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## **AFRICAN RIGHTS MONITOR**

**Submission from African Rights Monitor  
to the Human Rights Committee in its 102<sup>nd</sup> Session  
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*Related to the discussion of the country situation in Ethiopia  
and its performance in upholding the  
International Covenant on Civil and Political Rights*

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## AFRICAN RIGHTS MONITOR

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### **Commonly-Used Acronyms**

AEUP – All Ethiopian Unity Party

ARM – African Rights Monitor

CSA – Charities and Societies Agency

CSO – Civil society organization

FDRE – Federal Democratic Republic of Ethiopia

HPR – House of Peoples’ Representatives

HRW – Human Rights Watch

ICRC – International Committee of the Red Cross

JSRP – Justice System Reform Program

MSF – Medecins Sans Frontieres

NGO – Non-governmental organization

NPEW – National Policy on Ethiopian Women

OLF – Oromo Liberation Front

ONLF – Ogaden National Liberation Front

PSCAP – Public Sector Capacity Building Program

ICCPR – International Covenant on Civil and Political Rights

SNNPRS – Southern Nations, Nationalities’ and Peoples’ Regional State

TPLF – Tigrayan People’s Liberation Front

## Executive Summary

The following submission to the Human Rights Committee in review of the adherence of the Federal Democratic Republic of Ethiopia to the provisions of the International Covenant on Civil and Political Rights (ICCPR) has been completed by African Rights Monitor, a non-governmental human rights advocacy organization created to monitor human rights violations in conflict and post-conflict African territories. The report is intended to act as a complement to Ethiopia's official submission to the Committee, and to underscore the various human rights violations that remain unreported by the Government.

While Ethiopia has adopted the provisions of the ICCPR into its national Constitution, gross violations of the Covenant's principles occur unchecked throughout the country, particularly in conflict zones within the Ogaden and Oromia regions. Reports of arbitrary arrest, extrajudicial killing, torture, rape, forced evacuation, and village burnings are rampant throughout the regions, directly violating multiple articles of the ICCPR, including Articles 3 (Equality of sexes), 6 (Right to life), 7 (Prohibition of torture), 9 (Prohibition of arbitrary arrest), 12 (Right to liberty of movement), and 14 (Equality before courts and tribunals).

In addition, the Ethiopian Government has restricted the access of international observers and humanitarian organizations into the conflict regions, prohibiting the delivery of critical services to the population, over 950,000 of whom are in need of emergency food aid in the Ogaden region alone.<sup>1</sup> While the Government has performed an internal investigation into rights violations in the Ogaden, the resulting report has not been seen by any international observatory or UN body.<sup>2</sup> The high volume of cases of torture, arbitrary detention and extrajudicial killings in the Ogaden and other areas of Ethiopia have been of such concern to the outside world that a special hearing of the European Parliament was held on the issue in March 2010,<sup>3</sup> and a special Foreign Relations bill was drafted by the United States Senate calling on Ethiopia to encourage the release of all detainees and work to ensure humanitarian aid arrives to residents of the Ogaden.<sup>4</sup>

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<sup>1</sup> UNICEF, *UNICEF Humanitarian Action Ethiopia in 2008*, UNICEF, New York, 2008, p. 2.

<sup>2</sup> Amnesty International, *Ethiopia: Amnesty International Submission to the UN Universal Periodic Review*, Amnesty International, AFR 25/004/2009, 13 April 2009, p. 4.

<sup>3</sup> Please see UNPO, *Hearing on Human Rights in Ogaden – European Parliament*, Unrepresented Nations and Peoples Organization, 18 March 2010, <<http://www.unpo.org/content/view/10849/81/>>.

<sup>4</sup> Committee on Foreign Relations, *H.R. 2003*, United States Senate Committee on Foreign Relations, 110<sup>th</sup> Congress, 1<sup>st</sup> Session, October 3, 2007.

Despite Ethiopia's assurances of having adopted the provisions of the ICCPR into its Constitution and Legal Code, the magnitude of eyewitness accounts to gross human rights violations at the hands of the State offer critical evidence contrary to the Government's assertions and must be addressed immediately. The authors of this report are concerned with Ethiopia's history of denial and lack of transparency in relation to human rights abuses, particularly related to conflicts in the Ogaden and Oromian regions. This report collates all available data and first hand accounts to corroborate the charges of rights violations within the country, and concludes with nine recommendations for the consideration of the Government of Ethiopia:

1. Allow for an independent, international investigation into the reports of mass arrests, torture, rape, and extrajudicial executions of civilians in the Ogaden and Oromia regions by Government forces to be completed by December 2010;
2. Allow free access to independent national and international media into conflict regions immediately;
3. Allow for the immediate prosecution of any and all individuals who have been found responsible for the incidences of arbitrary arrest, torture, rape, extrajudicial executions, and forced evacuation;
4. Allow for the immediate release any and all illegal detainees imprisoned under false allegations of suspicious activity related to the OLF, ONLF, or political opposition networks, including Mahdi Ayub, Sultan Fowzi, Ali Abdi, Bisharo Wa'di and Bashir Mukhtal.
5. End the practices of torture witnessed at state prisons throughout Ethiopia, including makeshift prison facilities on military bases;
6. Guarantee immediate admittance of international humanitarian aid groups to previously restricted zones, including the Ogaden region.

## **Introduction**

The following submission to the Human Rights Committee has been completed by African Rights Monitor (ARM), a non-governmental human rights advocacy organization created to monitor human rights violations in conflict and post-conflict African territories based in Washington, DC. Currently ARM is conducting monitoring projects in Ethiopia, Somalia, Kenya and is planning to expand its monitoring projects to Sudan, and The Great Lake Countries in the following year. ARM strives to educate civil society groups on democracy, human rights and the rights of the press through workshops and seminars that address these issues because ARM believes that civil societies are the pillars of a democracy and they

remain very weak in Africa. Therefore, empowering civil societies will contribute to the foundation of a credible democratic government. The organization aims to advocate for the protection of human rights in African countries by investigating and exposing human rights violations and holding abusers accountable for their inhumane actions. ARM can be contacted by telephone at (+1) 202.642.4493, or through mail at 200 Yoakum #915, Alexandria, VA, 22304, United States of America.

African Rights Monitor has recently focused on the Ogaden and Oromian conflicts in Ethiopia due to the lack of international attention directed to these regions. There is substantial documentation of the crimes committed at the hands of the Ethiopian government by other human rights organizations including Human Rights Watch, the International Crisis Group, Amnesty International, Genocide Watch, Ogaden Human Rights Committee, International Committee of the Red Cross and the United States State Department. In addition to the reporting from international NGOs, ARM contributes an extensive legal background and framework into understanding the rights violations committed in nation states. ARM grew out of the intellectuals and grassroot civil societies movement from Africa and was founded to offer the African perspective to the international human rights forums.

While the situation for human rights in Ethiopia continues to deteriorate, particularly in the conflict regions, Government officials have repeatedly denied any such accusations and assured the Human Rights Committee of its positive human rights record: In January of 2010, the Government of Ethiopia presented a summary of their 2009 report as signatory to the International Covenant on Civil and Political Rights (ICCPR) in front of the Human Rights Council of the United Nations General Assembly. Over thirty country delegations were present as part of the Universal Periodic Review and responded with criticisms and recommendations concerning Ethiopia's human rights record. Both the country's presentation and official submission assert that the Government of Ethiopia has adopted the provisions of the ICCPR into its Constitution, Family and Criminal codes, arguing repeatedly that the nation is on track in ensuring human rights for all its citizens. Ethiopia's delegation further claimed that despite the "numerous human rights challenges Ethiopia is facing," the nation is "committed to continuing its cooperation with the United Nations human rights organs."<sup>5</sup>

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<sup>5</sup> Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010, paras 23-24.

Despite this optimistic report from Ethiopian officials, national and international civil society organizations in Ethiopia continue to report incidences of widespread arbitrary detention, torture, forced evacuations, rape, extrajudicial killings, and political intimidation rampant throughout the nation. The humanitarian situations in the Ogaden and Oromia regions are of particular concern to multiple independent observers, including the author of this report.

### *Context of Ogaden and Oromian conflicts*

Violations mounted at the Somali residents of the Ogaden region have a history that stretches back to the early nineteenth century, and peaked during the Ogaden-Ethiopian war in 1976-78. The legacy of the war is felt even today, as the Ethiopian army continues to commit atrocities against Somali residents of the Ogaden both in recrimination for the past and fear of reprisal uprisings. In addition, the Oromia region has a long history of conflict and boundary disputes: residents of the region belong to the Oromo ethnic group, which despite being the largest ethnicity in Ethiopia, has been marginalized politically and possesses little actual power.

