensic Sector of 'Maikelawi' in Addis Ababa. Former detainees held in Maikelawi at various periods between 2011 and 2014 reported being subject to arbitrary detention without charge or trial, torture and other ill-treatment, and very poor conditions of detention. Former detainees also reported the use of underground cells, and lengthy periods of solitary confinement, detention in the former often coinciding with the latter. Methods of torture reported at Maikelawi included, beating – with fists, rubber batons, sticks and other objects, electric shocks, burning, tying in contorted stress positions in conjunction with beatings on the soles of the feet, and mock drowning. A number of people interviewed by Amnesty International said they were transferred to Maikelawi from different locations around Oromia.

Amnesty International also received numerous reports of detainees being held in unofficial places of detention by different branches of the security services. Unofficial places of detention reported to the organization were predominantly military camps across Oromia, but a small number of other unofficial places of detention were also reportedly used by federal police or intelligence agents to temporarily detain actual or suspected dissidents before removal to official places of detention or release. These were believed by the former detainee to be offices or other private buildings.

Amnesty International also received dozens of reports of actual or suspected dissenters being killed by security services, including the federal police, in cases of the use of unnecessary and excessive force against peaceful protestors, incidents during arrests, and deaths of detainees during or shortly after release from detention. Some of these killings may amount to extra-judicial execution.

In light of the findings highlighted above, we would appreciate your response and input on the following questions:

1. What steps is your ministry taking to ensure observance of the rights to freedom of

expression, opinion and association, which include the right to peaceful opposition to government; the right to peacefully assemble to protest; the right to express one's cultural heritage, in line with the Ethiopian Constitution and Ethiopia's obligations under international human rights law?

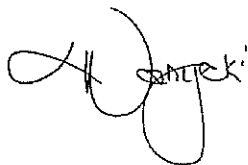
2. What initiatives is your ministry taking to ensure that no-one is detained arbitrarily without charge or trial in any detention centres, including federal prisons and Maikelawi, to ensure that all detainees are brought promptly before a competent judicial authority to challenge the lawfulness of their detention, and to ensure that all detainees receive prompt access to legal representatives and family members; and to ensure that no-one is held in an unofficial place of detention? Please provide information on any regulations or directives concerning the federal police and other security services prohibiting the detention of prisoners in the same.
3. What efforts is your ministry making to ensure that all allegations of torture and other ill-treatment made by detainees in all detention centres, including Maikelawi and the six federal prisons are subject to prompt, thorough and impartial investigations? What mechanisms are in place for detainees to report incidents of torture and other ill-treatment and for the investigation of those reports? Can you provide details and documentation of instances where such investigations have taken place, and of any cases where individuals alleged to have been responsible for the torture have been prosecuted, and provide details of the outcome?
4. What steps is your ministry taking to end the use of underground cells in Maikelawi and other detention centres, and to end the use of prolonged periods of solitary confinement of detainees?
5. Are systematic visits by public prosecutors, senior police officers and officials from your ministry conducted to Maikelawi and to the federal prisons? Who are the findings of these visits communicated to? Can you share with us the reports from any such monitoring visits since 2011? Do any government or other entities conduct visits to military camps in Oromia to monitor the treatment and conditions of detainees? If such visits take place, who are the findings of these visits communicated to? Can you share with us the reports from any such monitoring visits since 2011?
6. The International Committee of the Red Cross (ICRC) has now had its access to federal prisons reinstated, but is still denied access to Maikelawi to monitor treatment and conditions of detainees. Are there plans to extend access for the ICRC to Maikelawi? Apart from the Ethiopian National Human Rights Commission (EHRC), have any other entities conducted monitoring visits to Maikelawi or to federal prisons since 2011?
7. What mechanisms exist for the reporting, documentation and investigation of cases of enforced disappearance? Can you provide us with documentation of any cases when such mechanisms have been utilised, and what was the outcome?
8. What frameworks are in place to ensure the implementation of national and international minimum standards on the treatment of detainees and conditions of detention in all detention centres, including Maikelawi and federal prisons?
9. What investigative procedures are followed in cases of the alleged extra-judicial executions or cases of alleged use of unnecessary and excessive force by the federal police resulting in deaths and injuries to civilians, some of which may amount to extra-judicial execution, including the use of excessive and unnecessary force against peaceful protestors, cases of deaths during or shortly after release from detention in federal prisons, and deaths and injuries of suspects or family members perpetrated in the course of arrests carried out by the federal police? Can you provide details and documentation of any such investigations

that have taken place since 2011? Was any investigation conducted into alleged incidents of excessive or unnecessary force against protestors during the 2014 protests against the Integrated Master Plan or during the 2012-2013 Muslim protest movement? In cases where enough evidence is found to suggest the use of excessive or unnecessary force by federal police, what disciplinary procedures are in place to address the alleged perpetrators? Have any members of the federal police been investigated and/or prosecuted for the alleged use of excessive or unnecessary force or alleged involvement in other killings that may amount to extra-judicial executions since 2011? If so, can you provide documentation of the process and the outcome?

10. What mechanisms or procedures exist for people to submit a complaint and seek redress and compensation for alleged human rights violations committed by members of the federal police or other branches of the security services, including arbitrary detention without charge or trial, enforced disappearance, torture or extra-judicial execution? Can you provide details and documentation of when such mechanisms have been utilised and what, if any, were the outcomes? Has any member of the federal police or other branches of the security services been suspended, disciplined or prosecuted for perpetrating human rights violations? If so, can you provide documentation of any such cases?

We will be grateful for any responses you can provide to the above questions. In order for any information you provide to be reflected in our report, we would appreciate your response in writing by 6 October 2014. Alternatively, I would be very happy to meet with you in person, to meet with representatives of your government in Kenya, or to arrange a telephone call to discuss these issues.

