

## @ETHIOPIA IN PROFILE

**Geography:** Ethiopia is situated in northeast Africa - the Horn of Africa. The current borders were established with the incorporation of the former Italian colony of Eritrea in 1962. It has a land mass of 1.2 million square kilometres. Topographical conditions and poor communications make access to many rural areas extremely difficult.

**Constitutional status:** The People's Democratic Republic of Ethiopia was inaugurated in September 1987 after 13 years of the Provisional Military Government which overthrew the imperial government of Emperor Haile Selassie in a revolution in September 1974. The Constitution adopted in 1987 allowed only one political party, the Workers' Party of Ethiopia (recently renamed the Ethiopian Democratic Unity Party). Legislative power is held by the National *Shengo*, which meets annually and is elected by universal suffrage for a five-year period. The National *Shengo* elects the Council of State, its permanent organ, and the President, who is both Head of State and Head of Government.

**Population:** about 50 million

**Capital:** Addis Ababa (population: over two million)

**Regions:** Since September 1987 the country has been divided into 24 administrative regions and five autonomous regions - Assab, Dire Dawa, Eritrea, Ogaden and Tigray (see map)

**Ethnic composition:** There are over 70 different ethnic groups, known in Ethiopia as "nationalities". The Amhara make up about one third of the total population, living in the central highlands of Ethiopia and forming the majority of Addis Ababa's population. The Oromo are the largest single ethnic group, with over a third of the total population: they live mainly in the western, southern and eastern parts of the country. Eritreans (who comprise different ethnic groups) and Tigrayans number several million each. Smaller minority groups include the Gurage in Wollo region, Somalis in the Ogaden and the Afar near the Red Sea coast.

**Religion:** About half the population belong to the Ethiopian Orthodox Church. A third or more are Muslims. Minority groups include Roman Catholics, Falashas (Ethiopian Jews) and members of smaller Christian Protestant churches such as the Ethiopian Evangelical Mekane Yesus Church.

**Language:** The official language is Amharic. English is also widely spoken and other languages, such as Tigrinya and Orominya, are used and officially encouraged.

**Economy:** Ethiopia is one of the world's least developed countries, with an average annual income per capita of only US\$ 120. It has a predominantly agricultural base which has been drastically affected over the past two decades by drought, famine and civil war. Military expenditure accounts for over half the state's annual budget.

**Currency:** Birr (US\$1 = about 2 birr)

**Civil war:** Thirty years of civil war ended in May 1991. By early 1991 the Eritrean People's Liberation Front (EPLF) had controlled and administered most of Eritrea for several years, with the exception of Asmara and Assab, which fell to it in late May 1991. The Tigray People's

Liberation Front (TPLF) captured Tigray in 1989 and advanced further south. The newly created Ethiopian People's Revolutionary Democratic Front (EPRDF), headed by the TPLF and including other groups, won a series of military victories in early 1991, and captured Addis Ababa on 28 May. US-chaired peace talks in London involving the EPRDF, the EPLF and the smaller Oromo Liberation Front (OLF), which held most of Asossa region on the Sudan border, brought agreement to form a transitional government including diverse political groupings to prepare for democratic elections.

**Note:** Opposition groups referred to in the following text mean groups opposing the Mengistu government up to its fall on 28 May 1991.

## GLOSSARY

COPWE	-Commission for Organizing the Party of the Working People of Ethiopia
<i>Dergue</i>	- Provisional Military Administrative Council (PMAC)
ECA	- UN Economic Commission for Africa
EDU	- Ethiopian Democratic Union
EDUP	- Ethiopian Democratic Unity Party
EEMYC	- Ethiopian Evangelical Mekane Yesus Church
ELF	- Eritrean Liberation Front
EPDA	- Ethiopian People's Democratic Alliance
EPDM	- Ethiopian People's Democratic Movement
EPDO	- Eritrean People's Democratic Organization
EPLF	-Eritrean People's Liberation Front
EPRDF	- Ethiopian People's Revolutionary Democratic Front
EPRP	- Ethiopian People's Revolutionary Party
ERA	- Eritrean Relief Association
ETU	- Ethiopian Trades Union
GPLF	- Gambela People's Liberation Front
ICRC	- International Committee of the Red Cross
JRP	- Joint Relief Partnership
<i>kebelle</i>	- urban-dwellers' association
<i>Me'isona</i>	- All-Ethiopia Socialist Movement
OAU	- Organization of African Unity
OLF	- Oromo Liberation Front
ONLF	- Ogaden National Liberation Front
OPDO	- Oromo People's Democratic Organization
ORA	- Oromo Relief Association
PDRE	- People's Democratic Republic of Ethiopia
REST	- Relief Society of Tigray
REWA	- Revolutionary Ethiopian Women's Association
REYA	- Revolutionary Ethiopian Youths' Association
SPLA	- Sudan People's Liberation Army
SSDF	- Somali Salvation Democratic Front
TPLF	- Tigray People's Liberation Front
UN	- United Nations
WPE	- Workers Party of Ethiopia
WSLF	- Western Somali Liberation Front

# **ETHIOPIA: END OF AN ERA OF BRUTAL REPRESSION - A NEW CHANCE FOR HUMAN RIGHTS**

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## **Chapter 1. INTRODUCTION**

Brutal repression has marked Ethiopia for nearly two decades. The sudden flight into exile of President Mengistu Haile-Mariam on 21 May 1991 and the defeat a week later of the government's armed forces by opposition groups after 30 years of civil war mark the end of an era of massive human rights violations. A new chapter is about to open in Ethiopia's turbulent history. Peace talks just completed in London brought an end to hostilities and promised a broad-based transitional government. There is now a real chance to break with the past, to put human rights protection to the top of the agenda for the future and to offer respite and hope to the people of a country that has suffered so much.

War and famine have devastated Ethiopia over the past 17 years. Over a million people are estimated to have died of starvation. Hundreds of thousands have been killed in civil wars and political violence. A further million or more have fled the country to escape hunger, bloodshed or political persecution. The scale of human suffering has been overwhelming.

In such circumstances, safeguarding specific and fundamental human rights can be overshadowed. Amnesty International is publishing this new detailed report of 17 years of repression not only to remind the world of the appalling human rights record of the Mengistu government, but also to urge those who will succeed it to make human rights a top priority for the future. For beyond the flight to exile of the man at the centre of these abuses and the fall of his government, fundamental changes are needed to ensure that there can be no return to the gross human rights abuses which were the hallmark of President Mengistu's period in power.

In the past 17 years thousands of suspected government opponents were detained for long periods without charge or trial, including many prisoners of conscience. Torture was the standard practice during interrogation of political as well as criminal prisoners. Thousands of political prisoners "disappeared" from detention and are believed to have been secretly killed. Extrajudicial executions of both unarmed civilians and captured combatants in areas of conflict were also reported frequently. The death penalty was also used after formal trials, but on a much lesser scale.

Amnesty International's appeal at this critical juncture is for a new commitment to human rights by all parties in Ethiopia, whatever the political arrangements that might emerge. It urges all those who will temporarily administer the country in the immediate aftermath of the fighting, and those who will be part of a transitional government to be formed in July, to commit themselves to safeguard internationally recognized human rights standards. Every effort needs to be made to introduce constitutional, legal and practical measures that will protect these rights.

The human rights disasters of the past two decades must not be repeated.

### **Political violence and wars**

In 1974 a revolution led by the armed forces overthrew Emperor Haile Selassie. The old order was overthrown under the banner of ending oppression and unnecessary starvation. But, in contrast to these promises, the first years of the new Provisional Military Government were marked by gross human rights violations. Within months of the revolution, many members of the former government were summarily executed. Soon afterwards radical political activists challenging the new Provisional Military Administrative Council (known as the *Dergue*) were also murdered. A bloody repression of left-wing opponents - the officially sanctioned "Red

Terror" campaign of 1976 to 1978 - culminated in the executions of thousands of people in prisons and on the streets.

Wars have racked Ethiopia throughout the period since the 1974 revolution. Eritrean opposition groups have been fighting for independence since 1961 in Africa's longest running civil war, and armed opposition in Tigray and in Oromo areas has been maintained since 1975 and 1976 respectively. Other opposition groups have also taken up arms against the government. Several parts of the country have long been wholly or partially under the control of opposition forces. Serious human rights abuses were committed in connection with all these armed conflicts, principally by government forces but also by opposition groups. Members of ethnic or regional groups which were fighting the government were frequently targeted for arbitrary reprisals. There were also extensive violations of human rights during Ethiopia's war in the Ogaden between 1977 and 1978 against invading Somali forces.

In this environment of violent conflict, and in the absence of democratic institutions, peaceful expressions of opinion and criticisms of the government were almost impossible. From the outbreak of the revolution in 1974 and throughout the 1980s, opponents of the government faced torture, "disappearance", extrajudicial execution or arbitrary arrest and detention. These abuses continued into the 1990s.

The Ethiopian Government failed in its responsibility for maintaining the rule of law and ensuring that the fundamental human rights of its citizens were respected by its security forces - not least when confronted by armed opposition. Under international human rights law, certain fundamental rights - particularly the right to life and the right not to be subjected to torture - must be upheld by governments at all times and in all circumstances. The actions of armed opposition groups do not provide a justification for governments to retreat from or ignore their obligations to respect such fundamental human rights.

### **Sources of information**

Amnesty International's assessment of the human rights situation in Ethiopia has been based on information collected from a wide range of sources. These include testimonies of released prisoners, interviews with witnesses to particular incidents, reports from other observers and journalists visiting or working in the area, and evidence from people who have fled Ethiopia or risked passing information out of the country. Amnesty International has also investigated the human rights record of opposition groups which have exercised effective administrative control over areas of Ethiopia.

Amnesty International has always found it difficult to obtain reliable information about human rights violations in Ethiopia. The identities of most political prisoners have rarely been known to the organization. The Mengistu government hardly ever disclosed publicly any information about political prisoners, although official records and prisoner statistics were kept. In addition, former political prisoners were coerced into silence. Several have reported to Amnesty International that they were warned against revealing details of their imprisonment or treatment in custody and were threatened with reprisals, such as being detained again, if they did so. Even in exile in a country where their safety was assured, some were still afraid of reprisals against their families in Ethiopia if the authorities were to learn that they had talked about their imprisonment. For their own protection and that of their families, informants have asked that their identities should not be disclosed.

Within Ethiopia, witnesses of human rights violations could not come forward to report or denounce abuses to the authorities: they would have ended up as victims themselves. Local journalists in Ethiopia, all employees of the Ministry of Information, did not dare to report any human rights abuses by the authorities. It was also inconceivable that anyone could form a human rights monitoring group in the country. The activities, associations and movements of citizens, expatriates and foreign visitors were restricted and closely monitored by the local political authorities and the security service. The all-pervasive security service quickly heard about visitors who asked questions about human rights, and then acted swiftly. Two Dutch journalists, for example, were arrested in Addis Ababa with their two Ethiopian informants in May 1990. Tapes of interviews they had recorded were seized. The two foreigners were detained and quickly deported without being ill-treated. The two Ethiopians were detained, tortured and not released until September 1990, and then apparently only after high-level interventions.

In spite of these problems of information-gathering, sufficient details did emerge to enable Amnesty International to build up a coherent picture of events. Allegations of human rights violations received by Amnesty International from people associated with opposition organizations have been scrutinized particularly closely and are only cited when fully corroborated by independent evidence. Some allegations of abuses committed by government forces or opposition groups have been impossible to verify. However, the information received, matched with evidence from a wide range of sources, has provided persuasive evidence of a gross and persistent pattern of violations which has not changed in essence for many years.

### **Amnesty International's work on Ethiopia**

Amnesty International monitors, publicizes and campaigns against human rights violations in all parts of the world. In the field of human rights, it focuses on a specific area of civil and political rights. It sees these internationally recognized rights as closely related to other rights - including the important issues in Ethiopia of social, economic and cultural rights, which are also upheld by international human rights instruments and declarations. Amnesty International is an independent and worldwide movement which works for the release of prisoners of conscience everywhere, for fair and prompt trials for all political prisoners, for an end to "disappearances" and torture, and for the abolition of the death penalty and an end to executions. Prisoners of conscience are men, women or children who are detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, who have not used or advocated violence.

Amnesty International does not support or oppose any government or political organization or system, nor does it support or oppose the views of those whose rights it seeks to protect. In its work for human rights in Ethiopia it has never taken sides on political issues, nor on the ideology of the government or the political beliefs of victims of human rights abuses. The organization is concerned solely with protecting the human rights which come within its mandate.

Throughout the 30 years since Amnesty International was founded in 1961, it has campaigned against human rights violations in Ethiopia. During Emperor Haile Selassie's government, Amnesty International adopted prisoners of conscience and worked to stop torture and executions. After the overthrow of the imperial government in the 1974 revolution, political violence and human rights violations intensified dramatically. In 1977 and 1978, in particular, the organization's reports focused on mass extrajudicial executions and torture during the "Red Terror". In the past five years further reports have been published on political imprisonment,



torture and "disappearances". Articles on torture, extrajudicial executions and the death penalty in Ethiopia were included in special global surveys of these issues published between 1979 and 1989. The annual *Amnesty International Report* has since the early 1970s always included reference to human rights violations in Ethiopia.

Amnesty International and other human rights groups, as well as the United Nations (UN), had their human rights appeals to the Ethiopian Government consistently ignored or rebuffed. Amnesty International has submitted numerous communications to the UN about human rights violations in Ethiopia but the government's responses to the UN were generally dismissive.

Sadly, the reports and appeals of the past 17 years have borne a chilling similarity and repetitiveness. This was because of the persistence of the same violations and the length of time many political prisoners were held. To have to go on reporting the same serious human rights abuses year after year has been particularly disturbing.

In the mid-1980s hopes were raised for better protection of human rights through political and constitutional changes. The "Red Terror" had more or less ended in 1978, although there were still mass arrests of suspected government opponents in the following years. It seemed that some long-term prisoners of conscience could soon be freed. Some of those hoping for release had been connected with the former Emperor and his government; others had opposed the *Dergue* from different Marxist-Leninist positions or were regarded as "counter-revolutionary" for other reasons. There were moves from military to party rule and a new constitution was being drafted. Human rights groups were therefore shocked to learn suddenly in 1985, and again in the following year, of the "disappearances" and secret executions of several long-term political prisoners just when they were expecting them to be released.

The introduction of a new constitution in 1987 was an opportunity for the government to implement the human rights safeguards contained in it, establish the rule of law and respect international human rights standards. However, the opportunity was not taken. Even the limited human rights safeguards in the constitution were largely ignored.

The welcome release in September 1989 of most of the prisoners known at that time to Amnesty International and adopted as prisoners of conscience, as well as other political prisoners not previously known to the organization, again raised hopes for fundamental reforms. The government was also expected to have to respond to changes in eastern Europe and Africa which had occurred under the banners of democracy and human rights. However, the Mengistu government's responses to appeals by Amnesty International in 1989 and 1990 were few and discouraging. The organization learned of the identities of many other prisoners of conscience and political prisoners who were still held in May 1991 - some for as long as 13 years - but the authorities ignored the thousands of appeals and letters on their behalf from Amnesty International members around the world. With few exceptions, officials of the Mengistu government refused to meet Amnesty International delegations, discuss human rights with Amnesty International or other human rights organizations, or allow them regular access to the country. In April the government belatedly said that it would accept a "working visit" from Amnesty International at some date not specified.

Amnesty International urges that long-overdue attention is now paid by those in power in Ethiopia to the important human rights issues that the organization has been campaigning about for so long. A way must be found to end the pattern of gross abuses that has marked the past 17

years.

## **Chapter 2. BACKGROUND**

The Ethiopian empire consolidated by Emperor Menelik II in the late 19th century had its origins in a feudal kingdom in Axum in the north over 2,000 years ago. Coptic Christianity was introduced from Egypt in the fourth century and became closely identified with the medieval kingdoms. Islam arrived later in the region. Ethiopia, known also as Abyssinia, resisted European colonialism by defeating an Italian force in 1896, although the Italian colony of Eritrea was established in the north in 1890.

In 1923 Ethiopia joined the League of Nations. Emperor Haile Selassie assumed the throne in 1930. The first written Constitution was enacted in 1931, creating a parliament and senate, but the Emperor's powers remained absolute.

