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HUMAN RIGHTS WATCH

“They Want a Confession”

Torture and Ill-Treatment in Ethiopia’s Maekelawi Police Station

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"They Want a Confession"

Torture and Ill-Treatment in Ethiopia's Maekelawi Police Station

Summary

> "One [police officer] hit me on the back of my head with a long black stick and blindfolded me. They took me to their office. These were interrogators…. They slapped me on the cheeks repeatedly…. But these interrogators are not in a position to listen to what I tell them. They beat me again with the black stick and slapped me again. I stayed in that room until midnight. I was exhausted. They took me back to the cell and then took another guy. On the second day of interrogations—the beating was worse. What they want is a confession."
>
> —Journalist held in Maekelawi in mid-2011, Nairobi, April 2012

In the heart of Ethiopia's capital, Addis Ababa, near a hotel and an Orthodox Christian cathedral, lies one of the country's most notorious police stations, the Federal Police Crime Investigation Sector, commonly known as Maekelawi. Many of Ethiopia's political prisoners—opposition politicians, journalists, protest organizers, alleged supporters of ethnic insurgencies , and many others—are first taken to Maekelawi ("central" in Amharic), after being arrested. There they are interrogated, and, for many, at Maekelawi they suffer all manner of abuses, including torture.

Police investigators at Maekelawi use coercive methods on detainees amounting to torture or other ill-treatment to extract confessions, statements, and other information from detainees. Detainees are often denied access to lawyers and family members. Depending on their compliance with the demands of investigators, detainees are punished or rewarded with denial or access to water, food, light, and other basic needs.

This report documents human rights abuses, unlawful investigation tactics, and detention conditions in Maekelawi between 2010 and 2013. For the report Human Rights Watch interviewed more than 35 former detainees of Maekelawi and their family members. Although Human Rights Watch was not able to visit Maekelawi, preventing first-hand observation of conditions and interviews with current detainees, researchers cross-checked information provided by former detainees, who were identified through various channels and interviewed individually.

Allegations of arbitrary detention, torture, and other ill-treatment at the hands of Ethiopian police and other security forces are not new. But since the disputed 2005 elections, the Ethiopian government has intensified restrictions on freedom of expression, association, and assembly, deploying a range of measures to clamp down on dissent. These include arresting and detaining political opposition figures, journalists, and other independent voices, and implementing laws that severely restrict independent human rights monitoring and press freedom.

Since 2009 a new law, the Anti-Terrorism Proclamation, has become a particularly potent instrument to restrict free speech. The law's provision undermine basic legal safeguards against prolonged pre-charge detention and unfair trials. In this context, Maekelawi has become an important site for the detention and investigation of some of the most politically sensitive cases. Many detainees accused of offenses under the law—including some of Ethiopia's most prominent political prisoners—have been detained in the Maekelawi facility as their cases were investigated or prepared for trial.

Maekelawi has four primary detention blocks, each with a nickname, and the conditions differ significantly among them. Several former detainees described to Human Rights Watch how they were transferred from one block to another in the course of their investigation, with treatment and conditions of detention linked to cooperation with the investigators. Conditions are particularly harsh in the detention blocks known by detainees as "Chalama Bet" (dark house in Amharic) and "Tawla Bet" (wooden house). In Chalama Bet detainees have limited access to daylight, to a toilet, and are on occasion in solitary confinement. In Tawla Bet access to the courtyard is restricted and the cells were infested with fleas. Short of release, most yearn to transfer to the block known as "Sheraton," dubbed for the international hotel, where the authorities allow greater movement and access to lawyers and relatives.

Maekelawi officials, primarily police investigators, have tortured and ill-treated detainees by various methods. Detainees described to Human Rights Watch being repeatedly slapped, kicked, punched, and beaten with sticks and gun butts. Some reported being forced into painful stress positions, such as being hung by their wrists from the ceiling or being made to stand with their hands tied above their heads for several hours at a time, often while being beaten. Detainees also face prolonged handcuffing in their cells—in one

case over five continuous months—and frequent verbal threats during interrogations. Some endured prolonged solitary confinement, which can amount to torture.

Detainees also described dire conditions of detention, including inadequate food, severe restrictions on access to daylight, poor sanitary conditions, and limited medical treatment. Conditions are particularly harsh during initial investigations.

The coercive methods, exacerbated by the poor detention conditions, are used by the authorities at Maekelawi to maximize pressure on detainees to extract statements, confessions, and other information—whether accurate or not—to implicate them and others in alleged criminal activity. These statements and confessions are in turn sometimes used to coerce individuals to support the government once released, or as evidence against them at trial.

Former detainees and their relatives told Human Rights Watch that they were routinely denied access to legal counsel and family members during the initial weeks of their custody. Some were held incommunicado throughout months of detention. The absence of a lawyer during interrogations increases the likelihood of abuse, hinders any documentation of ill-treatment and torture by investigators, and limits chances of obtaining redress before the courts. In this way police investigators at Maekelawi obstruct basic national and international legal safeguards protecting persons in custody such as those regulating arrest and detention and protection from the use of forced confessions as evidence at trial.

Detainees have limited channels for redress. Ethiopia's courts do not demonstrate independence in political cases. Courts that have received allegations of detainee torture and ill-treatment at Maekelawi have on occasion failed to take adequate steps to address the allegations. Several former detainees told Human Rights Watch they kept silent about their treatment in court, fearing reprisals from investigators. Others said they had never appeared before a court.

Human rights monitoring of all detention locations in Ethiopia, including Maekelawi, by government agencies is limited and independent monitoring of any kind is insufficient. Representatives from the government-affiliated Ethiopian Human Rights Commission and other officials have visited Maekelawi and have raised some concerns about detention

conditions in private and public communications. However, former detainees told Human Rights Watch that commission representatives were accompanied by Maekelawi officials, and the visits have not resulted in concrete improvements in their situation.

Over the past decade Human Rights Watch and other domestic and international human rights organizations have documented patterns of serious human rights violations, including arbitrary arrest and detention, ill-treatment, and torture in many official and unofficial detention facilities throughout Ethiopia. The government has invariably dismissed these findings or conducted investigations that lack credibility.

However, the Ethiopian government has taken some positive steps in recent years to comply with its international human rights treaty reporting requirements and develop human rights policies on paper. In 2010 Ethiopia submitted its first report to the United Nations Committee against Torture, the expert reporting body of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The government has also drafted a national human rights action plan for 2013-2015. The draft seen by Human Rights Watch contains some measures that could help improve detention conditions and treatment of pre-trial detainees and convicted prisoners. The plan rightly identifies insufficient access to legal counsel during pre-charge detention, insufficient complaint mechanisms, and inadequate access to food, medical care, and other services as challenges that need to be addressed.

The Ethiopian authorities, particularly the federal police, should urgently adopt concrete measures to address these persistent concerns in Maekelawi and other facilities. Ensuring that suspects enjoy the protections of due process, including the right to understand the reason for their arrest, and access to legal counsel and relatives from the outset of their detention would help reduce abuses.

Prosecutors and judges should also proactively monitor the treatment of persons in custody and investigate allegations of torture and ill-treatment without official interference or obstruction. At the same time, they should also ensure protection for detainees who dare to speak out about their treatment.

The authorities should also allow unfettered and unannounced access to Maekelawi and other detention centers throughout the country to independent Ethiopian and international monitors, including human rights and humanitarian organizations, members of the diplomatic community, and United Nations (UN) and African Union (AU) human rights mechanisms such as the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention.

Unfortunately, the government's response to criticism of its human rights record has largely been to characterize abuses solely as a lack of capacity, training, or resources, and ignoring the key role of political will, accountability of perpetrators, and redress to victims to end widespread torture and ill-treatment.

Additional resources can alleviate some of the poor detention conditions in facilities like Maekelawi, but real change in the treatment of detainees needs to come from the highest levels of government. Ethiopia's leadership, from the prime minister to the federal police commissioner and the federal affairs minister, should be sending a public message that the mistreatment of detainees will not be tolerated—and back up such pronouncements with disciplinary action and prosecutions of those officials who violate the law. Crucial for this is a judiciary that has the independence to receive and act on complaints from those in custody and hand down impartial justice. And to deter politically motivated prosecutions in the first place, parliament should substantially amend the Charities and Societies Proclamation and the Anti-Terrorism Proclamation.

Only if such actions are taken would Ethiopia's government be able to demonstrate that it is truly committed to addressing the serious human rights violations being committed daily.

Recommendations

To the Ethiopian Government

- Issue public orders to the federal police and other law enforcement personnel deployed at Maekelawi to cease unlawful detention, torture, and ill-treatment of all persons in custody.
- Promptly, transparently, and impartially investigate all allegations of ill-treatment and ensure that all personnel implicated in custodial abuse, regardless of rank, are appropriately disciplined or prosecuted.
- Significantly improve legal safeguards at Maekelawi and other detention centers, including ensuring the right to access a lawyer from the outset of a detention, presence of legal counsel during all interrogations, and prompt access to family members and medical personnel.
- Ensure that no statement or confession obtained through torture or other coercion is admitted as evidence at trial. Take necessary steps to prevent and punish any interference by officials in efforts by prosecutors and judges to investigate allegations of torture and ill-treatment.
- Promptly release from custody and drop any charges against all persons arbitrarily detained, particularly those arrested for the peaceful exercise of their fundamental rights, such as freedom of expression, association, and assembly.
- Close all facilities at Maekelawi that do not meet international standards as set out under the UN Standard Minimum Rules for the Treatment of Prisoners.
- Take all necessary steps to end incommunicado detention and prolonged solitary confinement at Maekelawi and other detention facitilities.
- Allow independent oversight of Maekelawi and other detention facilities and prisons by providing access by independent human rights monitors and humanitarian organizations to engage in unhindered monitoring of conditions and private meetings with detainees.
- Offer a standing invitation to relevant United Nations and African Union human rights mechanisms including the UN Special Rapporteur on torture and other cruel,

inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention to visit Ethiopia.

- Immediately establish complaints mechanisms within Maekelawi and other detention facilities as set out in the draft National Human Rights Action plan.
- Ensure that the federal police, public prosecutors, and other law enforcement personnel receive appropriate training on interrogation practices that adhere to international human rights standards.
- Amend the Charities and Societies Proclamation and the Anti-Terrorism Proclamation to bring them into line with the Ethiopian constitution and Ethiopia's obligations under international law regarding freedom of association, expression, and peaceful assembly.

To the Ethiopian Parliament

- Amend the Charities and Societies Proclamation and the Anti-Terrorism Proclamation to bring them into line with the Ethiopian constitution and Ethiopia's obligations under international law regarding freedom of association, expression, and peaceful assembly.
- Amend provisions in the Criminal Procedure Code that are contrary to Ethiopia's international legal obligations to ensure that detainees have prompt access to a judge, prevent prolonged pre-trial detention, and clarify evidentiary standards to ensure that no statements, confessions, or other information obtained as a result of torture or other ill-treatment can be accepted as evidence.
- Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which would allow visits to Ethiopia by the protocol's Subcommittee on Prevention of Torture, and the Optional Protocol to the International Covenant on Civil and Political Rights, which allows for complaints to be filed before an independent UN committee.

To the Ethiopian Judiciary

- Ensure that complaints of mistreatment during detention are promptly and impartially investigated by a body independent of the police. Government bodies that disregard or block judicial orders regarding mistreament of detainees should be appropriately sanctioned.
- Enforce measures to ensure that detainees who bring complaints about mistreatment are protected from reprisals.
- Ensure that statements, confessions, and other information obtained through torture or other ill-treatment are not admitted as evidence. In cases of a claim that evidence was obtained through coercion, the authorities must provide information to the judiciary about the circumstances in which such evidence was obtained to allow an assessment of the allegations.
- Ensure that pre-trial detention is used as an exceptional measure in accordance with international law and that it is used for the shortest time possible by requiring prosecutors to demonstrate the need to keep detainees in custody.

To the Ethiopian Federal Police Commission

- Immediately release those detainees in Maekelawi or other detention facilities who have not been brought promptly to court to be charged. Ensure that suspects who have been charged receive a fair and public trial without undue delay.
- Ensure that pre-trial detention is used as an exceptional measure in accordance with international law.
- Enhance monitoring of the conduct of federal police investigators and other officers at Maekelawi. Conduct frequent spot checks, interview privately and confidentially detainees about their treatment and conditions of detention, and impartially investigate allegations of ill-treatment and torture.
- Take measures to end incommunicado detention and prolonged solitary confinement at Maekelawi and other detention facitilities.
- Publish statistics of complaints brought by detainees regarding mistreatment in Maekelawi and other federal detention centers and publicly report on complaints

filed, including by providing data on the number of police suspended, prosecuted, or otherwise disciplined for unlawful conduct.

To the Ethiopian Human Rights Commission

- Carry out frequent, unannounced visits to Maekelawi and other detention centers, privately and confidentially interview detainees, and follow-up on allegations of mistreatment.
- Systematically monitor hearings of detainees held in Maekelawi and follow-up with relevant authorities on complaints of mistreatment, including possible reprisals at Maekelawi or after their transfer to other facilities.

To the Donor Community

- Publicly and privately raise concerns with Ethiopian government officials at all levels regarding torture, ill-treatment, and other human rights violations in Maekelawi and other detention facilities in Ethiopia. Press especially the federal affairs minister, the federal police commissioner, and the justice minister to adopt policies to end the abuse and ensure those responsible are held to acccount.
- Public urge prompt, transparent, and impartial investigations into allegations of abuse in detention facilities.
- Actively seek unhindered access to Maekelawi and other detention facilities for international human rights and humanitarian organizations and for diplomats.
- Urge Ethiopian officials to invite relevant UN and AU human rights mechanisms, including the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention to visit Ethiopia.
- Monitor trials of defendants charged with offenses under the Anti-Terrorism Proclamation and call on the authorities to protect all defendants' right to a public hearing.
- Call for the amendment of the Charities and Societies Proclamation and the Anti-Terrorism Proclamation.

Methodology

In the course of monitoring the human rights situation in Ethiopia over the past decade, Human Rights Watch has frequently received allegations of serious abuses against detainees at the Federal Police Crime Investigations Sector, commonly known as Maekelawi, in Addis Abbaba. For this report, Human Rights Watch interviewed 30 men who were detained in Maekelawi between 2010 and 2012, including two Swedish journalists Johan Persson and Martin Schibbye held in Maekelawi in 2011, and about five family members and lawyers of current or former Maekelawi detainees.

The former detainees were interviewed individually. Interviews were carried out in person and via telephone between April 2012 and August 2013 in various locations, including Ethiopia, neighboring countries that host Ethiopian refugees—Kenya, Uganda, Djibouti, South Africa—and the United States and Sweden. Interviewees were identified through a wide variety of sources and channels, including on the recommendation of former detainees.

The interviews took from one hour to more than 10 hours. They were all conducted in English or with an interpreter from Afan Oromo or Amharic to English. Human Rights Watch took various precautions to verify the credibility of interviewees' statements. All the information in this report was based on at least two and usually more than two independent sources; where allegations were not corroborated by at least two independent sources we have excluded those statements from this report. Although this report is based primarily on interviews, we also consulted a variety of secondary material that provided valuable corroboration of details or patterns described in this report. This material includes previous Human Rights Watch research, including dozens of unpublished interviews with former detainees who experienced similar abuses in Maekelawi or other detention facilities prior to 2010, as well as information collected by other credible independent human rights investigators.

None of the interviewees were offered any form of compensation for agreeing to participate in interviews. All former detainees and their relatives were informed of the purpose of the interview and its voluntary nature, including their right to stop the interview at any point, and voluntarily consented to be interviewed.

We asked several former detainees to describe the facilities in detail and to draw its layout, which helped us to corroborate information from different witnesses and get a detailed picture of the physical structure of Maekelawi. In some instances of allegations of ill-treatment, Human Rights Watch documented physical scars consistent with the alleged implements used against the individuals. In incidents in which the method of torture left minimal physical evidence, former detainees interviewed on different days and in different locations described identical or nearly identical treatment during interrogations and in interrogations rooms in Maekelawi.

We asked former detainees to name and describe those involved in interrogations. Detainees were often unable to identify individual officials, either because the investigators did not provide their names, or, when detainees heard names they suspected they were false names. Occasionally detainees said they could not provide descriptions of their investigators because they were blindfolded. In some cases, it was possible to corroborate the names of investigators involved in similar types of interrogations and abuses of detainees.