Since 2007, the Ethiopian army has significantly scaled up its offensive against the 4.4 million residents of the Ogaden, killing thousands of civilians and committing countless human rights abuses in the process.<sup>6</sup> The Ethiopian National Defence Forces (ENDF) have burned over 200 villages in the region and forcibly relocated a large percentage of the population, resulting in 60,000 Somali fleeing to Kenya as asylum seekers in 2008 alone.<sup>7</sup> More than one thousand rape cases have been documented, in addition to tens of thousands cases of arbitrary detention without trial.<sup>8</sup> Such acts explicitly violate multiple provisions of the ICCPR, including Articles 9, 10 and 14 which prohibit arbitrary arrest and guarantee equal judiciary review for all detainees, in addition to Articles 3 and 12 which guarantee equal treatment for men and women and secure the right to private property and residence.<sup>9</sup>

The UN has estimated that since February 2009, conflict in both the Oromia and Ogaden

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<sup>6</sup> Unrepresented Nations and Peoples Organization, Ogaden Overview, accessed May 2010, <<http://www.unpo.org/content/view/10714/302/>>.

<sup>7</sup> Human Rights Watch, *From Horror to Hopelessness: Kenya's Forgotten Somali Refugee Crisis*, HRW, Kenya, March 2009, p. 1.

<sup>8</sup> Coalition of Ogaden Civil Societies, *Paper to the Hearing on the Ogaden by the European Parliament*, Ogaden Europeans Communities, Ogaden Women's Relief Association, and Ogaden European Youth Union, March 16, 2010, p. 10.

<sup>9</sup> *International Covenant on Civil and Political Rights*, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49.

regions has displaced around 200,000 people.<sup>10</sup> UNICEF estimates that over 950,000 people require emergency food assistance in the Ogaden region alone - of whom 642,016 live in areas restricted to international organizations by the Ethiopian Government.<sup>11</sup> In a Humanitarian Action Report from 2008, UNICEF expresses fear of escalating violence in both regions and the resulting potential damage towards the livelihood of civilians, particularly women and children. Both areas have now been re-mined by the Ethiopian Army, already maiming tens of thousands of children.<sup>12</sup>

In response to the repeated denials and lack of transparency from the Ethiopian state regarding rights violations in conflict regions, a delegation from France presented a request to Ethiopian officials to establish an independent inquiry commission into the human rights violations in Ogaden, particularly in wake of the 2007 military offensive in the region. In response to France's request, the Ethiopian officials asserted curtly that they had already sufficiently investigated the region for any rights violations, and that "no sovereign state has an obligation to establish an international commission of inquiry."<sup>13</sup> While this Government-commissioned investigation was indeed carried out in late 2008, the reports produced from investigators have not been reviewed by the United Nations, nor any external arbitrators.<sup>14</sup>

In preparing this report, ARM strives to complement the information presented by Ethiopian officials in relation to their performance in upholding the ICCPR, particularly in addressing the gaps in reporting from the conflict regions of Oromia and Ogaden. While Ethiopia has clearly made significant strides in adopting the provisions of the ICCPR from a legal and legislative standpoint, Government officials and Army personnel have severely violated the Covenant's Articles repeated times, particularly in its treatment of the Oromia and Ogaden regions.

## **Methodology of Work**

African Rights Monitor has completed this submission after extensive background research

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<sup>10</sup> OCHA, *UN: Resource conflicts in Oromia displace 200,000 people, malnutrition rates increasing*, United Nations Office for the Coordination of Humanitarian Affairs October 6, 2009.

<sup>11</sup> UNICEF, *UNICEF Humanitarian Action Ethiopia in 2008*, UNICEF, New York, 2008, p. 2.

<sup>12</sup> UNICEF, *UNICEF Humanitarian Action Ethiopia in 2008*, UNICEF, New York, 2008, p. 3.

<sup>13</sup> Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010, p. 10.

<sup>14</sup> Amnesty International, *Ethiopia: Amnesty International Submission to the UN Universal Periodic Review*, Amnesty International, AFR 25/004/2009, 13 April 2009, p. 4.



into all available data and eyewitness accounts of conditions on the ground in Ethiopia, with a particular focus on the Oromia and Ogaden conflict regions. The writing of the report relied mainly on firsthand reporting of events as transmitted to civil society organizations, academia, the UN, and government sources.

Description of specific events, including instances of arbitrary arrest, killings, rapes, and destruction of villages are derived from eyewitness accounts as reported by independent academic and non-governmental sources, including Human Rights Watch and Amnesty International. These organizations have considerable networks within Ethiopia and the diaspora, and work to collect personal accounts and experiences of rights violations and abuses occurring in Ethiopia. The unique role ARM is able to offer in producing this report is to comprehensively present the accounts used to form the main substantive part of this text, offering commentary based on understanding and knowledge of the region within appropriate legal frameworks.

In addition to the firsthand reporting, demographic data and statistics were obtained directly from UN and government reports, including UNICEF situation analyses, United States State Department human rights reports, and information produced by the Government of Ethiopia. Any and all legal reporting was collected directly from Ethiopian state reports, including the FDRE Constitution and the nation's official submission to the ICCPR committee from 2009.

The following sections of the report will address the multiple rights violations occurring in Ethiopia as they relate to each of the Articles of the ICCPR, providing a legal framework and background to help understand the extent to which the actions breach international and national laws.

## **1. General legal framework for the conflicts**

Under international law, the conflicts in the Ogaden and Oromia regions are classified as non-international, or internal armed conflicts in which both the Ethiopian Government and any and all citizen groups within the country are subject to international humanitarian law as signatories to the ICCPR.<sup>15</sup> As Ethiopia has adopted nearly every article of the ICCPR into its national Constitution, any violations regarding provisions against torture, arbitrary arrest and detention, unfair trials, and violations of the right to life defy not only Ethiopia's international agreements with the ICCPR, but also their national legislation.<sup>16</sup> Individuals can be held

<sup>15</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 105.

<sup>16</sup> Constitution of the Federal Democratic Republic of Ethiopia, August 21, 1995. Article 13.2 of Chapter Three states: "The fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of

criminally responsible for violations of international humanitarian and human rights law, and any human rights abuses committed as part of a widespread or systematic attack against a civilian population are deemed crimes against humanity.<sup>17</sup>

Indeed, under Article 4 of the ICCPR, signatories agree that during a state of “public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant”<sup>18</sup> only to the extent absolutely necessary and never involving discrimination based on race, colour, sex, language, religion or social origin. Derogation from Articles 6 (Right to life), 7 (Prohibition of Torture), 8 (Prohibition of Forced Labour), 11 (Prohibition of imprisonment merely for inability to fulfil a contractual obligation), 15 (Non-retroactivity of laws), 16 (Recognition as a person) and 18 (Freedom of thought, conscience and religion), however, are not permitted under any circumstance.

Ethiopia’s official submission to the ICCPR’s Committee in 2009 declares support for Article 4 and adds that the Ethiopian Constitution also prohibits the derogation of “such fundamental rights as the right to equality, the right to self-determination, the right to develop and speak one’s own language, the right to promote culture and preserve history, as well as the right to be protected from inhumane treatment are specified as non-derogable rights in pursuance of the Constitution.”<sup>19</sup> The submission also states that, “ever since the promulgation of the Federal Democratic Republic of Ethiopia (FDRE) Constitution, no declaration of a state of emergency has been encountered, be it at the national or regional level.”<sup>20</sup>

According to the Government’s 2009 submission to the ICCPR’s Committee, Ethiopia is not in a declared state of emergency and therefore this Article should not apply to them as of their review period (2009-2010). It appears, however that much of Ethiopia is functioning as if under emergency rule, as HRW explains: “‘It’s ridiculous to say there’s an independent judiciary in our region,’ a former regional judge [from Ogaden] told Human Rights Watch. ‘All

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the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia.”

<sup>17</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 105.

<sup>18</sup> *International Covenant on Civil and Political Rights*, entry into force 23 March 1976, Article 4.1.

<sup>19</sup> Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 4.31.

<sup>20</sup> Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 4.32.

of the region is under emergency rule. The military has the last word on all matters, whether administrative or humanitarian.”<sup>21</sup>

In light of the Government’s own admission that no state of emergency or special legal provision are currently under operation in Ethiopia, the actions perpetrated by State Army in the Ogaden and Oromian regions are thus violations to the full extent of international human rights law. The following sections will go into further detail as to the various forms of human rights violations and the Articles of the ICCPR infringed therein.