Between 1936 and 1941 Ethiopia was occupied by Italian forces. After the Italian defeat, Emperor Haile Selassie returned to the throne in Ethiopia from exile in the United Kingdom and the former Italian colony of Eritrea was placed under British military administration. A UN resolution in 1950 gave Eritrea federal status under the Ethiopian crown, which was effected in 1952. Ten years later, in 1962, the Eritrean assembly voted for full union with Ethiopia, under intense Ethiopian pressure and without reference to the UN, and Eritrea became Ethiopia's 14th region.

A revised Constitution in 1955 contained provisions upholding human rights, but most were not implemented in practice. A modern Penal Code and Code of Criminal Procedure were introduced in 1957. Opposition developed over the semi-feudal land tenure system, the slow rate of economic development and the absence of civil and political rights. In 1960 a coup attempt by senior army officers was foiled. The Eritrean Liberation Front (ELF) took up arms in 1961 to fight for Eritrean independence. Under Ethiopian control after 1962, Eritrea's democratic institutions - a multi-party electoral system, an active trade union movement and an independent press - were dismantled and similar institutions were prevented from developing in Ethiopia as a whole.

Radical protest grew in the late 1960s, organized by university students and trade unionists. Rural rebellions were brutally repressed, as they had been in previous decades. Despite the increasing political opposition and dissent in the last years of his long reign, Emperor Haile Selassie engaged in major foreign policy initiatives, including the formation of the Organization of African Unity (OAU), with its headquarters in Ethiopia. He projected Ethiopia - a symbol of African independence and resistance to colonialism - as a leading non-aligned state in Africa. His major ally, however, was the USA, which had a military communications centre near Asmara. Ethiopia was the leading African beneficiary of US economic and military aid in the latter part of Emperor Haile Selassie's reign.

Amnesty International criticized Emperor Haile Selassie's government on many occasions for abuses of human rights, including torture, unfair trials, executions of political opponents, and the prolonged detention without trial of prisoners of conscience and other political prisoners, who were held in harsh conditions.

### **The 1974 revolution**

In February 1974 widespread strikes, anti-government demonstrations and army mutinies led to the gradual assumption of power by the armed forces. Anger focused on the government's failure to recognize the seriousness of the famine in 1973 and undertake relief measures: more than 200,000 people died in the famine in that year in Tigray and Wollo regions.

On 12 September 1974 the movement culminated in the detention of the elderly Emperor and a revolution which overthrew the imperial government. In the preceding months the Armed Forces Coordinating Committee had arrested most high-ranking members of the government, armed forces, civil service and aristocracy. The Provisional Military Administrative Council (PMAC), known as the *Dergue* ("committee" in Amharic), took power and suspended the Constitution. The *Dergue* was composed of 126 members of the armed forces, mostly middle-ranking officers, and was chaired by the new Head of State, General Aman Andom. He was killed by soldiers when the *Dergue*, facing increasing demands to give way to a civilian left-wing government, decided to summarily execute 59 prominent political detainees on 23 November 1974. Those executed included prominent members of the old order as well as two dissident *Dergue* members. The deposed emperor remained in detention but died in August 1975 in mysterious circumstances: there have been many claims that he was deliberately killed.

In December 1974 the *Dergue* declared its commitment to "Ethiopian Socialism" and nine months later announced the formation of the Provisional Military Government of Socialist Ethiopia. The Programme of the National Democratic Revolution, drawn up in 1976 by Marxist-Leninist intellectuals, stated as its aim the abolition of feudalism and imperialism in the transition to socialism. It also claimed as its objective "the freedom, equality, unity and prosperity of the Ethiopian peoples" and "the unconditional exercise of human and democratic rights".

In the early years of the revolution, several radical measures were introduced. All rural and urban land was nationalized and much of it redistributed. Many economic enterprises were nationalized. Political and administrative authority was reorganized - peasants' associations and urban-dwellers' associations (known as *kebelles*) were established, each with its armed revolutionary defence squad, judicial tribunal and prison. A labour law was enacted which created an official trade union structure. Compulsory Marxist-Leninist instruction was introduced throughout the country. In 1975 colleges and schools were closed and students were sent to the countryside to implement land reform and political restructuring in a National Campaign for Development.

### **Political violence following the revolution**

In the two years after the revolution, the *Dergue* was faced with long-running wars in Eritrea and the Somali-populated parts of the Ogaden in the east. There was also the beginning of armed opposition from Tigrayans and Oromos who disputed the *Dergue's* claim to treat all "nationalities" equally. Both groups criticized what they saw as continuing Amhara domination. In addition, there was widespread opposition, especially in the capital, from left-wing intellectuals, trade unionists and workers.

The political scene became increasingly violent, especially during a state of emergency declared in Addis Ababa in late 1975. Violent repression also increased in urban areas in Eritrea and Tigray, with government opponents (including dissident *Dergue* members) summarily

executed by what the authorities called "revolutionary measures". Student demonstrators were massacred by soldiers and there were mass arrests followed by torture of critics and suspected members of opposition groups. Similar killings of opponents took place in many rural areas.

The pro-*Dergue* All-Ethiopia Socialist Movement (*Me'isone* in Amharic), which dominated the official Provisional Office for Mass Organization Affairs and had armed supporters in the *kebelles*, was opposed by the Ethiopian People's Revolutionary Party (EPRP). The EPRP was also a Marxist-Leninist group which, like *Me'isone*, had grown out of the student movement but rejected military rule. Struggles between these two groups in Addis Ababa became increasingly bloody, leading to the government's "Red Terror" campaign of 1976 to 1978.

The "Red Terror" campaign was in support of *Me'isone* and against the EPRP - the authorities accused the EPRP of inflicting "White Terror" against government and *Me'isone* supporters. In late 1976 the *Dergue* ordered the leaders of the armed *kebelles* to "wipe out counter-revolutionaries". After a power-struggle within the *Dergue* in which the Head of State, General Teferi Benti, was killed in February 1977, Lieutenant-Colonel Mengistu Haile-Mariam, the new *Dergue* Chairman, ordered that the revolution should "move from the defensive to the offensive" and "use the revolutionary sword" to "cleanse the city of counter-revolutionaries". At mass rallies, *Dergue* leaders ordered *kebelle* defence squads to liquidate all those who opposed the revolution.

During the "Red Terror" campaign, several thousand people, mostly school and university students and young intellectuals suspected of being EPRP members, were killed on the streets and in prisons in Addis Ababa and other towns in the centre of the country. Tens of thousands of others were detained and viciously tortured. Every day bodies were left exposed in public, many of them mutilated, with denunciatory placards on them. Relatives were ordered to pay for the bullets which had killed their loved ones but were not allowed to hold funerals for them. *Me'isone* leaders were also killed or jailed when they turned against the *Dergue* in mid-1977.

Meanwhile, the ELF and the Marxist-Leninist Eritrean People's Liberation Front (EPLF), which had split from the ELF in 1972, had continued their armed opposition in Eritrea against the Ethiopian Government after the 1974 revolution. They gained new supporters fleeing from political oppression in Eritrea. In 1977 they defeated a government-inspired "peasant march on Eritrea". However, conflicts between the two Eritrean organizations over political and other differences enabled the Ethiopian army to avoid total defeat in Eritrea.

Continuing US military and economic aid to the post-1974 government was suspended in 1978 after growing US criticism of human rights violations. Political realignments in the region during the 1977 to 1978 war with Somalia led Ethiopia to sign a 20-year Treaty of Friendship and Cooperation with the Soviet Union, with which it had developed close links after the revolution. The Soviet Union and Cuba, which before 1974 had supported opposition groups fighting the Ethiopian Government, now gave massive military assistance to Ethiopia in the Ogaden war. This contributed to the defeat of the invading Somali forces in July 1978. The Soviet Union, Cuba, the then German Democratic Republic and other eastern European states continued to give substantial military, political and security aid to the Ethiopian Government throughout the 1980s.

After 1978, when the EPRP and other opposition forces in the capital (including *Me'isone*) had been destroyed and the Somali army defeated, the government's attention turned

again to the wars in Eritrea and other rural areas, and it recovered some areas held by opposition Eritrean groups.

In 1979 the *Dergue* created the Commission for Organizing the Party of the Working People of Ethiopia (COPWE) and began training political cadres to set up a vanguard Marxist-Leninist political party to become the ruling body of the country.

### **The 1980s**

On the 10th anniversary of the revolution in September 1984, the Workers Party of Ethiopia (WPE) was formed. Its central committee of 198 members was headed by the prominent surviving *Dergue* members. The WPE set up branches in all state institutions, organizations and workplaces, and in the armed forces. WPE committees, such as the Committee for Foreign Relations, ran parallel to government ministries and exercised political control over them. The WPE political bureau, its highest organ, was headed by the General Secretary of the WPE, Mengistu Haile-Mariam, chairman of the *Dergue* and Head of State since 1977.

Famine again struck Ethiopia in 1984, causing over a million deaths. The *Dergue* was criticized for holding back famine relief operations. A massive resettlement scheme to move highland people from famine-stricken Tigray and Wollo to lowland Wollega and the south was also much criticized, particularly for the forceful methods used. Thousands were alleged to have died. The scheme ended in 1985 after 600,000 people had been moved. Villagization - moving people from isolated homesteads or hamlets into larger villagers - was another violent and disruptive program which continued to 1990 and affected over 12 million peasant farmers.

A new constitution was adopted in February 1987. This declared Ethiopia a People's Democratic Republic with only one party, the WPE. The People's Democratic Republic of Ethiopia (PDRE) was inaugurated in September 1987, along with the new National *Shengo*. The *Shengo*, a parliamentary assembly meeting annually with a five-year term and described as "the supreme organ of state power", was elected from WPE nominees and included representatives of the army, mass organizations and the main religious groups. It elected Mengistu Haile-Mariam for a five-year term as President of the PDRE. A Council of State headed by President Mengistu was elected as the standing body of the *Shengo*, making all important decisions of state between the annual *Shengo* sessions.

Under the 1987 Constitution, Ethiopia's regional administration was restructured to create five new "Autonomous Regions" - Eritrea, Tigray, Dire Dawa, Assab and the Ogaden - and 24 "Administrative Regions". Each was to have an elected Regional *Shengo* (assembly) and some decentralization of central government authority. This process has not yet been completed.

In 1988 Ethiopia signed a peace treaty with Somalia, ending sporadic fighting in the Ogaden and bringing about an exchange of Ethiopian and Somali prisoners of war and the repatriation of Ethiopian civilian captives held in Somalia since the 1978 war (whose cases had been taken up by Amnesty International with the government of Somalia).

In the 1980s in Eritrea, the EPLF, emerging from conflicts with other Eritrean groups as the only active Eritrean force, inflicted increasingly heavy losses on Ethiopia's largely conscript army. As a result, the government declared a state of emergency in Eritrea and Tigray in 1988. The EPLF also cooperated at various times with the Tigray People's Liberation Front (TPLF) and the Oromo Liberation Front (OLF), which were fighting in different areas.

A coup attempt in May 1989 involving most of the top leaders of the armed forces sought to overthrow the government and change the political system. It failed after three days of fighting within the army and air force.

### **1990 to May 1991**

In February 1990 the EPLF seized the Red Sea port of Massawa, thus ending a cease-fire agreement reached with the government in 1989. The TPLF extended its control to the whole of Tigray region in 1989 and advanced south into Wollo and Shoa regions. It announced its re-formation as the Ethiopian People's Revolutionary Democratic Front (EPRDF), headed by the TPLF but including other groups.

In March 1990 the central committee of the WPE announced economic liberalization reforms. It also proposed to allow other political groups if they accepted the territorial unity of the country and the leadership of the WPE, which was to be renamed. The simultaneous removal of revolutionary sign-boards in Addis Ababa indicated a move away from Marxist-Leninism in response to the dramatic changes in Eastern Europe. By May 1991, however, there had been no actual change to the Constitution or political system. By the time it was officially renamed the Ethiopian Democratic Unity Party in 1991 the political role of the WPE had weakened considerably.

In the first half of 1991 opposition forces inflicted a series of defeats on government forces. The government extended conscription to reservists and retired soldiers aged up to 70, and pressed university and high school students to register for military training, closing the university and other educational institutions. In April President Mengistu appointed a partially new government which the National *Shengo* instructed to work for a "transitional arrangement" to achieve a cease-fire and peace. It offered an amnesty for political exiles but at the same time called for total mobilization to defend the unity of the country. On 21 May President Mengistu fled the country. The new Vice-President Lieutenant General Tesfaye Gebre-Kidan became Acting President and peace talks were scheduled to take place in London under US government auspices.

In Eritrea the EPLF had encircled Asmara and Assab, which fell to them quickly in late May without heavy fighting or government reprisals against civilians that had been feared. The EPRDF advanced steadily south from Tigray with some EPLF assistance, capturing Gojjam and Gondar regions in March, Wollega in April and Wollo in May. By late May it had surrounded Addis Ababa on all sides, with the government virtually defeated. The EPRDF halted their advance so that peace talks in London could determine the political outcome without exposing the capital to fighting, but entered and quickly took control of Addis Ababa on 28 May to forestall a breakdown of law and order.

In May, shortly before its fall, the government allowed all Ethiopian Jews (members of the *Beta Israel*, House of Israel, known as Falashas) - numbering some 14,000 - to be air-lifted to Israel, to which they wished to emigrate because of their religious beliefs. The Ethiopian Jews, a rural community from Gondar region, had in the past experienced discrimination and political persecution. With encouragement from the Israeli Government, thousands had left illegally via the Sudan in 1984. Some had been allowed to leave Ethiopia by the Mengistu Government in early 1991.

In 1991 famine is once again threatening. Appeals have been made for food and medicines to avert starvation threatening six million people in Eritrea and Tigray and a further million in the Ogaden. A breakthrough in relief operations was achieved by the UN when it obtained the agreement of the government and Eritrean and Tigrayan opposition forces to allow grain to be transported to people at risk on both sides of the conflict, via a church consortium. This was imperilled on several occasions by incidents connected with the fighting, including the arrests by government forces of relief truck drivers in April 1991, but remained in place.

## **Refugees**

Ethiopia also continues to face a refugee problem of tragic dimensions. Over a million Ethiopians are refugees, having fled to other countries to escape from the wars and the hunger. Inside Ethiopia, there are around 1,200,000 foreign nationals wasting away in refugee camps, including Somalis and Sudanese who have sought safety from similar turmoil in their own countries.

The civil wars raging in Ethiopia, Sudan and Somalia have become linked by two-way flows of refugees. The three governments - each responsible for massive human rights violations - have simultaneously driven their own people into exile, supported rebel groups fighting neighbours, and given protection to their neighbours' refugees.

There are large communities of refugees from Ethiopia in many countries of the world, particularly in the Sudan, the Middle East, Europe and North America. They include those who joined the mass exodus from Eritrea to Sudan in the late 1960s, people who fled at various times after the 1974 revolution, and ethnic Somalis who left their homes in Ethiopia and sought refuge in Somalia during the Ogaden war. Many have also fled the country to avoid conscription or resettlement.

Ethiopian law prescribes heavy penalties for people trying to flee the country (see Chapter 3). However, those caught or arrested after forcible repatriation have not been prosecuted, but generally have been detained for several months and in many cases reportedly tortured.

The Ethiopian Government has on several occasions offered an amnesty to members of opposition groups or others "living abroad". Few political refugees have returned to Ethiopia, but around 15,000 rural war refugees from eastern Ethiopia returned from Djibouti between 1986 and 1989 in a Voluntary Repatriation Program under the auspices of the office of the UN High Commissioner for Refugees (UNHCR). The program was heavily criticized in some quarters for allegedly involving unacceptable levels of coercion or inducement, particularly as some refugees in Djibouti had been forcibly returned and detained or killed. However, most of those who returned under the program did so in safety. Many ethnic Somalis returned to Ethiopia after the 1988 peace treaty between Ethiopia and Somalia, and 200,000 more returned in 1991, this time fleeing from civil war in Somalia. Most of the "amnesties" declared for exiles have been informal, and even the April 1991 offer of amnesty to political exiles by the National *Shengo* contained no legal guarantees.