A number of detainees were transferred between different blocks in Maekelawi, which meant they were able to provide comparative descriptions of different sections. All the interviewees whose accounts have been incorporated in this report were initially detained in the two detention blocks where conditions and treatment are the worst—Tawla Bet and Chalama Bet—so this report focuses on those two blocks, not on the other two blocks—the women's section and the block known as "Sheraton."

More than half of the individuals interviewed by Human Rights Watch were never charged although they were detained for prolonged periods of time, between four days and eight months, and then released. Six of those interviewed were charged but never tried or sentenced and were released on bail upon a court order or upon conditions set arbitrarily by the police investigators. Several were held under the Anti-Terrorism Proclamation's remand detention provisions.

Because the Ethiopian government seeks to prevent human rights research in the country, this report is not a comprehensive assessment of the situation in Maekelawi. Rather it offers an insight into the torture and other ill-treatment experienced by a group of detainees largely held for politically motivated reasons.

While Human Rights Watch interviewed some former detainees and family members who are in Ethiopia, others still living in the country declined to share their experiences due to fear of government retaliation. Their concerns are real. Once released, most individuals who have been detained in Maekelawi are at high risk of continued monitoring and reprisals by the authorities. Furthermore, Human Rights Watch and other independent international and national human rights organizations face extraordinary challenges to carrying out investigations in Ethiopia. This is mainly because of the difficulty of assuring the safety and confidentiality of victims of human rights abuses, given the government's hostility towards human rights investigation and reporting.

The Ethiopian government routinely dismisses human rights reports, regularly criticizes Human Rights Watch as an organization, and dismisses the findings of our research. This heightens concerns that any form of involvement with Human Rights Watch, including speaking to the organization, could be used against individuals. The authorities have harassed and detained individuals for providing information to or meeting with international human rights investigators. Furthermore, telephone and email communications have been used as evidence against journalists in recent politically motivated anti-terrorism trials, heightening concerns about any communications.

Most former detainees interviewed for this research had left Ethiopia, making it easier for them to speak openly about their experience. However, given the ongoing deep concerns about security of many of those interviewed, all names and identifying information have been removed. Locations of interviews are also withheld where that information could suggest someone's identity.

Human Rights Watch was not able to visit Maekelawi given the restrictions on independent human rights work, the difficulty of adhering to basic ethical standards on research inside detention facilities in the current environment, and the risk of reprisals against detainees following such a visit.

Human Rights Watch sent letters on August 12, 2013, to the minister for federal affairs and to the head of the Ethiopian Human Rights Commission posing questions and requesting information about issues related to Maekelawi. Responses were received on September 9 and 10, 2013. The letters are reproduced in the annexes to this report and referenced within the body of the report where relevant.

I. Background

Ethiopia's government is led by the Ethiopian People's Revolutionary Democratic Front (EPRDF), a coalition of ethnically based parties that came to power in 1991 after overthrowing the military dictatorship of Mengistu Haile Mariam. The EPRDF has become increasingly intolerant of dissent and criticism since 2005 when controversy over election results prompted unprecedented public protests, triggering a bloody government crackdown.[1] Since 2005 the EPRDF has consolidated its control over political space and public discourse using repressive legislation, arbitrary arrests, and politically motivated prosecutions to severely restrict freedom of expression, association, assembly, and opinion.[2]

The arrest and prosecution of 131 members of the political opposition, journalists, and civil society activists for "treason" following the 2005 elections signaled the start of the crackdown on independent, dissenting voices that has continued to the present day.[3] In 2009 the government passed two laws that have been instrumental in the suppression of media and nongovernmental activity. The first, the Anti-Terrorism Proclamation (or Anti-Terrorism Law),[4] has been used primarily to target journalists and opposition figures, some of whom have been detained for months without charge or convicted under its overly broad provisions.[5] The second, the draconian Charities and Societies Proclamation (the CSO Law),[6] has severely restricted independent human rights activity in the country, making it very difficult for organizations to seek funding and carry out basic human rights work.[7]

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[1] Government security forces killed at least 200 protesters and detained at least 30,000 people in November 2005. See Human Rights Watch, *"One Hundred Ways of Putting Pressure": Violations of Freedom of Expression and Association in Ethiopia*, March 2010, https://www.hrw.org/reports/2010/03/24/one-hundred-ways-putting-pressure-0.

[2] Human Rights Watch, *"One Hundred Ways of Putting Pressure"*; see also Amnesty International, "Dismantling Dissent: Intensified Crackdown on Freedom of Speech in Ethiopia," December 2011, AFR/25/011/2011, http://www.amnesty.org/en/library/info/AFR25/011/2011 (accessed August 21, 2012).

[3] See Amnesty International, "Justice Under Fire: Trials of Opposition Leaders, Journalists and Human Rights Defenders in Ethiopia," AI Index: 25/002/2011, July 29, 2011, http://www.amnesty.org/en/library/info/AFR25/002/2011/en (accessed August 19, 2013); Human Rights Watch, *"One Hundred Ways of Putting Pressure"*, pp. 11-16.

[4] Anti-Terrorism Proclamation, *Federal Negarit Gazeta*, No. 652/2009, August 28, 2009.

[5] "Ethiopia: Stop Using Anti-Terror Law to Stifle Dissent," Human Rights Watch news release, November 21, 2011, https://www.hrw.org/news/2011/11/21/ethiopia-stop-using-anti-terror-law-stifle-peaceful-dissent.

[6] Charities and Societies Proclamation, *Federal Negarit Gazeta*, No. 621/2009, February 13, 2009.

[7] See Human Rights Watch, *"One Hundred Ways of Putting Pressure"*; Amnesty International, "Stifling Human Rights Work: The Impact of Civil Society Legislation in Ethiopia," AI Index: AFR 25/002/2012, March 12, 2012, http://www.amnesty.org/en/library/info/AFR25/002/2012/en.

Since the sudden death in August 2012 of Ethiopia's longtime leader, Meles Zenawi, Ethiopia's new prime minister, Hailemariam Desalegn, has shown little inclination to change tack and implement the kind of human rights reforms that would foster independent voices or rein in the ruling party's complete dominance.

The patterns of arbitrary arrests and detentions and ill-treatment of detainees show no sign of abating. Ethiopian authorities have responded to two years of peaceful protests by members of Ethiopia's Muslim community with harassment, assaults, arbitrary arrests, and detention of hundreds of protesters and politically motivated charges against the protest leadership.[8]

Patterns of Arbitrary Arrest, Torture, and Ill-Treatment

Arbitrary Arrests and Detention

Ethiopian police and other security forces are regularly implicated in arbitrary arrest and detention and the violation of basic due process rights. Those particularly vulnerable to such abuse include activist students; protesters; journalists; members of the political opposition, particularly ethnic Oromo parties; alleged supporters of insurgent groups, such as the Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF); and anyone suspected in broadly defined "terrorist" activities.[9]

Cases of arbitrary arrests and detention in Addis Ababa, particularly those concerning high-profile opposition members, civil society activists, and journalists, are generally better documented and publicized. Patterns of arrests and detentions in the rural areas have been far more difficult to investigate, particularly as the government's restrictions on independent human rights activity have escalated in recent years.

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[8] Amnesty International, "Ethiopia: Widespread Violations Feared in Clampdown on Muslim Protests," July 25, 2012, AFR 25/010/2012, http://www.amnesty.org/en/library/info/AFR25/010/2012/en; "Ethiopia: Muslim Protestors Face Unfair Trial", Human Rights Watch news release, April 2, 2013, https://www.hrw.org/news/2013/04/02/ethiopia-muslim-protesters-face-unfair-trial; and "Ethiopia: Prominent Muslims Detained In Crackdown," Human Rights Watch news release, August 15, 2012, https://www.hrw.org/news/2012/08/15/ethiopia-prominent-muslims-detained-crackdown.

[9] Human Rights Watch, *Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Region*, June 2008, http://www.hrw.org/en/reports/2008/06/12/collective-punishment; *Suppressing Dissent: Human Rights Abuses and Political Repression in Ethiopia's Oromia Region*, vol. 17, no. 7(a), May 2005, http://www.hrw.org/en/reports/2005/05/09/suppressing-dissent-0; and *Targeting the Anuak: Human Rights Violations and Crimes against Humanity in Ethiopia's Gambella Regio*n, vol. 17, no. 3(a), March 2005, http://www.hrw.org/en/reports/2005/03/23/targeting-anuak-0.

Human Rights Watch and other independent human rights organizations have documented the use of arbitrary detention as a means of punishing perceived dissent in various contexts throughout the country, including in Oromia in the early 2000s,[10] in the Gambella region in 2003 and 2011,[11] in the Somali region in 2007-2008,[12] in the South Omo region of SNNPR in 2012, and throughout the decade in Addis Ababa. Arbitrary detentions have also been a major concern prior to and following national or local elections in 2005, 2008, and 2010.[13]

Since the passage of the Anti-Terrorism Law dozens of individuals, including journalists, opposition members, and protesters, have been detained under the law.[14] At least 13 journalists have been charged under the Anti-Terrorism Law since 2011, 11 of whom were sentenced under the law.[15]

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[10] In the early 2000s, Human Rights Watch documented repeated arbitrary arrests and detentions of students involved in peaceful protests in the Oromo region. Many of the students arrested in early 2002 throughout Oromia were held for weeks and even months in central prisons. Ultimately they were released after having been cleared of allegations of supporting the banned Oromo Liberation Front (OLF). Human Rights Watch, *Suppressing Dissent*, p. 16.

[11] Human Rights Watch, *Targeting the Anuak*; and "*Waiting Here for Death": Forced Displacement and "Villagization" in Ethiopia's Gambella Region*, January 17, 2012, http://www.hrw.org/reports/2012/01/16/waiting-here-death.

[12] In 2007-2008 Human Rights Watch documented mass arbitrary detentions and torture, rape, and assault of individuals arrested on suspicion of supporting the banned Ogaden National Liberation Front (ONLF) and their relatives for prolonged periods of time in military detention facilities in the Somali Regional State—one of Ethiopia's most closed regions. See Human Rights Watch, *Collective Punishment*.

[13] "Ethiopia: Government Repression Undermines Poll," Human Rights Watch news release, May 24, 2010, https://www.hrw.org/news/2010/05/24/ethiopia-government-repression-undermines-poll; Human Rights Watch, *"One Hundred Ways of Putting Pressure"*; and "Ethiopia: Repression Sets Stage for Non-Competitive Elections," Human Rights Watch news release, April 10, 2008, https://www.hrw.org/news/2008/04/09/ethiopia-repression-sets-stage-non-competitive-elections. See also Amnesty International, "Justice Under Fire".

[14] See Amnesty International "Dismantling Dissent"; "Ethiopia: Muslim Protestors Face Unfair Trial," https://www.hrw.org/news/2013/04/02/ethiopia-muslim-protesters-face-unfair-trial; "Ethiopia; Terrorism Law Decimates Media," Human Rights Watch news release, May 3, 2013, https://www.hrw.org/news/2013/05/03/ethiopia-terrorism-law-decimates-media; and "Ethiopia: Terrorism Law used to Crush Free Speech," Human Rights Watch news release, June 27, 2012, https://www.hrw.org/news/2012/06/27/ethiopia-terrorism-law-used-crush-free-speech.

[15] "Ethiopia; Terrorism Law Decimates Media," Human Rights Watch news release, May 3, 2013, https://www.hrw.org/news/2013/05/03/ethiopia-terrorism-law-decimates-media.

Torture and Ill-Treatment in Detention

Arbitrary detention in Ethiopia is often incommunicado and accompanied by torture and other ill-treatment and dire detention conditions.[16]

Over the past decade Human Rights Watch has documented torture and ill-treatment—specifically cruel, inhuman, or degrading treatment or punishment—in federal prisons, police stations, military camps, and known and secret detention facilities.[17] The perpetrators range from rural militia acting at the behest of local administrators, to high-level officials at the federal and state level.[18]

Methods of physical torture and ill-treatment vary and include beatings with sticks, electric cables, rifle butts, iron bars, or other hard instruments; immersing individuals' heads in water; beating and kicking people while they hang upside down; tying bottles of water to men's testicles; and forcing detainees to run or crawl over sharp gravel for several hours at a time.[19]

In 2010 the UN Committee against Torture in its conclusions about Ethiopia's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, said that it "was deeply concerned about numerous, ongoing, and consistent allegations concerning the routine use of torture by police, prison officers, and other members of the security forces, as well as the military,"[20] to punish a spectrum of perceived dissenters, including university students and peaceful protesters, members of political opposition groups, and alleged supporters of insurgent groups, as well as alleged terrorist suspects.

The Committee against Torture underlined the involvement of high-level officials in the ill-treatment and torture of detainees and prisoners, noting that "such acts frequently occur

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[16] See Human Rights Watch, "Submission to the Committee against Torture on Ethiopia," September 2010, http://www.hrw.org/news/2010/11/02/submission-committee-against-torture-ethiopia; and *Collective Punishment*.

[17] Human Rights Watch, "Submission to the Committee against Torture on Ethiopia," http://www.hrw.org/news/2010/11/02/submission-committee-against-torture-ethiopia.

[18] Ibid.

[19] Ibid.

[20] United Nations Committee against Torture, "Consideration of Reports Submitted by States Parties under Article 19 of the Convention, Conclusions and recommendations of the Committee against Torture, Ethiopia," CAT/C/ETH/CO/1, http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.ETH.CO.1_en.pdf (accessed August 7, 2013), para. 10.

with the participation, at the instigation or with the consent of commanding officers in police stations, detention centres, federal prisons, military bases and in unofficial or secret places of detention."[21] The committee also noted that torture is commonly used during interrogation to "extract confessions when the suspect is deprived of fundamental legal safeguards, in particular access to legal counsel."[22]

[21] United Nations Committee against Torture, "Consideration of Reports Submitted by States Parties," http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.ETH.CO.1_en.pdf, para. 10.
[22] Ibid.

II. National and International Legal Framework

Ethiopia is party to international and regional treaties that impose legal obligations regarding the treatment of detainees and the conduct of law enforcement personnel. These include the International Covenant on Civil and Political Rights (ICCPR),[23] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture),[24] and the African Charter on Human and Peoples' Rights (ACHPR).[25]

These treaties prohibit arbitrary arrest and detention, and the use of torture and other ill-treatment. They uphold the right of detainees to be held in humane conditions and treated with dignity. Detainees also have the right to due process and a fair trial, including the right not to be compelled to confess to guilt or testify against themselves.

The Convention against Torture defines torture as "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 … or intimidating or coercing him or a third person … when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official."[26]

International law prohibits anyone from being compelled to testify against themselves or to confess guilt.[27] States are obligated to ensure that any statement "made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."[28] The UN Human Rights Committee, the independent expert body that monitors compliance with the ICCPR, stated in its General Comment 32 on the right to a fair trial, that "In cases of a claim that evidence

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[23] International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1996, G.A. Res. 2200A (XX1), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Ethiopia on June 11, 1993.

[24] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, ratified by Ethiopia on March 14, 1994.

[25] African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by Ethiopia on June 15, 1998.

[26] Convention against Torture, art. 1.

[27] ICCPR, art. 14(g); and Convention against Torture, arts. 1 and 15.

[28] Convention against Torture, art. 15.

was obtained in violation of [the prohibition against torture and other ill-treatment], information about the circumstances in which such evidence was obtained must be made available to allow an assessment of such a claim."[29]

The Ethiopian constitution includes safeguards for persons in custody, including in pre-trial detention. Article 19 sets out that a person taken into custody must be brought before a court within 48 hours and informed, in a language they understand, of the reasons for their arrest.[30] Article 21 states that detainees are entitled to have access to family members, a lawyer, and a doctor.[31] The Federal Police Commission Establishment Proclamation of 2011 also prohibits the use of "inhumane or degrading treatment or act" by federal police officials.[32]

At the same time, Ethiopian legislation contains significant gaps that weaken protections against torture and other ill-treatment. In 2010 the Committee against Torture raised concerns that the existing definition of "improper methods"[33] in the 2004 Criminal Code fell short of the definition of torture under the Convention against Torture, and urged revisions in the code.[34]

Although international law does not impose specific limits on the length of time a person may be held before being charged, requiring that it be done "promptly,"[35] any prolonged period would be contrary to human rights standards. The Ethiopian Criminal Procedure Code, in the process of revision according to the draft National Human Rights Action plan

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[29] Human Rights Committee, General Comment No. 32, art. 14: Right to equality before courts and tribunals and to a fair trial, August 23, 2007, CCPR/C/GC/32, para. 33.