Sincerely

A handwritten signature in black ink, appearing to read 'L. Muthoni Wanyeki'.

L Muthoni Wanyeki

Regional Director for east Africa, the Horn and the Great Lakes  
Amnesty International  
Muthoni.Wanyeki@amnesty.org

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Nairobi, Kenya

Getachew Ambaye  
Minister of Justice  
PO Box 1370  
Addis Ababa  
Ethiopia

16 September 2014

Dear Minister

I am writing to share with you the findings of research conducted by Amnesty International into patterns and circumstances of the repression of freedom of expression and association in Oromia between 2011 and 2014, and to seek your response to our findings.

Amnesty International will be publishing the research findings in a forthcoming report. We would like to ensure that the report reflects the response of the Government of Ethiopia to the concerns raised therein. Please find below our key findings and a number of questions to your ministry on the issues raised. We would be thankful for your response and input on these questions. In order that the views of the government may be included in our report, we would appreciate a written response to these questions by 6 October 2014. We are also sharing our findings with, and inviting responses from the federal ministries of Defence and Federal Affairs, and the Oromia regional government.

Over the course of the research, Amnesty International conducted face to face interviews with over 170 Oromo refugees, in a range of locations over the last year. In addition, more than 40 telephone interviews and emailed information exchanges were conducted with additional people in different locations in Oromia and in Addis Ababa between 2012 and 2014. Corroborating information was taken during a further 30 face to face interviews conducted with Oromos in Ethiopia and Egypt in 2011 and in Kenya in 2012 and from a range of other sources. As you know, Amnesty International is currently refused access to Ethiopia, so was not able to conduct research for this report from within Ethiopia after 2011.

The testimonies of these interviewees, as well as information received by Amnesty International from a range of other sources, demonstrate patterns of the targeting of actual or suspected dissenters in Oromia for harassment, arrest, arbitrary detention, incommunicado detention, and in some cases enforced disappearance or extra-judicial execution.

Amnesty International interviewed a range of actors, including students, people who had participated in peaceful protests, members of opposition political parties, people interested in expressing their

Oromo cultural identity, former government employees and members of the Oromo People's Democratic Organization (OPDO), and other people from all walks of life. Almost all interviewees told Amnesty International that they, or in some cases a spouse or a close family member, had been harassed or arrested based on their peaceful expression of opposition to or criticism of the government, or based on their suspected political opinion opposing the government. For example, joining cultural groups, refusing to join the ruling party, being related to a known or suspected dissident, and a number of other indicators and peaceful behaviours, led to accusations that the individual opposed the government, and resulted in harassment or arrest.

A number of large-scale arrests, as well as scores of individual arrests, have taken place in locations across Oromia and in Addis Ababa since 2011, targeting thousands of Oromo civilians. According to information gathered by Amnesty International, arrests took place in a wide variety of contexts. The majority of arrests of people based on their actual or suspected political opinion since 2011 were in relation to peaceful protests. In 2012 and 2013, many hundreds of people were arrested in relation to the Muslim protest movement; and more recently, thousands of protestors and others were arrested during and in the wake of the protests against the Addis Ababa 'Integrated Master Plan' in April and May 2014. A number of other incidents of single or multiple arrests in relation to individual protests were also reported to Amnesty International. Multiple arrests of suspected dissidents occurred in early 2011, including opposition party members and students, apparently in relation to the government's fear that the uprisings in the Middle East and North Africa during the period would be replicated in Ethiopia. Arrests also took place at Oromo cultural events, and of members of Oromo cultural groups, including student groups, and Oromo artists including singers and writers. Members of Oromo opposition parties were arrested individually and in groups, including high level party members such as Bekele Gerba and Olbana Lelisa. Large numbers of opposition party members were arrested after the 2014 Master Plan protests. Students from universities and schools in a number of locations across Oromia reported high levels of surveillance of their political or perceived-political activities, and in many cases reported that actions deemed to be anti-government resulted in harassment or arrest.

In addition to the targeting of these groups, our research has also revealed a pattern of targeting Oromos from all walks of life based on their actual or suspected opposition to the government. This included medical professionals, business people, people who failed to attend ruling party meetings or to join the ruling party, government employees who did not follow orders and a range of other actors.

In almost all of the cases cited above the individual was accused of support for the Oromo Liberation Front (OLF). Our research suggests that in many cases there was little evidence to support this accusation. In many cases, engaging in activities such as participating in a peaceful protest or other dissenting behaviour against the government is assumed to indicate support for the OLF. Our research also suggests that the accusation of OLF support is frequently used as a pretext to target or silence peaceful opponents of the government.

In multiple cases, people who have been arrested arbitrarily on the bases cited above have been subjected to a number of further violations. Our research has revealed that a significant proportion of those who have been arrested have then been detained without charge or trial, and without access to the outside world. The majority of people interviewed by Amnesty International who were arrested based on their actual or suspected opposition to the government, were detained without charge or trial for some or all of the period of their detention, in a variety of locations including in police

stations, local and regional prisons, federal prisons, Maikelawi in Addis Ababa, and some in unofficial places of detention, particularly military camps, across Oromia. Many reported that they were also held incommunicado – without access to lawyers or family members. Many of these detentions amounted to enforced disappearance – where the government did not acknowledge the detention or disclose information about the detention to the detainee's family, placing the detainee outside the protection of the law.