### Chapter 3. THE CONSTITUTION, COURTS AND LAWS

Most of this report is taken up with describing how violations of human rights have occurred in practice. In the majority of cases, these have been violations of Ethiopia's own Constitution or laws, as well as internationally recognized human rights standards. This chapter explains the formal constitutional and legal situation which existed until the time of writing (mid-May 1991), even though this was often not observed in practice.

#### The 1987 Constitution

The 1987 Constitution set as its aim the transformation of Ethiopia "*into a socialist society with a high level of development where justice, equality and social prosperity prevail*". Article 5 states that "*Organs of state, mass organizations, other associations, officials thereof and every individual shall observe socialist legality*".

Although the Constitution does not specifically refer to the Universal Declaration of Human Rights or other international human rights instruments, it does guarantee a number of basic human rights. Its preamble states that "*basic freedoms and rights are guaranteed and duties respected*". Chapter Seven, entitled "*Fundamental Freedoms, Rights and Duties of Citizens*", begins: "*Ethiopians are equal before the law, irrespective of nationality, sex, religion, occupation, social or other status*" (Article 35,1). Safeguards against arbitrary or illegal detention are apparently contained in Articles 44 and 45:

"*No person may be arrested except in flagrante delicto or by the order of the Procurator, or by a court decision, or as may be prescribed by law*" (Article 44 [1])

"*Any arrested person shall be produced in court within 48 hours*" (Article 44 [2])

"*No person criminally accused of violating the law shall be considered guilty unless it is so determined by a court*" (Article 45 [1]).

Torture is not explicitly prohibited by the Constitution, although it is implicitly outlawed by Article 43.1: "*Ethiopians are guaranteed inviolability of the person*". Testimony obtained by "*violence or pressure*" is declared "*null and void*" (Article 45,3). A penalty of up to five years' imprisonment is provided for in cases of "*improper or brutal treatment*" of a prisoner, with more severe penalties in aggravated cases or for officials convicted of ordering such treatment to be inflicted (Article 22 of the Revised Special Penal Code, 1981).

In practice, however, the constitutional safeguards against torture, arbitrary or unlawful arrest and detention have been consistently disregarded, particularly in political cases. Torture of political prisoners has been routine (see Chapter 6). Thousands of arrests have been carried out without a warrant and no political prisoner is known to have been brought to court within 48 hours. Indeed, thousands of political prisoners were detained for months or years on the orders of the state security service, the Central Investigation Organ, without their cases ever being referred to the courts (see Chapter 4).

The 48-hour limit on detaining suspects before they are brought to court was included in earlier laws and the 1955 Constitution, but was also widely disregarded, particularly in political cases. In ordinary criminal cases the practice has apparently been for the police or security police to take prisoners to the courts: the prisoners are then remanded for investigation, sometimes indefinitely. No law provides specifically for detention without charge or trial for an indefinite period, whether on political or other grounds, although such detention has been routine

in political cases. The Code of Civil Procedure provides for the right to apply for *habeas corpus* as a remedy for illegal or arbitrary detention, but no cases are known of any such application having been heard or granted by a court in a political case.

The 1987 Constitution created the office of the Procuracy, headed by the Procurator General, to ensure "*the observance and uniform application of the law by all organs of state, mass organizations, other associations, officials thereof and any individual*" (Article 108). The Procuracy is thus responsible for ensuring that legal procedures are respected by the authorities themselves. However, it has never been allowed to fulfil these constitutional duties.

References in the Constitution to the right to fair trial are brief. The right of all defendants to legal representation is guaranteed by Article 45 [3], with free state legal aid for people charged with a serious offence who cannot afford defence counsel. A notable deficiency is the absence of any reference to a right of appeal to a higher court for those who are convicted. Defendants, if tried by the lower courts, have the right to appeal to a higher tribunal but not if they are tried in the first instance by the Supreme Court. For example, the 12 army and air force generals condemned to death in 1990 for involvement in the 1989 coup attempt had no right of appeal (see page 45).

"*Freedom of conscience and religion*" are guaranteed by Article 46 [1]. However, the same Article states that the "*exercise of freedom of religion may not be in a manner contrary to the interest of the State and the revolution, public morality or the freedom of other citizens*", and that the "*legal status of religious institutions shall be determined by law.*" Since the late 1970s and even in more recent years, Christian churches belonging to some Protestant sects have been closed and church members have been imprisoned for their beliefs and religious activities. The churches affected include the Ethiopian Evangelical Mekane Yesus Church (EEMYC), the Meseret Christos (Mennonite) Church, the Jehovah's Witness denomination, the "Word of Life" (*Kale Hiwot*) church, and other small churches categorized as "evangelical", "pentecostal" or foreign-funded.

Articles 47 and 48 purport to guarantee "*freedom of speech, press, assembly, peaceful demonstration and association*", including "*freedom of movement*" and "*secrecy of correspondence*". However, Article 58 limits all these freedoms: "*the exercise of freedoms and rights and the discharge of duties by citizens shall be determined by law only in order to protect the interests of the state and society as well as the freedoms and rights of other individuals*". In practice, no independent publications are authorized and all published material is subject to state censorship.

The Constitution specifically provides for the right to criticize the government: "*Ethiopians have the right to submit proposals as well as criticism supported by evidence concerning the functioning of state and mass organizations. The officials and institutions concerned must examine and respond to the proposals and criticisms submitted and take appropriate action. Taking retaliatory measures against a citizen who submits proposals or criticism shall be punishable by law.*" (Article 51)

However, these rights to free expression have not been protected in practice. Laws providing for harsh penalties for political offences, as well as administrative censorship, have extensively restricted freedom of opinion. Information obtained by Amnesty International indicates that many people have been arbitrarily detained for criticizing government policies or

for complaining about the actions of particular officials who, they alleged, abused their rights. Complaints of torture or unlawful detention do not appear to have brought any positive response from the authorities. Amnesty International knows of no independent investigation of alleged abuses or any cases in which security officials have been prosecuted for violating the Constitution or laws.

More generally, the various limitations which the Constitution itself places on these rights and freedoms have effectively prevented them from being exercised and have provided the context for their suppression. For example, as far as freedom of association is concerned, there is still only one permitted political party. The Constitution states that the WPE, "*which is guided by Marxism-Leninism, is a vanguard party dedicated to serve the working people and protect their interests. The WPE charts the direction for the development of the country and is the guiding force of the state and the society*" (Article 6). Even though the political role of the WPE has weakened and it has been renamed, there has been no change to its constitutional position.

Other organizations are also state and party-controlled, such as peasants' associations, the *kebelles*, the Revolutionary Ethiopian Women's Association (REWA), the Revolutionary Ethiopian Youths' Association (REYA) and the Ethiopian Trades Union (ETU). Membership of these organizations and attendance at their meetings were for many years compulsory, although this has been relaxed since reforms were announced in March 1990. However, no organization of a political nature that is independent of the state has yet been allowed to be formed. Professional bodies, such as organizations of lawyers, teachers and journalists (and even official student unions abroad), only exist with state and party approval and control, although their leaders are elected.

Freedom of conscience has also been limited by the absence of any provision for exemption from national military service on the grounds of conscience. Conscription of 18 to 30-year-old males was decreed in 1983 but even youths of 13 years and some women have been forced into military service. The penalty for evading conscription is up to 10 years' imprisonment after trial by an ordinary court. Incitement to refuse or avoid military service is punishable by 10 years' to life imprisonment, or death in cases of "*exceptional gravity*" (Article 5 [1] of the Revised Special Penal Code).

Freedom of movement in Ethiopia has been severely restricted - in part because of the wars in several regions. The freedom to travel abroad has also been heavily restricted by administrative regulations. The law provides for lengthy imprisonment or even the death penalty in special cases for "*committing treason against the country by illegally leaving or attempting to leave the country*" (Article 12 of the Revised Special Penal Code).

The Constitution appears to provide no effective mechanism regarding violations of constitutional rights. The Council of State has the power and duty to "*ensure the implementation of the Constitution and other laws*" and "*interpret the Constitution and other laws*". This allows for no independent or impartial review in cases of alleged abuses by officials of rights guaranteed by the Constitution, and places the implementation and interpretation of the Constitution under the sole control of the government.

The significance of the 1987 Constitution lies in its commitment to constitutionality and the rule of law. It has serious deficiencies as cited above, both in the limitation it places on human rights protection as well as the absence of effective implementation mechanisms.

However, it did point the way to greater recognition in Ethiopia of international human rights standards.

### **The 1988 Emergency Regulations**

On 14 May 1988 a State of Emergency was proclaimed in Eritrea and Tigray regions at a time of heavy fighting there between government forces and the EPLF and TPLF. The State of Emergency remained in force up to May 1991 in government held parts of Eritrea. Emergency regulations empower the security forces to "*use force when necessary to ensure law and order*" and to detain civilians for investigation. Special Emergency Administrators can convene military courts to try civilians accused of political offences or offences against the provisions of the proclamation, such as disobeying an order to residents to leave a "Prohibited Area". Those convicted have a right to appeal to a higher military court; death sentences require confirmation by the Emergency Administrator before being carried out. The emergency proclamation further diminished the possibility of fair trial for anyone arrested for a suspected political offence. No information is available on the number of people detained or tried by emergency military courts under these emergency regulations.

### **The courts**

The ordinary courts in Ethiopia have not dealt with political offences since the 1974 revolution. The Ethiopian judicial system consists of a hierarchy of ordinary courts at the sub-district (*woreda*) and district (*awraja*) level, and the High Court at the regional level. The Supreme Court is the highest court and final court of appeal. It is "*vested with the authority to supervise the judicial functions of all courts in the country*", according to the Constitution (Article 102,2). The Supreme Court appears, however, to have had no effective power to supervise any of the special or emergency courts created since 1974 or to ensure judicial control over people arrested for political reasons and held by the security authorities. Courts are apparently powerless to investigate or remedy violations of constitutional rights in political cases.

Supreme Court judges are nominated by the Head of State. They are then elected by the National *Shengo* for the same tenure as *Shengo* members (five years) and may be dismissed by it.

Other judges are elected by Regional *Shengos*. The Constitution states that the judiciary is independent, responsible solely to the law. Article 100 states that "*courts...shall safeguard the legally guaranteed rights, interests and freedoms of the state, mass organisations, other associations and individuals.*" Article 104 states that "*judges...shall exercise their judicial functions in complete independence; they shall be guided by no other authority than that of the law.*" However, the terms of appointment and tenure of judges severely prejudice their independence. In practice, judges have also lacked the independence to take action on judicial matters which international standards would require them to pursue in connection with human rights issues, such as *habeas corpus* applications, inquests on deceased prisoners, investigations into "disappearances" of prisoners, or complaints of torture.

Since the revolution, various special courts have been created to deal with political cases. In practice, however, relatively few of the vast numbers of people arrested since 1974 for political reasons have actually been brought to trial. Special Courts Martial were created in September 1974 to deal retroactively with the hundreds of detained former senior officials of the overthrown government. These courts were also initially intended to try government opponents arrested after September 1974.

A Special Penal Code introduced at the time of the 1974 revolution replaced the 1957 Penal Code, redefining political offences in line with the new political system. Defendants before the Special Courts Martial had the right to legal representation but no right of appeal. In fact, few trials took place. The 59 prominent political detainees who were executed in November 1974 received no form of trial and had not been charged with any offence (see page 7). According to reports, the *Dergue* merely took a rapid vote among its members to decide whom to execute and whom to leave in prison.

In 1981 the Special Courts Martial were abolished and replaced by new Special Courts, composed of qualified civilian judges. Under a Revised Special Penal Code that was introduced at the same time, these courts were given exclusive jurisdiction over political cases as well as over serious economic crimes. Defendants had the right to defence counsel and the right to appeal to a higher Special Court of Appeal. Legal proceedings were to be held in public, except where there were security considerations, and were similar to those of the ordinary courts. Yet again, however, very few political prisoners were brought to court (except in Eritrea) and nearly all cases that were heard by Special Courts concerned embezzlement or other economic offences.

The Revised Special Penal Code remains in force, but the Special Courts were abolished in 1988. Their functions were returned to the ordinary courts, particularly district courts, and the High Court. However, no political trials are known to have been heard before the ordinary courts since then.

The situation has been different in Eritrea, particularly in Asmara, in the past 17 years. Many political prisoners there appear to have been tried in secret by Special Courts Martial, Special Courts and, since 1988, emergency military courts. The trials have been manifestly unfair: defendants were often denied legal representation; statements made under torture were admitted as evidence; and judges exercised little or no judicial independence due to pressure from the security authorities. Although few details are available, many political prisoners tried in Asmara are said to have been summarily sentenced to death and swiftly executed.

### **Secret administrative sentencing**

In all parts of the country, a system of secret administrative sentencing of political prisoners ran parallel to these special courts. This appears to have been a measure deliberately adopted to bypass formal judicial procedures and to eliminate political opponents in secret. In the particularly violent years immediately after the revolution, such measures were publicly justified as "revolutionary justice". The first example of this kind of sentencing was the *Dergue's* decision to execute prominent political prisoners in November 1974. In the "Red Terror" the principle of "revolutionary justice" was used to issue orders to urban-dwellers' and peasants' associations to eliminate "counter-revolutionaries", which they did with on-the-spot killings and summary trials followed by executions.

After 1979 the system of secret administrative sentencing continued to be used but in a more systematic manner. Although never officially announced or acknowledged, it appears that the cases of political prisoners who had been interrogated by the security authorities (usually under torture) were referred to the central security authorities who formed special committees to examine the cases and decide on what "sentences" to impose. Those being "judged" were unaware of the procedure and could not appear before the committee or make any representation

to it in person or through anyone else. There was no appeal against the committee's decision. The committees were based in Addis Ababa and Asmara but also travelled to other towns. In many cases they apparently ordered death sentences and the prisoners were immediately taken out of prison and secretly killed. The victims' families were not given the bodies and were warned not to make inquiries about the "disappearances". Others were "sentenced" to prison terms and transferred to an official prison as if they had been formally sentenced by a court.

The introduction of the 1987 Constitution put pressure on the authorities to support the rule of law. The practice of secret administrative sentencing was clearly outlawed by the Constitution, which specifies that "*No person criminally accused of violating the law shall be considered guilty unless it is so determined by a court*" (Article 45 [1]). Whether this had the effect of totally eliminating the practice of secret administrative sentencing has not been clear, but Amnesty International has not learned of any new cases since 1987. The abolition of the Special Courts and other administrative measures said to have been taken in the light of the 1987 Constitution appeared to represent some progress towards improving the administration of justice. But major problems still remain and much more needs to be done to bring Ethiopia's laws and practices into line with international human rights standards.

### **Laws defining political offences**

Political offences under the Revised Special Penal Code include offences against the independence, or political or territorial integrity of the state; armed uprising; material preparation of subversive acts; impairment of the defensive power of the state; offences against *Dergue* or Special Court officials; and the commission of counter-revolutionary acts. These offences carry long prison terms or, in aggravated cases of "exceptional gravity", the death penalty. The definition of "aggravation" includes the commission of the offence "*during or under threat of internal disturbance*", as a result of a conspiracy brought to fruition, "*where the offender has made use of resources, arms, means of support furnished in any manner from abroad or by foreign political parties or organizations*" or with the use of violence. To "*provoke*" these offences by "*word of mouth, images or writings*" is punishable by up to 10 years' imprisonment (Article 10). Article 10 also provides for imprisonment from between one and 10 years for conspiracy, secret communication with foreign governments or organizations, dissemination of subversive publications and "*insinuations calculated to demoralize the public and to undermine its confidence or its will to resist*".

Two offences covered by Article 12 on "Commission of Counter-Revolutionary Acts" relate respectively to opposition to official organizations such as urban-dwellers' or peasants' associations, trade unions, women's or youth organizations, and flight from the country to seek asylum or join an opposition group abroad. The Article states:

*"Whoever (a) with the intent to prejudice the Revolution either directly or indirectly induces or encourages any sector of the population not to organize in accordance with the appropriate laws; (b) commits treason against the country and the people by illegally leaving or attempting to leave the country; is punishable with rigorous imprisonment from five to twenty-five years. Where the commission of the offence is exceptionally grave, the punishment shall be imprisonment for life or death".*

Further political offences listed as "Offences against National Progress and Public Safety and Security" include spreading "False or Tendentious Information" (Article 39), which carries a penalty of between three and 15 years' rigorous imprisonment.