[30] Constitution of the Federal Democratic Republic of Ethiopia, August 21, 1995, arts. 19(1) and 19(3). Article 19(3) states, "Persons arrested have the right to be brought before a court within 48 hours of their arrest. Such time shall not include the time reasonably required for the journey from the place of arrest to the court. On appearing before a court, they have the right to be given prompt and specific explanation of the reasons for their arrest due to the alleged crime committed."

[31] Ibid.

[32] Ethiopian Federal Police Commission Establishment Proclamation, *Federal Negarit Gazeta,* No. 730/2011, November 28, 2011, art. 24(1).

[33] The Criminal Code of the Federal Democratic Republic of Ethiopia, *Federal Negarit Gazeta*, No. 414/2004, http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf (accessed August 13, 2013).

[34] Concluding Observations of the Committee against Torture: Ethiopia, "Consideration of Reports submitted by State parties under Article 19 of the Convention," January 20, 2011, CAT/C/ETH//CO/1, http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.ETH.CO.1_en.pdf (accessed August 13, 2013).

[35] ICCPR, art. 9.

seen by Human Rights Watch, currently allows for the police conducting an investigation to seek repeated remand detentions of up to 14 days.[36]

Since 2011 a significant number of the individuals detained in Maekelawi have been investigated—and eventually charged and convicted—under the 2009 Anti-Terrorism Law. In addition to Human Rights Watch, the Committee against Torture and the Special Rapporteur on counter-terrorism and human rights have expressed concern that provisions of the Ethiopian Anti-Terrorism Law contravene human rights standards.[37]

The law permits individuals to be held up to four months in pre-charge detention, one of the longest pre-charge detention periods in the world.[38] The law also permits the use of hearsay or "indirect evidences" in court without any limitation.[39] It allows the admission of official intelligence reports without disclosing the source of the information or how it was gathered which effectively allows evidence obtained under torture to be used.[40] Similarly it allows for the admissibility of confessions without prohibiting the use of confessions made under torture.[41]

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[36] See the Ethiopian Criminal Procedure Code, *Federal Negarit Gazeta*, No. 185/1961, art. 59(3). In its concluding remarks to Ethiopia, the UN Committee against Torture called on Ethiopia to "consider amending article 19(3) of its Constitution and article 59(3) of its Criminal Procedure Code, with a view to ensuring that anyone arrested or detained on a criminal charge is brought promptly before a judge and preventing prolonged remand in custody, respectively." See Concluding Observations of the Committee against Torture: Ethiopia, "Consideration of Reports submitted by State parties under Article 19 of the Convention," para. 12.

[37] Human Rights Watch, *In the Name of Security: Counterterrorism Laws Worldwide since September 11*, June 29, 2012, http://www.hrw.org/node/108447/section/11; "Ethiopia: UN experts disturbed at persistent misuse of terrorism law to curb freedom of expression," February 2, 2012, OHCHR http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11793&LangID=E; and the Concluding Observations of the Committee against Torture: Ethiopia, "Consideration of Reports submitted by State parties under Article 19 of the Convention," para. 14.

[38] Human Rights Watch, *In the Name of Security*.

[39] Anti-Terrorism Proclamation, art. 23(2).

[40] Ibid., art. 23(1).

[41] Ibid., art. 23(5).

III. Federal Police Crime Investigation Sector: Maekelawi

The Federal Police Crime Investigation Sector, commonly known as Maekelawi, is a federal police station located in Ethiopia's capital, Addis Ababa. Maekelawi has been used by successive governments as a detention facility for those under investigation for serious crimes. Under the dictatorship of Mengistu Haile Mariam, thousands of political prisoners were detained there.[42]

Maekelawi is under the authority of the federal police, which is mandated to address crime related to state security and "institutions of the Federal Government."[43] The federal police report to the Federal Police Commissioner who in turn reports to the Ministry of Federal Affairs.[44] Public prosecutors reportedly also have offices at Maekelawi.[45]

Over the last decade, many of those arrested in Addis Ababa and detained on politically motivated charges have initially been held in Maekelawi; if charged, most are then transferred to regular prisons, such as Kaliti prison in Addis Ababa. Members of the political opposition, journalists, and civil society activists arrested following the contested 2005 elections were detained in Maekelawi until they were charged.[46] More recently, political detainees including journalists, opposition politicians, and students investigated for offenses under the Anti-Terrorism Law have been detained in Maekelawi during lengthy pre-charge detentions.

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[42] Maekelawi was also known as "Maekelawi Mirmera" (Central Investigation) or "Third Police Station" during the Derg period when it was controlled by the security service and used for investigating political offenses. Amnesty International, "End of an Era of Brutal Repression: A New Chance for Human Rights," 1991, http://www.amnesty.org/en/library/asset/AFR25/005/1991/en/876198ba-f946-11dd-92e7-c59f81373cf2/afr250051991en.pdf.

[43] Ethiopian Federal Police Commission Proclamation, art. 6(9).

[44] US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2012, Ethiopia," April 19, 2013, http://www.state.gov/j/drl/rls/hrrpt/2012/af/204120.htm (accessed October 7, 2013).

[45] Human Rights Watch telephone interview with L.B., Nairobi, August 22, 2013.

[46] Amnesty International, "Justice Under Fire," p. 55.

High-profile detainees held in Maekelawi on politically motivated charges during the period covered in this report include:

- Members of registered opposition parties: Bekele Gerba, deputy chairman of the opposition Oromo Federal Democratic Movement (OFDM); Olbana Lelissa, a spokesman for the Oromo People's Congress (OPC); Zerihun Gebre-Egzabiher of the Ethiopian National Democratic Party; Andualem Aragie and Nathnael Mekonnen Gebre Kidan, members of Unity for Democracy and Justice (UDJ); and opposition member and actor Debebe Eshetu.[47]
- Journalists: Martin Schibbye and Johan Persson, Swedish freelancers;[48] Reeyot Alemu of the now-defunct *Feteh* newspaper; Woubshet Taye of the now defunct *Awramba Times*;[49] Eskinder Nega, a freelancer and blogger; and Yusuf Getachew and Solomon Kebede of the now defunct magazine *Yemuslimoch Guday*.[50]
- Dozens of prominent members of the Muslim community linked to the Muslim protests, including nine members of the committee set up by a section of the Muslim community to represent them in discussions with government.[51]

With the exceptions of Bekele and Olbana, all these individuals were detained in Maekelawi under the Anti-Terrorism Law's lengthy remand detention period.[52] These are evidently only a handful of high-profile cases; dozens of other political detainees have

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[47] "Ethiopia: Crackdown on Dissent Intensifies," Human Rights Watch news release, September 16, 2011, https://www.hrw.org/news/2011/09/16/ethiopia-crackdown-dissent-intensifies.

[48] "Ethiopia: Journalists Convicted under Unfair Law," Human Rights Watch news release, December 21, 2011 https://www.hrw.org/news/2011/12/21/ethiopia-journalists-convicted-under-unfair-law.

[49] Dawit Kebede, publisher of the Awramba *Times*, fled Ethiopia in November 2011 and continues to publish the paper online.

[50] "Ethiopia: Terrorism Law Decimates Media," Human Rights Watch news release, May 3, 2013, http://www.hrw.org/news/2013/05/03/ethiopia-terrorism-law-decimates-media; "Ethiopia: Terrorism Law Undercuts Free Speech," Human Rights Watch news release, July 25, 2011, https://www.hrw.org/news/2011/07/25/ethiopia-terrorism-law-undercuts-free-speech. In December 2012 Reeyot Alemu, Woubshet Taye, and Eskinder Nega were awarded the Hellman-Hammett Award for the political persecution they had faced as a result of their journalism work and efforts to promote free speech, see "Ethiopia: Four Journalists Win Free Speech Prize," Human Rights Watch news release, December 20, 2012, https://www.hrw.org/news/2012/12/20/ethiopia-4-journalists-win-free-speech-prize.

[51] "Ethiopia: Prominent Muslims Detained in Crackdown," Human Rights Watch news release, August 15, 2012, https://www.hrw.org/news/2012/08/15/ethiopia-prominent-muslims-detained-crackdown.

[52] See "Ethiopia: Free Detained Opposition Leaders," Human Rights Watch news release, September 1, 2011, https://www.hrw.org/news/2011/09/01/ethiopia-free-detained-opposition-leaders; and "Ethiopia: Journalists Convicted under Unfair Law," Human Rights Watch news release, December 21, 2011 https://www.hrw.org/news/2011/12/21/ethiopia-journalists-convicted-under-unfair-law.

been held in Maekelawi in this period, particularly Oromos, who have received no publicity and whose fate is unknown.

Layout of Maekelawi

Maekelawi has four central detention blocks, each with a nickname.[53] Detainees refer to one notorious section as "Chalama Bet" (literally "dark house" in Amharic), also known as "Siberia" or "the underground section." The second detention block is known as "Tawla Bet" ("wooden house," named after the flooring). There is a third block for women and a fourth block known as "Sheraton" (after the luxury hotel with a location in Addis Ababa). There are also separate offices where suspects are taken for interrogation, mostly at night.

Conditions of detention and treatment of detainees differ depending on the section in which they are held. Maekelawi officials use the different conditions as a form of exerting pressure on detainees, but also on occasion for rewarding them. Detainees are often moved from one to another as their interrogation process progresses. Little public information is available on Maekelawi's facilities.

Chalama Bet

Former detainees told Human Rights Watch that the Chalama Bet section is reached through a large metal door with guards, followed by a couple of stairs. There are 10 cells in Chalama Bet, including a toilet, to which access is on occasion limited. The cells are lined along a corridor—five cells on each side—with fluorescent lights running along it.[54]

The Ministry for Federal Affairs, in its reponse to Human Rights Watch's letter, said that there is no solitary confinment or solitary confinment cells in Maekelawi.[55] Former detainees described to Human Rights Watch both communal and individual cells—the latter to keep detainees in solitary confinement. Three detainees held in Maekelawi since 2011 said that cell number 8 is used for solitary confinement and is divided into at least four individual cells.[56]

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[53] One person told Human Rights Watch that there is a fifth block called Midr Bet. Although the interviewee provided credible details, there were no corroborating accounts of this section.

[54] Human Rights Watch interview with G.V., Nairobi, April 10, 2012; and G.A., Kampala, July 23, 2013.

[55] See Annex IV.

[56] Human Rights Watch telephone interview with L.V., July 18, 2013; Skype interview with B.G., July 8, 2013; and G.A., Kampala, July 23, 2013.

The individual cells are extremely narrow: detainees describe being forced to sit without sufficient space to stretch their legs out.[57] The cells are windowless and light only seeps in when both the door to the cell and to the corridor are open.[58] B.G., an Oromo student who was detained for eight days in cell number 8 in mid-2011, described the cell:

> This cell is partitioned into four others. I was in 8.2 [numbered as such], so they can identify the prisoners. There were four rooms with four people. They were very dark and narrow. The cell was made up of stones with a door and window of metal, there are no holes, and it is totally dark. These cells were only for the people they want to hurt more. There is no space for two people in these cells. I could only sit down and I could not stretch out. There is no toilet—you use the cell as a toilet.[59]

The other cells in Chalama Bet are slightly larger and used as communal cells. The size of these cells reportedly varies as does the number of detainees they hold.[60] Former detainees described being held with between 2 and 20 other detainees.[61] The cells lack natural light but have a small vent above the metal door of the cell through which the corridor light dimly seeps in.[62] Two former detainees said that one of the cells, closest to the entrance and the guard post, has a window.[63]

Tawla Bet

Tawla Bet is made up of five cells with metal doors. Former detainees held in this section told Human Rights Watch they were either held in isolation or with up to two other detainees. One was held with nine other people.[64] Two former detainees described the last cell as being

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[57] Human Rights Watch Skype interview with B.G., July 8, 2013; Z.Y., Nairobi, June 27, 2013; H.H., Nairobi, July 3, 2013; Z.I., Nairobi, July 3, 2013; and R.R., Kampala, July 22, 2013.

[58] Human Rights Watch Skype interview with B.G., July 8, 2013; and Y.X., Kampala, July 23, 2013.

[59] Human Rights Watch Skype interview with B.G., July 8, 2013.

[60] Testimony sent to Human Rights Watch by email correspondence, name withheld, June 28, 2013; and follow-up Human Rights Watch Skype interview with B.G., July 8, 2013

[61] Human Rights Watch interview with G.V., Nairobi, April 10, 2012; Y.X., Kampala, July 23, 2013; and Skype interview with B.G., July 8, 2013.

[62] Human Rights Watch interview with X.Y., Kampala, July 23, 2013.

[63] Testimony sent to Human Rights Watch by email correspondence, name withheld, June 28, 2013; and interviews, names withheld, Nairobi, July 3, 2013.

[64] Human Rights Watch interview with G.V., Nairobi, April 10, 2012; and Martin Schibbye and Johan Persson, Stockholm, December 12-13, 2012.

particularly small.[65] The floors of the cells are made of wood and the walls of concrete.[66] Former detainees described a small opening in the cell doors; some said the opening was covered with cardboard.[67] Some cell doors are shut continuously while others are open.[68] Former detainees held in Tawla Bet complained that their cells were infested with fleas.[69]

Women's Cell

Human Rights Watch did not interview any women detained in this section but spoke to several individuals held in Tawla Bet—facing the women's section—that described the cell as overcrowded. The doors to the women's cells are open during the day and women have more freedom to circulate.[70] Women are on occasion held in other sections. Reeyot Alemu, a female Ethiopian journalist charged and later sentenced under the Anti-Terrorism Law, was reportedly held alone for several days in the small cell in Tawla Bet in 2011.[71] Next to the women's cells and across from Tawla Bet are the toilets and shower area for prisoners detained in these two sections, a small clinic, and a small laboratory.[72] In between there is a small courtyard where detainees are taken for air.

"Sheraton"

Detainees are generally transferred to "Sheraton" once their interrogations are finished, although some people interviewed by Human Rights Watch were occasionally questioned even after their transfer to this section.[73] Individuals under investigation for financial crimes and non-political crimes are reportedly held here. Former detainees say it is made up of at least 12 cells that are very crowded, but guards permit greater freedom to move

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[65] Human Rights Watch Skype interview with Martin Schibbye, July 30, 2013; and Amnesty International interview, name and location withheld, on file with Human Rights Watch.

[66] Human Rights Watch interview with C.D., location withheld, July 28, 2012; and Skype interview with Z.M., July 10, 2013.

[67] Human Rights Watch Skype interview with H.D., July 10, 2013.

[68] Human Rights Watch interview with C.D., location withheld, July 28, 2012; and Martin Schibbye and Johan Persson, Stockholm, December 12-13, 2012.

[69] Human Rights Watch interview with Y.X., Kampala, July 23, 2013; C.D., location withheld, July 28, 2012; and Martin Schibbye and Johan Persson, Stockholm, December12-13, 2012.

[70] Human Rights Watch interview with Martin Schibbye and Johan Persson, Stockholm, December 12-13, 2012.

[71] Human Rights Watch Skype interview with Martin Schibbye, July 30, 2013.

[72] Human Rights Watch Skype interview with Z.M., July 10, 2013; Y.X., Kampala, July 23, 2013; and A.H., Nairobi, July 3, 2013. Interviewees provided sketches of maps, on file with Human Rights Watch.

[73] Human Rights Watch interview with G.V., Nairobi, April 10, 2012.

around and socialize.[74] When the cells are open—between 6 a.m. and 6 p.m.—detainees are allowed to meet with relatives. One detainee who was held for two days in Tawla Bet described the transfer to "Sheraton" as "like moving from slums to a five-star hotel."[75]

Interrogation Rooms

Interrogations take place in offices, not in the detention cells. Some of the offices used for interrogation are above Tawla Bet.[76] Others are on the first floor of a building found alongside the main parking area, near the administration offices. There are several investigation units including an anti-terrorism unit, a special investigations unit, a financial crimes unit, a forensic unit, and a technology unit as well as an administration section where detainees are fingerprinted upon arrival. Two former detainees described one interrogation room having a big water container in the middle of the room that was used to ill-treat and torture detainees.[77] Human Rights Watch was not able to determine the location of this room.