## **2. Violations of the Basic Human Rights for Self-Determination and Non-Discrimination**

### *2.1 Article 1 and the Right to Self-Determination*

The first article of the ICCPR grants all people the right to self-determination, including the right to freely determine political status and pursue economic, social and cultural development.<sup>22</sup> In their official submission to the Convention’s Committee in 2009, Ethiopia states that this right of self-determination is “guaranteed” under the FDRE Constitution and manifested in many ways including the following four specific constitutional guarantees:

- Ethiopians have the constitutional right to write, develop and promote their languages, cultures and histories;<sup>23</sup>
- The Ethiopian government shall promote and support the people’s self-rule which is guided by democratic principles at all levels and includes the right to establish institutions of government in the territory which a given group inhabits;<sup>24</sup>
- A Nation, Nationality and People may secede if the people opt for such an action;<sup>25</sup>
- All Nations, Nationalities and People have the right to be represented and participate in both the state and federal governments, legislative organs, and executive and law enforcement bodies.<sup>26</sup>

<sup>21</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 93.

<sup>22</sup> *International Covenant on Civil and Political Rights*, 23 March 1976, Article 1.1-3.

<sup>23</sup> Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 1.4-5.

<sup>24</sup> Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 1.8.

<sup>25</sup> Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 1.9.

<sup>26</sup> Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the*

In the same 2009 submission, Ethiopian officials claim to be meeting the above guarantees as supported by the following examples:

- The House of Federation recognizes and protects the right to maintain a distinct identity, as demonstrated in the recent case of Siltie people living in the Southern Nations, Nationalities' and Peoples' Regional State (SNNPRS) who were granted a referendum enabling them to determine their distinct identity as opposed to other adjacent nations and nationalities;<sup>27</sup>
- All regional states and their administrative subdivisions currently have their own governmental structures allowing them to administer their day-to-day affairs by themselves;<sup>28</sup>
- “Given the unity in diversity and the brotherhood of the people and the protection of the fundamental individual group rights, the question of secession is not likely to arise.”<sup>29</sup>
- Although complete data is not available, Nations and Nationalities are fairly represented in judiciary as well as in the police and national defence forces.<sup>30</sup>

There are clear violations of Article 1 in Ethiopia, despite contrary claims made in Ethiopia's official submission to the Convention's Committee in 2009. It is impossible for certain minority groups, including the people of Ogaden and Oromia, to pursue economic, social and cultural development when basic rights are being violated. In the last years, international NGO Human Rights Watch (HRW) has collected a myriad of eyewitness accounts in both regions detailing maltreatment at the hands of Ethiopian officials and army personnel.<sup>31</sup> University of Tennessee Professor Asafa Jalata's research shows that by denying people's

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*Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 1.10.

<sup>27</sup>Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 1.6-7.

<sup>28</sup>Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 1.8.

<sup>29</sup>Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 1.9.

<sup>30</sup>Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 1.10.

<sup>31</sup>Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008

fundamental human rights and needs for subsistence and security, “The Ethiopian colonial system has taken away the sovereignty of the Oromo people and others...[who] have been denied their inalienable rights to self-determination and democracy, and denied also opportunities to build their social, economic, political, cultural and organizational infrastructures.”<sup>32</sup>

It is true that in 1991 the Tigrayan People’s Liberation Front (TPLF) established a federal administrative structure known as “ethnic federalism,” and by 1992 the Somali Region became one of nine ethnic regions with regional autonomy and its own president and Parliament. This model based on ethnic and linguistic distinctions promised “to respect the country’s cultural diversity and give meaningful autonomy to its different ethnic groups. For Ethiopian Somalis, it was the first time that they were officially recognized as one of the country’s peoples rather than as on the periphery of the Ethiopian political, cultural, and social centre.”<sup>33</sup> Despite these attempts to develop the Somali Region, “regional governments have frequently failed to absorb and spend available funds due to insufficient capacity, corruption, and other problems.”<sup>34</sup> The Ethiopian government played on clan dynamics and mismanagement to justify increased involvement and securitization of the area, which in turn undermined the Ogaden National Liberation Front (ONLF) and was seen as “unwarranted central interference in their regional affairs and political issues.”<sup>35</sup>

The Ethiopian Government essentially has constructed a parallel system of government by appointing paid-elders at each administrative level, constructing security committees and enlisting federal advisors who closely monitor every detail of peoples’ lives. “The Government has retained the administrative structures established under Mengistu’s Derg government to ensure tight control over the population,” relying on the Army to nominate both regional administrative officers and even members of parliament to represent the region.<sup>36</sup> The Government has also systematically delayed any elections in the Somali Region: any independent candidate who wishes to run for office are severely intimidated and

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<sup>32</sup> Jalata, Asafa, *The Tigrayan-led Ethiopia, Repression, State Terrorism and Gross Human Rights Violations in Oromia and Ethiopia*, (Forthcoming publication) p. 2.

<sup>33</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 20-21.

<sup>34</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 13.

<sup>35</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 22.

<sup>36</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 23-24.

at times eliminated all together.<sup>37</sup> As a result, “Many Ethiopian Somalis share mistrust of the federal government and a sense of marginalization from their rightful national share of services and development,<sup>38</sup>” and many Ethiopian Somalis see that “the regional administration has little real power and that the autonomy promised by ethnic federalism has been a hollow pledge... proof of the government’s intent to extend its authority over communities at every opportunity in the interest of maintaining security.”<sup>39</sup>

## 2.2 Rights to Non-Discrimination, Religious and Ethnic Freedom

Article 2 of the ICCPR acts as a natural complement to the first article, as signatories agree to respect and guarantee the rights recognized in the ICCPR for all individuals within its territory, adopt necessary laws and measures to ensure these rights are met, and ensure effective remedy is provided in the case these rights are violated. Signatories must apply this guarantee to all persons “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”<sup>40</sup> Ethiopia’s official submission to the Convention’s Committee in 2009 states that several measures have been taken by the state to comply with Article 2.<sup>41</sup> The Ethiopia Core Report<sup>42</sup> details how the Covenant is integrated into Ethiopia’s legal framework, and emphasizes each individual’s “right to privacy, freedom of residence, freedom of thought and religion, freedom of action and the like” (par 172) and the right of citizens “to appeal human rights violations in civil courts;” (par 182). The Core Report also describes efforts to promote, protect and enforce human rights which include education and training programs and distribution of human rights material and media which aim to familiarize citizens, government authorities, and military personnel about human rights, and include a framework for investigating violations, assessing of the compatibility of the existing legislations with human rights norms, and participating in international human rights meetings (par 219).

Specifically, the Core Report discussing the approved Five Year Development Plan, which

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<sup>37</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 23-24.

<sup>38</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 23-24.

<sup>39</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 13.

<sup>40</sup> United Nations International Covenant on Civil and Political Rights, Article 2.1-3.

<sup>41</sup> Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 2.

<sup>42</sup> United Nations, *International Human Rights Instruments: Core Document Forming the Initial Part of the Reports of States Parties: Ethiopia*, HRI/CORE/ETH/2008, 12 September 2008, Paragraphs 173-188, and 212-253.

ensures the incorporation of human rights and democratization as major components of the programmes (par 212), the establishment of the Institution of the Ombudsperson as an autonomous government organ directly accountable to the House of Peoples' Representatives (par 225), a nationwide Public Sector Capacity Building Program (PSCAP) launched in 2004 by the Ethiopian government (par 235), which includes a Justice System Reform Program (JSRP) which promotes the rule of law as well as the efficient and effective function of the justice system as part of Ethiopia's broader democratization and public sector development process (par 236) and conducts "extensive trainings and education on human rights for legislators, judges, public prosecutors, police officials and prison administration officials" (par 237) including "trainings on human rights targeting 877 members of the Council of Tigray, Gambella, Oromia and Benishangul- Gumuz regional states and their staff members...conducted in the second half of 2007" (par 238). The Ethiopian government views these programs as successful, yet acknowledges that a comprehensive impact assessment of the project has not been carried out as yet (par 242).

Ethiopia's 2009 submission to the ICCPR Committee does admit to "several difficulties associated with the implementation of the Covenant at the national level" including lack of awareness of rights by state officials and rights holders and the inability to assert rights (Art 2.16). Presently, the Federal Government is preparing to establish "a human rights institute under the Ministry of Justice with the objective, among others, of enhancing the human rights awareness of law enforcement officials."<sup>43</sup>

There are violations of Article 2 in Ethiopia which are far more severe than what is admitted in Ethiopia's official submission to the Committee in 2009. While the legal institutions and rhetoric may be set up to officially guarantee the rights set out in the ICCPR, in practice, the legal framework is ineffective in protecting the rights on many individuals and ethnic groups, and the Ethiopian government is drastically violating the Covenant on a regular basis.