In all, 31 political offences defined by the Revised Special Penal Code are punishable by death if the courts conclude they have been committed in aggravated circumstances. In no case is the death penalty mandatory as such, but in the prevailing circumstances of armed conflict, virtually every offence could be considered to have been committed in aggravated circumstances and to be punishable by death. People condemned to death do not have the right to petition for clemency but all death sentences must be reviewed by the President, who confirms or commutes the sentence or pardons the prisoner.

Although there have been few trials for political offences other than in Eritrea, the political offences set out in the Revised Special Penal Code seem to have been the basis throughout the country of detaining suspected political opponents and secretly "judging" and "sentencing" them extrajudicially. The Code has not been revised to reflect the guarantee of freedom of expression set out in the 1987 Constitution or the political changes proposed in March 1990.

Little is known about trials of members of the armed forces for offences under the Armed Forces Act, to which military conscripts are also subject. Members of the armed forces are to be tried by courts martial with the right to legal representation and (except for the highest-ranking officers) with the right of appeal to a higher court martial. The Armed Forces Act provides for a mandatory death sentence for the most serious military offences such as mutiny or desertion.

### **International human rights standards**

Amnesty International bases its work on international human rights standards which are agreed by the international community through the UN and other inter-governmental bodies. Governments have specific obligations to uphold these standards through their membership of the UN and adherence to its Charter, and particularly through ratifying and ensuring effective implementation of relevant international human rights treaties. Regional human rights treaties, such as the OAU's African Charter on Human and Peoples' Rights, are also of particular importance in reflecting regional interpretations of these rights and African governments' commitment to uphold them.

It cannot be a defence for governments accused of human rights violations to claim that their laws are being enforced if those laws fall short of international standards. Governments are under obligation to bring their laws into conformity with international standards and treaties and to demonstrate adherence to them.

Ethiopia is party to several international treaties in the field of human rights (see Appendix I). However, it has failed to ratify the most important and fundamental human rights instruments of the UN - the International Covenant on Civil and Political Rights, with its two Optional Protocols; the International Covenant on Social, Economic and Cultural Rights; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These are the international treaties enshrined in the Universal Declaration of Human Rights.

Equally significant has been the Mengistu Government's failure to date to ratify the African Charter on Human and Peoples' Rights, despite hosting in Addis Ababa the headquarters of the OAU, under whose auspices this important regional human rights instrument was drafted and adopted in 1981.

Ethiopia has also failed to ratify the Additional Protocols I and II of the Geneva Conventions of 1949. Protocol II includes provisions for the humane treatment of victims of non-international conflicts, such as those which have been taking place in Ethiopia. The public reports of the International Committee of the Red Cross (ICRC) indicate its difficulty in obtaining access to prisoners of war and political detainees in Ethiopia. In the early 1980s the ICRC eventually obtained humanitarian access to prisoners of war from the Somali armed forces, captured by Ethiopian troops between 1977 and 1978. But it was consistently refused humanitarian access to captured members of opposition forces taken prisoner by Ethiopian government forces and held in Ethiopian prisons, and to untried political detainees or sentenced political prisoners.

Ethiopia has participated actively in the work of the UN and its various committees. Its former Permanent Representative to the UN in New York, Berhanu Dinka, was chairperson of the *Ad Hoc* Committee on Decolonisation. Yet when he was recalled to Ethiopia in 1986 and thrown into prison, the Ethiopian Government gave no explanation to the international community. In addition, in response to the detention for political reasons of UN and OAU employees in Ethiopia (see page 29), the Ethiopian Government maintained that UN and OAU staff had no special immunity or privileges arising from their employment by an inter-governmental organization.

Complaints to the UN Commission on Human Rights about "a consistent pattern of gross human rights violations" in Ethiopia have regularly been made by Amnesty International since 1977 and also by other organizations and individuals, both under confidential procedures and in the annual public sessions. The little that has been publicly disclosed of the government's response to the UN has pointed to infrequent cooperation with the UN's human rights experts. In other cases, the "cooperation" which the Ethiopian Government claimed to have given to UN bodies inquiring into complaints of serious human rights abuses extended only to blanket denials of abuses or unsupported assertions that investigations had taken place and proved the allegations unfounded.

While remaining an active member of the UN, the OAU and other inter-governmental organizations, the Mengistu Government opposed any international comment on its human rights record as interference in its internal affairs and national sovereignty. Faced with continuing criticisms about serious human rights abuses, the Ethiopian Government reacted with silence, evasion, misinformation, or flat and false denials. It did not, to Amnesty International's knowledge, initiate any impartial investigations of its own into the complaints of human rights violations or allow any other appropriate organizations to go to Ethiopia to look into the complaints themselves. Nor did it make any attempt to implement new international standards on human rights which, at the UN, it had helped to prepare and approve. These include, for example, the Code of Conduct for Law Enforcement Officials (adopted by the UN General Assembly in 1979) and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (adopted by the UN General Assembly in 1988).

An Amnesty International representative was able to visit the country in April 1991 to attend an international conference and to have the organization's first informal contact with officials in Addis Ababa since 1975. Officials of the Mengistu Government told Amnesty International that the government was considering ratifying the International Covenants and the African Charter on Human and Peoples' Rights. Days before the government fell, Amnesty International was informed that its long-standing requests for formal meetings with the government in Addis Ababa had been accepted, although no date was given for the visit.



## Chapter 4. POLITICAL IMPRISONMENT

A former political prisoner recently told Amnesty International that for Eritreans in Addis Ababa, being picked up by the security police and tortured "is as normal as vaccination". "People are arrested because of their biblical names [which identify their origins], because they speak the Tigrinya language [widely spoken in Eritrea], because of their physical features, or because they are identified by their *kebelles*. Even ministers and security officials are arrested...it is something we just have to go through all the time."

In the past 17 years, tens of thousands - possibly more than one hundred thousand - people have been imprisoned for political reasons in Ethiopia. Among them have been prisoners of conscience - people who have not used or advocated violence but have been imprisoned because of their real or suspected political opinions, or their ethnic or regional origin (often called "nationality" in Ethiopia).

In this situation of officially condoned illegality, secrecy and intimidation concerning political imprisonment, it was often difficult for Amnesty International to assess whether or not a particular political prisoner was a prisoner of conscience. Many were adopted as prisoners of conscience when all the available evidence pointed to the absence or any use or advocacy of violence. But in other cases the blanket of secrecy and fear not only prevented the organization from obtaining information about the huge numbers of "unknown" political prisoners, but also hindered its investigations into the relatively few cases it did manage to uncover. Some political prisoners probably had connections with armed opposition organizations. However, many arrested on such grounds appear to have been imprisoned arbitrarily and detained without any substantial evidence against them or on the basis of information extracted under torture.

Few of those targeted for political imprisonment have ever been formally charged with an offence, taken to court, or given any kind of trial. Most have been detained illegally and for an indefinite period, simply on the unwritten orders of the security authorities. Typically, they have been first held by the security authorities in their own security detention centres, where torture has been routine since 1974. Some were later transferred to an official prison, where an official register and prison "warrants" for individual prisoners, which merely specify the alleged offence of the detainee, are kept. Political prisoners had no opportunity to challenge the legal basis for their detention or to withdraw statements made under torture. However, cases were reviewed periodically by a security committee to assess if the prisoner should be released.

It is impossible to estimate how many prisoners "disappeared", were extrajudicially executed or died of torture or medical neglect in prison during the past 17 years. However, Amnesty International believes that tens of thousands were killed - mostly during the "Red Terror" of 1976 to 1978 and in Eritrea and Tigray into the 1980s.

Despite the guarantees of certain legal and human rights in the Ethiopian Constitution and laws which address the question of political imprisonment, it is evident that these guarantees are incomplete and that the practices of the security authorities systematically violated them with the consent and encouragement of the government at the highest level.

To address these serious abuses of human rights, Amnesty International had repeatedly called on the government to initiate without delay independent reviews of all cases of political prisoners to ensure that no one was kept in unlawful detention. It appealed for all prisoners of

conscience to be immediately released and all detainees allowed to challenge the reasons for and legality of their detention before a properly established court. Laws and constitutional provisions concerning political offences and trials needed to be reviewed to ensure that they conformed fully with the relevant international and regional human rights treaties. Detention procedures needed to be amended to put an end to the phenomenon of arbitrary and unlawful detention: primarily this meant making the government's security authorities and any others responsible for arresting political opponents understand that they may not keep prisoners in their exclusive jurisdiction without allowing them to challenge their imprisonment before an independent tribunal.

In May 1991 there were still hundreds of political prisoners held by the government in Addis Ababa, Asmara, Assab, Harar and other places. Some had languished in detention for over a decade; others were arrested in the past few months. On 23 May, two days after President Mengistu's departure, the government announced the release of 187 political prisoners, including military officers held in connection with the 1989 coup attempt, as well as several other prisoners whose cases Amnesty International had taken up. Amnesty International welcomed the releases, asked for information about those freed, and urged that the cases of all other political prisoners still held should be reviewed immediately. Initial reports indicate that while many remaining political prisoners got free when guards deserted or surrendered, several may have been deliberately killed in Addis Ababa before the fall of the outgoing government.

### **Prisons and prison conditions**

Political prisoners have usually been held initially in unmarked security detention centres. The most well known and one in which torture of prisoners has been routine is the Central Investigation Centre, on Belay Zeleke Road in Addis Ababa. In Amharic it is called *Maikelawi Mirmera* (Central Investigation), or *Maikelawi* (Central) for short, but it is also known as the "Third Police Station" (or *Sostegna*, Third, for short). It is controlled by the Central Investigation Organ - the investigation unit of the Public Security organization (*Hizb Dehninet* in Amharic), which falls under the authority of the Interior Ministry and is responsible for investigating political offences. There is a similarly feared security detention centre in Asmara called *Mariam Gimbi*, in which torture of prisoners has also been common.

Scores of political prisoners arrested in 1989 and 1990 were still held up to May 1991 in *Maikelawi*, along with those arrested more recently. A small number of Oromo and Tigrayan political prisoners had been detained there for over a decade. Some were released in May 1991, but it is not yet known what has happened to the rest.

Conditions of imprisonment in security detention centres were particularly harsh, with prisoners held incommunicado and routinely tortured. Many prisoners "disappeared" in these centres and are believed to have been extrajudicially executed.

In *Maikelawi* up to 30 or more prisoners were held together in cells measuring between four by four metres and four by six metres. Inadequate toilet and washing facilities prevented prisoners from maintaining reasonable standards of hygiene. Some prisoners were allowed to sit outside their cells on benches in the courtyard for a short time each day. Most were confined to their cells for 24 hours a day except for short exercise and toilet breaks. Very little food was provided as the detention centre was not designed to house prisoners, only to interrogate them. Prisoners were generally allowed to receive food brought in each day by relatives, and share such food with other less fortunate prisoners. Some prisoners were allowed to receive laundry,

medicines and other small items, but visits by relatives were rarely allowed. Some long-term prisoners were allowed books, newspapers, a radio and study facilities, following improvements in conditions in the late 1980s. A medical orderly provided basic medical treatment for torture injuries or illnesses, but access to a qualified medical doctor or hospital was reported by former inmates to be forbidden in nearly all cases.

Once investigation and interrogation had been completed, prisoners were sometimes transferred to an official prison under the control of the Ethiopian Prisons Administration. In these, prisoners were registered and subject to official prison regulations. However, security officials could at any time take them back to security detention centres for further questioning. Conditions in the official prisons could also be harsh but were usually better than those in security detention centres.

The main official prison in Addis Ababa is the Central Prison, known informally as *Karchele* (from the Italian word for prison, *Carceri*). It has usually held hundreds of political prisoners - more than any other in the country, since many were transferred to the capital from the regions for interrogation and detention. On average, the prison has contained 4,500 or more inmates, most of whom have been suspected criminals awaiting trial or convicted criminal offenders. The prison has a separate section for women prisoners. Conditions in this prison have been significantly better than in *Maikelawi*. Most prisoners have been allowed regular family visits, free association in the prison, and study and recreational facilities. However, there has often been over-crowding and medical treatment has been inadequate.

Many of *Karchele's* political detainees were among the estimated 1,500 prisoners held in the *Alem Bekagne* ("End of the World") maximum security section of the prison, where conditions have been significantly worse than in the main building. Prisoners convicted of serious crimes were also held there, including those who had been sentenced to death and were awaiting the outcome of appeals or petitions for clemency. In addition, *Alem Bekagne* was used to hold up to 200 EPLF fighters captured in armed conflict in the past 12 years. The EPLF prisoners were treated no differently from other political detainees; they were not accorded prisoner-of-war status or allowed access to the ICRC. In early 1991, when Asmara was besieged by EPLF forces, 750 detainees were flown from Asmara to Addis Ababa and put in *Alem Bekagne*. They apparently included suspected opponents or critics of the government as well as captured EPLF combatants. Most of these prisoners, including Eritrean prisoners of war, were still detained up to the time of the capture of Addis Ababa by the EPRDF in May 1991.

Conditions were often harsh in official regional prisons, particularly military detention centres, with severe overcrowding, poor hygiene and minimal medical facilities.

Although Amnesty International has not had details on prisoners held in all parts of the country, it appears that political prisoners have been held in most regional prisons, particularly Sembel prison in Asmara and the prison in Jimma. Bata prison in Gondar and Nekemte prison in Wollega region were used for holding political prisoners until the areas were captured by EPRDF forces in 1991. Civilian political prisoners have often been held in military camps in Harar, where soldiers were also detained.

Political prisoners have also been held and tortured in other special detention centres in Addis Ababa. These include the Menelik Palace, the "Control Commission" prison near the old airport and certain private "safe houses" controlled by the security authorities.

## **Political prisoners**

Mulugetta Mosissa and his pregnant wife, Namat Issa, were imprisoned in 1980. In 1989 Namat Issa and her son, Amonsissa, who was born in prison, were released. Amonsissa suffered epileptic attacks during the first nine years of his life spent with his mother in prison. Mulugetta Mosissa was still in *Maikelawi* prison up to his release in May 1991 and had never been charged or tried. He was severely tortured in the first months of his detention. Despite torture injuries, a kidney complaint and generally very poor health, he was never allowed to see a doctor or be admitted to hospital. Mulugetta Mosissa, now aged about 46, an economics graduate from Addis Ababa University, was a senior official of the Ethiopian Grain Board. His wife was a senior official in the Ministry of Foreign Affairs, who also taught French at the Alliance Française in Addis Ababa. The authorities never explained their arrests and they were among many Oromos detained in such circumstances.

Mulugetta Mosissa and his wife are just two examples of the many political prisoners belonging to groups indicated below which were particularly targeted for arbitrary arrest and detention. Victims also included former government and party officials who have criticized government policies, UN employees, trade unionists, journalists, businessmen, teachers, students and farmers. The examples that follow are just a small sample of the huge numbers of people who were victims of political imprisonment in the past 17 years.

People belonging to ethnic or regional groups associated with armed opposition groups, such as Eritreans, Oromos and Tigrayans, were especially targeted for arbitrary arrest and political imprisonment.

### **Eritreans:**

Two businessmen, Fisseha Tesfa-Tsion and Teklai Asfaha, were held in Addis Ababa for at least six years up to May 1991. They were probably suspected of having links with the EPLF, but were never been told why they were being detained. A similar fate befell Tewolde Bariagber, a navy engineer. He was held without charge or trial for several years in the capital's Central Prison since his arrest in Massawa.

These men are just three of the thousands of Eritreans who were arrested by the security police in the past decade on suspicion of having links with the EPLF. Most were held without charge or trial and questioned under torture about the EPLF. Some were released, only to be rearrested later. Many speak of having been arrested and tortured on numerous occasions.

In early 1991 Eritreans in Asmara, Keren, Decemhare and Asseb were still being arrested in large numbers and interrogated under torture. Among those detained in Asmara in the past few months were Belew Gebre-Medhin, an engineer arrested after a visit abroad; Gebre-Hawariat Keshi Andekiel, an elderly farmer; Fituni Asres, a factory owner and Bakhiet Maibetot, a Bejuk chief arrested in Keren.