Among those interviewed by Amnesty International who had been detained, the majority said that they were subjected to torture or other ill-treatment in detention, in most cases repeatedly, in all of the different detention centres cited above. Others said that they had been subjected to treatment that amounts to torture or ill-treatment in and around their homes. These findings are consistent with the information received by Amnesty International for many years about the prevalence of torture in Ethiopian detention centres, and the findings of other local and international human rights actors. Former detainees repeatedly said that they were coerced, in many cases under torture or the threat of torture, to provide a statement or confession, or incriminating evidence against others. In some cases, these confessions extracted under duress have been deemed admissible by the court, despite this being prohibited under the Ethiopian Constitution and international law. For example in the case *'The Federal Prosecutor vs. Teshale Bekashi and others'* which involved 69 members of the OFDM and OPC opposition political parties arrested in 2011, and whose trial lasted until early 2014, of 48 pieces of documentary evidence cited in support of the charge of 'Provocation and Preparation' for Crimes against the Constitution or the State, 38 items were written confessions from defendants made in Maikelawi. A large proportion of these confessions were reportedly extracted under duress.

Amnesty International has also received information which raises a number of fair trial concerns. Some of the Oromo arrested and brought to court have reported that they had no access or restricted access to lawyers; information extracted under duress has been submitted, and deemed admissible as evidence by the court; and the right to be presumed innocent has not been observed.

It was also frequently reported by former detainees interviewed by Amnesty International who had been held arbitrarily without charge or trial that their release from detention was subject to conditions imposed by the arresting or civilian authorities, including local and federal police, the federal military, and kebele and woreda officials, and not by a judicial authority. Conditions most frequently reported included that they should not participate in demonstrations or other gatherings, political meetings or student activities. Some people were ordered not to meet with more than two or three individuals at one time, and some were ordered not to have any contact with certain people, including spouses or family members wanted by the authorities for alleged dissenting behaviour. Many people had to sign a condition not to leave their residential area without seeking permission from local authorities. These conditions amount to unlawful restrictions on the rights to freedom of expression, association and movement.

Amnesty International also received dozens of reports of actual or suspected dissenters being killed by security services, in the context of security services' response to protests, during the arrests of actual or suspected dissidents, and while in detention. Some of these killings may amount to extra-judicial execution.

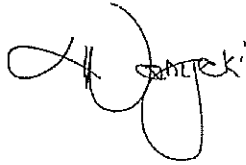
In light of the findings highlighted above, we would appreciate your response and input on the following questions:

1. What steps is your Ministry taking to ensure observance of the rights to freedom of expression, opinion and association, which include the right to peaceful opposition to government; the right to peacefully assemble to protest; the right to express one's cultural heritage, in line with the Ethiopian Constitution and Ethiopia's obligations under international human rights law?
2. Amnesty International is concerned that a significant number of those interviewed reported being held, sometimes for prolonged periods including in un-gazetted places of detention like military camps, without being brought before a court at any point, and were eventually released without that detention having ever been subject to judicial review. While the National Human Rights Action Plan (NHRAP) acknowledges excessive delays in some cases coming to trial and in the duration of some trials, which is attributed to a shortage of prosecutors and judges, the NHRAP is silent on the issue of incommunicado and arbitrary detention. What processes or mechanisms, including for monitoring compliance and ensuring accountability, has your ministry put in place to ensure that no-one is ever subject to detention without charge or trial, without the detention being reviewed by a competent judicial authority and without access to legal representatives and family members; and to ensure that no-one is held in an unofficial place of detention?
3. Please provide any details and documentation of when such oversight mechanisms have been utilised and what, if any, were the outcomes?
4. What efforts is your ministry making to ensure that no entity other than a competent judicial authority imposes conditions on the release of a detainee, and that conditions are only imposed after some form of judicial review in accordance with law?
5. Please provide us with details of any mechanisms for the reporting, documentation and investigation of cases of enforced disappearance, and documentation of examples of such mechanisms being utilised, and what was the outcome?
6. What efforts is your ministry making to ensure that all allegations of torture made by a defendant in court are subject to prompt, thorough and impartial investigations? Can you provide details and documentation of instances where such investigations have taken place, and of any cases where individuals alleged to have been responsible for the torture have been held to account, and provide details of the outcome? What measures is your ministry taking to ensure that evidence extracted under duress is not admitted in the courts? In 2010, the UN Committee against Torture (CAT) expressed concern that the use of the term 'improper methods' in the Ethiopian Criminal Code is more limited in scope than the international definition of torture contained in the CAT and called for an amendment. Can you tell us if efforts are being made to strengthen national legal prohibitions against torture?
7. What mechanisms exist to evaluate the quality of processes in regional and federal courts, to ensure that national and international standards of due process and fair trial are being observed, including the right to be presumed innocent until proven guilty? Have any assessments or investigations been conducted to monitor and evaluate the implementation of international standards in trial proceedings, and if so, can you provide details and documentation of the process and the outcome of these investigations?

We will be grateful for any responses you can provide to the above findings, and related questions. In order for any information you provide to be reflected in our report, we would appreciate your response in writing by 6 October 2014. Alternatively, I would be very happy to meet with you in

person, to meet with representatives of your government in Kenya, or to arrange a telephone call to discuss these issues.

Sincerely

A handwritten signature in black ink, appearing to read 'L. Muthoni Wanyeki', with a stylized, cursive script.

L Muthoni Wanyeki

Regional Director for east Africa, the Horn and the Great Lakes  
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Nairobi, Kenya

H E Muktar Kedir  
President of Oromia Regional State  
Office of Oromia National Regional State President

cc: Oromia Regional Justice Bureau

16 September 2014

Your Excellency

I am writing to share with you the findings of research conducted by Amnesty International into patterns and circumstances of the repression of freedom of expression and association in Oromia between 2011 and 2014, and to seek your response to our findings.

Amnesty International will be publishing the research findings in a forthcoming report. We would like to ensure that the report reflects the response of the Government of Ethiopia to the concerns raised therein. Please find below our key findings and a number of questions to your office on the issues raised. We would be thankful for your response and input on these questions. In order that the views of the government may be included in our report, we would appreciate a written response to these questions by 6 October 2014. We are also sharing our findings with, and inviting responses from the federal ministries of Defence, Federal Affairs and Justice.