[74] Human Rights Watch Skype interview with Johan Persson, July 5, 2013.

[75] Human Rights Watch Skype interview with H.D., July 10, 2013.

[76] Human Rights Watch interview with C.D., location withheld, July 28, 2012; and Martin Schibbye and Johan Persson, Stockholm, December 12-13, 2012.

[77] Human Rights Watch Skype interview with B.G., July 8, 2013; and telephone interview with L.V., July 18, 2013.

IV. Abuses in Maekelawi

Former detainees held in Maekelawi since 2010 described a range of abuses by officials, mostly police investigators. These abuses include beatings, prolonged stress positions and exposure to cold, and harsh detention conditions to elicit confessions, gather information, and to compel detainees to testify against others.

Torture and Ill-treatment

Former detainees repeatedly described to Human Rights Watch the methods of torture and other ill-treatment inflicted on them and others by Maekelawi staff. They said that torture occurs mainly at the early stages of detention and often during the night. Torture and ill-treatment is used both to extract information and force confessions, but also as a form of punishment for failure to comply with the investigators demands.

Torture

Human Rights Watch documented the use of various torture methods, which were almost exclusively used during interrogations. Several detainees explained that their physical mistreatment corresponded with their period of investigation, and often with their period of solitary confinement and detention in Chalama Bet. Methods documented include:

- Punching, slapping, and kicking
- Beatings with objects (sticks, gun butts, electric wires)
- Beating the victim on the soles of the feet with an object
- Stress positions, including with hands and legs tied together, or standing up with hands tied up above head
- Hanging the victim from the ceiling by the wrists by handcuffs so that the toes barely touch the ground, putting enormous pressure on the victim's wrists
- Exposure to cold particularly by having cold water poured over the victim, which was often followed by whipping.

Beatings are the most common form of abuse in Maekelawi. Police investigators and others involved in interrogations repeatedly beat detainees with various objects including

metal sticks, batons, gun butts, and electric wires often during several sessions and days of interrogations.[78] Two former detainees told Human Rights Watch that they continue to have problems with their eyes, which they believe was a result of the prolonged beatings.[79]

Police investigators also often slap detainees during interrogations. A journalist held in 2011 described his first interrogation after one night in a dark cell alone:

> Two police burst open the door and the light came in. One took my left arm and one took my right arm and I was taken to another room with a table and chairs. Another official was there. He was initially polite and asked me to sit. Everything he asked was untrue. I kept saying "I know nothing of what you are saying" and then he turned into a bad guy. He slapped me, it was painful, and told me if I didn't cooperate they will use any treatment to make me speak. If I had known anything I was very willing to tell them but I didn't.[80]

Former detainees also described being kicked with military boots. A former detainee told Human Rights Watch, "They kicked me in my mouth with a boot and I lost four teeth;" he still has a gap in his upper jaw where the teeth are missing.[81]

Several former detainees with whom Human Rights Watch spoke described being handcuffed and hung from the ceiling or wall by a wrist and kept in this position for periods between one hour to a whole day.[82] One described having to stand on his tiptoes to release the pressure on his wrist.[83]

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[78] Human Rights Watch interview with G.V., Nairobi, April 10, 2012; L.H., Djibouti, April 5, 2012; S.J., Nairobi, September 13, 2012; M.I., location withheld, December 13, 2012; and C.D., location withheld, July 28, 2012.

[79] Human Rights Watch interview with Z.I., Nairobi, June 27, 2013. Interviewee was visibly unable to open his left eye properly. Human Rights Watch Skype interview with B.G., July 8, 2013.

[80] Human Rights Watch interview with M.I., location withheld, December 13, 2012.

[81] Human Rights Watch Skype interview with B.G., July 8, 2013; Z.Y., Nairobi, June 27, 2013; F.H., location withheld, June 27, 2013; and A.A., Nairobi, June 27, 2013.

[82] Human Rights Watch interview with X.Y., Kampala, July 23, 2013.

[83] Human Rights Watch interview with A.H., Nairobi, July 3, 2013.

Most of the former detainees said they were questioned, slapped, and also whipped while suspended.[84] L.V., an Oromo student held in Maekelawi in 2012, said his hand was broken when he was beaten on his hand while being held in this position and that over a year later his hand continues to hurt:

> In the interrogation room there was small piece of metal on the wall. They put me on it and locked my left hand to the wall and then my legs didn't touch the ground. They beat me on my left hand. I think I was there one hour, but I don't know as I lost my memory.[85]

Several former detainees told Human Rights Watch they were beaten on the soles of their feet, most often while their hands and knees were tied together and elevated in front of them, with a baton behind their knees,[86] or while being hung from the ceiling with their hands and knees tied together.[87] Water was often poured over them prior to or while their feet were beaten. M.I., a journalist held in Maekelawi in 2012, described his torture:

> They took off my shoes and socks and put a stick behind my knees and rolled me over and started hitting the soles of my feet. I was crying very much and they were putting cold water on my feet and then hitting me with a wet stick. It's difficult to express the pain and what you read on their faces when they are hitting you—they laugh when you cry.[88]

Three former detainees held in Maekelawi said they were hung from the wall.[89] Two said this happened in an interrogation room that had a container of water in it, that the investigators used to torture them with. B.G. said:

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[84] Human Rights Watch phone interview with L.V., July 18, 2013; Y.X., Kampala, July 23, 2013; and Skype interview with B.G., July 8, 2013.

[85] Human Rights Watch phone interview with L.V., July 18, 2013.

[86] Human Rights Watch interview with G.V., Nairobi, April 10, 2012.

[87] Human Rights Watch interview with M.I., location withheld, December 13, 2012; G.V., Nairobi, April 10, 2012; and phone interview with L.V., July 18, 2013.

[88] Human Rights Watch interview with M.I., location withheld, December 13, 2012.

[89] Human Rights Watch interview with H.R., location withheld, September 18, 2012; Skype interview with B.G., July 8, 2013; and phone interview with L.V., July 18, 2013.

> There was water in the room. It smelled. I was blindfolded the whole time I was there. They hung me in that room for 24 hours. They tied my legs and hands together. They had tightened the handcuffs even more than usual, my hands and legs were tied together behind my back. My head was downwards. It was a very difficult position. You didn't eat anything otherwise you would vomit. They whipped my inner feet…. This is not the way human beings treat each other.[90]

Former detainees also described being exposed to very cold temperatures including by having cold water poured over them,[91] but also because their cells and certain investigation rooms were very cold.[92] Nathnael Mekonnen Gebre Kidan, a prominent member of the opposition Unity for Democracy and Justice (UDJ) party, who was charged and sentenced in 2012 under the Anti-Terrorism Law, alleged in court on October 8, 2011, of having been tortured for 23 days in Maekelawi, including being beaten, forced to stand for hours upon end, deprived of sleep, and having cold water repeatedly poured over him.[93]

Other Ill-treatment

Detainees in Maekelawi are also subjected to other forms of ill-treatment during the investigation process, including verbal abuse and threats, prolonged handcuffing, and incommunicado detention and solitary confinement.[94] Along with the methods of torture described above, these abuses exert significant physical and mental pressure on detainees and often influence their response to interrogations.

Verbal Threats

Police investigators threaten detainees at Maekelawi during interrogations. Numerous detainees interviewed by Human Rights Watch said that investigators, including senior

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[90] Human Rights Watch Skype interview with B.G., July 8, 2013.

[91] Human Rights Watch interview with F.H., location withheld, June 27, 2013.

[92] Human Rights Watch interview with A.H., Nairobi, July 3, 2013; and F.H., location withheld, June 27, 2013.

[93] Human Rights Watch Skype interview with E.L., July 4, 2013; "Ethiopia: Terrorism Law Used to Crush Free Speech," Human Rights Watch news release, June 27, 2012, https://www.hrw.org/news/2012/06/27/ethiopia-terrorism-law-used-crush-free-speech; and Human Rights Watch interview with wife of prisoner, Washington, D.C., August 8, 2013.

[94] Prolonged solitary confinement or isolation under certain circumstances can amount to torture. See UN General Assembly, Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, July 28, 2008, pp. 10-11.

investigators such as Deputy Commander Teklay Mebrhatu, head of the Anti-Terrorism Crimes Investigation Department, and a "Colonel Reta,"[95] threatened them, including with death threats.[96] Investigators warn detainees, who do not have counsel present, that they have evidence to convict them and imprison them for life and so they should confess rather than suffer more.[97] One said he was branded a terrorist.[98] In certain instances investigators threaten detainees with death when seeking to extract information, get detainees to sign documents, or to confess.[99] A man detained in late 2012 said that when he asked about the content of a document that investigators wanted him to sign one night, they threatened him saying, "We would have the right to kill you even."[100]

Two former detainees said investigators threatened to arrest their family members, which made them especially anxious.[101] One former detainee of Tawla Bet, which is located beneath some of the investigation rooms, told Human Rights Watch:

> At night I would hear the cries and shouts and at the time they were threatening to put my whole family in prison. My worries every night were that they might have brought them and were keeping them somewhere.[102]

Prolonged Handcuffing

International standards provide that restraints should not be applied as punishment; they should only be a "temporary control measure, and not used any longer than is strictly necessary.[103] The Ministry for Federal Affairs said in its September 10 letter to Human

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[95] Human Rights Watch was not able to confirm the exact title and name of this investigator but references to a "Colonel Reta" were made time and again in interviews.

[96] Human Rights Watch telephone interview with L.V., July 18, 2013; A.A., Nairobi, June 27, 2013; C.D., location withheld, July 28, 2012; Skype interview with B.G., July 8, 2013; and letter from Z.Z., on file with Human Rights Watch.

[97] Human Rights Watch Skype interview with Johan Persson, July 5, 2013; F.H., location withheld, June 27, 2013; Skype interview with Z.M., July 10, 2013; and email testimony sent to Human Rights Watch, name withheld, June 28, 2013.

[98] Human Rights Watch Skype interview with Z.M., July 10, 2013, and C.D., location withheld, July 28, 2012.

[99] Letter from Z.Z., on file with Human Rights Watch; A.A., Nairobi, June 27, 2013; F.H., location withheld, June 27, 2013; Skype interview with B.G., July 8, 2013; and Y.X., Kampala, July 23, 2013.

[100] Human Rights Watch interview with Y.X., Kampala, July 23, 2013.

[101] Human Rights Watch interview with C.D., location withheld, July 28, 2012; and M.I., location withheld, December 13, 2012.

[102] Human Rights Watch interview with C.D., location withheld, July 28, 2012.

[103] UN Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I,

Rights Watch that "as a rule suspects are only handcuffed depending on the gravity of crime they are accused of and in the instance of violent dispensation and during transportation."[104] Several detainees held in isolation cells in Chalama Bet described being handcuffed for prolonged periods of time, not only in transit and during interrogations but also while in their cells.[105] L.V., who was handcuffed for five months in Chalama Bet, explained the difficulty he faced as a result:

> My hands were chained behind my back. When I wanted to stand up it was hard: I had to use my head, legs, and the walls to stand up. I was still chained when I was eating. They would chain my hands in front of me while I ate and then chain them behind me again afterwards. It was also very difficult to remove my trousers when I went to the toilet.[106]

Solitary Confinement

Prolonged solitary confinement is ill-treatment and may amount to torture, and facilitates abuse.[107] While the Minister of Federal Affairs rejected claims regarding the use of solitary confinment in Maekelawi, some detainees told Human Rights Watch they were held in isolation during the initial phase of their investigation in Chalama Bet and in Tawla Bet. Former detainees interviewed by Human Rights Watch said that they had been held from a few days to up five months in solitary confinement. Some only saw guards or police investigators during this period.[108] Several high-profile individuals held under the

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E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977), para. 33.

[104] See Annex IV.

[105] Human Rights Watch interview with H.H., Nairobi, July 3, 2013; A.A., Nairobi, June 27, 2013; F.H., location withheld, June 27, 2013; and H.J., Nairobi, July 9, 2013.

[106] Human Rights Watch telephone interview with L.V., July 18, 2013.

[107] According to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, "Depending on the specific reason for its application, conditions, length, effects and other circumstances, solitary confinement can amount to a breach" of the prohibition against torture and other ill-treatment under the ICCPR and the Convention against Torture. "In addition, the use of solitary confinement increases the risk that acts of torture and other cruel, inhuman or degrading treatment or punishment will go undetected and unchallenged." UN General Assembly, Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, August 5, 2011, A/66/268, para. 80.

[108] Human Rights Watch interview with H.H., Nairobi, July 3, 2013; A.A., Nairobi, June 27, 2013; and S.J., Nairobi, September 13, 2012.

Anti-Terrorism Law in Maekelawi, including Reeyot Alemu and Yusuf Getachew among others, were initially held in isolation.[109]

Arbitrary Detention

The authorities subject detainees in Maekelawi to restrictions that amount to arbitrary detention, including by holding them incommunicado and in prolonged pre-trial detention without charges.

Incommunicado Detention and Access to Family and Legal Counsel

Maekelawi detainees are regularly held incommunicado and denied access to a lawyer and family members. International norms and Ethiopian legislation emphasize that defendants should be able to communicate with their families and have the right to consult directly and promptly with a lawyer. Incommunicado detention places individuals at greater risk of torture and other ill-treatment. This is compounded by the lack of independent, unannounced, and regular monitoring visits. Excessive restrictions on access by family members exert additional psychological pressure on detainees.

Access to detainees in certain sections of Maekelawi is more restricted than in others, with one exception: all detainees interviewed by Human Rights Watch were denied access to their family or lawyers while held in Chalama Bet. Access to those held in Sheraton is reportedly regular, even daily.

Since 2011, detainees held in Maekelawi under the Anti-Terrorism Law have systematically been denied access to their families in the initial weeks of their detention. The wife of an opposition politician held under the Anti-Terrorism Law told Human Rights Watch she was only allowed to visit her husband after 15 days; the wife of another political detainee received a call after three weeks "just saying I could visit him."[110]

Guards outside Maekelawi sometimes acknowledge the presence of a detainee and allow relatives to drop off food, water, and other provisions, but prevent relatives from actually

[109] Human Rights Watch Skype interview with Martin Schibbye, July 30, 2013; Skype interview with E.M., July 4, 2013; and wife of prisoner, Washington, D.C., August 8, 2013. See Amnesty International, "Dismantling Dissent," p. 25.

[110] Human Rights Watch Skype interview with E.L., July 4, 2013.

meeting the detainees.[111] At least six former detainees told Human Rights Watch that their families did not know about their whereabouts throughout their detention at Maekelawi.[112]

Restrictions on access of detainees to their families often corresponds with the main investigation phase.[113] Several relatives of individuals recently charged under the Anti-Terrorism Law told Human Rights Watch that they were able to access their relatives only once interrogations had ended.[114] The wife of one man held in mid-2012 told Human Rights Watch that she went to Maekelawi every day for three weeks to bring her husband food but was told each time that he was "under investigation and so could not see him."[115]

Access to legal counsel is also severely restricted in Maekelawi. The presence of a lawyer during interrogations is a standard safeguard against abuse. None of the individuals interviewed by Human Rights Watch were in the presence of a lawyer during their interrogations. Twenty-nine Muslim protest leaders held under the Anti-Terrorism Law in Maekelawi in mid-2012 spent several weeks without access to their legal counsel.[116] The lawyers' of the protest leaders repeatedly requested access to their clients but Maekelawi officials denied them access until the interrogations had finished.[117]

Prolonged Pre-charge Detention

International law requires that anyone arrested shall be promptly brought before a judicial authority and informed of any charges.[118] The Ethiopian constitution specifies that a person taken into custody must be brought before a court within 48 hours and informed of the reasons for their arrest.[119]

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[111] Human Rights Watch Skype interview with H.D., July 10, 2013; Skype interview with A.V., July 5, 2013; and Skype interview with E.M., July 4, 2013.

[112] Human Rights Watch telephone interview with L.V., July 18, 2013.

[113] Human Rights Watch Skype interview with H.D., July 10, 2013; Skype interview with E.M., July 4, 2013; Skype interview with E.L., July 4, 2013; and Skype interview with A.V., July 5, 2013.