Arrests of this kind were always so frequent that the jails in Asmara were kept full. As a result, prisoners were generally processed rapidly through security interrogation. Few learned the identity of their fellow-prisoners - former detainees say that no one dared speak openly as security officers sometimes posed as prisoners. Prisoners also did not know the fate of fellow inmates who were taken away. These conditions made it difficult to obtain information about prisoner cases in Asmara, a process already hampered by the restrictions on movement into and

out of Eritrea, the tight security and the absence of any independent reporting in government-controlled areas. However, there is no doubt that during the past decade there have always been at least several hundred political prisoners held in Asmara at any one time. These include hundreds held for investigation in *Mariam Gimbi* security detention centre in Asmara and others officially imprisoned in Sembel prison (for men) and Haz-Haz prison (for women). The release of 620 untried detainees in Asmara in September 1990 and the transfer of 750 others to prison in Addis Ababa in early 1991 indicate the large numbers held.

Mass arrests of Eritreans in Addis Ababa often followed EPLF military successes. In March 1988, after the EPLF captured Nacfa, up to 400 Eritreans were arrested by the Mengistu government. Among them were top civil servants, army officers, lecturers and businessmen. Many obtained immunity from torture and release within a few weeks by paying bribes to security officials or "contributions" to the Ministry of Defence's war effort.

Relatively few arrests were in connection with attacks on government property or officials. The EPLF rarely engaged in urban guerrilla warfare, concentrating mainly on fighting Ethiopian government troops in the field. When people have been detained on suspicion of having links with the EPLF, the suspected offences included collecting money, distributing leaflets, passing information, organizing opposition, assisting people to flee to join the opposition groups or go abroad, curfew-breaking or generally obstructing the government.

Amnesty International believes that many of those in detention may have been prisoners of conscience, imprisoned solely for their opinions or Eritrean origin. After the capture of Asmara and Assab by the EPLF in late May 1991, political detainees held there were probably released safely, but it is still not certain what has happened to those held in Addis Ababa.

### **Oromos:**

Hundreds of members of the Oromo ethnic group or nationality have been detained since the late 1970s on suspicion of having links with the OLF. In early May 1991, 12 long-term detainees adopted by Amnesty International as prisoners of conscience were still being held in or near Addis Ababa. They included Dagne Bayissa, development officer of the EEMYC, who was held in Kaliti prison near Addis Ababa but was allowed day-time parole; Demissie Kebede, former deputy chairman of the All-Ethiopia Trades Union, who was ill in the Central Prison; Mulugetta Mossisa, a former Grain Board official, who was in poor health in *Maikelawi*; and Wolde-Yohannes Hunde, formerly a journalist on the Ministry of Information's Oromo-language newspaper, *Barissa*, who was ill with tuberculosis in the Central Prison.

Scores of Oromos were arrested in 1978 and 1979 in Addis Ababa or western Wollega region, particularly members of the Lutheran church, the EEMYC. The government suspected the church of secretly propagating support for the OLF, which the church denied. In early 1980 there were mass arrests of prominent Oromos in Addis Ababa and western areas of the country. Those detained included Zegeye Asfaw, Minister of Law and Justice; Aba-Biya Aba-Jobir, a Supreme Court judge; Abiyu Galata, Commissioner of Pensions and former university law lecturer; and Martha Kumsa, a journalist. In most cases the detainees were tortured. None was ever brought to court or charged with any offence.

Of the hundreds of Oromos arrested in 1980 or before, some "disappeared" from prison in 1986 (see Chapter 5). Most of the rest were released in an amnesty in September 1989 and the remaining few in late May 1991. Many had been adopted by Amnesty International as prisoners

of conscience.

In early January 1991 further arrests of Oromos were reported in Harar, including of refugees fleeing back from war-torn Somalia.

### **Tigrayans:**

Hundreds of people originating from Tigray region were arrested, particularly in Tigray or in Addis Ababa, on account of suspected links with the TPLF. None is known to have been brought before a court. Over 100 were still held in the Central Prison in Addis Ababa in early May 1991, including several whom Amnesty International believed to be prisoners of conscience.

Among them were Amare Doree, an administrator in Adua District; Berhanu Mammo, former mayor of Mekelle; Getachew Belay, a lecturer; Girmay Berhe, a senior Ministry of Internal Trade official and well-known folk-singer; and Tsehai Debalkew, a journalist and television presenter, and former editor of *Serto Ader*, the official WPE newspaper.

Some Tigrayan political prisoners were still being held 12 years after arrest. Among them were Solomon Gebre-Amlak and Aregai Gebre-Igziabeher, both students at Addis Ababa University; Haile Halefom, a schoolteacher; Kassahun Wolde-Ghiorgis, a schoolteacher and folk-singer; and Tsehai Retta, a civil servant. Others who were arrested in the early 1980s were still detained: Assefa Abraha, for example, an engineer and quality controller working for the government in Tigray, had been held since 1981. The majority of Tigrayans arrested in the early 1980s were released after several months or years in detention.

In 1984 there were mass arrests of Tigrayans in all parts of the country. Those detained included administrative officials, government employees and teachers. Also held were political cadres trained in Ethiopia, eastern Europe or Cuba who supervised government departments in Tigray: the security authorities suspected them of secretly sympathizing with the TPLF while overtly opposing it. Senior Tigrayans in the government were also under such suspicion, including top security and political officials in Addis Ababa. It is widely believed that these suspicions arose primarily because the mass arbitrary arrests and torture of Tigrayans in reprisal for TPLF military activities had led to "confessions" which implicated other people.

As many as 400 people arrested in 1984 in Mekelle, Tigray's regional capital, and other parts of Tigray, were transferred to prison in Addis Ababa between 1984 and 1985. Those remaining in Mekelle Prison in 1986 were released by the TPLF in a raid on the prison which freed 1,800 inmates, most of them political detainees. Testimonies given by many of those freed suggest that very few of the detainees had any involvement with the TPLF. Many apparently did not even share the objectives of the organization. Dozens of the Tigrayan detainees held in Addis Ababa "disappeared" and are believed to have been executed extrajudicially in 1986 by government forces (see Chapter 5). Many others were released between 1987 and 1989.

Several of the Tigrayan prisoners were released in late May 1991, but others reportedly remained in detention up until the capture of Addis Ababa by EPRDF forces.

Other groups not associated with armed opposition were also targeted for political imprisonment.

### **Party officials and trade unionists:**

Dozens of senior government officials, WPE party leaders and government advisers were imprisoned or put under house arrest after criticizing official policies. Trade unionists were also imprisoned for political reasons.

In one of the more recent cases, several WPE party officials and trade unionists were arrested in Addis Ababa shortly after the March 1990 announcement of reform by the WPE central committee. Those arrested are said to have sought to create a new political organization, which the government would not allow. They included Alemayehu Tadesse, Secretary for Ideological Affairs of the Ethiopia Trades Union (formerly the All-Ethiopia Trades Union, the official federation of all trade unions in Ethiopia); Ishetu Worku, Secretary General of the Construction Workers' Union; and Challa Bakersa, a trade union official in Kaffa Region. Government officials apparently alleged that they belonged to an opposition group seeking to overthrow the government, but the detainees were not charged and the allegations against them were not clarified. It is likely that they were released from *Maikelawi* at the end of May 1991.

### **Political prisoners from rural areas:**

Although little is known to Amnesty International about political prisoners arrested or held in remote rural areas of the country, information emerged about several waves of persecution leading to arrests, particularly of certain ethnic and religious groups.

Between 1978 and 1983 there was intense persecution of members of Protestant churches, particularly in the Oromo-populated Wollega region in the west, but also in other central and southern regions of the country. Many members of the EEMYC and other smaller churches were arrested. Short-term arrests of church members continued to occur from time to time when orders restricting religious activities were contested. However, most church members arrested in the late 1970s and early 1980s, including many detained in Nekemte prison or transferred to prison in Addis Ababa, appear to have been released.

In the southern regions of Bale, Sidamo and Gemu Goffa there were many political arrests between 1977 and 1983 in connection with issues such as conscription, agricultural collectivization, resettlement and villagization.

Among the political prisoners from rural areas known to be still detained in early May were around 30 members of the Anuak ethnic group from Gambela district, near the Sudan border in Illubabor region in the southwest. They were arrested in 1986 and were reported to be in prison in Metu, the capital of Gambela district. Among them were Ajak Obuyi, Odol Lawi, Otuwol Ojay, Ojulu Okunge and Wieth Ojwara. All were reportedly arrested for criticizing the government over official resettlement and villagization policies. None had been charged or tried. The prisoners may have been suspected of involvement with a small armed opposition group formed among the Anuak, the Gambela People's Liberation Front (GPLF), which was being assisted by the OLF in the adjacent Wollega region. Amnesty International was investigating their cases to establish if they were prisoners of conscience.

### **Other political prisoners:**

In addition to the categories of prisoner mentioned above, many other people were arrested for their political opinions. All are probably now released, although precise information has not yet been obtained.

Nigisti Ghiorgis was a schoolgirl when she was sentenced to death - later commuted to life imprisonment - by a military court in Asmara. She was held in the Central Prison in Addis Ababa for at least 14 years and was one of the longest serving political prisoners in Ethiopia in early May 1991. Her case was exceptional in that she had been tried, although not by fair trial. The court reportedly found her guilty of alleged involvement in an EPLF sabotage incident. For several years she was ill with an untreated heart complaint. It is not yet known if she has been released. With her in the Central Prison was Tadelech Haile-Mikael, a journalist and the wife of an EPRP leader who was extrajudicially executed in prison in 1979. Twelve years ago she was "sentenced" to death by a secret administrative committee for membership of the EPRP, but this was "commuted" to life imprisonment as she was pregnant when arrested. She was released at the end of May 1991.

At least four Ethiopian UN staff members have been arrested and imprisoned in the past decade. Tesfa-Mariam Zeggai, who went blind in prison, was arrested in 1982 and in May 1991 was serving a life sentence for passing information to the EPLF. Two other employees of UN agencies in Ethiopia arrested in the past few years have now been released. A fourth, Genet Mebratu, a World Health Organization employee, was arrested in June 1989, but was released in late May 1991 without having been charged or tried. The UN Staff Association expressed concern that in all cases the Ethiopian UN staff were denied access to legal and medical aid, and that the government failed to respect the immunities and privileges due to UN employees.

Up to early May 1991 around 130 army and air force officers were still detained without charge or trial since their arrests in May 1989 following an attempted military coup. Forty-seven others arrested in connection with the same incident were sentenced after trials which failed to satisfy international fair trial standards. The verdicts are known in only 35 of their cases: 12 were sentenced to death in May 1990 and immediately executed. Twenty-three were sentenced to terms of imprisonment. The authorities said nothing about the detentions of the 130 or more officers, who were being held incommunicado in the Menelik Palace in Addis Ababa. Among them were Colonel Kassahun Belachew Gebre-Yesus, former police commander in Asmara; Major Kassaye Habte Wolde-Gabriel; and Colonel Sahle Ebba Ibsa, former head of communications in the Ministry of Defence. Two other detainees who were not serving members of the armed forces were still held without charge or trial in May 1991: Colonel Gesesse Wolde-Kidan, a former member of the *Dergue* and Commissioner of Pensions; and Dr Teferre Wonde, a medical doctor and Deputy Prime Minister at the time of his arrest. Genet Mebratu, wife of Major General Merid Negussie who was one of the coup leaders killed, was also still held in *Maikelawi* without charge (see page 29). One other person arrested in connection with the coup attempt, Major General Fanta Belay, "disappeared" in custody in May 1989 (see Chapter 5). All these detainees, as well as other officers convicted of involvement in the coup attempt, are believed to have been freed in late May 1991 after President Mengistu's departure.

An unknown number of youths were arrested for trying to evade compulsory military service. Most of them were sent for military training, but some were imprisoned.

Many people were reportedly detained for attempting to leave the country illegally for political reasons. This is a serious offence under the Revised Special Penal Code (1981) and carries a possible death sentence. However, people accused of this offence were usually detained without being charged or brought to court. Several people were also imprisoned in *Maikelawi* after their attempts to seek asylum abroad had been rejected and they were returned to



Ethiopia. Very little information is available about them because the victims were generally held secretly and incommunicado.

Several people who opposed the Ethiopian Government while living in countries whose governments are friendly to the authorities in Addis Ababa were deported to Ethiopia. Some of them were detained on arrival back in Ethiopia. There were several instances of this concerning students with official scholarships in eastern Europe. In one case, a medical student in the former German Democratic Republic who criticized the Ethiopian Government was arrested and deported to Ethiopia in June 1988. He was immediately arrested at Addis Ababa airport, where the immigration department forms part of the security service. He was detained and tortured over a two-month period, and questioned on his opposition contacts. He said it took his family a year to discover where he was. He was finally released with a strong warning in February 1990 and later fled the country.

On 22 May 1990 Addis Ababa University students who demonstrated against the execution of 12 generals for involvement in the coup attempt the previous year were fired on by riot police. Many were wounded and several were feared killed, although this was impossible to confirm. The next day hundreds of the students were arrested and taken to Sendafa Police College, 40 kilometres northeast of the capital. They were detained there for five days of military drilling and hard physical exercises, then returned to the campus. The leaders of the demonstration were held in *Maikelawi* for slightly longer but then released without being charged.

Several people have been arrested on suspicion of criticizing the government to foreigners in circumstances which might result in unfavourable publicity. One example of this was the case of the two Dutch journalists and their Ethiopian informants cited in Chapter 1 (see page 3).

A number of political prisoners are said to have been juveniles who were not held separately or treated differently from adult prisoners. Youths and school students have frequently figured among arrests of political opponents or anti-government demonstrations - thousands were arrested in the "Red Terror" and many were killed.

### **Foreign exiles:**

In early May 1991, 18 members of the Somali Salvation Democratic Front (SSDF) had been detained in Ethiopia without charge or trial since 1985 and 1986. The SSDF, a Somali armed opposition group, has been based in Ethiopia since 1978. It had been fighting the government of the former Somali President, Mohamed Siad Barre (who was overthrown in January 1991), with assistance from the Ethiopian Government. The Ethiopian authorities have never publicly acknowledged or explained the arrests of the 18 SSDF members. However, it is believed that political and eventually armed conflicts between the SSDF and the Ethiopian authorities, as well as conflicts within the organization, led the Ethiopian authorities to order the arrests, including that of the SSDF's chairman, Colonel Abdullahi Yusuf Ahmed. A new SSDF leadership acceptable to the Ethiopian Government was then created. However, there were further detentions a year later of SSDF members who were calling for the release of the former SSDF chairman and were critical of the Ethiopian Government's intervention. In May 1991 Colonel Abdullahi Yusuf Ahmed was still held incommunicado in military custody in Addis Ababa. Two former SSDF central committee members were held in the Central Prison in Addis Ababa -

Abdulkadir Hassan Mohamed (known as "Isbarije"), the former finance secretary, who was seriously ill with pulmonary tuberculosis; and Dahir Mirreh Jibril, former secretary to the SSDF chairman. The 15 others, all military officers, were held in Ethiopian military custody in Dire Dawa or Kebri Dahar in eastern Ethiopia. Amnesty International received no response from the Ethiopian authorities to its appeals for them to be released if they were not accused of any offence against the laws of Ethiopia.

It is not known whether they have now been released.

Several dissident members of another rebel group supported by the Ethiopian authorities, the Sudan People's Liberation Army (SPLA), have also been detained in Ethiopia. Some were arrested and held by the Ethiopian authorities on behalf of SPLA leader Colonel John Garang. Benjamin Bol, a former minister in the southern regional government in Sudan, reportedly died in *Maikelawi* in May 1988 as a result of torture and medical neglect. At least seven former SPLA military and political leaders are currently held by the SPLA, apparently for criticizing Colonel Garang. They are believed to have been first arrested in Ethiopia, either by Ethiopian security officers or by SPLA officers with the knowledge of the Ethiopian security forces. They were later transferred by the SPLA to areas of south Sudan under its control, where they are still detained. Both the Ethiopian authorities and the SPLA have refused to say anything about their detentions. The most prominent of the seven is Joseph Oduho, former SPLA secretary for foreign affairs, previously a minister in Sudan's southern region government, and later a prisoner of conscience under President Nimeiri's government in Sudan. He had reportedly been detained by Colonel Garang on three previous occasions and has now been held since 1988.