Over the course of the research, Amnesty International conducted face to face interviews with over 170 Oromo refugees, in a range of locations over the last year. In addition, more than 40 telephone interviews and emailed information exchanges were conducted with additional people in different locations in Oromia and in Addis Ababa between 2012 and 2014. Corroborating information was taken during a further 30 face to face interviews conducted with Oromos in Ethiopia and Egypt in 2011 and in Kenya in 2012 and from a range of other sources. As you know, Amnesty International is currently refused access to Ethiopia, so was not able to conduct research for this report from within Ethiopia after 2011.

The testimonies of these interviewees, as well as information received by Amnesty International from a range of other sources, demonstrate patterns of the targeting of actual or suspected dissenters in Oromia for harassment, arrest, arbitrary detention without charge or trial, incommunicado detention, torture, and in some cases enforced disappearance or extra-judicial execution.

Amnesty International interviewed a range of actors, including students, people who had participated in peaceful protests, members of opposition political parties, people interested in expressing their Oromo cultural identity, former government employees and members of the Oromo People's

Democratic Organization (OPDO), and other people from all walks of life. Almost all interviewees told Amnesty International that they, or in some cases a spouse or a close family member, had been harassed or arrested based on their peaceful expression of opposition to or criticism of the government, or based on their suspected political opinion opposing the government. For example, joining cultural groups, refusing to join the ruling party, being related to a known or suspected dissident, and a number of other indicators and peaceful behaviours, led to accusations that the individual opposed the government, and resulted in harassment or arrest.

A number of large-scale arrests, as well as scores of individual arrests, have taken place in locations across Oromia and in Addis Ababa since 2011, targeting thousands of Oromo civilians. According to information gathered by Amnesty International, arrests took place in a wide variety of contexts. The majority of arrests of people based on their actual or suspected political opinion since 2011 were in relation to peaceful protests. In 2012 and 2013, many hundreds of people were arrested in relation to the Muslim protest movement; and more recently, thousands of protestors and others were arrested during and in the wake of the protests against the Addis Ababa 'Integrated Master Plan' in April and May 2014. A number of other incidents of single or multiple arrests in relation to individual protests were also reported to Amnesty International. Multiple arrests of suspected dissidents occurred in early 2011, including opposition party members and students, apparently in relation to the government's fear that the uprisings in the Middle East and North Africa during the period would be replicated in Ethiopia. Arrests also took place at Oromo cultural events, and of members of Oromo cultural groups, including student groups, and Oromo artists including singers and writers. Members of Oromo opposition parties were arrested individually and in groups, including high level party members such as Bekele Gerba and Olbana Lelisa. Large numbers of opposition party members were arrested after the 2014 Master Plan protests. Students from universities and schools in a number of locations across Oromia reported high levels of surveillance of their political or perceived-political activities, and in many cases reported that actions deemed to be anti-government resulted in harassment or arrest.

In addition to the targeting of these groups, our research has also revealed a pattern of targeting Oromos from all walks of life based on their actual or suspected opposition to the government. This included medical professionals, business people, people who failed to attend ruling party meetings or to join the ruling party, government employees who did not follow orders and a range of other actors.

In almost all of the cases cited above the individual was accused of support for the Oromo Liberation Front (OLF). Our research suggests that in many cases there was little evidence to support this accusation. In many cases, engaging in activities such as participating in a peaceful protest or other dissenting behaviour against the government is assumed to indicate support for the OLF. Our research also suggests that the accusation of OLF support is frequently used as a pretext to target or silence peaceful opponents of the government.

People interviewed by Amnesty International identified a number of different federal and regional actors in the perpetration of these violations. Local police and regional authorities – at kebele, woreda and zonal levels – were implicated in a number of the violations documented in this research, including of the arbitrary and unlawful arrest and detention of actual or suspected opponents of the government. Numerous cases of arrests of actual or suspected dissenters across Oromia between 2011 and 2014 – of peaceful protestors, members of opposition political parties and members of cultural groups, as well as family members of actual or suspected dissenters – were

reported to have been carried out by local police. Kebele and woreda officials were also reported to be involved in the harassment and surveillance of suspected dissenters, including university students and people who refused to join the ruling party.

In multiple cases, people who have been arrested arbitrarily on the bases cited above have been subjected to a number of further violations. Our research has revealed that a significant proportion of those who have been arrested have then been detained without charge or trial, and without access to the outside world. The majority of people interviewed by Amnesty International who were arrested based on their actual or suspected opposition to the government, were detained without charge or trial for some or all of the period of their detention, including in kebele, woreda and zonal detention centres and police stations, unofficial places of detention, particularly in military camps, throughout Oromia, as well as in federal prisons and in Maikelawi in Addis Ababa. Local police and officials were also reported to cooperate with federal military in the transfer of arrested persons to detention in military camps not officially gazetted as places of detention. Former detainees interviewed by Amnesty International reported a range of human rights violations in regional and local detention centres and police stations, in addition to detention without charge or trial, including incommunicado detention without access to lawyers or family members, and very poor conditions of detention.

Many of these detentions amounted to enforced disappearance – where the government did not acknowledge the detention or disclose information about the detention to the detainee's family and the detainee was not brought before a judicial authority to review the lawfulness of the detention and was held incommunicado without access to the outside world, placing the detainee outside the protection of the law.

A significant proportion of the former detainees interviewed by Amnesty International said they had been subjected to torture and other ill-treatment. These findings are consistent with the information received by Amnesty International for many years about the prevalence of torture in Ethiopian detention centres, and the findings of other local and international human rights actors. The methods of torture most frequently reported to Amnesty International in the course of this research were beating, particularly with fists, rubber batons, wooden or metal sticks or gun butts, kicking, tying in contorted stress positions often in conjunction with beating on the soles of the feet, electric shocks, mock execution or death threats involving a gun, beating with electric wire, burning, including with heated metal or molten plastic and rape. Incidents of torture or other ill-treatment reported by interviewees to Amnesty International included reports of incidents taking place in regional police stations and detention centres.