Professor Asafa Jalata asserts that "in achieving its political and economic objectives, the Meles regime is engaging in political repression, state terrorism, and gross human rights violations in Oromia and other regional states."<sup>44</sup> A number of reports from Amnesty

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<sup>43</sup> United Nations, *International Human Rights Instruments: Core Document Forming the Initial Part of the Reports of States Parties: Ethiopia*, HRI/CORE/ETH/2008, 12 September 2008, Paragraph 223.

<sup>44</sup> Jalata, Asafa, *The Tigrayan-led Ethiopia, Repression, State Terrorism and Gross Human Rights Violations in Oromia and Ethiopia*, (Forthcoming publication) p. 3.

International also confirm such government violations of the Covenant: “Many other human rights violations have been committed in recent years, including arbitrary detentions, torture and extrajudicial executions, in the context of armed conflicts in the country, particularly on account of failures in the justice system and the absence of accountability of the security forces, who have committed violations with impunity. The government faces, in particular, long-running armed conflicts with the Oromo Liberation Front (OLF) and ONLF.”<sup>45</sup> Moreover, “detentions and manipulation of judicial processes are used to further personal rivalries, score-settling and revenge,”<sup>46</sup> while “reports, dating back to 2007, of beatings, rape and other forms of torture, forcible conscription and extrajudicial executions in the Somali Region were investigated by a government-contracted body but not by an independent international body.”<sup>47</sup>

Clearly the rights set forth in the Covenant are not being met, and there is certainly no “effective remedy” being provided to victims. What’s more, the violations specifically target certain people based on race, clan, region and political affiliation.

In addition to flaunting its obligations under Articles 1 and 2 of the ICCPR, such targeted attacks against minorities in the Ogaden and Oromia regions likewise violate Articles 18 and 27 of the ICCPR, which guarantee the rights to manifest any and all religious and ethnic beliefs and practices. Discrimination against residents of the Ogaden and Oromia regions due to religious and ethnic differences runs contrary to international human rights law, and further violates the Constitution of Ethiopia which asserts the right to “hold or to adopt a religion or belief,” and hereby “manifest religion or belief.”<sup>48</sup> Furthermore, there shall be no interference between the state and religion, as the Constitution prohibits the state from restricting the expression and practice of belief among Ethiopian citizens.<sup>49</sup>

The extent of violations faced by residents of these regions, including forced detention, torture, rape, extrajudicial killings, forced evacuation and village burning, will be discussed in further detail below.

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<sup>45</sup> Amnesty International, *Ethiopia: Prisoners of conscience on trial for treason: opposition party leaders, human rights defenders and journalists*, <<http://www.amnestyusa.org/document.php?id=ENGAFR250132006&lang=e>>.

<sup>46</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 95.

<sup>47</sup> Amnesty International, *2009 Annual Report for Ethiopia*, <<http://www.amnestyusa.org/annualreport.php?id=ar&yr=2009&c=ETH#>>.

<sup>48</sup> Constitution of the Federal Democratic Republic of Ethiopia, August 21, 1995. Article 27.

<sup>49</sup> Constitution of the Federal Democratic Republic of Ethiopia, August 21, 1995. Article 11.3.



### 3. Forced Detention, Torture, and Extrajudicial Killings

#### 3.1 Articles 7 and 10, Detainees' right to humane treatment and freedom from torture

Under Article 10 of the ICCPR, signatories agree to ensure the humane treatment of persons deprived of their liberty, and further consent to establishing a socially rehabilitative focus for persons held within state penitentiary systems. In Ethiopia's official submission to the Convention's Committee in 2009, officials cite that "the right of all persons held in custody, and persons imprisoned, upon conviction and sentencing, to be treated with respect to their human dignity is constitutionally guaranteed."<sup>50</sup> In addition, this basic human right has been further elaborated in other legal documents which regulate prison administration, including the Council of Ministers Regulation on Federal Prison Warden's Administration and the Council of Ministers Regulation on the Treatment of Federal Prisoners. Ethiopian officials also claim that each prison in the nation has adopted its own directives to ensure prisoners are handled "in a manner that respects their human dignity."<sup>51</sup>

While Ethiopia's report concedes that it has been difficult to maintain the minimum standards in prisons due to limited resources (Art 10.87), and even goes so far as to cite a report conducted by the Ethiopian Human Rights Commission on the inadequate services in most of the nation's prisons (Art 10.90), the extent of rights violations experienced by detainees is entirely ignored.<sup>52</sup> This despite mounting evidence of widespread abuse, torture, and rape of persons who have been arrested and detained throughout Ethiopia. The United States State Department's 2009 Human Rights Report for Ethiopia asserts that "there are numerous credible reports that security officials torture, beat, and mistreat detainees."<sup>53</sup> The report details the tactics of physical abuse to extract confessions utilized in Maekelawi, the central police investigation headquarters in Addis Ababa, including blindfolding detainees and hanging them by their wrists for several hours, or subjecting prisoners to humiliating and

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<sup>50</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 10.82.

<sup>51</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 10.83.

<sup>52</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009.

<sup>53</sup> State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section I.c, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

painful procedures such as hanging heavy objects from their genitalia.<sup>54</sup> Not only do such acts of torture defy Article 10's stipulations that persons in detention must be treated humanely and exist in an environment of social rehabilitation, but the blatant use of physical and mental torture by Ethiopian authorities<sup>55</sup> is in direct violation of Article 7 of the ICCPR, which states explicitly that "no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment."<sup>56</sup>

Ethiopia's official submission to the Convention's Committee in 2009 describes the mechanisms Ethiopia uses to adhere to Article 7. For one, the FDRE Constitution "unequivocally prohibits inhumane and degrading treatment or punishment under Article 18," and grants each individual "security of the person, which accords everyone due protection against bodily harm."<sup>57</sup> The right to be protected from torture and other forms of cruel, inhumane and degrading treatment is also now included in the list of articles that cannot be derogated during a state of emergency.<sup>58</sup>

The Government of Ethiopia acknowledges a general lack of awareness of human rights instruments on the part of the country's law enforcement officials and prison guards and admits to "isolated practices violating the rights of persons under detention and in prison," which have prompted several human rights awareness promotion campaigns throughout the country.<sup>59</sup> A comprehensive impact assessment of these initiatives has not yet been carried out, but the Government sees them as successful at this point in time.<sup>60</sup> Additionally, the Ministry of Justice is developing a human rights institute to enhance the "overall capacity of the law enforcement officials in the field of human rights and constitutionalism."<sup>61</sup> As for

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<sup>54</sup> State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1.c, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

<sup>55</sup> Please see section 3.2 below for more detailed examples of incidences of torture.

<sup>56</sup> *International Covenant on Civil and Political Rights*, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49, specifically Art. 7.

<sup>57</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 7.45.

<sup>58</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 7.47.

<sup>59</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 7.62.

<sup>60</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 7.64.

<sup>61</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 7.65.

current victims of torture, in some regions such as Oromia, “the justice bureau of the state government has been providing considerable assistance to victims of torture by representing the complainants and bringing the perpetrators to justice” and there exists an “organ called the Human Rights Protection Department under Oromia’s Bureau of Administration and Security Affairs whose mandate is to monitor detention to ensure that unlawful acts resulting in the violation of the human rights of persons under detention are not committed by means of arbitrary action.”<sup>62</sup>

Official government rhetoric regarding measures to secure prisoner rights and prohibit torture in the country run counter to the mounting evidence of gross human rights violations within prison facilities collected from myriad international sources and eye-witness accounts. The Government of Ethiopia has intentionally barred outside observers from certain prison facilities in the country out of fear of reports surfacing on the widespread occurrences of torture and abuse therein: when the International Committee of the Red Cross (ICRC) conducted a national visit of regional prisons throughout Ethiopia in 2000, the organization was prohibited from visiting any sites within Ogaden.<sup>63</sup>

There are a variety of detention facilities where Ogadeni prisoners are held, including makeshift facilities at military bases, in addition to federal police prisons and administrative police facilities. The Regional Central Prison alone holds between 400-600 prisoners, while the most notorious of Jijiga’s 4 prisons has hundreds of prisoners in a range of inhuman conditions, with overcrowding rampant, and many prisoners held in rudimentary underground cells.<sup>64</sup>

### *3.2 Articles 9, 14, Freedom from arbitrary detention and right to due process of law*

In addition to poor living conditions and inhumane treatment, prisoners held on military bases also find themselves outside the reach of Ethiopia’s legal system: legal requirements requiring a limit on the period of detention without charge and requiring judicial oversight are routinely ignored by army personnel.<sup>65</sup> This lack of due process of law for detainees further

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<sup>62</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 7.53-54.