### **Amnesties and releases of prisoners**

All surviving political prisoners arrested during the 1974 revolution are believed to have been freed by 1989. There were many individual releases in the late 1970s and early 1980s of members of the former government and their wives and children. The last group of 55 former senior officials arrested in 1974 were released in 1982. In May 1988 seven women from the former royal family were released, including Tenagnework Haile-Selassie, the former Emperor's daughter, and four of his grand-daughters. Three grandsons of the former Emperor who had also been detained since 1974 were freed in September 1989.

Various categories of political prisoner have been released in general amnesties announced to coincide with anniversaries of Ethiopia's September 1974 revolution. Under the 1987 Constitution, both the President and the Council of State can declare amnesties. However, it is widely believed that the cases of prominent political prisoners could only be decided by President Mengistu. Prisoners in regional prisons have sometimes been released when a regional administrator has taken office and initiated new policies.

On the 15th anniversary of the revolution in 1989, 87 prominent political prisoners were released, including several long-term political prisoners. Among them were Zegeye Asfaw, former minister of law and justice, who was arrested in 1980; Abbabiyya Abajobbir, a judge arrested at the same time; and Assefa Chabbo, a lawyer and former regional administrator detained since 1979. Also included were Tsehai Tolessa, who had been released after her husband's "disappearance" in 1979 (see page 34) but was rearrested seven months later, and four other Oromo women detainees also held since 1980; Berhanu Dinka, Ethiopia's previous Permanent Representative to the UN in New York held since 1986; two members of the WPE central committee; and several Eritrean, Oromo and Tigrayan prisoners. Many of these prisoners had been adopted by Amnesty International as prisoners of conscience.

The 1990 anniversary was marked by the release of 620 political detainees held in Asmara. It is likely that many were civilians who had been arrested in Eritrea in recent years for suspected links with the EPLF.

A number of other political prisoners were released from time to time without special announcement or were given provisional release with a surety of good behaviour from a close relative.

Released political prisoners, who were given a special "release warrant" by the security authorities, were generally warned not to speak of their imprisonment or oppose the government. They were put under security police surveillance and required to report regularly to their local urban-dwellers' association, peasants' association or police station. They were generally not allowed to travel far in Ethiopia or go abroad, or employed in government service.

On 23 May 1991, just after President Mengistu's departure and shortly before the peace talks began in London, the government under Acting President Lieutenant Tesfaye Gebre-Kidan announced the release of 187 political prisoners. Television pictures of those released indicated that they included many if not all of the military officers jailed or detained without trial in connection with the 1989 coup attempt; Genet Mebratu, a UN official; Tadelech Haile-Mikhael, a woman held since 1979; Oromo prisoners held since 1978 or 1980; and several Tigrayan prisoners detained since 1979 or 1984. Several other political prisoners in Addis Ababa walked free when their guards left their posts as the EPRDF was about to enter Addis Ababa on 27 May. However, Amnesty International is investigating reports that some were killed by security officers before the city fell to the EPRDF. Political prisoners in Eritrea and other parts of the country were apparently released when government forces fled or surrendered at the end of May.

## **Chapter 5. "DISAPPEARANCES" AND EXTRAJUDICIAL EXECUTIONS**

Tsehai Tolessa still clings to the forlorn hope that her husband might still be alive. The last time she saw him was 12 years ago when they were both abducted by gunmen outside a church in Addis Ababa. She was released a few hours later but her husband, the Reverend Gudina Tumsa, has never been seen again. She was rearrested seven months later and detained without trial until 1989.

Tsehai Tolessa is certain that the abductors were members of the security police or were acting for the government. Her husband, General Secretary of the EEMYC, was under surveillance by the security police and had been arrested several times before. He had criticized the authorities for violating human rights and for restricting the right to worship. When the gunmen came in July 1979, senior government officials had reportedly just failed to persuade him to declare unequivocal support for the government. The authorities, who had frequently accused the EEMYC of having links with the OLF (an accusation strongly denied by the church), later told the UN that the Reverend Gudina Tumsa had been abducted by the OLF. Earlier, in 1982, an Ethiopian diplomat had reportedly told Swedish church officials that the Reverend Gudina Tumsa was in detention and could be visited. In fact, he has not been seen since his abduction and it seems likely that he was killed within hours of being taken.

The agony of uncertainty suffered by Tsehai Tolessa has been experienced by countless relatives of political detainees and suspected government opponents who have "disappeared" in Ethiopia in recent years. The thousands of "disappeared" are all known or believed to have been taken into custody by members of the security forces. For many families, the fruitless search for their loved ones began immediately after the person was taken into custody. For others, it began months or years later when the prisoner suddenly "disappeared" in custody. Many families have suffered severe hardship owing to difficulties in establishing legal right to the property of the "disappeared" relative. All speak of the hopelessness of trying to find out what happened to their relatives. They have been threatened to stop them asking questions. They have been given false information by officials and spent large sums of money following up bogus leads or bribing officials for accurate information they never receive. Witnesses to "disappearances" have been afraid to give information, even in confidence. As a result, the cruelty of "disappearance" has extended beyond the immediate victims to their loved ones, who have spent years trying to find them. It is particularly cruel given that almost all of the "disappeared" are believed to have been extrajudicially executed and their bodies secretly disposed of.

The need to address the problem of "disappearances" - even of those who have not been seen for more than a decade - is still one of the most pressing legacies of the gross human rights abuses of the past 17 years. Government action is urgently needed to account for the thousands of people who have "disappeared" in custody and to prevent any more extrajudicial executions.

A future government committed to resolving human rights abuses of this nature should immediately initiate impartial investigations to clarify the whereabouts or fate of all those who have "disappeared". Witnesses, including the families of the "disappeared", should be given effective protection against violence and intimidation. The findings of all inquiries should be made public within a reasonable period. Those found responsible for criminal offences committed in connection with "disappearances" should be brought to justice. The practice of "disappearances" could and should be prevented by ensuring that all prisoners are not held in secret or incommunicado.

Action is also needed to prevent other forms of extrajudicial execution. In addition to the suspected secret executions of those who have "disappeared", many other people were reportedly victims of political killings, particularly in areas affected by fighting and in the wake of government defeats by armed opposition groups. Military and security personnel should be told that all those found guilty of ordering or carrying out extrajudicial executions will be brought to justice. Access to prisoners of war and civilians detained in combat zones should be immediately given to appropriate international observers, including representatives of international human rights and humanitarian organizations.

### **The pattern of "disappearances"**

Unlike the pattern of "disappearances" elsewhere in the world, most of the "disappeared" in Ethiopia were arrested openly by the security forces. The "disappearance" occurred later, when the prisoner was moved from cells in which he or she had been held with other prisoners. In a few cases, the victim was abducted from a public place and the government subsequently denied that the person had ever been taken into custody.

In most of the thousands of cases of "disappearance" known to Amnesty International since 1974, the authorities refused to say what happened to the "disappeared" or reply to any inquiries about them. Refusal by the authorities to reveal any information about people in custody has the most serious implications. In effect, they are asserting that they have the right to do anything they wish to the prisoner, while disclaiming any responsibility for his or her safety and welfare. Such circumstances facilitate the torture and deliberate killing of prisoners, and allow those responsible for such grave human rights violations to consider themselves free to act with impunity.

"Disappearances" in Ethiopia were facilitated by the secrecy under which political prisoners were held - a tactic adopted by the security forces to circumvent legal procedures and the rule of law. "Normal" legal procedures were not observed in the cases of political detainees. Every "disappearance" involved disregarding provisions of the Universal Declaration of Human Rights and violations of Ethiopia's own laws.

The internationally recognized safeguards to protect political detainees from "disappearing" after their arrest have been largely absent in Ethiopia. Political detainees were arrested without a warrant or other formal notification. In no case known to Amnesty International was any detainee brought before a court within 48 hours as required by the 1987 Constitution. Most political detainees were never formally charged or brought to court. Instead, they were usually held incommunicado for considerable periods with no legal detention order and without any acknowledgement by the security authorities that they were being held. Some political prisoners have been held for years in the main security detention centre in Addis Ababa. Others were transferred from there to civil prisons, where conditions were better. However, in both types of prison, the names of political detainees were not published. In addition, the legal status of detainees was not defined and they were unable to challenge the legal validity of their detention through a *habeas corpus* application or any other legal remedy. The cases of prominent political detainees were said to be known to the highest governmental authorities and it appears that no decisions on their cases were made without their approval.

Strong circumstantial evidence suggests that the "disappeared" were killed, either by decision of the security officials detaining them, or after a secret security committee had passed "sentences" of execution (see Chapter 2). However, reports of such killings and of secret burial

places still await verification by eye-witnesses and, to Amnesty International's knowledge, no bodies of the "disappeared" have ever been found.

With no safeguard against "disappearance" in Ethiopia, the only evidence that a prisoner was still alive was informal - the practice of prison guards allowing relatives to bring food or laundry to prisoners. This arose because security detention centres provided virtually no food and official prisons provided only minimum food for prisoners. None of the places of detention had prison uniform or laundry facilities for prisoners. The signal that a prisoner had died or had been killed was the return of his or her clothes to their family. No official or other notification was given and no legal inquiries took place. When a prisoner "disappeared", relatives were simply told to stop bringing food. Sometimes they were told that the prisoner had been transferred, but no other information or explanation was given. During periods of mass killings of prisoners, such as between 1977 and 1978, even this minimal amount of information was often withheld.

Amnesty International has been able to adequately document only a few of the thousands of cases of "disappearance". Not one has been registered or made the subject of any judicial or official investigation. During the government's "Red Terror" campaign, thousands of people, including many school and university students, "disappeared" in Addis Ababa. They are believed to have been killed in secret after being arrested by local or central security officials on suspicion of opposition to the government or of having links with the EPRP. In the same period, there were regular and highly publicized extrajudicial executions of political opponents by local security officials: bodies were left in the streets as a threat to others.

The number of "disappearances" declined considerably after 1978, but they did not stop. Nor has the fate of those who "disappeared" been clarified. Furthermore, the authorities did not put an end to the very secrecy surrounding many detentions which allowed "disappearances" to occur. The reduction in the number of "disappearances" reported after 1978 followed the elimination of political opposition and the government's instruction that all political prisoners arrested or held by security officials of local-level urban-dwellers' and peasants' associations should be transferred to the central government's security organization. Even so, political prisoners continued to "disappear" in the 1980s, including as recently as 1989. The cases about which Amnesty International has detailed information are probably only a small proportion of the total number of people who have "disappeared" since 1978, either immediately after being apprehended by the security authorities or at a later stage of their imprisonment.

### **The long-term "disappeared"**

Over 12 years ago the families of four Eritrean political prisoners being held in *Maikelawi* detention centre in Addis Ababa were told to stop bringing food for their imprisoned relatives. The message signalled the beginning of a long and fruitless struggle by the families to discover the fate of their "disappeared" relatives. The victims had been arrested in October 1978 in the capital for alleged links with the EPLF. The four are Belay Melaku, a statistician at the UN's Economic Commission for Africa (ECA) headquarters in Addis Ababa; Solomon Berhe, a lawyer; Fessaha Belay, a chemist; and Negga Haile, an employee of the University of Asmara. After eight months of torture and detention without charge or trial, during which their families made the daily journey with food, it appears that the four were killed, probably as a result of an execution order by a secret security committee. Belay Melaku's clothes were returned to his family - usually a sign that the prisoner had died or been killed - but the other families were given no further hint as to the fate of their loved ones. Several other Eritrean prisoners arrested with

the four were transferred to the Central Prison to serve prison terms imposed by an administrative decision of the security authorities. UN officials made persistent inquiries about Belay Melaku but received no explanation for his "disappearance". For all the families, the search still goes on.

In late July 1979, Amnesty International received disturbing news that as many as 26 long-term political detainees had "disappeared" from prison in Addis Ababa. They included nine former senior government officials, the former head of the Ethiopian Orthodox Church, and five leaders of *Me'isone* (see Appendix II). All 26 had been receiving food from their families since their arrests between 1974 and 1977. In July 1979 the prison guards suddenly refused to accept food or laundry from their relatives, without explanation. Despite public appeals to the Ethiopian authorities to account for the 26 and attempts by their families to locate them, they have never been seen or heard of since. Fellow detainees who were later released said that several of the "disappeared" had started a hunger-strike in early July 1979 to protest against being held incommunicado without charge or trial. They demanded that the authorities should bring charges against them if they were accused of any crime. The lack of any further news of the 26 since their "disappearance" from prison in 1979 suggests strongly that they were secretly executed shortly after they "disappeared", probably by order of the highest security or government authorities.

### **"Disappearances" in the 1980s**

In April 1984 Bealu Girma, a well-known writer and journalist, "disappeared" after being last seen driving his car in Addis Ababa. There were apparently no witnesses to what happened to him, but it is widely believed that he was abducted by the security police. Bealu Girma, a former editor of the Amharic daily newspaper *Addis Zemen*, was Vice-Minister of Information at the time of his apparent abduction. He had just published a novel in Amharic, *Oromiya* ("Enough"). The book had been cleared by the censors and the political authorities but was reputed to contain indirect criticism of the government for failing to settle the Eritrean dispute by political means. The government has never commented officially on his "disappearance".

In September 1985, Dr Mengesha Gebre-Hiwot, a political detainee in his late fifties, "disappeared" from custody while being treated for torture injuries in hospital. He was a former UN employee and Vice-Minister of Education but had more recently been running a travel agency. He was arrested in Addis Ababa with several others in December 1983: all were accused of being members of the Ethiopian People's Democratic Alliance (EPDA). Dr Mengesha Gebre-Hiwot was reportedly taken from *Maikelawi* prison for further interrogation in mid-1985 and accused of links with the TPLF. As a result of torture, his foot became gangrenous and had to be amputated. He was taken to hospital and "disappeared" shortly after the operation. It appears that he was deliberately killed, possibly within a few hours of being taken from the hospital, although his body has not been found.

In October 1985 about 40 political detainees "disappeared" just as they were expecting to be released in an amnesty. They included four members of the EPDA, 11 alleged members of the EPRP detained since 1977, the director of the principal Marxist-Leninist political institute who was arrested in 1984 on suspicion of links with the TPLF, and several professional people (see Appendix III). The government had been preparing for a major amnesty and had drawn up a list of political detainees who would benefit from it. In October many such detainees were called to offices in the Central Prison and *Maikelawi*. Dozens were indeed freed but about 40 others, who

had been prepared for release, were instead taken to an unknown destination: they were never seen again. It seems most likely that they were secretly killed, although it is not known why the security authorities may have decided to execute them at that time.

A year later, in October 1986, 48 other political detainees "disappeared". As before, the planned nature of the "disappearances" suggests that a decision had been taken to execute the prisoners secretly and without any form of trial. The "disappeared", who were being held in *Maikelawi*, included four Oromo political detainees arrested between 1978 and 1980, about a dozen Tigrayans detained in 1984 and two Jehovah's Witnesses (see Appendix IV).

A more recent "disappearance" known to Amnesty International occurred in 1989. Major General Fanta Belay, one of the alleged leaders of the May 1989 coup attempt, "disappeared" after being shown in custody on television. He was the Minister of Industry and former commander of the air force. It is widely believed that he was tortured during interrogation and murdered shortly afterwards.

### **UN investigations into "disappearances" in Ethiopia**

The UN Commission on Human Rights has established a procedure to examine information and allegations received about "disappearances" anywhere in the world. Its Working Group on Enforced or Involuntary Disappearances examines cases of "disappearance" reported to it and inquires about these with relevant government authorities. It has received submissions from Amnesty International and others, including relatives of the "disappeared", about "disappearances" in Ethiopia. However, it did not receive any satisfactory response to its inquiries from the Ethiopian authorities. Instead, it was given a series of false denials and meaningless statements.