[114] Human Rights Watch Skype interview with A.V., July 5, 2013; and Skype interview with E.M., July 4, 2013.

[115] Human Rights Watch Skype interview with E.M., July 4, 2013.

[116] "Ethiopia: Muslim Protestors Face Unfair Trial," Human Rights Watch news release, April 2, 2013, https://www.hrw.org/news/2013/04/02/ethiopia-muslim-protesters-face-unfair-trial.

[117] Human Rights Watch telephone interview with lawyer, September 27, 2013.

[118] ICCPR, art. 9.

[119] Constitution of the Federal Democratic Republic of Ethiopia, art. 19.

At least 12 of the former detainees interviewed by Human Rights Watch said that they did not know the charges for which they were being held or had never been officially charged. Several were never brought before a court. Of those that had been charged, at least six were released on bail,[120] and five others were released on informal conditions after having spent between between three months and over a year in detention.[121]

Harsh Detention Conditions

Standards on detention condition are set out in the UN Standard Minimum Rules on the Treatment of Prisoners.[122] Poor detention conditions, including lack of adequate sanitary provisions, light, and fresh air, are recognized as cruel, inhuman, and degrading.[123] The deliberate use of poor detention conditions by officials to extract information or coerce confessions can also amount to torture.[124]

Detainees are generally held in the worse detention blocks at the beginning of their investigations, some are then moved as their investigation "progresses," and notably once they are charged, and others are kept in the same block throughout their detention. In addition to using the already dire prison conditions to exert pressure on detainees, in Chalama and Tawla Bet prison officials also place restrictions on their access to basic amenities.

Limited Sanitary Facilities and Restricted Access

Access to toilets is restricted for many detainees, particularly in Chalama Bet and Tawla Bet. In Chalama Bet detainees are allowed to use the toilet once and sometimes twice a day; they often have to urinate inside their cells in plastic bottles or buckets. Those held in

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[120] Human Rights Watch interview with G.V., Nairobi, April 10, 2012.

[121] Human Rights Watch interview with H.R., location withheld, September 18, 2012.

[122] Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977).

[123] See Committee against Torture, Conclusions and Recommendations: Spain, December 23, 2002, CAT/C/CR/29/3, sec. 11(d); Conclusions and Recommendations: Egypt, December 23, 2002, CAT/C/CR/29/4, sec. 6(b); Conclusions and Recommendations: Nepal, April 13, 2007, CAT/C/NPL/CO/2, sec. 31.

[124] See Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, "Study on the phenomena of torture, cruel, inhuman or degrading treatment or punishment in the world, including an assessment of conditions of detention," February 5, 2012, A/HRC/13/39/Add.5, para. 188.

isolation cells often complained about the awful smell in their cell. Several former detainees described access as depending on the whim of the guards. L. V. linked his access to a toilet with the stage in his interrogation:

> I was only allowed to use the toilet once a day, although after two or three months, I was allowed twice. This is because at first, you are a new arrival, everything is worse. They investigate, investigate, punish, they want to get something, and either they get some evidence or they don't and then they start showing kindness.[125]

In Tawla Bet detainees are generally brought out to the bathrooms twice a day, around 6 a.m. and then again at 6 p.m., when the cells—that are open during the day—are shut for the night.

There are significant health risks associated with limited access to sanitary facilities and being detained in unhygienic conditions. It makes detainees more vulnerable to illness and disease, for which they are unlikely to receive adequate treatment. This in turn evidently also influences their decision making and mental well-being.

Lack of Air, Daylight, and Food

Access to sunlight and fresh air also largely depends on the section within Maekelawi in which a person is detained and the phase in an individual's detention.

A number of individuals detained in individual cells in Chalama Bet said they were held in their cells for 24 hours a day, in complete darkness, only taken out for interrogations, for periods of a few days to as long as five months.[126] One former detainee held for 43 days in Chalama Bet—8 of which were spent in solitary confinement—said he had been permitted to leave the section for a few minutes on four occasions over the course of 35 days.

[125] Human Rights Watch telephone interview with L.V., July 18, 2013.

[126] Human Rights Watch Skype interview with B.G., July 8, 2013.

In the Tawla Bet block, cell doors are generally left open; however, some detainees told Human Rights Watch that their cell door was kept closed.[127] Access to the courtyard in front of the cells is restricted: most detainees are allowed out on a daily basis for approximately 15 minutes, some were allowed out twice a day as their case and investigation progressed.[128] Access to the yard is monitored and detainees are allowed out of their cell one cell at a time. Women held in the women's block are reportedly much freer to move around in the yard.[129]

Former detainees interviewed by Human Rights Watch often reported being deprived of proper food—a commonly described meal was bread and tea in the morning and a small piece of poor quality *injeera* (traditional flatbread) and *shiro* (chickpea sauce) at lunch and in the evening. Detainees complained both about the quantity and quality of the food they were served; one detainee said the *injeera* tasted of "sand."[130] Several detainees complained of upset stomachs and diarrhea, which they attributed to unclean conditions or poorly prepared food.

Detainees who have access to their families or whose family members are allowed to deliver food are fortunate and said they relied solely on this for basic provisions.

Detainees said they were denied access to adequate medical care. Even those who had been seen by the nurses from Maekelawi's clinic, including for injuries as a result of beatings and physical mistreatment during interrogations, complained about insufficient treatment and limited medication.[131] A handful of former detainees severely injured during interrogations reported being taken to a police hospital.[132]

Given the lack of ventilation, unhygienic conditions, poor sanitation, and poor nutrition, it is not surprising that several detainees interviewed by Human Rights Watch spoke of some ailment. These conditions ultimately affect detainees' decision making and judgment.

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[127] Human Rights Watch interview with C.D., location withheld, July 28, 2012; and Martin Schibbye and Johan Persson, Stockholm, December 12-13, 2012.

[128] Human Rights Watch interview with Martin Schibbye and Johan Persson, Stockholm, December 12-13, 2012.

[129] Human Rights Watch interview with C.D., location withheld, July 28, 2012; and Martin Schibbye and Johan Persson, Stockholm, December 12-13, 2012.

[130] Human Rights Watch interview with M.I., location withheld, December 13, 2012.

[131] Human Rights Watch telephone interview with L.V., July 18, 2013; Skype interview with Z.M., July 10, 2013; and Amnesty International interview, name and location withheld, on file with Human Rights Watch.

[132] Human Rights Watch telephone interview with L.V., July 18, 2013

Objectives of Interrogations

Mistreatment and denial of access to basic services in Maekelawi are used to put pressure on detainees and extract information, confessions, and statements, and to compel them to testify against others. Such statements are on occasion used to pressure individuals after release or as "evidence" in court. Ill-treatment and torture are also used to punish detainees who refuse to "cooperate" during interrogations.

One former detainee described how his investigators obtained his confession:

> They tied my legs with my hands and put something between them. Then we left room 37 and they took me to a room near the cafeteria. In the room there is water. It's all ready. They opened water on my back. I could not shout or talk. They said if you want to answer the questions, make a sign with your finger, they opened water, beat me on the feet as my feet are up in the air and my head was on the ground. I hated myself. The water was pouring and I was thinking, I am going to die. I showed a sign, just to be able to get some air, then the men stopped the water. I said to them, I felt like I am going to die. I think I stayed approximately 20 minutes, when they finished that punishment they took me to my cell.[133]

Under international human rights law, no one may be compelled to testify against themselves, to confess guilt, or be compelled to testify against others.[134] Standards drawn from the prohibitions against torture and other ill-treatment set out in international treaties can be found in the UN Principles on the Protection of All Persons under Any Form of Detention or Imprisonment. The principles provide that authorities may not take "undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person."[135] Moreover, authorities may not use violence, threats, and other interrogation methods that undermine detainees' decision-making process and judgment.[136]

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[133] Ibid.

[134] ICCPR, art. 14(3)(g); Convention against Torture, arts. 1 and 16.

[135] UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988), principle 21(1).

[136] Ibid., principle 21(2).

The Ethiopian constitution bars the use of statements obtained through coercion.[137] The Ethiopian Criminal Procedure Code states that no person summoned shall be compelled to answer,[138] and prevents use of threats during examinations and restricts out-of-court testimonies.[139] However, the procedure code contains only limited provisions regarding the admissibility and exclusion of evidence, giving judges significant discretion on these issues.

Forced Confessions and Statements

Several former detainees interviewed by Human Rights Watch allege that police investigators coerced them to write or sign confessions or other documents, sometimes under duress and while being beaten or threatened with further violence.[140]

According to Martin Schibbye, a Swedish journalist held in Maekelawi in 2011:

> For most people in Maekelawi, they keep them until they give up and confess, you can spend three weeks with no interviews, it's just waiting for a confession, it's all built around confession. Police say it will be sorted in court, but nothing will be sorted out in court.[141]

Detainees told Human Rights Watch that they were coerced to confess to actions and crimes they said they had not committed, very often being accused of anti-state or anti-government actions, or having to declare that if they joined any form of opposition group in the future they would face severe consequences.[142] A significant number of the 29 Muslim protest committee leaders held in Maekelawi in 2012 were reportedly pressured into

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[137] Ibid., article 19(5) states that "Persons arrested shall not be compelled to make confessions or admissions which could be used in evidence or against them. Any evidence obtained under coercion shall not be admissible."

[138] The Criminal Procedure Code, art. 27(2).

[139] Article 31(1) of the Criminal Procedure Code states that "No police officer or person in authority shall offer or use or make or cause to be offered, made or used any inducement, threat, promise or any other improper method to any person examined by the police"; Article 35(2) of the Criminal Procedure Code states that "No court shall record any such statement or confession unless, upon questioning the person making it, it ascertains that such person voluntarily makes such statement or confession. A note to this effect shall be made on the record the record."

[140] Human Rights Watch Skype interview with B.G., July 8, 2013; F.H., location withheld, June 27, 2013; and Y.X., Kampala, July 23, 2013.

[141] Human Rights Watch interview with Martin Schibbye and Johan Persson, Stockholm, December 12-13, 2012.

[142] Three letters from detainees, on file with Human Rights Watch; and Human Rights Watch Skype interview with journalist, name withheld, July 11, 2013.

signing documents admitting to actions they had not committed.[143] Human Rights Watch received credible reports that at least three of the Muslim detainees were badly beaten and threatened into signing a confession in which they allegedly admitted to carrying out criminal activities.[144]

In unedited footage taken of Abubekar Ahmed, an imam and chair of the Muslim protest committee, during his interrogation in Maekelawi seen by Human Rights Watch, he is subjected to lengthy questionning regarding the long-term plans of the committee during which investigators repeatedly mock his answers and try to wear him down.[145] Edited footage of the interview was later broadcast by state-run Ethiopian Television (ETV) (see below).

Investigators do not always provide or allow detainees to read the statement they are made to sign.[146] Several detainees said that when they refused to sign or questioned why they were signing statements they were threatened or beaten.[147] L.V. said:

> They read it to me, it was already written, it was written on a computer. I refused to sign and they beat me. That day they put a condition for me: they said, "If you sign this paper you can go home and back to your studies, if you don't we will show you."[148]

Statements appear to be almost exclusively in Amharic, a language some of the detainees interviewed by Human Rights Watch could not understand.[149] Swede Johan Perrson said:

> They demand that you sign Amharic statements, and I asked for a translation. The big problem is all foreigners are asked to sign things in

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[143] Human Rights Watch telephone interview with lawyer, September 27, 2013.

[144] Three letters from detainees, on file with Human Rights Watch

[145] Footage of Abubekar Ahmed responding to questions in Maekelawi interrogation room, on file with Human Rights Watch.

[146] Human Rights Watch interview with F.H., location withheld, June 27, 2013; Skype interview with B.G., July 8, 2013; H.J., Nairobi, July 9, 2013; and Y.X., Kampala, July 23, 2013.

[147] Human Rights Watch interview with F.H., location withheld, June 27, 2013; telephone interview with L.V., July 18, 2013; and H.J., Nairobi, July 9, 2013.

[148] Human Rights Watch telephone interview with L.V., July 18, 2013.

[149] Human Rights Watch interview with A.A., Nairobi, June 27, 2013.

> Amharic. If you question your statements later they say you've changed your statement and you're not trustworthy.[150]

Detainees are also pressured to reveal their email and Facebook passwords.[151] One detainee was beaten when he refused to sign an incriminating email:

> On the first day when I entered I gave them my email and password. There were no political emails in my account. But after three days an OLF [Oromo Liberation Front] statement was sent to me. They asked me about the email and they told me to sign it, but I refused given that it was sent after I was in prison. They hit me before and after I refused to sign this email.[152]

Investigators occasionally promise detainees that if they signed statements they would be brought to court. Others were promised they would be released.[153] Some detainees told Human Rights Watch that they signed as a way to move on with the investigation process, or in the hope that their awful situation and mistreatment would end, and that they even might be released.[154] An Oromo technician detained in early 2012 who had been tortured and held in solitary confinement for three weeks told Human Rights Watch:

> After three weeks I decided I needed to give a false statement so that they would free me. I gave 18 names of people from [my company], false names, that I said were active agents of the OLF, and I promised to cooperate with them.[155]

Confessions obtained during detention in Maekelawi have been presented as evidence in court in recent years. In 2011 in *Federal Prosecutor vs. Teshale Bekashi and others,* in which members of the opposition Oromo Federal Democratic Movement and of the Oromo

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[150] Human Rights Watch interview with Martin Schibbye and Johan Persson, Stockholm, December 12-13, 2012

[151] Human Rights Watch Skype interview with H.D., July 10, 2013; C.D., location withheld, July 28, 2012; A.H., Nairobi, July 3, 2013; telephone interview with L.V., July 18, 2013; Y.X., Kampala, July 23, 2013; and Amnesty International interview, name and location withheld, on file with Human Rights Watch.

[152] Human Rights Watch interview with F.H., location withheld, June 27, 2013.

[153] Human Rights Watch interview with Z.Y., Nairobi, June 27, 2013.

[154] Human Rights Watch interview with H.R., location withheld, September 18, 2012.

[155] Ibid.

People's Congress were accused of being members of the Oromo Liberation Front,[156] confessions were presented as evidence against 38 of the 69 defendants.[157]

More recently, confessions signed by members of the Muslim protest leaders while they were detained in Maekelawi have reportedly been included as evidence within the charge sheet and in some instances presented in court by the prosecution.[158]

Upon their release from Maekelawi, in cases where individuals both have and have not been charged, detainees are sometimes made to sign statements that include commitments never to take part in opposition parties, or to cooperate with the authorities, including by providing information on supporters of opposition parties and banned insurgent groups. Certain detainees, including several not charged, are also made to commit to burdensome reporting and restrictions on their movement once released and ostensibly not facing prosecution.[159] Such statements create enormous pressure on the individuals, even after they are released, and a handful of detainees explained to Human Rights Watch that their inability to "cooperate" upon their release, ongoing surveillance, and threats of renewed incarceration prompted their flight from Ethiopia.[160]

Similarly, high-profile defendants in politically motivated cases, such as many of the opposition politicians detained in 2005 and convicted of "treason," have eventually signed pardons that included some admission of guilt, a strategy that was the only avenue to obtain release after receiving life sentences after unfair trials. The pardons are a potent means of threatening former detainees, as demonstrated by the case of Birtukan Mideksa, who complained about the pardon process once released and was promptly re-arrested.[161] She was jailed for a further two years on the grounds that she violated her pardon conditions, until finally released once again, when she left the country.

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[156] The OLF was proscribed as a terrorist group by the Ethiopian Parliament in 2011.

[157] Translation of charge sheet, on file with Human Rights Watch. For more information on this trial and others against high-profile members of the OPC and OFDM, see Amnesty International "Dismantling Dissent;" see also "Ethiopia: Free Detained Opposition Leaders," Human Rights Watch news release, September 1, 2011, https://www.hrw.org/news/2011/09/01/ethiopia-free-detained-opposition-leaders.

[158] Human Rights Watch telephone interview with lawyer, September 27, 2013.

[159] Human Rights Watch telephone interview with L.V., July 18, 2013; and telephone interview with B.G., July 8, 2013.

[160] Human Rights Watch interview with A.S., South Africa, October 20, 2012; telephone interview with L.V., July 18, 2013; and Y.X., Kampala, July 23, 2013.