<sup>63</sup> State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1.c, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

<sup>64</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 63.

<sup>65</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 64.

violates Articles 9 and 14 of the ICCPR which prohibit arbitrary arrest and detention, while also guaranteeing the equality of persons before courts and tribunals to receive fair judicial proceedings. Ethiopia's Constitution officially "recognizes the right to equal treatment before the courts and other organs administering justice," while the Criminal Procedure Code likewise asserts that "no discrimination on the basis of race, nationality, or gender is allowed."<sup>66</sup> The Ministry of Justice in Ethiopia also promises to "render legal aid to persons who are victims of violations of human rights with a view to promoting access to justice."<sup>67</sup>

Despite these claims, reports of arbitrary arrests are rampant across the Ogaden and Oromia regions. In July 2008, Ugaas Abdirahman Qani, chief of the Tolomoge group of the Ogaden clan and President of the Somali region from April to November 1994, was arrested with twelve other individuals shortly after returning to his home in Godey after living abroad for the previous two years. Seventy more individuals were arrested in subsequent days, with no charges communicated to any prisoner at the time of their detention.<sup>68</sup>

In the Oromia region of Ethiopia, thousands of individuals suspected of supporting the OLF have been seized and imprisoned by government forces with no due process of law, as contrary to Articles 9 and 14 of the ICCPR. Similar to events in the Ogaden region, detainees are held in poor conditions and many have been tortured or otherwise ill-treated. One man, Mulata Aberra, a trader from Harar city, was arrested in November 2007 for the third time, and has testified to extreme torture with no recourse for medical treatment to address his injuries. In 2009, several Oromian detainees appeared in court only to have their detention extended so as to allow police and security forces sufficient time to investigate charges against them.<sup>69</sup>

In addition, the United Nations Working Group on Enforced or Involuntary Disappearances has reported 112 official outstanding cases of individuals who have disappeared without judicial review. Having submitted the cases to the Government of Ethiopia, no official

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<sup>66</sup> Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 14.120 and Article 14.122.

<sup>67</sup> Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 14.122.

<sup>68</sup> Amnesty International, *Ethiopia: Amnesty International Submission to the UN Universal Periodic Review*, Amnesty International, AFR 25/004/2009, 13 April 2009, p. 4.

<sup>69</sup> Amnesty International, *Ethiopia: Amnesty International Submission to the UN Universal Periodic Review*, Amnesty International, AFR 25/004/2009, 13 April 2009, p. 5.

response has been received and the cases remain open.<sup>70</sup> The Working Group has in previous years obtained clarifying information from the government on four cases of disappearing persons, and reminds the Ethiopian Government “of its responsibility to conduct thorough and impartial investigations ‘for as long as the fate of the victim of enforced disappearance remains unclarified.’”<sup>71</sup>

Not only do these offences directly defy multiple points under both Articles 9 and 14 of the ICCPR, they likewise disregard Ethiopia’s national legal framework.<sup>72</sup> Under the country’s Constitution, “accused persons have the right to have full access to any evidence presented against them, examine witnesses testifying against them, adduce or have evidence produced in their own defence, and obtain the attendance of and examination of witnesses on their behalf before the court.”<sup>73</sup> No such measures have been taken in the mass arrests in both the Ogaden and Oromia regions of Ethiopia, as detainees have no recourse for justice, even once released from prison.

### 3.3 Article 6, Right to life

In addition to the significant number of arbitrary arrests occurring in Ethiopia, direct extrajudicial executions continue to take place throughout the country, severely flouting the FDRE Constitution’s mandate for due process of law and violating Article 6 of the ICCPR which guarantees the right to human life.

In the State Department’s 2009 Human Rights Report for Ethiopia, several cases of extrajudicial executions and politically motivated killings are recorded. One such instance in

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<sup>70</sup> Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Report of the Working Group on Enforced or Involuntary Disappearances*, United Nations General Assembly, A/HRC/10/9, 25 February 2009, p. 34.

<sup>71</sup> Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Report of the Working Group on Enforced or Involuntary Disappearances*, United Nations General Assembly, A/HRC/7/2, 10 January 2008, pp. 34-35.

<sup>72</sup> Please refer to *International Covenant on Civil and Political Rights*, Art. 14.2, “Everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law;” 14.3, “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; (c) To be tried without undue delay; (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it; (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court; (g) Not to be compelled to testify against himself or to confess guilt. “

<sup>73</sup> Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Art.14.140.

October 2008 describes the killing of three brothers, Yayeh Yirad Assefa, Negusu Assefa, and Temesgen Assefa, by local police and militia in Zeba kebele. The brothers had been suspected of killing a militiaman from Najima kebele, but no official investigation into that killing or the murder of the brothers was performed.<sup>74</sup> Human Rights Watch has also documented routine executions and killings both in custody and in private homes throughout the Ogaden region.<sup>75</sup> In one instance, an Ethiopian military commander ordered the arrest of six camel herders in the nomadic settlement of Ela-Obo in February 2007. Immediately after the men were detained, the commander ordered their execution, resulting in the deaths of Deq Yusuf Lacag, Hassan Abdurrahman Muhumed Omar, Haji Abdi Ibraahim, Khadar Keenadiid, and Waajir Sheikh Osman, with the final herder having survived. In response to the sixth herder surviving execution, soldiers returned four days later and killed two female and two male relatives of the survivor, prompting the remainder of the settlement's residents to then flee in fear of more violent reprisals.<sup>76</sup>

As part of its assertion of the right to life, Article 6 of the ICCPR stipulates that in those countries which have not abolished the death penalty, the sentence of death shall be declared in only the most serious of crimes. While under review from the UN Human Rights Council, Ethiopia asserted that capital punishment in the country, while permitted, is rarely practiced, citing "only three death penalties" in the last 15 years, despite the clear evidence of persons being killed either through torture, deprivation, or extrajudicial assassination in prisons, military bases, and even private residences throughout the country.<sup>77</sup>

Amnesty International confirms Ethiopia's claim that the official number of "legal" deaths is on the decline, as even though "a number of death sentences were imposed by courts in 2008, no executions were reported."<sup>78</sup> On the other hand, Ethiopian officials focus on the issue of the death penalty and the legal framework for executions while failing to acknowledge the high number of unlawful murders especially concentrated in the regions of Ogaden and

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<sup>74</sup> State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1.a, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

<sup>75</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 64.

<sup>76</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 39.

<sup>77</sup> Please see Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010, p. 4, and Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, pp. 60, 63, 64.

<sup>78</sup> Amnesty International, *2009 Annual Report for Ethiopia*, <<http://www.amnestyusa.org/annualreport.php?id=ar&yr=2009&c=ETH#>>.

Oromia targeting suspected ONLF and OLF supporters. Not only is the Ethiopian government failing to protect people's inherent right to life, but the government themselves are arbitrarily depriving people of life.

The high volume of cases of torture, arbitrary detention and extrajudicial killings in the Ogaden and other areas of Ethiopia have been of such concern to the outside world that a special hearing of the European Parliament was held on the issue in March 2010,<sup>79</sup> and a special Foreign Relations bill was drafted by the United States Senate calling on Ethiopia to encourage the release of all detainees and work to ensure humanitarian aid arrives to residents of the Ogaden.<sup>80</sup> In 2007, the Office of the UN High Commissioner for Human Rights also declared that “the Special Rapporteur on extrajudicial, summary or arbitrary executions drew attention to reports received concerning several incidents of summary executions allegedly carried out by security forces in the Ogaden in the course of the year 2005. In 2009, the United Nations Country Team (UNCT) reported that a United Nations humanitarian assessment mission to the Somali Region in 2007 observed that the human rights and protection situation for the civilian population in the areas of military operation in the Somali Region was alarming and required urgent attention.”<sup>81</sup>

#### **4. Violations of Gender Equality and Incidences of Rape**

Beyond the prevalence of physical torture within prison facilities, Human Rights Watch has documented widespread incidences of rape of female detainees by government soldiers in both the Ogaden and Oromia regions of Ethiopia. In Ogaden, rapes have been reported at military bases in Wardheer, Dhagahbur, Kabridahar, Jijiga, Shilabo, Duhun, and Fiiq towns, in addition to many smaller military bases in conflict-affected zones. Rape is carried out both by state interrogators and senior military officials, including base commanders.<sup>82</sup>

The use of rape by Ethiopian military personnel directly violates multiple articles of the ICCPR, including Article 3 which ensures “the equal right of men and women to the

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<sup>79</sup> Please see UNPO, *Hearing on Human Rights in Ogaden – European Parliament*, Unrepresented Nations and Peoples Organization, 18 March 2010, <<http://www.unpo.org/content/view/10849/81/>>.