In 1981 the Ethiopian representative at the UN denied reports that "disappearances" had occurred in 1979 and said that "the human rights of all persons, including those subjected to any form of detention and imprisonment, were fully protected...". In 1982 the UN Working Group reported the only official response ever given by the Ethiopian Government concerning cases of "disappearance" - those of Gudina Tumsa and Kassa Wolde-Mariam: "...the first person is believed to have joined the so-called Oromo Liberation Front and...the second falls into the category of those individuals under detention because of crimes committed, whose cases are being considered by the recently established Central Investigation Organ as expeditiously as possible; their human rights are fully respected." No further information on Kassa Wolde-Mariam was provided by the Ethiopian government. In 1983 the Ethiopian representative said that the phenomenon of "disappearances" was alien to her country. She added that "Ethiopia had fully cooperated with the Working Group..."

However, the reports of the UN Working Group indicated a total lack of cooperation by the Ethiopian authorities and a policy of providing false or unhelpful information. It reported in 1991:

*"In its communication dated 28 June 1990 the Group reminded the Government of all outstanding cases. There has been no response from the Government, however, and the Working group regrets that it is again unable to report to its Commission on the results of any investigations which might have been carried out."*



The Working Group's 1991 report stated that it had transmitted 28 cases over the years to the Ethiopian Government and that none had been clarified by the government's responses.

The Working Group is still pursuing the 1979 cases as well as others submitted concerning "disappearances" between 1984 and 1990. No further responses by the government were reported and not one case of "disappearance" has been clarified.

### **The pattern of extrajudicial executions**

In the past 17 years there was also a pattern of extrajudicial executions not connected with "disappearances". Unlawful and deliberate killings of political opponents by government forces were frequently reported in areas of armed conflict. Unarmed villagers and nomads in Eritrea, Tigray and the Ogaden in particular were extrajudicially executed by Ethiopian army units for suspected involvement with armed opposition groups and were killed arbitrarily following rebel attacks on government troops. Such arbitrary reprisal killings often followed defeats suffered by government forces.

Many extrajudicial executions were reported after a State of Emergency was declared in Eritrea and Tigray in 1988 following EPLF and TPLF military successes against government forces. For example, in April 1988 in Eritrea, government troops reportedly killed over 70 people in Qazien and Shebah villages, and more than 200 in She'eb village, after the EPLF had captured Afabet and were approaching Keren and Asmara. Eleven more civilians were said to have been killed by government forces in Mai Harast village in October in similar circumstances.

Reprisal killings were also reported on several occasions in Tigray: in June 1988 some 340 people were killed in Hagareselam, and nearly 100 in Maikinetal and Adua, including around 20 who were bayoneted and thrown over a cliff. In May 1988 over 20 ethnic Somali elders were extrajudicially executed by government soldiers in Gode in the Ogaden for opposing conscription of youths into the Ethiopian army.

In 1989, after further EPLF and TPLF victories, there were several incidents of reprisal killings by government soldiers of civilians in parts of Ethiopia outside the zones of conflict. In December a judge and other prominent Tigrayans were seized by soldiers and killed in Arba Minch in the south.

There were numerous reports of secret extrajudicial executions in the army right up to its defeat in May 1991, although it has been difficult to establish the identities of the victims. When the EPLF captured Massawa in February 1990, the bones of many apparent victims of execution were discovered in a military building. The skeletons were thought to have been kept there by the army to instil fear into their own soldiers, apparently after being taken there from prisons in Addis Ababa. After the May 1989 coup attempt, there were many unconfirmed reports that hundreds of rebelling soldiers were extrajudicially executed after surrendering, particularly in Asmara.

In April 1990 over 40 prisoners were reportedly killed by soldiers in Alaltu, 20 kilometres northeast of Addis Ababa. Villagers were reportedly forced to bury them in a place where many execution victims had previously been buried. In Asmara on 9 June 1990 over 30 youths were killed for allegedly breaking the curfew after watching the World Cup football match on television which ended late. Political prisoners held in Gojjam were said to have been killed by security officers just before EPRDF forces captured the area in March 1991 - the killers were themselves later murdered by prisoners' relatives, according to reports.

## Chapter 6. TORTURE

*"I managed to realise that I was arrested as my legs were tightly shackled and my arms loosely tied to the iron bed frames on both sides. As I became conscious I felt sharp pains in wounds on both of my legs, bleeding fresh wounds on the top and soles of my feet. There was another seriously bleeding wound in the sole of my left foot, which had two toe-nails removed.*

*"My torture started formally in the investigation room by slaps and electric wire beatings.... Flogging on my naked body with my hands tied...followed. Hand-cuffing was selected as the next level of torture. Two semi-circular thick but flat steel bars were fitted on my wrists. The steel had circular holes through which a screw could be driven. The flat circular iron tightened on my wrists and stopped blood circulation. All my fingers stopped functioning. It was tied at three or four places until both hands were disabled.*

*"For the third higher form [of torture]...a big table was put near a barrel full of water...[They] pushed my back deep into the water. I was made to stay in the water until I choked. I was drowned again and again until...my stomach was full of the dirty water. I was made to vomit. After I was relieved, flogging started on my wet and naked body. That simplified things as I soon became unconscious."*

(Statement given to Amnesty International in August 1988 by an Oromo detainee who was held from 1981 to 1987)

This kind of torture has been routinely inflicted on political as well as criminal prisoners, especially during the period immediately following arrest. It was used extensively during the government's "Red Terror" campaign between 1976 and 1978, particularly by security officials of urban dwellers' associations. Since then Amnesty International has continued to receive reports of torture by the security police of people arrested for suspected political opposition.

Two torture methods have been practised routinely for many years in security detention centres in Addis Ababa, Asmara and other places, indicating that they are part of the normal system of interrogation. The first method - beatings on the soles of the feet (internationally known as *falaqa*) - is so common that some victims dismissed it when talking to Amnesty International as not being "real torture". Many of the torture methods described below were also apparently practised before the 1974 revolution by state security organizations, many of whose members continued to serve after the revolution, and in the same security detention centres.

When *falaqa* is applied, the victim, who is usually stripped to the underclothes, is blindfolded and gagged with a filthy rag. The ankles are tied together and the wrists secured below the knees. A stick is placed horizontally beneath the knees and over the wrists and is then lifted onto two tables or poles about a metre high and a metre apart. This causes the victim to swing upside-down, with the soles of the feet presented to the torturer for beating with a stick or whip. The soles of the feet are beaten severely for half an hour or more, or until the prisoner signals by a raised finger that he or she is ready to "talk". Hot water or oil is sometimes poured on the wounded feet to restore sensation prior to further beatings. The victim is sometimes left in this inverted position until he or she loses consciousness. Prisoners who were subjected to *falaqa* have often been unable to walk properly for weeks or months, and many have suffered foot complaints for several years. Some victims have retained the peeled-off skin from the soles of their feet as evidence of torture. In at least one case in Asmara, a defendant showed this to the court as evidence of torture, but it was ignored. In some cases, wounds on the feet have

become infected - as in the case of Dr Mengesha Gebre-Hiwot who had to have a foot amputated as a result of gangrene (see Chapter 5).

In the second common torture method, the prisoner is again blindfolded and gagged, this time with wrists secured behind the back. The wrists are then tied to a rope attached to a hook or pulley on the ceiling. The victim is lifted off the floor by the rope and left suspended for a prolonged period, sometimes also being beaten in this position on the arms, shoulders and back with a whip or electric cable. In some cases concerning male prisoners, a bottle of water is tied to the victim's testicles: the body is then swung to increase the pain. Women prisoners have not been spared the methods of torture described above, and many have also reportedly been raped. Some women caught up in the "Red Terror" arrests of the late 1970s reportedly had sticks or heated metal bars inserted into the vagina. Many prisoners have been hung upside-down by the ankles causing them to lose consciousness.

A variety of other methods of torture have been reported. Former prisoners have described being thrown on to the floor of darkened cells and beaten, whipped or kicked on the head, ears, joints and genitals. Some have been subjected to death threats with a pistol at the head, or to mock execution. Electric shocks have been reported in some cases.

Prisoners have also had their heads repeatedly submerged in a tank of dirty water until they nearly drowned or lost consciousness. Some have had fingers broken, finger-nails or toe-nails pulled out, or their wrists crushed by special handcuffs with a tightening mechanism. Others have been made to crawl or walk on sharp stones or on the points of nails. Many have been held for prolonged periods without food or water.

Several of those providing testimonies to Amnesty International have reported cases of fellow prisoners being taken away, apparently for secret extrajudicial execution, and cases of prisoners who died under torture or as a result of torture. Some prisoners detained on political grounds and tortured were reported to be secondary school students and other boys and girls as young as 13 years old.

The main purpose of torture appears to have been to obtain "confessions" of involvement in political activities against the government and information about other government opponents. Several former torture victims have stated that when torture began, they were told to signal when they wished to make a statement. This would then be written down by one of the security officers present and the prisoner forced to sign it. Many claim they made false statements to avoid further torture. Such "confessions" were retained by the security service and often used in political trials, and also apparently in "secret sentencing" procedures and reviews of detentions.

Torture victims have rarely dared to make official complaints or seek legal redress because of fear of reprisals. There have been few, if any, investigations by the authorities into torture allegations or prosecutions of alleged torturers. Nor are any steps known to have been taken by the government to safeguard prisoners from ill-treatment.

Urgent, concerted action must be taken to end this pattern of torture in Ethiopia. A new government should immediately revise the Constitution to explicitly outlaw torture and issue clear public instructions to all officials involved in the custody, interrogation or treatment of prisoners that torture will not be tolerated under any circumstances. They should be told that those responsible for such abuses will be brought to justice. Safeguards should be introduced to ensure that prisoners are not held incommunicado or in conditions that facilitate torture and

ill-treatment, and steps should be taken to ensure that confessions or other evidence obtained through torture are not admissible in legal proceedings or detention review procedures.

### **Torture cases**

A civil servant in Asmara was arrested and taken to *Mariam Gimbi* detention centre in January 1983. She was accused of being a member of the EPLF. After her eventual release in mid-1985 she told Amnesty International that in her first questioning session she was given electric shocks as well as being struck with karate chops to the head and neck. On the second day she was tied with a rope, a stick was passed between her knees and she was gagged with rags. She was then beaten on the soles of her feet until she eventually passed out. The next day she was ordered to run over small stones while being hit with truncheons to force her to move. She was then taken back to the torture room, where she was tied and placed head first into a barrel of dirty, smelly water. She remembers being submerged about six times, until she began to vomit and retch up blood. One evening a plastic bag was put over her head and sealed around her neck. She could not breathe, collapsed, and was then hit on the throat. These and other forms of torture continued for about 45 days.

In October 1984 an accountant from Tigray was arrested and taken to the Central Investigation Centre in Addis Ababa on suspicion of having links with the TPLF. At first he was beaten and kicked in his cell. Then he was tied and gagged and suspended by a rope from the ceiling with his stomach grazing the floor. Three or four men beat him with sticks and electric cables on the soles of his feet, his shoulders and chest. This was repeated again before his eventual release in January 1986.

An Ethiopian Orthodox Church priest, arrested in Mekelle in early 1985 on suspicion of links with the TPLF, was tortured three months after being arrested. He told Amnesty International that his hands were tied behind his back and his arms strapped to the top of a chair. His body was forced forward and he was whipped on the shoulders. He was then beaten on the soles of his feet. Days later his ankles were tied together and a rope secured around his wrists. He was blindfolded and a stick passed behind his knees and he was suspended from two pillars. He was then turned upside-down and beaten on the soles of his feet. On another occasion he was tied up like this and left hanging for several hours. A year later he was transferred from Mekelle and soon after released. Two weeks after his transfer the TPLF raided Mekelle and released 1,800 prisoners. Testimonies given by many of these prisoners confirmed that torture had been routinely practised in Mekelle.

Also in early 1985 a high school teacher from Tigray was arrested, apparently in connection with her elder brother's earlier arrest as a suspected TPLF agent. She told Amnesty International that while being interrogated in Mekelle Central Investigation Centre about her brother and accused of involvement herself with the TPLF, she was tortured. Her hands were tied behind her back and she was whipped for about 15 minutes. This continued every day for a fortnight. She also said that while she was in prison three other women - a teacher and two students - were killed and their bodies dumped in the street. The three had first been beaten and given electric shocks through wires attached to their mouths while hanging from the ceiling. She said that many women political prisoners were raped in prison or killed when they refused to have sex with the guards. The high school teacher was transferred to an official prison a month after her arrest and released in late 1985.

## Chapter 7. THE DEATH PENALTY

Ethiopia retains the death penalty in law and in practice. The number of executions in the past decade following court trials and convictions is not known. However, it is believed to be low, in contrast to the extremely high number of secret and extrajudicial executions.

No statistics about the use of the death penalty have been divulged by the authorities and death sentences and executions are rarely reported in the Ethiopian news media. Very little information is available about death sentences imposed by courts martial and subsequent executions of members of the armed forces.

Up to 60 prisoners sentenced to death for criminal offences such as murder were reported to be held in the maximum security section of the Central Prison in Addis Ababa in May 1991. They were believed to be awaiting the results of judicial appeals or petitions for clemency. There may have been other condemned prisoners in regional prisons. What has happened to these condemned prisoners after the fall of the Mengistu government is not known - they may have got out of prison when guards deserted.

Between 1974 and 1981 there were several secret summary trials of civilians by Special Courts Martial resulting in executions. In November 1976, for example, 50 students, all suspected opponents of the government, were executed after a series of swift and secret military trials. In most cases, those condemned by Special Courts Martial and executed were actual or suspected government opponents. However, after a public outcry against a particularly brutal urban dwellers' association chairman in 1977, the chairman concerned was arrested, sentenced to death with two colleagues by a Special Court Martial, and publicly executed for murdering 23 political prisoners in his custody. After 1977 there were few reports of court-imposed death sentences and judicial executions for political offences, since extrajudicial executions - some of them publicly announced as "revolutionary measures" - became the mode of eliminating government opponents.

There were very few political trials by the Special Courts between 1981 and 1988, and none, to Amnesty International's knowledge, involving the death penalty.

Few details are available about the use of the death penalty in Eritrea, where there have been numerous reports of executions of government opponents after summary trials, as well as many more secret extrajudicial executions. One political prisoner, Nigisti Ghiorgis, was condemned to death in 1977 by a military court when she was still a schoolgirl: the sentence was later commuted to life imprisonment (see page 29).

In recent years there has been a steady flow of reports of members of the armed forces being executed for military offences, particularly after setbacks or defeats at the hands of opposition forces. It is unlikely, however, that they were given the benefit of a formal court martial.

After the May 1989 coup attempt 14 high-ranking officers were charged with treason, mutiny and other capital offences before the military division of the Supreme Court. The type of trial was unusual - it was possibly determined by the senior rank of the defendants and the special significance of the coup attempt. Twelve were sentenced to death and executed within hours, before the verdict had been announced publicly. They had no right of appeal and Amnesty International - whose request to observe the trial was ignored - did not believe that they received

a fair trial. The presiding judge, Lieutenant General Tesfaye Gebre-Kidan (who in May 1991 became Acting President), was removed from the case, apparently because he opposed President Mengistu's demand for executions. No details of the trial were allowed to be published but according to unofficial reports the prosecution did not ask for the death penalty and not all the defendants were proved to have been directly involved in the coup attempt.

Amnesty International believes that a new Ethiopian government should totally abolish the death penalty in line with the increasing international movement towards abolition. Until it does so, it should ensure that this cruel and irrevocable punishment is used only with the utmost restraint and taking full account of the safeguards contained in international human rights law. As a first step, the number of offences carrying the death penalty should be drastically reduced and all prisoners under sentence of death should have their sentences commuted. Secret sentencing of prisoners should cease immediately.

## **Chapter 8. HUMAN RIGHTS AND OPPOSITION GROUPS**

Human rights abuses were also committed by armed political groups opposed to the Mengistu government, some of which effectively controlled large areas of the country. The EPLF has long held and administered most of Eritrea and the TPLF/EPRDF has exercised similar control more recently in Tigray and other newly captured areas. Since their military victories in May 1991, both are responsible, during the present short interim period prior to agreeing (together with the OLF) on a transitional government, for administering the whole country - the EPLF in Eritrea predominantly, and the EPRDF in Addis Ababa and the rest of Ethiopia. They are expected to be important in the future transitional government. Relatively little information has been available to Amnesty International about the way in which either organization treated prisoners suspected of political opposition. Some opposition groups during the 1980s seized foreign and Ethiopian relief and aid workers as hostages, but in each case released them within weeks or a few months without apparently ill-treating them. Nevertheless, the evidence suggests that the scale of abuses attributed to the opposition forces has been significantly smaller than that committed by government forces.