[161] "Ethiopia: Opposition Leaders' Release Just a First Step," Human Rights Watch news release, October 6, 2010, http://www.hrw.org/news/2010/10/06/ethiopia-opposition-leader-s-release-just-first-step.

In addition to signed "confessions," high-profile individuals detained in Maekelawi under the Anti-Terrorism Law have also been filmed during interrogations, clearly without their knowledge, and seemingly under duress. In February 2013 ETV broadcast a program called "Jihadawi Harakat" ("Jihad War") that included footage of Muslim committee members Abubekar Ahmed, Kamil Shemsu, Ahmed Mustafa, and Yassin Nuru, and activist Nuru Turki. The program characterized the Muslim protest movement in Ethiopia as Islamist extremist groups such as Somalia's armed al-Shabaab militants, and cast the Muslim protest leaders as terrorists.

Similarly, in November 2011, ETV broadcast a three-part program called "Akeldama" ("Land of Blood") in which opposition party members Andualem Arage and Nathnael Mekonnen were filmed in detention, describing their alleged involvement in what the documentary branded a "terrorist plot." The interviews are depicted in the programs as confessions.[162]

Implicating False Witnesses

Individuals detained in Maekelawi are also on occasion pressured into testifying against others, particularly in political trials. A handful of former detainees interviewed by Human Rights Watch described fellow detainees serving as witnesses against them, or said they shared a cell with individuals who were being "prepared" to serve as witnesses.[163]

Zememu Molla, general secretary of the Ethiopian National Democratic Party (ENDP), detained in September 2011 in Maekelawi along with UDJ member Nathnael Mekonnen and journalist Eskinder Nega, was initially held at Maekelawi and was released after testifying against Eskinder.[164] One man interviewed by Human Rights Watch said that he was coerced to be a witness against an acquaintance in an anti-terrorism trial.[165]

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[162] See "Ethiopia: Muslim Protestors Face Unfair Trial," Human Rights Watch news release, April 2, 2013, https://www.hrw.org/news/2013/04/02/ethiopia-muslim-protesters-face-unfair-trial; and Human Rights Watch interview with C.D., location withheld, July 28, 2012.

[163] Human Rights Watch Skype interview with H.D., July 10, 2013; Skype interview with Z.M., July 10, 2013; Skype interview with B.G., July 8, 2013; and Y.X., Kampala, July 23, 2013.

[164] See Amnesty International, "Dismantling Dissent," p. 9; and Human Rights Watch interview with wife of prisoner, Washington, D.C., August 8, 2013.

[165] Human Rights Watch interview with C.D., location withheld, July 28, 2012.

Z.M., a journalist imprisoned in late 2011, found himself in detention with a health official from Gonder who had been asked to testify against Nathnael Mekonnen:

> He [the health official] had been in Maekelawi about three months when I arrived. He had been told that if he wanted to be free he should testify against him [Nathnael]. He told me that after two months, he had accepted. Prosecutors and detectives would come and tell him how to testify.[166]

[166] Human Rights Watch Skype interview with Z.M., July 10, 2013.

V. Government Response to Mistreatment

The Convention against Torture seeks not only to abolish torture, but also to prevent torture or other forms of ill-treatment from undermining the right to a fair trial. It sets out the right of individuals to complain to competent authorities about torture and to receive a prompt and impartial investigation of their complaint, while protecting the complainant against reprisals.[167] It obligates governments to regularly review interrogation rules, practices, and methods.[168]

Police officers and investigators in Maekelawi have significant discretion in their treatment of detainees and suspects during investigations. Checks and balances aimed at protecting detainees in Maekelawi are limited. Detainees held in Maekelawi are regularly denied access to basic avenues of redress, including a lawyer of their choosing or being brought before a competent and independent judge.

Some Ethiopian authorities recognize that the abuses at Maekelawi also occur in other Ethiopian detention facilities. Detention conditions generally have been criticized by the Ethiopian Human Rights Commission in a past report,[169] and the draft National Human Rights Action Plan 2013-2015 notes, even if only obliquely, that there is room for progress on issues such as the access of detainees in pre-charge detention to legal counsel, lengthy detentions pending completion of police investigations, and the police duty to inform those arrested of their right to remain silent.[170] The Action Plan also mentions "the lack of health services, clean water for drinking and sanitation, necessary provisions and congestion observed in some prisons."[171]

However, many of these concerns are described purely as a capacity problem, ascribed to lack of awareness or resources. Yet torture and other abuses of detainees held in Maekelawi cannot be addressed as a capacity issue alone; these are patterns of abuse

[167] Convention against Torture, arts. 13 and 12.

[168] Ibid., art. 11.

[169] Ethiopian Human Rights Commission, "Human Rights Protection Monitoring in Ethiopian Prisons, Primary Report," July 2012, http://www.ehrc.org.et/LinkClick.aspx?fileticket=1uE7TO6QzbQ%3d&tabid=117 (accessed October 2, 2013).

[170] National Human Rights Action Plan 2013-2015, on file with Human Rights Watch, p. 37.

[171] Ibid., p. 37.

that need to be recognized as serious human rights violations and addressed from senior levels. Regrettably, the government has dismissed serious human rights criticism as unreliable or politically motivated, and accountability for abuses by members of state security forces, whether inside detention facilities or more generally, has been minimal to non-existent.

Judicial Response

Courts have a responsibility to impartially hear and rule on allegations of torture and ill-treatment, including claims of coerced confessions.[172] Human Rights Watch has since 2005 expressed concerns about the lack of independence of the Ethiopian judiciary in politically motivated cases, particularly in trials under the new Anti-Terrorism Law.

Suspects held in Maekelawi are usually brought before the Arada First Instance Court. This court has sometimes refused to hear complaints of mistreatment from defendants during pre-charge hearings. For example, the first instance court hearing the charges against 29 Muslim protest leaders in 2012 told the defendants that they did not have the jurisdiction to hear their complaints of mistreatment, which could only be raised during the trial.[173] Similarly, complaints of mistreatment and lack of access to legal counsel during the remand period, in the trial of Woubshet Taye and Zerihun Gebre-Egziabher, were not investigated by the courts.[174]

B.G., who was detained in Maekelawi under the Anti-Terrorism Law, described the presiding judge's response to his complaint:

> When I was taken to court I raised my hand to complain about my treatment but the court refused to let me talk. The judge said something about the law, that they were not going to actually hear the case and only get a next

[172] "Ethiopia: Muslim Protestors Face Unfair Trial," Human Rights Watch news release, April 2, 2013, https://www.hrw.org/news/2013/04/02/ethiopia-muslim-protesters-face-unfair-trial.

[173] Human Rights Watch Skype interview with J.S., July 11, 2013; and "Ethiopia: Muslim Protestors Face Unfair Trial," Human Rights Watch news release, April 2, 2013, https://www.hrw.org/news/2013/04/02/ethiopia-muslim-protesters-face-unfair-trial; and Human Rights Watch Skype interview with journalist, name withheld, July 11, 2013.

[174] "Ethiopia Terrorism Verdict Quashes Free Speech," Human Rights Watch news release, January 19, 2012, https://www.hrw.org/news/2012/01/19/ethiopia-terrorism-verdict-quashes-free-speech.

appointment, as the case was still in the hands of the police investigator, and so could only hear the police investigators.[175]

Delaying investigations into claims of torture and ill-treatment may not only prolong the abuse, it risks undermining an effective investigation and heightening the risk of evidence obtained under coercion being submitted as evidence by the prosecution.

On other occasions when detainees held under the Anti-Terrorism Law complained about incommunicado detention and mistreatment, the court ordered Maekelawi officials to grant access to detainees and called on the prison officials to stop mistreating the detainees but did not inquire further into the allegations.

Some detainees said they were fearful of speaking out in court because of reprisals. One former detainee described how the experience of others who had spoken out in court convinced him to keep silent.[176] The wife of a political prisoner was informed by her husband's lawyer that after her husband complained in court about being mistreated, his treatment in Maekelawi actually worsened.[177] The fact that detainees are regularly sent back to Maekelawi by the courts for lengthy investigation periods increases the risk of further ill-treatment while discouraging detainees from reporting abuse.[178]

The courts have responded in different ways to complaints from detainees that their right to presumption of innocence was violated by the public broadcasting of footage of them being questioned under duress in Maekelawi. In the case of the "Akeldama" video broadcast on ETV, the court reportedly dismissed the complaints of due process violations against the defendants on the grounds that the video footage was not produced as evidence by the prosecutor.[179] In the case of the "Jihadawi Harakat" video, following a

[175] Human Rights Watch Skype interview with B.G., July 8, 2013.

[176] Human Rights Watch interview with Y.X., Kampala, July 23, 2013.

[177] Human Rights Watch Skype interview with E.M., July 4, 2013; and telephone interview with lawyer, September 27, 2013.

[178] Open Society Justice Initiative, "Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk," June 2011, http://www.opensocietyfoundations.org/reports/pretrial-detention-and-torture-why-pretrial-detainees-face-greatest-risk, p. 41.

[179] "Ethiopia: Terrorism Law used to Crush Free Speech," Human Rights Watch news release, June 27, 2012, https://www.hrw.org/news/2012/06/27/ethiopia-terrorism-law-used-crush-free-speech.

complaint by the defendants' lawyers, the High Court granted an injunction prohibiting the broadcast—but ETV ignored the court order without sanction.[180]

Restrictions on Independent Monitoring

The repressive Charities and Societies Proclamation and the Anti-Terrorism Law, through its lengthy remand periods and expanded police powers, have contributed to the climate of impunity for government abuses by significantly reducing independent human rights monitoring and basic legal safeguards against torture and ill-treatment in detention.

The CSO Law, which prohibits nongovernmental organizations receiving more than 10 percent of their funding from foreign sources from carrying out human rights and governance work, has severely hampered the work of independent national human rights organizations.

Access by independent monitors to detention facilities in Ethiopia remains restricted. In 2007-2008, following reports of serious abuses in the Ogaden region, the government denied the reports, blocked access to the region for journalists, and restricted access for humanitarian aid organizations, including the International Committee of the Red Cross—which had both humanitarian and protection monitoring programs in the region—and was expelled from Somali region in July 2007.[181]

The Human Rights Council (HRCO), an independent nongovernmental organization, has regularly requested access to Maekelawi over the last two years but their requests have gone unanswered.[182] The authorities have also denied access to diplomats and UN entities. Requests from relevant Special procedures of the UN Human Rights Council, including the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention, to visit Ethiopia remain outstanding.[183] In July 2013, members of a European Parliament human

[180] See "Ethiopia: Muslim Protesters Face Unfair Trial," Human Rights Watch news release, April 2, 2013, https://www.hrw.org/news/2013/04/02/ethiopia-muslim-protesters-face-unfair-trial.

[181] Human Rights Watch, *Collective Punishment*, p. 88.

[182] Human Rights Watch email correspondence with civil society activist, August 15, 2012.

[183] Special Procedures, "Country and other visits by Special Procedures Mandate Holders since 1998 A-E," Office of the High Commissioner for Human Rights, August 12, 2013, http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsA-E.aspx.

rights delegation were blocked from visiting Kaliti prison, despite initial assurances from the government.[184]

The Ethiopian organization Justice for All-Prison Fellowship Ethiopia (JFA-PFE) is granted access to certain prisons.[185] This group is one of the few Ethiopian nongovernmental organizations that has been granted exemptions from the restrictions imposed by the CSO Law.[186]

Monitoring Visits by Government Bodies

Human Rights Watch is aware of two government entities that have carried out monitoring visits to Maekelawi, but these visits have been largely ineffective at curbing detainee abuse.

According to the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, places of detention should be regularly visited by individuals that report to a competent authority distinct from the authority directly in charge of the administration of the place of detention.[187] The principles also provide that detainees should be able to communicate freely and in full confidentiality with individuals carrying out visits.[188]

Ethiopian Human Rights Commission

The Ethiopian Human Rights Commission—a government-affiliated entity—has in recent years carried out monitoring activities in federal and regional prisons.[189] A July 2012 investigation into prison conditions by the commission found that detainees had been

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[184] "European Human Rights Committee Denied Access to Ethiopian Prison," *VOA News*, July 17, 2013, http://www.voanews.com/content/european-human-rights-committee-denied-access-to-ethiopian-prison/1703610.html (accessed August 7, 2013); and Human Rights Watch telephone interview with European Parliament staffer, July 25, 2013.

[185] US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2012, Ethiopia," April 19, 2013, http://www.state.gov/j/drl/rls/hrrpt/2012/af/204120.htm (accessed October 7, 2013), p. 5.

[186] Human Rights Watch telephone interview, August 15, 2013.

[187] Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 29(1).

[188] Ibid., principle 29(2).

[189] The Ethiopian Human Rights Commission has to date not been accredited by the UN as complying with the Paris Principles, which the United Nations General Assembly adopted in 1993 and which promote the independence of national human rights institutions. See International Coordinating Committee of National Institutions of the Promotion and Protection of Human Rights (ICC), "Chart of the Status of National Institutions, February 11, 2013, http://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf (accessed August 12, 2013).

subjected to harsh disciplinary measures by fellow inmates and beatings by security personnel, but it did not identify any cases of ill-treatment that would amount to torture.[190] The UN Committee against Torture in its 2010 conclusions concerning Ethiopia raised concerns about the apparent lack of unannounced visits by the commission and the authorities' failure to implement the commission's 2008 recommendations.[191]

The Ethiopian Human Rights Commission has carried out three visits to Maekelawi since 2010 and met specifically with detainees held under the Anti-Terrorism Law.[192] In its September 9, 2013 response to Human Rights Watch, the commission stated that its monitoring visits, including to Maekelawi, have been unannounced visits and that they had faced no impediment in accessing Maekelawi.[193] In a media statement following a September 5, 2012 visit with detained Muslim community leaders in Maekelawi, the commission raised concerns about the detainees' access to their families and legal counsel but said that otherwise their detention was lawful.[194] Maekelawi officials were reportedly present when commission officials met with Muslim community leaders in September 2012, undermining detainees' willingness to raise concerns about their mistreatment.[195]

The commission did not say anything about allegations of ill-treatment and forced confessions during interrogations.[196] In its letter to Human Rights Watch the commission raised concerns about physical and verbal assault of certain detainees when they were arrested.[197]

The commission also met with Debebe Eshetu, Eskinder Nega, and Andualem Aragie in 2011 when they were in pre-charge detention in Maekelawi.[198] Once again officials from the

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[190] Ethiopian Human Rights Commission, "Human Rights Protection Monitoring in Ethiopian Prisons – Primary Report," July 2012, Addis Ababa, http://www.ehrc.org.et/LinkClick.aspx?fileticket=1uE7TO6QzbQ%3d&tabid=117 (accessed August 7, 2013), pp. XX-XXI.

[191] UN Committee against Torture, "Consideration of Reports Submitted by States Parties under Article 19 of the Convention, Conclusions and recommendations of the Committee against Torture, Ethiopia," para. 13.

[192] See Annex II.

[193] Ibid.

[194] Ethiopia Human Rights Commission, "The Ethiopian Human Rights Commission visits Crime Suspects held in the Custody of the Federal Police Crime Investigation Sector," http://www.ehrc.org.et/LinkClick.aspx?fileticket=VTEE3Y%2bMd7w%3d&tabid=36 (accessed August 21, 2013).

[195] Human Rights Watch telephone interview with lawyer, September 27, 2013.

[196] Human Rights Watch email correspondence with C.D., August 15, 2013.

[197] See Annex II.

[198] Human Rights Watch interview with wife of prisoner, Washington, D.C., August 8, 2013.

commission were reportedly accompanied by Maekelawi officials, which would have made open discussions about treatment impossible.[199] The commission did not meet with Nathnael Mekonnen, who had complained in court of mistreatment during his interrogation.[200]

Federal Police Commission

The Federal Police Commission is also mandated to carry out inspections of detention facilities. Three of the detainees interviewed by Human Rights Watch said that they were visited by Federal Police Commission representatives in 2011 and 2012[201] while they were in Sheraton and Chalama Bet.[202] Their inspection visits and meetings with inmates take place with police investigators present, minimizing their value.[203] One person who had been held in isolation for almost three months complained about his mistreatment in a meeting with a visiting police commissioner, but said his concerns were ignored.[204]

The intimidation of suspects and their families, the lack of independent monitoring, and the perception that that the federal police and the Ethiopian Human Rights Commission are instruments of government policy militates against their being able to credibly investigate abuses in Maekelawi and other detention facilities.