<sup>80</sup> Committee on Foreign Relations, *H.R. 2003*, United States Senate Committee on Foreign Relations, 110<sup>th</sup> Congress, 1<sup>st</sup> Session, October 3, 2007.

<sup>81</sup> UN High Commissioner for Human Rights, *Report on the Findings from the UN Humanitarian Assessment Mission to the Somali Region: Ethiopia 30 August – 5 September 2007*, United Nations High Commissioner for Human Rights, September 2007.

<sup>82</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 58.

enjoyment of all civil and political rights set forth in the present Covenant.”<sup>83</sup> Although historically women have often been considered inferior to men and were subjected to discrimination in Ethiopia, in 1993 the government set forth the first policy aimed at promoting and protecting the rights of women. The Ethiopia National Policy on Ethiopian Women (NPEW) provides for the right to equality of women in the enjoyment of civil, political, and human rights and “provides for the elimination of traditional practices harmful to women and explicitly abrogates laws, customs and practices that oppress or cause bodily or mental harm to women.”<sup>84</sup> Ethiopia’s official submission to the Convention’s Committee in 2009 highlights positive achievements in the inclusion of provisions on affirmative action in various laws and the development of the National Action Plan on Gender Equality, the Women’s Development Package, and the Ethiopian Women Development and Change Program Implementation Plan.<sup>85</sup> Ethiopia’s submission admits that Ethiopian women are still not “fully exercising their civil and political rights on par with the expectations envisaged in the Covenant. Discrimination and inequality still exist, affecting the pace of their progress in almost every aspect of life. The Government is determined to accelerate change in every sector towards the full integration of women on equal terms with men.”<sup>86</sup>

Ethiopia’s official 2009 report regarding Article 3 fails to acknowledge the frequent gender-based violence and rape occurring throughout the country, especially in the Ogaden and Oromia regions. As HRW has reported, Ethiopian armed forces and military personnel “have been responsible for numerous instances of sexual and gender-based violence against women and girls in conflict-affected areas of Somali Region. Women taken into military custody as suspected ONLF spies or for providing the insurgents military support are frequently raped or otherwise sexually assaulted while being transported to or held in military camps. Soldiers have also assaulted and raped women and girls in urban areas as well as when they are collecting firewood, water, and other vital supplies in rural areas.”<sup>87</sup>

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<sup>83</sup> *International Covenant on Civil and Political Rights*, 23 March 1976, Article 3.

<sup>84</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 3.17-19.

<sup>85</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 3.20-21.

<sup>86</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 3.25.

<sup>87</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 58.



One particular case occurred in June 2007, when a 38-year-old woman was detained by soldiers as she entered Dhagahbur town from her home in Kariir to sell goats. She was apprehended by soldiers, taken to a military base, and held for 25-days in which she was raped on five separate occasions before being transferred to a police station.<sup>88</sup> In the same month, soldiers arrested a 17-year-old student directly from her home in Duhun, accusing her of being an ONLF supporter. She was taken to the Duhun military base where she and 15 other female students were detained in a dark hole in the ground. In addition to routine beatings, the student was raped at least 13 times in the three-months she was held in custody. She also witnessed the rapes of most of the 40 or so women who were simultaneously held at the camp, in which the camp commander himself participated after sequestering the detainees in nightly interrogations.<sup>89</sup>

In another incident in May 2007, a 19-year-old university student studying in Addis Ababa was detained for 2 months in Dhagahbur town and witnessed several cases of beating and rape. He testified to having seen a severely injured 23-year-old woman who was suffering from a swollen belly and an injured arm after soldiers had raped her repeatedly: she died while in custody on the base.<sup>90</sup> A shopkeeper who was detained from May to July 2007 at the “Transport Tanks” military base in Wardheer town gives vivid testimony of the conditions of the makeshift detention centres found at military bases throughout Ogaden: he explains that detainees were all held in one room, while women were taken outside at night repeatedly to be raped while interrogated.<sup>91</sup>

Professor Asafa Jalata describes similar violence against women in the Oromo region: “The cadres, soldiers, and officials of the regime frequently rape Oromo girls and women to demoralize Oromo society and to show that the Tigrayan rulers and their collaborators wield limitless power. As Bruna Fossati, Lydia Namarra and Peter Niggli report, ‘in prison women are often humiliated and mistreated in the most brutal fashion. Torturers ram poles or bottles into their vaginas, connect electrodes to the lips of their vulva, or the victims are dragged into the forest and gang-raped by interrogation officers.’<sup>91</sup> The soldiers have collected young

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<sup>88</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, pp. 58-59.

<sup>89</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 59.

<sup>90</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 60.

<sup>91</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 63.

Oromo girls and women into concentration camps and gang raped them in front of their relatives, fathers, brothers, and husbands to humiliate them and the Oromo people... State sanctioned rape is a form of terrorism. The use of sexual violence is a tactic of genocide that a dominant ethnonational group practices in destroying the subordinate ethnonational group. To demoralize, destroy, and to show that Tigrayans are a powerful group that can do anything to the Oromo, Tigrayan cadres, soldiers, and officials have frequently raped Oromo girls and women.”<sup>92</sup>

Clearly, the legal framework set out by the Ethiopian government is failing to protect women and grant them freedom and equality under the law, and “Human Rights Watch is unaware of any instances since 2007 in which soldiers have been disciplined or punished for committing acts of sexual violence.”<sup>93</sup>

## 5. Forced Evacuation and Village Burnings

Under Article 12 of the ICCPR, signatories agree that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”<sup>94</sup> In response, Ethiopia has constitutionally guaranteed freedom of movement and the right of citizens to choose and establish their residence wherever they so choose.<sup>95</sup> In addition, the Criminal Code stipulates imprisonment or a fine towards those who, not being authorized by law so to do, prevent another from moving freely within the territory of Ethiopia.<sup>96</sup>

Furthermore, Article 17 of the ICCPR guarantees the rights of citizens to privacy, honour, and reputation, stipulating that every person shall have the right of legal protection against any attack on their private home or family.<sup>97</sup> As a signatory to the Convention, Ethiopia has

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<sup>92</sup> Jalata, Asafa, *The Tigrayan-led Ethiopia, Repression, State Terrorism and Gross Human Rights Violations in Oromia and Ethiopia*, (Forthcoming publication) p. 5.

<sup>93</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 58.

<sup>94</sup> *International Covenant on Civil and Political Rights*, entry into force 23 March 1976, Art. 12.1.

<sup>95</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Art. 12.107 and 12.109.

<sup>96</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Art. 12.110.

<sup>97</sup> *International Covenant on Civil and Political Rights*, entry into force 23 March 1976, Art. 17.1-2.

constitutionally declared the right of citizens to privacy, stipulating the illegality of any seizure of personal property, and criminalizing trespassing and property searches by official personnel without a written search warrant.<sup>98</sup> If any unlawful molestation or attack on the honour, reputation, or private property of a person is carried out, the victim may demand the acts to be stopped on a legal basis, in addition to claiming compensation under the law on defamation.<sup>99</sup>

Despite the clarity of these national and international legal frameworks which prohibit unlawful entering of private property, cases of forcible entry into civilian homes have been documented throughout Ethiopia. In April 2009, for example, officials in Tirsch kebele of the Amahara region entered the home of Waltenege Abate, vice chairman of the All Ethiopian Unity Party (AEUP) without a warrant. The officials claimed they were searching for armaments, and when none were found, were reported to have beaten his seven- and 12-year-old daughters while inquiring about his whereabouts. This was the second attack on Waltenege's family, prompting him to retreat into hiding.<sup>100</sup> In the same region in 2008, police and local militia forcibly searched the home of Tiringo Mengist under the accusation that she was aiding and abetting bandits. When the accusation was denied and no evidence found, the police clubbed Tiringo and left with no legal reprisal following the incident.<sup>101</sup>

Beyond the unlawful entering of homes, forced evacuations and village burnings have also been documented in the Ogaden and Oromia regions at an alarming rate. Representatives from Medecins Sans Frontieres (MSF) have reported multiple cases of villages in Ogaden burned at the hand of Ethiopian army. Eileen Skinnider, assistant coordinator for MSF operations in Ethiopia, stated that she "saw burned out villages. I remember passing a number of villages that were empty other than the elderly and sick."<sup>102</sup>

The pattern of attacks on villages in the Ogaden by the Ethiopian military has remained

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<sup>98</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Art.17.156, Art. 17.164, Art. 17.165.

<sup>99</sup> Ethiopia Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Art.17.171.