It was also frequently reported by former detainees interviewed by Amnesty International who had been held arbitrarily without charge or trial that their release from detention was subject to unlawful conditions – not imposed by a judicial authority after a competent judicial review, but imposed by the arresting or civilian authorities, including local and federal police, the federal military, and kebele and woreda officials, and not by a judicial authority. Conditions most frequently reported included that they should not participate in demonstrations or other gatherings, political meetings or student activities. Some people were ordered not to meet with more than two or three individuals at one time, and some were ordered not to have any contact with certain people, including spouses or family members wanted by the authorities for alleged dissenting behaviour. Many people had to sign a condition not to leave their residential area without seeking permission from local authorities. These conditions amount to unlawful restrictions on the rights to freedom of expression, association

and movement. In many cases related to Amnesty International, the conditions included a requirement to report regularly to local officials, including police stations or kebele or woreda officials.

In light of the findings highlighted above, we would appreciate your response and input on the following questions:

1. What steps is your office taking to ensure observance of the rights to freedom of expression, opinion and association, which include the right to peaceful opposition to government, the right to peacefully assemble to protest, the right to express one's cultural heritage, in line with the Ethiopian Constitution and Ethiopia's obligations under international human rights law?
2. What processes or mechanisms, including for monitoring compliance and ensuring accountability, has the regional government put in place to ensure that no-one is ever subject to detention without charge or trial in any local and regional detention centres or police stations, without the detention being reviewed by a competent judicial authority and without access to legal representatives and family members; to ensure that no-one is held in an unofficial place of detention; and to ensure that no entity other than a competent judicial authority imposes conditions on the release of a detainee, and that conditions are only imposed after some form of judicial review in accordance with law?
3. What is the division of jurisdiction between the federal and regional authorities in relation to arrests and detentions in Oromia? When collaboration takes place between regional and federal authorities or security services, which authorities or security services have command responsibility for actions? Can you share with us any directives relating to the regulation of these procedures?
4. What efforts are the regional authorities making to ensure that all allegations of torture and other ill-treatment made by detainees in local and regional detention centres and police stations are subject to prompt, thorough and impartial investigations? What mechanisms are in place for detainees to report incidents of torture and other ill-treatment and for the investigation of those reports? Can you provide details and documentation of instances where such investigations have taken place, and of any cases where individuals alleged to have been responsible for the torture have been prosecuted, and provide details of the outcome?
5. Are systematic visits conducted by senior police officers and officials from the regional government to local and regional detention centres and police stations? Who are the findings of these visits communicated to? Can you share with us the reports from any such monitoring visits since 2011? Do any non-governmental entities have access to police stations and local detention centres in Oromia to monitor the treatment and conditions of detainees?
6. What frameworks are in place to ensure the implementation of national and international minimum standards on the treatment of detainees and conditions of detention in all detention centres and police stations in Oromia?
7. What mechanisms exist for the reporting, documentation and investigation of cases of enforced disappearance? Can you provide us with documentation of any cases when such mechanisms have been utilised, and what was the outcome?
8. What mechanisms or procedures exist for people to submit a complaint and seek redress and compensation for alleged human rights violations committed by regional authorities or security services in Oromia including arbitrary detention without charge or trial, enforced

disappearance or torture? Can you provide details and documentation of when such mechanisms have been utilised and what, if any, were the outcomes? Has any member of the regional civilian authorities or security services been suspended, disciplined or prosecuted for perpetrating human rights violations? If so, can you provide documentation of any such cases?

We will be grateful for any responses you can provide to the above questions. In order for any information you provide to be reflected in our report, we would appreciate your response in writing by 6 October 2014. Alternatively, I would be very happy to meet with you in person, to meet with representatives of your government in Kenya, or to arrange a telephone call to discuss these issues.

Sincerely

A handwritten signature in black ink, appearing to read 'L. Muthoni Wanyeki', with a stylized flourish at the end.

L Muthoni Wanyeki

Regional Director for east Africa, the Horn and the Great Lakes  
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## **A REPLY PREPARED FOR AMNESTY INTERNATIONAL CONCERNING HUMAN RIGHTS SITUATIONS IN THE REGIONAL STATE OF OROMIA**

**10 October 2014**

### **INTRODUCTION**

Ethiopia adopted policy, legislative and institutional measures with a view to promote and protect the rights, freedoms and duties enshrined in the Constitution of the Federal Democratic Republic of Ethiopia (FDRE) and international Human Rights instruments. The FDRE Constitution is the foundation of the country's democratic system of governance. The building of a democratic system has been a necessity for the very existence of the country and provides the basis for strong and lasting peace, development and good governance, all of which serve as the foundations for the promotion and protection of human rights. The Constitution, as the supreme law of the land and as the basic legal framework for the promotion and protection of human rights in Ethiopia, sets forth the affirmative commitments of the country to the cause of human rights.

The fundamental rights and freedoms of individuals have been given recognition both in the Federal and Regional Constitutions. Article 13(1) of both the Federal and Regional Constitutions declare the responsibility and duty of all Federal and State legislative, executive and judicial organs at all levels to respect and enforce the human rights recognized in the Constitutions. In addition, both the Federal and Regional Constitutions, under Article 12, state that the conduct of affairs of government shall be transparent and that any public official or an elected representative is accountable for any failure in official duties. Accordingly, the duties of government officials to respect the rights and freedoms of citizens and their accountability in the event of any form of breach of their duties are provided for in the Constitution.