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[199] Human Rights Watch interview with C.D., location withheld, July 28, 2012.

[200] Human Rights Watch Skype interview with E.L., July 4, 2013; and interview with wife of prisoner, Washington, D.C., August 8, 2013.

[201] Federal Police Proclamation, No. 207/2000, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=ETH&p_classification=22.10&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY (accessed August 12, 2013), art. 9(6).

[202] Human Rights Watch interview with Y.X., Kampala, July 23, 2013; and email correspondence with B.G., August 11, 2013.

[203] Human Rights Watch interview with Y.X., Kampala, July 23, 2013; and follow-up Skype interview with F.H., August 1, 2013.

[204] Human Rights Watch Skype interview with F.H., location withheld, June 27, 2013.

Acknowledgments

This report was researched and written by Laetitia Bader, researcher in the Africa division. The report was edited by Maria Burnett, senior researcher in the Africa Division, and Leslie Lefkow, deputy Africa director. James Ross, legal and policy director, and Babatunde Olugboji, deputy program director, provided legal and program reviews, respectively.

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Annex I: Human Rights Watch Letter to Ambassador Teruneh Zenna on Maekelawi

HUMAN RIGHTS WATCH
HRW.org

August 12, 2013

Ambassador Teruneh Zenna
Chief Commissioner
Ethiopian Human Rights Commission
P.O. Box 1165
Addis Ababa
Ethiopia

Via email: hrcom@ethionet.et and terunehzenna@yahoo.com

RE: Questions on Maekelawi

Dear Ambassador Teruneh Zenna,

In light of our ongoing discussions, as well as the mandate of the Ethiopian Human Rights Commission to monitor detention facilities throughout the country, I am writing to share with you the preliminary findings of research carried out by Human Rights Watch into conditions and treatment of detainees at the Federal Police Crime Investigations Department, Maekelawi, in Addis Ababa.

Human Rights Watch is committed to producing material that is well-informed and objective and we want to ensure that our report properly reflects the views, policies, and practices of the government of Ethiopia and of institutional human rights bodies such as the Ethiopian Human Rights Commission.

We hope you or your staff will respond to the questions below so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by September 11, 2013.

Our research is based on over 40 interviews with former recent detainees or relatives of individuals detained in Maekelawi since 2010. Interviews with former detainees were conducted on an individual basis, and interviewees were identified through a range of channels and sources.

Our research examined detention conditions and the treatment of detainees in Maekelawi from 2010 to the present. It documents how detainees have faced serious human rights abuses. Human Rights Watch is particularly concerned about the treatment of detainees during interrogations: detainees described how the most serious mistreatment, which in some cases amounted to torture, took place during interrogations in the presence of police interrogators.

The research documents that detention conditions in Maekelawi are particularly harsh in two of the detention blocks: a building known as "Chalama Bet," which is adjacent to the women's cells, and one called "Tawla Bet," which faces the clinic and laboratory. Our research found that individuals in these blocks face onerous restrictions on their access to sanitary facilities and access to daylight and air. In addition, detainees face insufficient food and medical supplies.

Detainees in Maekelawi are regularly denied access to their relatives and legal counsel, particularly in the initial, pre-charge stages of their detention and investigation period. This increases the vulnerability of detainees to mistreatment and torture.

The research highlights the particularly abusive nature of the interrogations conducted in Maekelawi. Our research indicates that police interrogators and others involved in interrogations at Maekelawi use the following methods to extract information, statements and confessions:

- Beatings, slapping and kicking by police investigators;
- Sleep deprivation;
- Stress positions;
- Exposure to cold;
- Solitary confinement;
- Prolonged handcuffing; and
- Verbal threats and insults.

Sometimes the statements and confessions produced after detainees have been subjected to these abuses are then used as evidence in court or as a means of exerting pressure on detainees once they are released.

Human Rights Watch would appreciate your response to the concerns described above and to the following questions in order to reflect your views in our reporting.

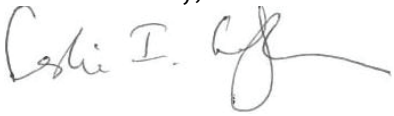
1. How frequently does the Ethiopian Human Rights Commission visit the Maekelawi facility? Has the Commission visited Maekelawi since September 2012? Has the Commission requested and been granted unrestricted access to all detention blocks and to all individuals detained in the facility? Has the Commission ever been denied access to Maekelawi or to specific individuals held there? If the commission has not been granted access, on what basis was access denied? Has the Commission ever carried out an unannounced visit to Maekelawi?
2. What other groups and entities other than the Commission are granted access to Maekelawi? Is this access unhindered and are visits unannounced?

3. Since 2011, there have been regular complaints of mistreatment during pre-charge and pre-trial detention in Maekelawi of individuals held under the 2009 Anti-Terrorism Proclamation. Has the commission enjoyed unrestricted access to these individuals during their periods of detention in Maekelawi, notably during the Commission's September 5, 2012 visit?
4. How many detainees did the Commission meet with during its September 5 visit? How were these detainees identified? Were you able to meet with them in the absence of prison officials?
5. The findings outlined in the press release following your September 5 visit do not match our findings in terms of ill-treatment and torture of detainees during pre-charge investigations. Could you please describe your methodology for your visits to Maekelawi and other detention facilities?
6. In the press release issued following the Commission's visit to Maekelawi on September 5, you raised concerns about limited access of detainees' held in connection with protests by sections of the Muslim community to their families and legal counsel during the initial detention phase of individuals. What measures has the Commission taken since this visit to ensure that its recommendations to the investigation officers regarding these specific detainees were implemented and to ensure that more recent detainees were not held incommunicado?
7. Is the Commission monitoring the trials of any individuals detained under the Anti-Terrorism Proclamation?
8. In addition to concerns about restrictions on access to detainees, what other general concerns about the conditions as well as the treatment of detainees in Maekelawi have you identified during recent visits?
9. Has the Commission provided any human rights training or education to federal police and public prosecutors? If so, we would be grateful for further details of the dates and content of such trainings.

We would appreciate receiving your response to this letter by September 11, 2013 in order to ensure that it can be reflected in our final report. Please do not hesitate to send us any other materials or information that you think would be relevant for our understanding of these issues.

Furthermore, I would greatly appreciate the opportunity to meet with you in person in Addis to discuss this research.

Yours Sincerely,



Leslie Lefkow
Deputy Director, Africa Division

Annex II: Response from Ambassador Teruneh Zenna to Human Rights Watch's Letter on Maekelawi

September 8, 2013

Dear Leslie Lefkow,

I have attached here with the reply to your questions, concerning the condition and treatment of detainees in the Federal Police Investigation Sector.

I would like to thank you for sharing with us the preliminary finding of research undertaken by Human Rights Watch into condition and treatment of detainees at the Federal Police Crime Investigation Sector. Your statement that HRW is committed to produce material that is well informed and objective and that it wants to ensure that their report properly reflect the views, policies, practices of the Government of Ethiopia and the institutional bodies such as The Ethiopian Human Rights Commission is very much appreciable.

We realize that human rights and democracy are work in progress in developing countries such as Ethiopia. We will be very much glad to work with organisations like that of yours to contribute our humble share for the progress and betterment of human rights in the country. I for one believe that to fight human rights abuse we need to seek the truth and speak for it.

We have gone through your preliminary research findings and we noted that the methods you used and the conclusion you arrived at are different than those of ours. We have the luxury of focusing in one country and unchallenged rights to visit any detention centers in Ethiopia. While monitoring the detentions centers we use the UN minimum standrerds and while making a conclusion we try to make it unquestionable. Because, we believe that for human rights commissions credibility is the most strong tool with which they can fight any authority.

We believe that through such exchange of notes we could learn from each other and improve our search for truth. We will be able to publish the condition and treatment of detainees very soon and give you the general picture of detention centers in the country as we did on prison condition a year ago.

Please, do not hesitate to raise any question on our reply or for that matter any other issues.

With regards,

Teruneh Zenna (Ambassador)
Chief Commissioner
Ethiopian Human Rights Commission

Brief responses to Human Rights Watch's quests

First of all, we would like to appreciate your effort to undertake a research on the conditions and treatments of detainees at the Federal Police Crime Investigation Sector (FPCIS) and for seeking our views on these issues. The Ethiopian human rights commission has full power and is duty bound to ensure that fundamental human rights and freedoms are respected by all organs of the government, political organisation and their respective officials in all circumstances.[1] Most importantly, the commission is bestowed with a power to undertake all forms of investigations, upon complaints or on its own initiation, in respect of alleged human rights violations.[2] Cognizance of these key responsibilities, the commission has been devising wide range of programmes and methods to effectively check the proper implementations of the fundamental human rights standards by all individuals, organs of the government and other private agents.

Given the vulnerability of detainees for various forms of human rights violations, the commission has been continuously and closely-watching their treatments at different detention centres through its monitoring programme. Accordingly, the commission uses the Human Rights Protection and Monitoring Directorate's scheduled monitoring scheme usually conducted in two or three years term to ascertain if any infringements of human rights standards has occurred at various detention centres and prisons throughout the country. It was under this programme that the commission has been visiting FPCIS more than three times within the past three years with a view to properly examine the treatments and conditions of detainees.[3] In fact, FPCIS is exceptionally chosen to be visited frequently due to the nature, seriousness and sensitiveness of the crimes that most detainees are suspected for or accused of. The three visits do not include the other frequent visits made as a result of complaints of human rights abuse to the commission through various channels. It is, therefore, against this background that we would like to briefly answer your specific questions as follow.

[1] See article 6(1) of its establishment proclamation (Proc no. 210/2000)

[2] As above, Art 6(4)

[3] The three visits were conducted on 30 May 2010, 13 September 2011, and 5 September 2012.

1. Access to detention centres and the frequency of visits made by the commission

Since the power and duties of the commission to ensure the respect of human rights, including, the conditions and humanely treatments of detainees, is vividly guaranteed under the law, our commission has been enjoying unlimited access to various detention facilities in any part of the country so far. As explained earlier, the Commission visited FPCIS and other detention centers under its prison monitoring programmes and when special needs so require. Since we are granted full access to any prison facilities in the country, the commission is be able to visit detention centers any time it deems necessary or when allegation of human rights violations has occurred. We are legally allowed to accept any information or complaints from anybody regarding human rights violations without a need to proof vested interest.[4] The Commission has not faced any challenge in accessing and visiting any of individual detainees at FPCIS and other detention centers during all its unannounced visits. The commission has guiding procedure that requires any monitoring activities to be conducted without any announcement and this has never faced any major hindrance till now. Hence, all visits made to FPCIS were also unannounced and surprise. We will be shortly sending you the full report on the conditions and treatments of detainees after its translation process is over in the coming weeks.

2. Access to FPCIS by other organs

We only know that government entities, including, office of public prosecutor, Parliament and their staffs, among others, that are allowed to conduct different forms of detention centre monitoring activities. Other non-governmental organizations, such as, Prison Fellowship, Red Cross Society and so on are also involved at visiting FPCIS and other similar facilities. However, the Commission does not have detailed information if these institutions have so far visited FPCIS.

3. Access to detainees of the 2009 anti-terrorism proclamation and their treatments

[4]As above, art 7.

So far, the Commission has never faced difficulty in having access to all the detainees or cells at Makelawi. The nature and type of crime they are charged with or suspect for has never been used as a ground to prohibit us from accessing to all the detainees. The Commission strongly believes that all detainees deserve proper treatment regardless of the nature and gravity of the crimes they are suspected for or charged with. Although priorities are given to ascertaining the properness of the general conditions and treatments of all detainees, we have been closely monitoring the conditions and treatments of those detainees suspected with or accused of infringing the anti-terrorism proclamation. As a result, there are instances where the commission has separately dealt with some cases with the concerned individual detainees. In the last two visits to FPCIS (13 September 2011 and 5 September 2012) for example, prominent opposition party officials suspected of committing act of terrorism like Mr. Bekelle Gerba, Mr Olbana Lelisa and Mr Debebe Eshetu were among the detainees we had visited and interviewed. The general findings of these visits confirm the absence of major form of mistreatments. Nonetheless, the commission was able to found out basic problems with regards to the rights of the detainees to have access to their families and legal counsels.

4. Methodology employed to get information during visits to the detention facilities

Generally, before proceeding to the onsite visit, check-lists will be prepared inconformity with the expected standards of treatments recognized under the Ethiopian Constitution and international human rights documents. Relevant and separate checklists will be prepared for gathering relevant information from the detainees, the prison officials and to be filled by our monitoring expert though observation. Within these checklists, there are various direct, indirect, closed and-open ended questions regarding the presence or absence of mistreatments, including, acts of torture, beatings, insult, and any other form of prohibited method of interrogation. This check list not only includes major human right issues that can arise in detention centers but also a code of conduct to be followed by any monitoring expert.

The experts will first conduct interview with the prison officials. Upon concluding the interview with the officials, the monitoring experts of the Commission take representative numbers of detainees from among the total number of detainees at the time of the visit sometimes based on

the detainees vote as well as by randomly picking up individuals. These representatives of the detainees are selected from different categories of detainees, such as, persons not yet charged, persons with a charge, women and persons from different age groups. Moreover, individual detainees will be selected and be personally interviewed on different matters involving their treatment where it is so required. Group discussion as well as individual interview will be made with the detainees. The experts will also gather additional data through observation and from secondary sources. Finally, feedbacks will be forwarded to the higher officials and call upon those relevant organs to take corrective measures on any human rights violation in the detention centers.

In addition to the general methods explained earlier, we also employee other different informal approaches, including, cell to cell visit, picking the names of individuals detainees who are alleged to be victims of abuse, among others. These approaches were used by the team lead by the chief commissioner while visiting FPCIS.

5. Measures taken regarding detainees' limited access to their family and council

Where there exists problem, the commission will first communicate its concern to officials directly responsible to take immediate measure to rectify the same. Accordingly, we have forwarded our concerns on the rights of detainees to freely have access to their families and legal councils to the concerned officials and followed it up in our consecutive visits. It is to be recalled that the Commission has published the presence of these problems in our press release with a view to allow all other appropriate higher officials know about it and take the necessary corrective measures to ensure the respect of the detainee's right. There was also one case where a detainee had complained to the commission that he wanted to be transferred to a cell with proper light and we have shared this concern to relevant officials and ensured his transfer to another cell.

The commission believes that those concerns identified and shared with the relevant bodies to take corrective measures are rectified by now. As explained earlier, some of the visits to FPCIS were made after the commission received complaints, in some cases, from families of the

detainees suspected for violating the anti-terrorism act and no subsequent complaint is made from anybody regarding these issues. In all cases, the Commission has a future plan to make a follow-up visit and to adopt the next measure if there is no a progress made in this regard.

6. Monitoring the trials of individuals

The mandate of the Commission is not clear if it does allow us to monitor those individual cases pending before court of law. The courts are meant to be custodian of human rights and are established to be independent under the constitution.[5] Similarly, the constitution has clearly stipulated that judges shall exercise their functions in full independence, shall be directed solely by the law and cannot be removed by any grounds other than retirement or gross incompetency to be ascertained by rigorous independent procedures.[6] Hence, there is always the presumption that courts will entertain trails impartially and only in accordance with the law. We give priority to monitor other institutions, such as, prisons and police stations, which are in the executive circle.

7. Other concerns at FPCIS (8)

Additional concern the commission has indentified during its 13 September 2011visit includes the delay in the investigation process of some cases which has an implication on individual's rights to speedy trial. During its visit to FPCIS, the commission has received unconfirmed reports from a few detainees regarding physical and verbal assault while they were apprehended. Similarly, there was a single incident that the commission was reported that a detainee was gone to a court to attend his pending case, when the name of that specific detainee was picked and asked to be visited.

Concerning some of your other general concerns on the means employed (beatings, sleep deprivation, slapping and kicking) to extract information and confessions, the commission has clearly raised these issues to the concerned officials although we were not able to confirm the use of such prohibited methods during investigation by the detainee themselves. The officials has reminded to us about the strict prohibitions of employing such methods by the constitution. They

[5] See art 78 of the 1995 Ethiopian Constitution.