<sup>100</sup> State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1.h, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

<sup>101</sup> State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1.h, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

<sup>102</sup> Cawthorne, Andrew, *Villages deserted, burned in Ethiopia's Ogaden-MSF*, Reuters, Nairobi, September 4, 2007, <[http://www.reuters.com/article/idUSL04541837.\\_CH\\_.2400](http://www.reuters.com/article/idUSL04541837._CH_.2400)>.

consistent and similar across the region, displaying a strategic methodology at play, rather than arbitrary aggression. The strategy is as follows: Ethiopian military orders villagers to evacuate within two to seven days. When residents refuse to flee, the army returns to carry out killings and then burns the village completely.<sup>103</sup> As no official reasoning or warrant is given to village residents prior to forced evacuation and destruction of their homes, these attacks have been carried out in direct violation of Articles 14 and 17 of the ICCPR, in addition to Ethiopia's own Constitution and Criminal Code.

One such attack occurred in late May and early June 2007, when armed forces began to forcibly displace the rural population from villages in Wardheer and neighbouring areas towards Wardheer town and other specified locations. Villagers were told that if they did not cooperate in evacuating their homes, the villages would be burned and destroyed. Over the next weeks, Daratoole was burned in mid-June, Qamuuda was burned on June 21, Neef-Kuceliye on June 23, while Wa'di, Laanjalelo, Aado, and Jinnole were all burned in mid-July.<sup>104</sup>

In addition to eyewitness accounts, satellite imagery of settlements in Ogaden before and after the attacks directly corroborate citizen testimonials and are witnesses to the methodological destruction of the region at the hand of the Ethiopian military:

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<sup>103</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 35.

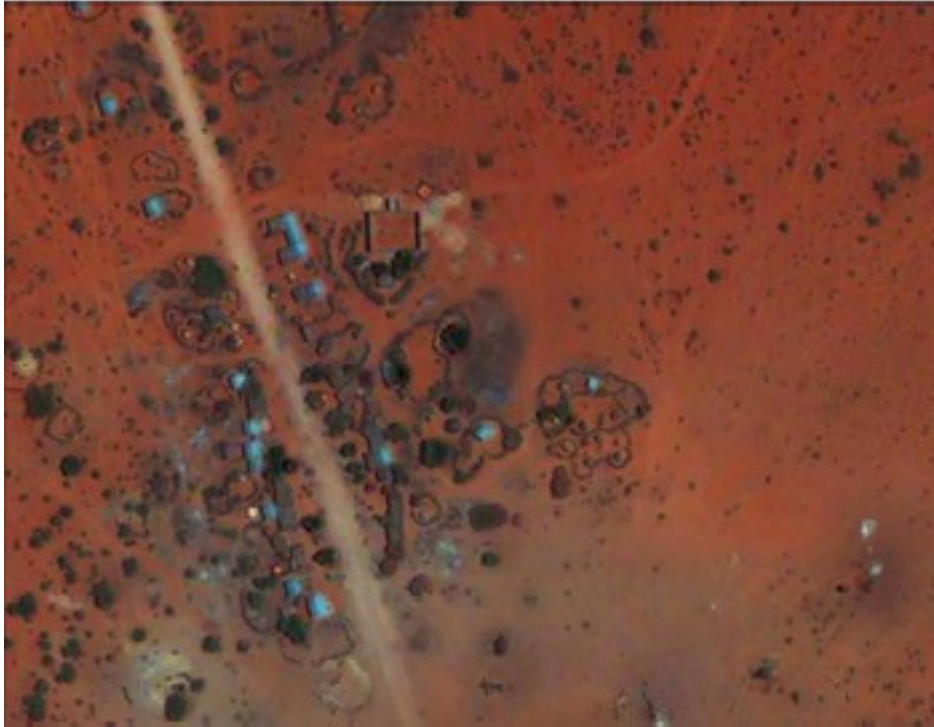
<sup>104</sup> Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 37.



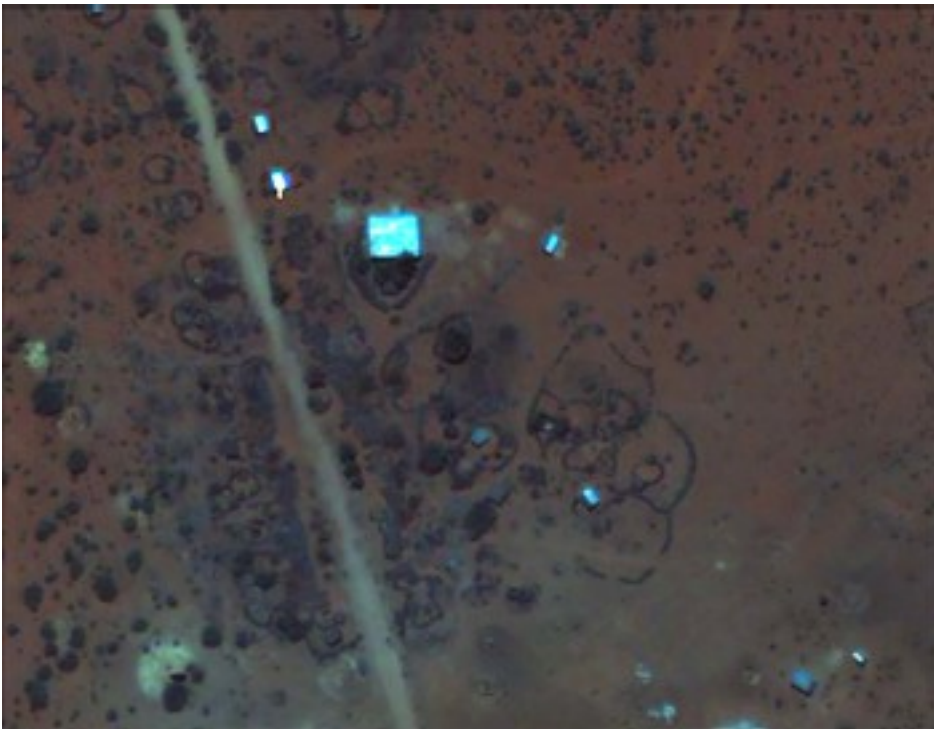
Village of Dameerey – December 23, 2006 (Lat: 7.548; Long: 44.978) Courtesy of DigitalGlobe and Human Rights Watch.



Village of Dameerey – March 7, 2008: Nearly the entire town (65 structures) have been removed, possibly burned, since the last image was taken. Courtesy of DigitalGlobe and Human Rights Watch.



Village of Laasoole – March 30, 2005 (Lat: 6.233; Long: 44.754) Courtesy of DigitalGlobe and Human Rights Watch.



Village of Laasoole – July 17, 2007. Again, most of the town, about 76 structures, have been removed or damaged since the last picture was taken, in addition to the construction of multiple new structures which have been built on the outskirts of the town. Courtesy of DigitalGlobe and Human Rights Watch.

## 6. Violations on Freedom of Expression, Association, and Assembly

Despite the dire humanitarian situation presently plaguing Ogaden and its residents, in 2007 the Government of Ethiopia began severely limiting the entry of any non-governmental organization into the region to administer aid, banning the ICRC altogether. This action runs in direct violation of Article 22 of the ICCPR, which guarantees the right to freedom of association with others, in addition to Article 21 which allows for peaceful assembly. Organizations present in Ogaden, including MSF, Oxfam, and Save the Children had been assembled in the peaceful administration of aid and services to internally displaced persons who have been victimized by the conflict. Their presence should have been guaranteed by the Articles stipulated in the ICCPR and further adopted within Ethiopia's Constitution, leaving no legal framework or justification for their expulsion.

When Ethiopia was present under Universal Periodic Review by the UN's Human Rights Council in January of 2010, several countries voiced sincere concern over this expulsion measure: the delegation from Belgium expressed concern over access of the international community and its humanitarian networks into the Ogaden region. As stated, "United Nations and NGOs being unable to carry out their work properly undermines the distribution of food packages and medication."<sup>105</sup> In addition, the United States voiced its alarm at the fact that the ICRC had been unable to operate in the Ogaden since 2008, while many other organizations have had their access severely limited.<sup>106</sup>

Moreover, in January 2009, the Ethiopian parliament adopted the "Charities and Societies Proclamation" which forbids all foreign funding and support to Ethiopian civil society organizations (CSOs), severely limiting the functioning power of any and all non-governmental associations in the nation.<sup>107</sup> In addition, strenuous new registration measures under the newly formed Charities and Societies Agency (CSA) were put into place, and CSOs stepped immediately into action through cutting staff and programming in anticipation of the new bureaucratic processes.<sup>108</sup> CSOs have also begun to censor themselves to a higher

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<sup>105</sup> Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010, p. 6.