The allegations that are contained in the Amnesty International letter are untrue and far from the reality. Ethiopia promotes human rights as they are pillars of our democratic system. The so-called interviews are not credible as the information contained in the draft you send fail to reflect the reality. Had there been any names of those who gave testimonies and had it been possible to impeach their statements, it would have been possible to invalidate the claims of harassment, arrest or detention, torture ...etc. There had been no pattern of targeting a certain group that was opposing the government. This response clearly demonstrates that no single individual has been subjected to any form of harassment, arrest or detention, incommunicado detention, torture..etc.

### **FREEDOM OF EXPRESSION, OPINION AND ASSOCIATION**

The FDRE Constitution provides that everyone has the right to hold opinions and the right to freedom of expression without any interference. These rights are promoted in Ethiopia by enabling citizens to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in form of art, or through any media of one's choice. Freedom of the press and other mass media and freedom of artistic creativity, which is guaranteed in the constitution, is implemented through detailed legal instruments. In Ethiopia journalists are not subjected to any form of censorship and full access to information of public interest. The FDRE Constitution states that in the interest of the free flow of information, ideas and opinions which are essential to the functioning of the democratic public order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions. The FDRE Constitution provides that every person has the right to freedom of association for any cause or purpose except in the case of organizations formed in violation of appropriate laws, or those formed

to illegally subvert the constitutional order, or which promote activities that are prohibited. It also provided that everyone has the right to assemble and to demonstrate together with others peacefully and unarmed, and to petition. Appropriate regulations are put on place in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrators or, for the protection of democratic rights, public morality and peace during such a meeting or demonstration. It is, however, important to remember that this does not exempt organizers from liability under laws enacted to protect the well-being of youth or the honor and reputation of individuals, and laws prohibiting propaganda.

The Government fully recognizing the indispensable role to be played by a free, independent and diverse mass media took measures to strengthen their activities. The private media is expected to acquire high ethical standards and professional competence in the national endeavor to build a fully democratic order. The Government issued the Freedom of Mass Media and Access to Information Proclamation (Proclamation No. 590/2008). The Freedom of Mass Media and Access to Information Proclamation, which creates enabling conditions to nurture free and independent mass media, provides that citizens have the right to create and establish mass media services. This legislative measure is taken with the view to ensuring the diversity and pluralism of opinion in the overall mass media platform. In conformity with the Constitutional provision that every person has the freedom of association for any legal purpose; the country's various policies, strategies and related detailed laws have internalized reference and adherence to this right.

Thus, citizens, in strict adherence to the law, and on the basis of politics, gender, age, profession, trade, development, charity, special needs or other diverse areas, have formed associations of their choice. These include: political organizations; micro and small-scale development enterprises; mass-based and cooperative associations such as farmer's cooperatives, housing associations, consumers, savings and credit cooperatives; trade unions, women's associations, youth associations, elders associations, association of persons with disability; professional associations; and others groups both at Federal and Regional as well as City Administration Levels. The Federal Charities and Societies Agency, Federal and City Administration Cooperative Societies Agency/Bureaus, Micro and Small-scale Enterprises Development Agency/Commission, Ministry and Bureaus of Trade, the National Electoral Board and Ministry of Federal Affairs have been given the task of ensuring citizens right of freedom of association.

The House of Peoples' Representatives of the FDRE adopted the Anti-Terrorism Proclamation which was specifically enacted in line with the FDRE Constitution and international human rights instruments as a central element in strengthening the national effort to tackle dangers posed by terrorist activities. The Government believes that the proclamation took into account the challenges of combating terrorism while protecting human rights. Thus, cases that are brought against those who were engaged in terrorist acts could not be taken as violation of freedom of expression, but rather those who incite violence were charged for violating the Anti-Terrorism Proclamation. The Government would like to emphasize that prohibition of providing support to a terrorist act or organization cannot be interpreted as against the right of freedom of expression and the right of journalists to express their ideas. Peaceful expression of opposition or criticisms of the government are not prohibited. Individual cases could not be taken to show pattern and in the absence of any clear evidence of violations such claims are unacceptable.

## **RIGHT TO HUMAN DIGNITY, LIBERTY, SECURITY AND PROHIBITION OF TORTURE AND INHUMAN TREATMENT**

The FDRE Constitution under Articles 24 provides that "everyone has the right to respect for his human dignity, reputation and honor." In addition, Article 16 and 17 of the Constitution guarantee all citizens the right of protection against bodily harm and deprivation of the right to liberty, except on such grounds and in

accordance with such procedures as are established by law. No one shall be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him. Article 18 of the FDRE Constitution provides that everyone has the right of protection against cruel, inhuman or degrading treatment or punishment and no one shall be held in slavery or servitude or be subject to human trafficking.

The FDRE Criminal Justice Policy (2011) constitutes a key policy framework that seeks to promote citizens' right to human dignity, security, liberty and the prohibition of torture and inhuman treatment. Legislative measures have also been taken to protect citizen's right to Human Dignity, Security, and liberty which lay down the foundation for the protection from torture and inhuman treatment. These laws elucidate the basic concept of human dignity which is tied to inherent nature of the human person and the honor and respect to be accorded to human beings and protections offered to each person. The Government has established the necessary organs charged with the administration of justice. The Courts of Law, Ministry of Justice, Bureaus of Justice in the regions, the Federal Police Commission and Regional Police Commissions took measure to promote the right to human dignity, security, liberty and the prohibition of torture and inhuman treatment. Federal and regional police commissions as well as prison administrations have incorporated the right to human dignity and prohibition against torture and inhuman treatment in the curricula of their respective training institutions. They provide continuous on-job training to their members in order to ensure that they do not commit violations and are able to prevent violations by third parties.

Ethiopia ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2002 which now an integral part of the law of the land. In considering the issue of inhuman treatment and punishment in prisons, the government conducted focused investigations on whether there have been acts of torture against detainees.