[6] As above, art 79(2 &3)

further explained that these methods will not serve any purpose or help them in any way given the vivid fact that the court will reject all information or evidence obtained by coercion. It is clearly guaranteed that persons arrested will not be compelled to make confessions which could be used as evidence against him and all evidences obtained under coercion are inadmissible.[7]

8. Human rights trainings offered to federal police and public prosecutors

The Commission has been giving trainings and education on basic and relevant human rights issues to police officers and prison officials on continuous bases. Within 2012/2013 more than 100 police officers and higher officials from Federal Police Commission were trained on basic human rights concepts, in general, and treatment of prisoners, in particular. The main topics covered by the trainings includes, about the relation between and reinforcement of international and national human rights laws, the right of vulnerable groups, human rights standards for the treatment of prisoners and detained persons, and police and its law enforcement duty.

9. In general, our finings might be a bit different from yours as you have stated in your letter for various reasons. In our part, we tried to use all inclusive type of methodology and we visited and talked to those concerned detainees and officials directly at the scene. We also tried to practically observe the situations in and around various centres. We do not know if this mismatch is caused basically as result of the information you received from third parties (relatives of the detainees) and the limited number of your samples. Families normally are too sympathetic and feel bad about prisons. But in all cases, the commission will take your information and concerns and do all what it takes to make sure that no detainees suffer from the alleged human rights violations.

[7] See art 19(4&5) of the constitution

HUMAN RIGHTS WATCH

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Annex III: Human Rights Watch Letter to Dr. Shiferaw Teklemariam on Maekelawi

HUMAN RIGHTS WATCH
HRW.org

August 12, 2013

Dr. Shiferaw Teklemariam
Minister of Federal Affairs
Ministry of Federal Affairs
P.O. Box 5718
Addis Ababa
Ethiopia

Via email: shiferawtmm@yahoo.com

RE: Questions on Maekelawi

Dear Minister Shiferaw,

On behalf of Human Rights Watch I am writing to you to share with you the preliminary findings of research carried out by Human Rights Watch into conditions and treatment of detainees at the Federal Police Crime Investigations Department, Maekelawi, in Addis Ababa.

Human Rights Watch is committed to producing material that is well-informed and objective and we want to ensure that our report properly reflects the views, policies, and practices of the government of Ethiopia and of institutional human rights bodies such as the Ethiopian Human Rights Commission.

We hope you or your staff will respond to the questions below so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by September 11, 2013.

Our research is based on over 40 interviews with former recent detainees or relatives of individuals detained in Maekelawi since 2010. Interviews with former detainees were conducted on an individual basis, and interviewees were identified through a range of channels and sources.

Our research examined detention conditions and the treatment of detainees in Maekelawi from 2010 to the present. It documents how detainees have faced serious human rights abuses. Human Rights Watch is particularly concerned about the treatment of detainees during interrogations:

detainees described how the most serious mistreatment, which in some cases amounted to torture, took place during interrogations in the presence of police interrogators.

The research documents that detention conditions in Maekelawi are particularly harsh in two of the detention blocks: a building known as "Chalama Bet," which is adjacent to the women's cells, and one called "Tawla Bet," which faces the clinic and laboratory. Our research found that individuals in these blocks face onerous restrictions on their access to sanitary facilities and access to daylight and air. In addition, detainees face insufficient food and medical supplies.

Detainees in Maekelawi are regularly denied access to their relatives and legal counsel, particularly in the initial stages of their detention and investigation period. This increases the vulnerability of detainees to mistreatment and torture.

The research highlights the particularly abusive nature of the interrogations conducted in Maekelawi. Our research indicates that police interrogators and others involved in interrogations at Maekelawi use the following methods to extract information, statements and confessions:

- Beatings, slapping and kicking by police investigators;
- Sleep deprivation;
- Stress positions;
- Exposure to cold;
- Solitary confinement;
- Prolonged handcuffing; and
- Verbal threats and insults.

Sometimes the statements and confessions produced after detainees have been subjected to these abuses are then used as evidence in court or as a means of exerting pressure on detainees once they are released.

Human Rights Watch would appreciate your response to the concerns described above and to the following questions in order to reflect your views in our reporting.

1. What is the disciplinary structure within the federal police and other units of law enforcement deployed at the Maekelawi facility? What is the process for, and redress of, complaints by detainees at Maekelawi? Please provide specific examples and any available statistics on the numbers of human rights-related complaints lodged annually since 2010. Please provide documentation of any federal police, and other units of law enforcement deployed at Maekelawi who have been investigated, suspended from duty, disciplined or prosecuted for human rights violations since 2010. Has anyone ever been convicted and if so, who?
2. Since 2011, there have been numerous complaints of mistreatment during pre-charge and pre-trial detention in Maekelawi of individuals held under the 2009 Anti-Terrorism Proclamation. Please describe the initiatives taken by the government, including relevant law enforcement agencies including the Federal Police

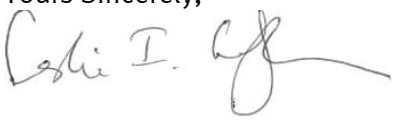
Commission, the Ministry of Justice, or the Office of the Public Prosecutor, to investigate these complaints. Have any federal police or other staff alleged to have mistreated detainees held under the anti-terrorism law since 2011 been investigated, suspended from duty, disciplined or prosecuted? Has anyone ever been convicted and if so, who?

3. Could you provide copies of relevant directives, rules or regulations including the Duties and Responsibilities of the Investigation Police Officer Directive, the Duties and Responsibilities of the Detention Police Guard Directive, and the Duties and Responsibilities of the Detainee Administration Division, and any others that pertain to the care and oversight of detention facilities, including issues relating to access to relatives, legal counsel, and medical care for detainees held in this facility.
4. Former detainees in Maekelawi often state that they are unable to identify interrogators either because they are not told their names or are given fake names. Are systematic records kept during interrogations in Maekelawi regarding those police officers present, time and place of interrogation?
5. According to some former detainees, their access to food and water, medication, sanitary services and other essential goods was unreasonably restricted. Can you provide detailed information on the daily diet, access to medical and sanitary services, and other essential characteristics of detention at Maekelawi for both male and female detainees? Are there different regimens in place for detainees depending on which part of Maekelawi they are detained in? Could you provide medical and other statistics describing the demographic and health profile of detainees over the past year or more?
6. Former detainees also allege that during pre-charge detention in Maekelawi police investigators used coercive methods aimed at extracting statements and confessions. What measures is your ministry taking to ensure that no evidence obtained under coercion or duress is submitted to the courts?
7. Several former detainees who are not native Amharic speakers described being interrogated and made to sign documents, including confessions, in Amharic. What measures are in place to ensure that all interrogations are carried out in detainees' own language and to ensure that detainees are not made to sign anything they do not understand? In particular, how many investigators posted in Maekelawi speak Oromo fluently?
8. Has Maekelawi set-up an ethics control and complaints reception office? And if not, are there any plans to do so in the near future?
9. What human rights training have federal police and public prosecutors received in the last year?
10. Are systematic visits by public prosecutors, senior police officers and officials from your ministry conducted to Maekelawi? Who is the information of the findings of these visits shared with?
11. Other than the Ethiopian National Human Rights Commission, what other groups and entities are granted access to Maekelawi to monitor the facilities?

12. What are the rules and procedures for access by foreign consular officials and international organizations, including independent monitoring organizations, to Maekelawi?

We would appreciate receiving your response to this letter by September 11, 2013 to ensure that it can be reflected in our final report; alternatively, I would greatly appreciate the opportunity to meet with you in person to discuss these questions.

Yours Sincerely,



Leslie Lefkow,
Deputy Director, Africa Division

Cc:
Berhan Hailu, Minister of Justice, Ministry of Justice, ministry-justice@telecom.net.et; justice@telecom.net.et; justice@ethionet.et

Annex IV: Response from Dr. Shiferaw Teklemariam to Human Rights Watch's Letter on Maekelawi

To: Leslie Lefkow
Deputy Director, Africa Division
Human Rights Watch

Dear Leslie,

On behalf of Ministry of Federal Affairs; Federal Democratic Republic of Ethiopia, I am writing to respond to your August 12, 2013 request letter to respond on the "Preliminary findings of research carried out by Human Rights Watch into conditions and treatment of detainees at the Federal Police Crime Investigation Sector, Addis Ababa, Ethiopia."

In the interest of candor, we shall from the outset begin by pointing out that your report is marred by excessive reliance on questionable and unverifiable testimonies and clear omission of facts and evidences. Your deliberate neglect of facts on the ground and predetermined conclusion on your presentation strengthen your ideological bias rather than any concern on human rights situation in the Crime Investigation Sector.

The reforms undertaken to ensure international standard treatment of detainees as well as the efforts underway to improve the condition of the detention facilities; not to mention other positive measures that aim at ensuring compliance with constitutional and treaty standards, have never been reflected on your report.

Similarly, we have found the lack of objectivity, transparency, visible presence and impartiality in your ostensible investigation. It is also incongruent with international established principles and norms. All this bears out our reading of your report as a flawed exercise blemished by, among other things, ideologically driven series of attacks on Ethiopia's accelerated growth and development.

In consequence, your report neither provide precise or detailed information sufficient to warrant local inquiries into the matter, nor does it disclose the process and criteria of selection of witnesses, the methodology employed to verify the validity of the allegations or the credibility of witnesses. Nor is there relevant technical and medical evidences offered to support the allegation of human right violation in our Criminal Investigation Center.

The federal Crime Investigation Department of Federal Police of the Federal Democratic Republic of Ethiopia carries out its activities within the mandate of its operation set out by proclamation No. 720/2011.

The proclamation authorizes the federal police to initiate investigation over a wide range of cases, including threats and acts of crime against human rights. It is also empowered to investigate, without prejudice to the powers and duties conferred on other federal government organs by other laws, crimes that fall under the jurisdiction of the federal courts.

The police strictly adhere to evidence-based and prosecution led investigative procedures. Detention can only be made after thorough consultation with the duly designated prosecutors. Each and every arrest and investigation is effected after through discussion with the office of the attorney general regarding information gathered and evidences collected in each specific case. Investigative case-management is based on the criminal procedure code of the country with direct supervision of the prosecutor (s) assigned to supervise and guide the conduct of the case.

Following the implementations of a recently introduced comprehensive police reform program, Department of Crime Investigation has introduced mechanisms of transparency where by information regarding our essential services is accessible to any person under detention. In 2010 new operational manuals were introduced to provide detailed procedural guidelines for criminal investigations. These operational manuals and codes of practices, apart from ensuring an effective police operations; serve as important management tools to enhance accountability in official police tasks. These internal procedures, inter alias, provide mechanisms to control officers' conduct through routine supervision, regular performance evaluations, and investigations of alleged misconducts. The introduction of these operational manuals and internal procedures is primarily aimed at ensuring the observance of constitutional and treaty obligations towards persons under police custody.

In additions to external accountability procedures exercised by courts and other oversight institutions at the federal level, these procedures are essential in assisting police officers to recognize and carry out their legal duties of protecting all persons against illegal acts, consistent with the high sense of responsibility that their profession requires. These rules oblige police officers to protect and respect the dignity and human rights of all detainees and strictly prohibit torture or any other form of ill-treatments.

These are our mechanisms that our legal system assures that police officers and law-enforcement agencies facilitate conditions consistent with the dignity and well-being of persons under detention. A violation of these procedures not only carries internal disciplinary measures, but also entails serious criminal prosecution that could result in severe punishment.

In order to guarantee the strict implementation of the operational manuals and to ensure respect for human rights, our Federal Police Department of Crime Investigation conducts periodical researches to identify problems of implementation at the Crime Investigation Center. Accordingly actions of continuous quality improvement are practiced in the center. Based on these researches and inputs obtained from consultative forum with

stakeholders, we continuously provide on-job training on the need to adhere to human rights principles in the course of discharging their responsibilities.

Hence, all arrests are executed by the judiciary and no detention is immune from judicial supervision. No arrest takes place without notifying the person reason for arrest. Only in cases of resistance is the police allowed to resort to proportional force to the circumstance of the case. Suspects are always advised about their rights such as the right to remain silent, the right to be brought to court within 48 hours, and the right to be granted bail. So that, no suspected person is compelled to confess. Investigation is only conducted on the bases of information and evidences gathered prior to arrest.

The police always observe the suspected person's rights including the right of presumption of innocence. No incommunicado detention is allowed under our legal system as every detainee is entitled to be visited and has communication with families, relatives, friends, religious councilors as well as legal counsel.

We, once again, would like to confirm to HRW or any other concerned body that there is no solitary confinement where detainees are kept to procure information or confession through coercion. The Crime Investigation Center doesn't have any solitary confinement chambers. All cells are provided with electric lights as all detainees have access to medical service.

Likewise regular meals are provided by the detention center to all persons under custody. As a rule suspects are only handcuffed depending on the gravity of crime they are accused of and in the instance of violent dispensation and during transportation.

Having noticed the gap on the required United Nations Human Rights International Standards to undertake such investigation in any sovereign nation and our federal constitution and other instruments in place to ensure the observance of strict human rights; we would like to ensure you that our level best positive attention is given to all issues you indicated on the enquiry.

Our Internal review mechanism, complaint reporting options and personnel development plans on Crime Investigation Sector ensures that international good practices prevail all the time. We would also like to inform you that we have rules and procedures to access our Crime Investigation Center, both for local and international actors; provided that such organs are not ideologically driven, neutral and come through legal channels. This is a practice observed everyday and we have no record of denial provided that such independent organizations are neutral enough and no other imminent motivation behind them.

On the other hand as we indicated earlier specific responses cannot be provided to your quires as they are ill defined and non case referenced. It is obvious that the methods employed, your researchers' pool and sample of persons interviewed will substantially undermine the validity and credibility of your results. Such confusing, baseless and unfounded allegations may come from an ideological stand and attack on Ethiopia rather

than genuine concern to improve Human Rights status in our Crime Investigation Center or elsewhere. An Indication of such act is that you have been generating a series of accusations on the commune program of Gambella and Southomo with the same groundless fabrications aimed at undermining the accelerated growth and development efforts in these areas. The recent report by your linked institutions in Southomo commune development program also verifies the same. The reports you were producing and sharing with similar organs to name and shame Ethiopia clearly spells out your ideological bias and lack of neutrality and independence. In a similar manner, we have no any belief that this report has any different content and purpose.

Based on our observation on the general trends of your subsequent reports on Federal Democratic Republic of Ethiopia; Once again we would appreciate your intervention to correct such series of biased and unproductive research methods, choice of researchers and claimed faulty findings and greatly encourage taking proper actions on the same for mutual understanding and productive partnership in the future.

Best regards,

Shiferaw Teklemariam
Minister
Ministry of Federal Affairs
Addis Ababa, Ethiopia

“They Want a Confession”

Torture and Ill-Treatment in Ethiopia’s Maekelawi Police Station

At the heart of Addis Ababa is Ethiopia’s most notorious police station: “Maekelawi,” where federal police investigators have used coercive methods on political detainees amounting to torture and other ill-treatment to extract confessions, statements, and other information. Many detainees are denied access to lawyers and family members. Depending on their compliance with the demands of their investigators, detainees are punished or rewarded with denial or access to water, food, light, and other basic needs.

Since Ethiopia’s disputed elections of 2005, the authorities have deployed a range of measures to clamp down on dissent, including a restrictive anti-terrorism law. In this context, Maekelawi has become an important site for the detention and investigation of some of the most politically sensitive cases. Most journalists, opposition leaders, and other political prisoners detained as part of the Ethiopian government’s crackdown on dissent are initially held and questioned in Maekelawi. Restrictions on independent monitoring and a judiciary that lacks independence have left many detainees with limited channels of redress.

“They Want a Confession”: Torture and Ill-Treatment in Ethiopia’s Maekelawi Police Station uncovers details of human rights abuses, unlawful investigation tactics, and detention conditions in Maekelawi from 2010 through 2013. The report calls upon the Ethiopian authorities, particularly the federal police, as well as the country’s courts, to proactively investigate allegations of abuse in Maekelawi, ensure that suspects enjoy the protections of due process, and guarantee independent and effective avenues of redress. It also calls on Ethiopia’s leadership to send a public message that the mistreatment of detainees will not be tolerated—and back up such pronouncements with disciplinary action and prosecutions of officials who violate the law.