<sup>106</sup> Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010, p. 8.

<sup>107</sup> Human Rights Watch, "One Hundred Ways of Putting Pressure:" *Violations of Freedom of Expression and Association in Ethiopia*, HRW, New York, March 2010, p. 44.

<sup>108</sup> Human Rights Watch, "One Hundred Ways of Putting Pressure:" *Violations of Freedom of Expression and Association in Ethiopia*, HRW, New York, March 2010, p. 45.

degree, fearing further government reprisals or disfavour from officials.<sup>109</sup>

These restrictive measures on associative bodies within Ethiopia are in direct violation of the ICCPR's mandates, while also contributing to a society with limited capacity for expression and the voicing of opinion. In the run-up to a parliamentary election in May 2010, the Ethiopian state has gone beyond direct limitation of associative life by engaging in multiple forms of intimidation towards political opposition groups. Supporters of opposition parties have been routinely attacked and arbitrarily detained. In one high profile incident, Birtukan Midekssa, leader of the Unity for Democracy and Justice party, was arrested in December 2008 after a previous release for allegedly violating the terms of her pardon, and is now serving a life sentence.<sup>110</sup>

While this arrest is a more extreme incidence of political intimidation, more subtle and insidious acts occur on a large scale: threats, harassment, closure of offices, and the break up of meetings have become routine.<sup>111</sup> Such measures run in direct violation of Article 19 of the ICCPR which guarantees freedom of expression and the ability of citizens to hold opinions without interference. While Ethiopia claimed before the UN Human Rights Council in January 2010 that it will uphold the recommendation of France to guarantee freedom of expression to all political leaders and the media leading up to May's elections, experiences reported on the ground do not substantiate such a claim.<sup>112</sup> Moreover, at the same meeting, Ethiopia rejected outright the recommendation raised by Canada to amend the provisions in the new civil society legislation which run counter to international human rights standards in regards to freedom of expression, association and assembly.<sup>113</sup>

## **7. Concluding Observations and Recommendations**

The situation for civil and political rights in Ethiopia remains dire, despite repeated official guarantees to the contrary. The widespread incidents of arbitrary detention, torture,

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<sup>109</sup> Human Rights Watch, *"One Hundred Ways of Putting Pressure:" Violations of Freedom of Expression and Association in Ethiopia*, HRW, New York, March 2010, p. 46.

<sup>110</sup> Human Rights Watch, *"One Hundred Ways of Putting Pressure:" Violations of Freedom of Expression and Association in Ethiopia*, HRW, New York, March 2010, p. 1.

<sup>111</sup> Human Rights Watch, *"One Hundred Ways of Putting Pressure:" Violations of Freedom of Expression and Association in Ethiopia*, HRW, New York, March 2010, p. 1.

<sup>112</sup> Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010, p. 9.

<sup>113</sup> Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010, p. 10.



extrajudicial killing, rape, forced evacuation and village burnings at the hands of the Ethiopian Government can no longer be tolerated by the international community. As a signatory to the ICCPR, Ethiopia is under strict obligation to uphold the articles and principles therein, and yet has routinely denied any and all violations towards human rights mounted at its citizens.

Such denial has become routine in the current Ethiopian regime: after Ethiopian government troops attacked and killed 424 Anuak civilians in the Gambella region in December 2003, international NGOs called on the Government to arrest those responsible for the attack and launch an official investigation. Four months later in an interview with Reuters, Ethiopian Prime Minister Meles Zenawi dismissed the reports of the massacre as a “fiction,” claiming that “only people who had been killed by the military in the area were armed Anuak insurgents who had staged cross-border raids from Sudan.” This absolute denial was in the face of numerous eye-witness testimonials to the massacre and a full list released by NGO Genocide Watch with the names of all 424 victims.<sup>114</sup>

While Ethiopia has claimed it has sufficiently investigated the allegations of human rights violations in the Ogaden, any reports produced by Government investigators have remained inaccessible to external observers. Such denial and lack of transparency is not in keeping with international standards of human rights, and as a signatory to the ICCPR, Ethiopia has a duty to uphold such standards and cease all activities which flout the provisions of the Covenant.

In light of the arguments and evidence presented above, the following recommendations for the consideration of the Government of Ethiopia:

1. Allow for an independent, international investigation into the reports of mass arrests, torture, rape, and extrajudicial executions of civilians in the Ogaden and Oromia regions by Government forces to be completed by December 2010;
2. Allow free access to independent national and international media into conflict regions immediately;

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<sup>114</sup> Genocide Watch, *World Organization Against Torture and Genocide Watch respond to Ethiopian Prime Minister's denial of massacres of Anuaks in interview with Reuters*, Genocide Watch, Washington, 5 May 2004.

3. Remove the ban on the ICRC in the Ogaden region immediately;
4. Allow the ICRC to monitor the adherence of the Government of Ethiopia to the Geneva Conventions, specifically those which guarantee the protection of civilians in areas of armed conflict;
5. Allow for the immediate prosecution of any and all individuals who have been found responsible for the incidences of arbitrary arrest, torture, rape, extrajudicial executions, and forced evacuation;
6. Allow for the immediate release any and all illegal detainees imprisoned under false allegations of suspicious activity related to the OLF, ONLF, or political opposition networks, including Mahdi Ayub; Sultan Fowzi Ali Abdi; Bisharo Wa'di and Bashir Mukhtal.
7. End the practices of torture witnessed at state prisons throughout Ethiopia, including makeshift prison facilities on military bases;
8. Guarantee immediate admittance of international humanitarian aid groups to previously restricted zones, including the Ogaden region;
9. Allow the residents of Ethiopia, particularly those marginalized in the Ogaden and Oromian regions, to enjoy their full political rights as defined by the Ethiopian Constitution and international instruments that are verifiable by independent bodies.

## Works Cited

Amnesty International, *Ethiopia: Amnesty International Submission to the UN Universal Periodic Review*, Amnesty International, AFR 25/004/2009, 13 April 2009.

Amnesty International, *Ethiopia: Prisoners of conscience on trial for treason: opposition party leaders, human rights defenders and journalists*, <<http://www.amnestyusa.org/document.php?id=ENGAFR250132006&lang=e>>.

Coalition of Ogaden Civil Societies, *Paper to the Hearing on the Ogaden by the European Parliament*, Ogaden Europeans Communities, Ogaden Women's Relief Association, and Ogaden European Youth Union, March 16, 2010.

Committee on Foreign Relations, *H.R. 2003*, United States Senate Committee on Foreign Relations, 110<sup>th</sup> Congress, 1<sup>st</sup> Session, October 3, 2007.

Constitution of the Federal Democratic Republic of Ethiopia, August 21, 1995.

Ethiopian Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009.

Genocide Watch, *World Organization Against Torture and Genocide Watch respond to Ethiopian Prime Minister's denial of massacres of Anuaks in interview with Reuters*, Genocide Watch, Washington, 5 May 2004.

Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Report of the Working Group on Enforced or Involuntary Disappearances*, United Nations General Assembly, A/HRC/10/9, 25 February 2009.

Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010.

Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008.

Human Rights Watch, *From Horror to Hopelessness: Kenya's Forgotten Somali Refugee Crisis*, HRW, Kenya, March 2009.

Human Rights Watch, *"One Hundred Ways of Putting Pressure:" Violations of Freedom of Expression and Association in Ethiopia*, HRW, New York, March 2010.

*International Covenant on Civil and Political Rights*, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49.

Jalata, Asafa, *The Tigrayan-led Ethiopia, Repression, State Terrorism and Gross Human Rights Violations in Oromia and Ethiopia*, (Forthcoming publication).

OCHA, *UN: Resource conflicts in Oromia displace 200,000 people, malnutrition rates increasing*, United Nations Office for the Coordination of Humanitarian Affairs October 6, 2009.

State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1.c, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

UN High Commissioner for Human Rights, *Report on the Findings from the UN Humanitarian Assessment Mission to the Somali Region: Ethiopia 30 August – 5 September 2007*, United Nations High Commissioner for Human Rights, September 2007.

UNICEF, *UNICEF Humanitarian Action Ethiopia in 2008*, UNICEF, New York, 2008.

United Nations, *International Human Rights Instruments: Core Document Forming the Initial Part of the Reports of States Parties: Ethiopia*, HRI/CORE/ETH/2008, 12 September 2008.

UNPO, *Hearing on Human Rights in Ogaden – European Parliament*, Unrepresented Nations and Peoples Organization, 18 March 2010, <<http://www.unpo.org/content/view/10849/81/>>.