The Ethiopian Human Rights Commission has recently conducted monitoring mission in federal and regional prisons and reported that while there have been instances of unlawful punishment of detainees, there was no indication that this was of an institutional nature, nor was this ordered by public officials. The monitoring, and the data collected, also shows that acts of torture were not inflicted against detainees at any institutional level. Some occasional cases have occurred in a very few detention centers and disciplinary actions have been taken. A few instances of arbitrary beatings of detainees by some wardens in some detention centers even at the regional level appeared to be due to lack of awareness or understanding. Nevertheless, legal and disciplinary measures are always taken against investigative police officers and prison wardens that are found to have beaten detainees.

## **TREATMENT OF DETAINEES**

It is enshrined both under the FDRE Constitution and the Constitution of the Regional State of Oromia that no person may be subjected to arbitrary arrest or detention without a charge or conviction against him. Moreover, the right of an arrested person to be brought before a court within 48 hours of their arrest is a fundamental right recognized. Based upon these constitutional provisions, various legal and working mechanisms have been put in place to protect the rights of citizens. Detailed legislations are enacted in order to implement the fundamental rights and freedoms recognized by the constitution. In relation to the question raised by Amnesty, laws that regulate investigation of crimes, prosecution and the process of conviction are enacted and are under implementation in such a way as to secure the principle of accountability enshrined in the Constitution. In particular, the Proclamation to Provide for the Powers and Duties of the Executive Branch of the Regional Government, Proclamation No. 163/2011, has provided for a crime investigation procedure in which the Public Prosecutor and the Police are made to work together beginning from receiving tipoff's to the stage where the suspect is convicted.

The Region's Justice Bureau is responsible under article 22(28) of the above proclamation, to ensure that the rights of detainees and prisoners in the investigation of alleged crimes is respected and that no one is subjected to arbitrary arrest or detention without sufficient evidence. Furthermore the proclamation provides under Article 22(29) the right of a suspect who is arrested to be released on bail unless bail is prohibited for the crime with which he is charged or sufficient evidence is brought against him that he will not comply with the orders of the court.

The introduction of the joint operation of the Public Prosecutor and the Police, having kept intact their institutional and professional independence, in the investigation of crimes has resulted in an improved protection of the rights of individuals, and has enabled the justice sector to provide for an environment where the investigation of crimes is conducted in a responsible manner and where officials are held accountable in connection with their duties. Various reform measures have been adopted and are being implemented. These reform measures have enabled to provide quality services in a short period and in creating an atmosphere of accountability. Furthermore, monitoring and follow up mechanisms are put in place to strengthen the implementation of the laws and the operations.

In relation to the powers and duties of the Police, the Regional Police Commission Members Code of Conduct Regulations No. 32/1995 has provided that the Police shall, in the conduct of investigations, respect the human rights and freedoms enshrined in the Region's Constitution and that any Police officer in breach of his duties will be held accountable both administratively and legally. Article 423 of the Federal Criminal Code provides for the accountability of any public servant who, contrary to law or in disregard of the forms and safeguards prescribed by law, arrests, detains or otherwise deprives another of his freedom. This proves the existence of a framework to hold a person accountable in relation to breaches in connection with the investigation of crimes and arrests.

## **ENFORCED DISAPPEARANCE**

The act enforced disappearance is prohibited under the Constitution and the Criminal Code of the Federal democratic Republic of Ethiopia as well as the Constitution of the Region of Oromia. Accordingly, the act of arresting, confining, detaining or otherwise restraining the freedom of another contrary to law or without lawful order is prohibited. Any public servant who, contrary to law or in disregard of the forms and safeguards prescribed by law, arrests, detains or otherwise deprives another of his freedom will be accountable for his actions and prosecuted accordingly. The Public Prosecutor and the regional police together visit detention centers on a daily basis to inquire into whether a person has been arrested unlawfully and to secure their release where such is the case. These daily routines have enabled the Prosecution and the Police to hear and address the complaints of detainees and prisoners. Moreover, appropriate investigations and inquiries are conducted when claims of disappearance are brought to the attention of the Police Administrations. Besides these, there exists no institutional or sponsored act of enforced disappearance both at the regional and federal levels.

## **FOLLOW UP OF THE HUMAN RIGHTS CONDITIONS IN DETENTION CENTERS AND PRISONS**

Offices of the Public Prosecutors at all levels have the responsibility to oversee the conditions of detention of persons who are accused or convicted. Remedial actions are taken whenever a violation of the human rights of detainees or convicted persons is brought to the attention of the Justice Bureau of the Region.

Apart from this, periodic monitoring and follow up on human rights of convicted and suspected persons is

also made by those concerned Regional and Federal Government organs especially, by the Administrative and Legal Committee of the House of Peoples' Representative and *Chaffe* (The Assembly of the Oromia Region). These organs have given recommendations on the corrective measures that need to be taken concerned bodies.

In addition to the governmental bodies, non-governmental organizations, like the International Red Cross and Justice For All, who operate in the region also monitor and make regular visits regarding the human rights situation of convicted and suspected persons. In light of these, the Administration and Legal Affairs Standing Committee of the *Chaffe*, has given recommendations to the President's Office of the Region, the Regional Justice Bureau and Regional Police Commission by reviewing the works of the regions justice organs.

It is important to note that, the reports submitted by those governmental and non-governmental organizations do not indicate the existence of alleged human rights violations indicated in the Amnesty International report. Even if there are some challenges observed in investigations and court proceedings, there are no findings of such human rights violations at Regional Government level. Moreover, there are no complaints lodged regarding these alleged human rights violations pointed out in so-called findings by Amnesty International such as; inhuman treatment, torture and extra-judicial detentions. In general, those criminal investigation procedures are aimed at protecting human rights and anyone who feels that his rights are violated can lodge a complaint.

#### **THE JURISDICTIONS OF THE FEDERAL AND THE REGIONAL GOVERNMENT IN RELATION TO THE ARREST OF SUSPECTS**

It is known that Ethiopia has a federal form of government. In this regard the Federal Constitution under article 50(2) provides that both the Federal and Regional Governments will have legislative, executive and judicial powers. In connection with this, sub-article 8 of the same provision provides that the States shall respect the powers of the Federal Government and the Federal Government shall likewise respect the powers of the States. Based upon this constitutional principle, the Federal Courts Proclamation No. 25/1996 has provided for the criminal jurisdictions of the Federal Government under article 4. Besides the powers that are exclusively granted for the Federal Government in the various criminal legislations, all the residual jurisdictions are the criminal jurisdictions of the Regional Government.

It is a matter of principle that the Federal Government will not intervene in the matters of the Regional Government except in accordance with the article 62(9) of the Federal Constitution where the Federal Government is ordered by the House of the Federation to intervene in any State, which in violation of this Constitution, endangers the constitutional order. Article 51(14) of the FDRE Constitution further states that the Federal Government will deploy, at the request of a State Administration, Federal defense forces to arrest a deteriorating security situation within the requesting State when its authorities are unable to control it. A Proclamation to provide for the „System for the Intervention of the Federal Government in the Regions Proclamation No. 359/2003“ is enacted to provide details of this constitutional principle. Accordingly, the Federal Government may intervene where there is an activity that disturbs the peace and safety of the public, or where an act is committed in a Region in violation of the provision of the human rights stipulated in the Constitution and laws promulgated pursuant to the Constitution, and the law enforcement agency and the judiciary of the Region are unable to arrest the security problems in accordance with the law. In this regard the Federal Government assumes the command responsibility in the event of intervention.

The Ethiopian police system consists of the Federal Police Service and nine Regional Police forces as well as the Police forces of Addis Ababa and Dire Dawa which have a special status. The Federal Police

Commissioner is accountable to the Minister of Federal Affairs. The Regional States are free to organize their police forces as they see fit, though, all State police forces in fact have a structure similar to that of the Federal Police. The regional forces are accountable to the Bureaus of Regional Affairs of their respective States. The Commissioners of Addis Ababa and Dire Dawa are accountable to the Mayors of those cities and to the Minister of Federal Affairs. Police training takes place at the Training Centre for Federal Police, at the Police College and at Regional Training Centers. A Police Commissions' Joint-Forum has been established to coordinate the actions, evaluate and resolve problems of the various forces and improve conduct and integrity.

## **THE RIGHT TO CULTURE**

Every individual has the right to culture. Under the Constitution, equality of languages and preservation of historical and cultural legacies are guaranteed. Under Article 39 of the Constitution which provides for the rights of nationalities, states that "Every Nation, Nationalities and Peoples of Ethiopia have the constitutional right to speak, write and develop their own language; to express, to develop their culture and to preserve their history." Significant efforts have been undertaken to preserve heritage and cultural sites in many parts of the country. The constitution provides that the Government shall have the duty to support, on the basis of equality, the growth and enrichment of all cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and the ideals and provisions of the Constitution. Article 91 of the Constitution, gives the Government the duty, to the extent its resources permit, to support the development of the arts, science and technology.

Article 19 of the Proclamation No. 251/2001 provides that "any Nation, Nationality, or People who believes that its self identities are denied, its right of self-Administration is infringed, promotion of its culture, language and history are not respected, in general its rights enshrined in the constitution are not respected or, violated for any reason, may present its application to the House through the proper channel."

## **SUMMARY**

As briefly described above, both at the Federal and Regional levels, the promotion and protection of human rights is one of the concrete foundations of the building of democratic system in Ethiopia. In this regard, the Government and citizens will continue to build upon the successes that are already achieved.

In Ethiopia both the federal and regional Governments are committed to promote and protect human rights of citizens. Peaceful expression of opposition or criticisms of the government are not prohibited. As indicated in this response no single individual has been and would not be subjected to any form of harassment, arrest or detention, torture for exercising the freedom of expression or opinion. There had been no pattern of targeting a certain group that was opposing the government. The allegations that are contained in the so-called findings of Amnesty International are inaccurate and far from the truth. The assertions are not reflections of the reality on the ground. The testimony of those unidentified individuals could not be credible. Individual cases could not be taken to show pattern and in the absence of any clear evidence of violations such claims are unacceptable.



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## **'BECAUSE I AM OROMO'**

### **SWEEPING REPRESSION IN THE OROMIA REGION OF ETHIOPIA**

Between 2011 and 2014, at least 5000 Oromos have been arrested based on their actual or suspected peaceful opposition to the government.

These included thousands of peaceful protestors and hundreds of opposition political party members, but also hundreds of other individuals from all walks of life – students, farmers, medical professionals, civil servants, singers, businesspeople and people expressing their Oromo cultural heritage – arrested based on their expression of dissent or their suspected political opinion. The government anticipates a high level of opposition in Oromia, and signs of dissent are sought out and regularly, sometimes pre-emptively, suppressed.

In numerous cases, actual or suspected dissenters were detained without charge or trial, often for periods of many months or even years. Many were detained incommunicado – without access to lawyers or family members. Hundreds of people are detained in unofficial places of detention in military camps. Many have been subject to enforced disappearance. Fair trial rights are regularly violated in cases of actual or suspected Oromo dissenters that have gone to court.

Former detainees interviewed by Amnesty International reported widespread torture in federal and regional detention centres, including beating with sticks, electric wire and other objects, tying in contorted stress positions, electric shocks, mock execution, burning and rape. Conditions in detention frequently violate national and international law and standards.

Dozens of actual or suspected dissenters have been killed by security services, during protests, during arrests, and while in detention.

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