Monitoring human rights protection during civil wars is particularly difficult and, like governments, armed opposition organizations tend to hide and deny their abuses. The impartial and independent gathering of information in zones of conflict in Ethiopia has been almost impossible and Amnesty International has not visited opposition-held areas. As with reports of government abuses deriving from opposition sources, Amnesty International has taken particular care in scrutinizing allegations of opposition abuses made by former members who may be seeking to damage or replace the organization they have left or been expelled from.

### **Main groups opposed to the Mengistu government**

#### **The TPLF and the EPRDF:**

The Tigray People's Liberation Front was formed in 1975 by a small group of Tigrayans who opposed the *Dergue* on the basis of Tigrayan nationalism. Support for the TPLF grew as Tigrayans fled the "Red Terror" in Tigray and after mass arrests of Tigrayans in 1984. It later declared its aim to be the overthrow of the Mengistu government and the establishment of a joint government along with other opposition groups.

The TPLF's central committee was led by the Marxist-Leninist League of Tigray (MLLT). In 1989 it formed a new organization, the Ethiopian People's Revolutionary Democratic Front, which the TPLF heads but which includes members of other ethnic or regional groups. Among these groups are the Ethiopian People's Democratic Movement (EPDM), with members in the Gojjam region; the Oromo People's Democratic Organization (OPDO), which opposes the OLF's goal of an independent Oromo state; and the Eritrean People's Democratic Organization (EPDO), which reportedly supports regional autonomy rather than independence for Eritrea. Under this wider organization, the EPRDF advocates a provisional government to include different political groups and supports human rights.

Since the late 1980s the TPLF has controlled and administered many rural areas of Tigray region. Its administrative system is similar to that of the EPLF, featuring land reform, popular committees, mass organizations and people's courts. In 1986 the TPLF briefly took control of Mekelle, the regional capital, and freed all prisoners in Mekelle prison. In 1989 it captured the whole of Tigray, setting up a TPLF administration. Further successes led it in 1990 (as the

EPRDF) to capture Gondar, Gojjam and parts of Wollo and North Shoa regions. In April 1991 the EPRDF advanced into the Oromo-populated Wollega region, capturing the regional capital of Nekemte, over-ran Wollo, and on 28 May captured Addis Ababa. In this rapid advance, the EPRDF captured large amounts of military equipment, took thousands of prisoners of war, and reportedly detained some government officials, whose current situation is not known.

The relief arm of the TPLF (and now the EPRDF) is the Relief Society of Tigray (REST). Like ERA, REST has operated from across the Sudan border and has a large cross-border relief operation based in Khartoum. It receives and distributes aid from Western relief agencies and since early 1991 has been involved in a UN/church-sponsored relief operation sharing famine aid between government-held and EPRDF-held areas via a "southern relief corridor" from the Red Sea port of Assab to Tigray.

When preliminary peace talks began in 1989 between the Ethiopian Government and the EPLF, similar talks also opened with the TPLF, but they broke down even more quickly. Following the May 1991 London peace talks, the EPRDF is set to administer the country until a national conference to be held by 1 July 1991 establishes a transitional government to prepare for free elections within a year.

Other opposition groups which have played a significant role in Ethiopia in recent years are as follows:

#### **The EPLF:**

The Eritrean People's Liberation Front was founded in 1972 in a split from the ELF. It does not accept that Eritrea is historically part of Ethiopia and has been engaged in an armed campaign for full independence for Eritrea (including Eritrea and Assab "autonomous regions" in the government's terms). It rejected the Ethiopian Government's offer of regional autonomy and since 1980 has demanded that the future status of the territory should be determined by an internationally supervised referendum in Eritrea. Formed as a Marxist-Leninist organization, it has been the only active armed Eritrean opposition group since 1981, engaged in guerrilla warfare and attacks against government troops, with occasional assaults on government installations and personnel in Eritrea. In the late 1980s it dropped its formal support of Marxist-Leninism. In recent policy statements it advocates a wide range of democratic and human rights based on the Universal Declaration of Human Rights.

The governing body of the EPLF is the political bureau of its central committee. It has administered substantial territory in Eritrea for over a decade. Since early 1990 it considerably enlarged the area it controlled following its capture of the port of Massawa. In late May 1991 it captured the remaining parts of Eritrea, including Asmara and Assab, and became the sole governing force in Eritrea.

In the areas under its control, the EPLF has operated a system of informal local courts and a penal code. The death penalty is applied for serious crimes. The EPLF has for several years acknowledged holding thousands of prisoners of war, who have been well-treated, although it has not accepted ICRC conditions for full assistance to the prisoners. From time to time it has freed thousands of prisoners of war.

The EPLF has gone through periods of internal upheavals, violent conflicts with other



Eritrean groups, and military successes and defeats. In 1977 fighting between EPLF and ELF allowed the Ethiopian army to regain the initiative when facing near-defeat in Eritrea. The EPLF has assisted other Ethiopian opposition groups, particularly the EPRDF. It has been allowed to operate across the Sudanese border by successive Sudanese governments.

The relief arm of the EPLF is the Eritrean Relief Association (ERA). From its centre in the Sudanese capital of Khartoum, it has organized distribution of food and medicines within EPLF-held territory in Eritrea. The ERA receives and distributes aid from several non-governmental organizations, both for its refugee projects in Sudan and for cross-border relief operations inside Eritrea. To combat new famine threats, in early 1991 the EPLF and the Ethiopian Government agreed on a joint and equal distribution of UN famine relief supplies by the government's Relief and Rehabilitation Commission and the ERA to EPLF-held and government-held areas of Eritrea via the Joint Relief Partnership (JRP), an Ethiopian church consortium working with international church partners.

In February 1991 the EPLF began new peace negotiations with the Ethiopian Government in the USA, under US government auspices. However, these broke down at the preliminary stages as they had done a year earlier. It participated in further peace talks that took place in London, also under US auspices, with the EPRDF, OLF and the Ethiopian government in late May 1991.

#### **The OLF:**

The Oromo Liberation Front was founded in 1976 by Oromo students and others who fled the country and planned armed opposition to the government, distrusting its offer of equal rights to all nationalities. Unlike the EPLF and TPLF it has never been a Marxist-Leninist organization. In about 1988 it included in its objectives the creation of an independent state (Oromiya) among the Oromo people of western, south and eastern Ethiopia, who comprise the largest ethnic group in Ethiopia. Like the EPLF and TPLF, the OLF operates through Sudan, but it has much smaller forces fighting in parts of Wollega and Harargha regions in western and eastern Ethiopia respectively. It controls parts of Asossa district near the Sudan border, but does not have well-established administrative control over territory. Recently there were outbreaks of fighting between the OLF and EPRDF in Wollega. The OLF's relief arm is the Oromo Relief Association (ORA), based in Khartoum, which has projects inside Ethiopia and among Oromo refugees in Sudan. The OLF participated in the May 1991 peace talks in London which ended the fighting.

#### **The EPRP:**

The Ethiopian People's Revolutionary Party was set up in 1975 in Addis Ababa as a Marxist-Leninist (Maoist) organization by a group of students and intellectuals. It was ferociously suppressed in the "Red Terror" after it launched armed opposition to *Me'isone* (see page 8) and the *Dergue* in Addis Ababa and Gojjam district. Many members were killed, some defected to the government, but others continued their political activities. In the 1980s the EPRP formed a short-lived alliance with the right-wing Ethiopian Democratic Union (EDU). The EDU, led by former members of the Haile Selassie government, fought against the *Dergue* in the first years after the revolution, but later declined as a result of internal disputes. The EPRP maintained a small fighting force in Metekel and Gojjam regions in the northwest, where it has fought against the TPLF and EPRDF. It is no longer Marxist-Leninist and works with other small opposition groups which support Ethiopian unity, such as *Me'isone*, the EDU, and the

right-wing Ethiopian People's Democratic Alliance (EPDA), which was formed in the 1980s.

### **Human rights abuses by opposition groups**

The recent cases of political imprisonment of insurgent group dissidents known to Amnesty International concern only the TPLF. Hagos Atsbeha, the brother-in-law of a former TPLF military official who had defected to the Mengistu government, was allegedly abducted from Gedaref in Sudan by TPLF agents in April 1988. He is said to have been detained in a makeshift TPLF prison in Tigray region for criticizing TPLF policies and its Marxist-Leninist line. Other supporters of the same TPLF defector, including his wife, are also said to be among dozens of opponents of the Marxist-Leninist League of Tigray either abducted from Sudan or arrested in Tigray by the TPLF and detained in harsh conditions in Tigray for several years. Cases of torture or ill-treatment of TPLF opponents have been alleged for some years, but it has not been possible for Amnesty International to confirm the reports. Two political detainees, Teklu Hawaz, a former TPLF central committee member, and Alula Tadesse, a TPLF radio journalist, were reportedly executed in March 1989 shortly after their arrests and without receiving any form of trial. The TPLF denied to Amnesty International in mid-1990 that it held people for political reasons. It said that Hagos Atsbeha was detained for embezzling TPLF funds and would be tried, and that Teklu Hawaz was killed in a shoot-out.

Executions of prisoners without any form of trial have been attributed to the EPLF, TPLF and OLF. In April 1988 an EPLF unit is alleged to have killed some 100 members of the Afar ethnic group who had apparently refused to join and fight for the EPLF. The alleged killings took place in southeast Eritrea in an area where there had previously been strong support for the ELF, but the precise circumstances were not clear. There was unconfirmed reports of further killings in May 1989, but the EPL denied to Amnesty International in early 1991 that they took place.

Executions by the TPLF and EPRDF of officials of the government or the WPE in newly-captured areas in Tigray, Gondar and Gojjam regions were reported in 1990 and early 1991. However, few details were available. There has been no independent confirmation of allegations in 1990 by Ethiopian Orthodox Church officials that the TPLF had executed Ethiopian Orthodox Church priests and persecuted Christians. The TPLF said it had no quarrel with any religious group and that its membership included members of several Christian churches.

There have been persistent reports that OLF forces executed up to 100 government supporters in the town of Asossa in Wollega region which it captured in February 1990. The victims were all said to be members of non-Oromo ethnic groups, mostly Amharas, and were reportedly killed in a school room after captives of Oromo origin had been told to go free. The OLF has denied the allegations and has said that a Mengistu government video shown on Ethiopian television and purporting to depict OLF execution victims in Asossa contained pictures of people killed in government bombing raids.

Both the EPLF and TPLF are reported to have used the death penalty in areas under their administration to punish offenders, including members of their own forces, for serious criminal offences after some form of trial. However, again very few details are available and it is not known how many people may have been executed.

Cases of forcible recruitment of Eritreans and Tigrayans to join the EPLF and TPLF

respectively have been reported in the past two years. Both organizations have said they only recruit willing volunteers, whether in the territories they administer or among refugees fleeing to Sudan. However, in some cases it appears that recruitment has been carried out under pressure and that some members of their fighting units have been refused permission to leave.

Amnesty International's investigations into the above allegations are continuing. Although little information has been available to Amnesty International about the way in which the EPLF, EPRDF and other opposition forces have dealt with prisoners, it is apparent that basic principles proclaimed in international humanitarian and human rights law have not always been followed. It is important, therefore, that as these organizations take on state functions, they should give much higher priority to making these principles widely known among their forces. They should also develop procedures to ensure that prisoners cannot be tortured or killed, or made to "disappear". As a matter of priority, therefore, they should ensure that prisoners are not held incommunicado or in secret, but that they are seen promptly after arrest or capture by representatives of an independent body such as the ICRC which can monitor their well-being and seek to protect them. This is particularly important in the light of reports of the detentions of government or security officials by advancing opposition forces and the possibility that EPRDF and EPLF forces now in control in different parts of the country may arrest members of the defeated government or its security forces. There must be no repeat of the abuses committed in the 1974 revolution when senior government officials were arrested in large numbers, summarily executed or detained without trial for years.

## **Chapter 9. A HUMAN RIGHTS AGENDA FOR THE FUTURE**

Ethiopia has suffered a long period of brutal repression. The past 17 years have been marked by gross and extensive violations of human rights. Critics and opponents of the Mengistu government were victims of arbitrary imprisonment, "disappearance", torture and political killings. The spiral of state violence was seemingly unending.

Now, the Mengistu government is no more and new forces are temporarily in power and about to form a new transitional government. They carry a heavy responsibility and face many challenges. One of the greatest will be to bring an end to Ethiopia's long-running human rights catastrophe. To do this, the new government will need to give high priority from the outset to the protection of human rights.

Amnesty International appeals to those in power now and those who will be part of the future transitional government to take the following steps without delay:

### **1. Release all prisoners of conscience**

Ensure that all prisoners of conscience who were held by the outgoing government have been released and make a commitment that in future no one will be imprisoned simply on account of their opinions, beliefs or ethnic origin. As soon as possible, all legislation which has facilitated the detention of prisoners of conscience should be repealed.

### **2. Guarantee fair trial**

Ensure full respect for the right of all people arrested for political reasons to be brought to trial fairly and within a reasonable time or released. Any such prisoners who are still detained without trial or who were sentenced after unfair trials during the Mengistu government should have their cases reviewed immediately. Officials and others associated with the former government who have been detained or captured, or may yet be taken into custody, should be afforded the same internationally recognized rights. There should be no repetition of the secret administrative sentencing of prisoners which occurred under the Mengistu government.

### **3. End the use of arbitrary administrative detention**

Secret incommunicado detention should be prohibited. Both have been key factors in facilitating torture and "disappearances" of prisoners as relatives of arrested persons were not allowed to check on their treatment or safety. In particular, the following reforms are strongly recommended:

- Strict observance of the constitutional limit of 48 hours on detention without being charged, and an end to unlawful or secret administrative detention of political prisoners;
- All arrests to be publicly acknowledged and all detainees to be held in officially recognized places of custody and in accordance with appropriate prison regulations;
- People arrested should be told why they have been arrested and under what law, and their relatives should be informed of their arrest and whereabouts;
- Detainees to have prompt, direct and regular contact with their relatives and legal counsel;

- In each town or region the authorities should keep a register in which the name and place of detention of everyone who is arrested should be noted and which can be consulted by their legal representative or relatives;
- Detainees or their families should be able to challenge the reasons for and legality of their detention before a court, for example through the legal provision of *habeas corpus*.
- Access to all prisons and detention centres by an independent humanitarian organization with appropriate expertise, such as the International Committee of the Red Cross.

#### **4. End the use of torture**

Torture must be stopped. Prisoners must be protected from torture or other cruel, inhuman or degrading treatment, and those responsible for torture must be brought to justice. Everyone who is involved in holding prisoners should be instructed that torture is prohibited in all circumstances and will be punished.

An impartial and independent commission of inquiry should also be established into the practice of torture in security detention centres and elsewhere. Its terms of reference, working methods, findings and recommendations should be made public. It should encourage the attendance and cooperation of former torture victims and witnesses, and have the means to protect them from intimidation or reprisals. It should also make on-site investigations of places of alleged torture. It should investigate the circumstances which have allowed torture to occur and make recommendations for changes to prevent torture.

The executive and judicial authorities should act promptly on the inquiry's findings or other evidence of torture, and bring alleged torturers to justice. They should also instruct judges in future to initiate prompt investigations in cases where prisoners appearing in court allege that they have been tortured. These should include an examination of the complainant by medical personnel to assess the allegation. Confessions or other statements obtained under torture should not be admitted as evidence in court and should not be used to justify the continued detention of a prisoner.

#### **5. Clarify the fate of the "disappeared"**

There should be an impartial and independent Commission of Inquiry established urgently to clarify the whereabouts or fate of any prisoner or person reported to have "disappeared" while in custody. Witnesses to the inquiry, including the families of the "disappeared", should be given effective protection against intimidation and violence. The findings should be made public within a reasonable time, and those responsible for criminal offences in connection with the "disappearances" should be brought to justice.

#### **6. Abolish the death penalty**

The new government should move quickly to add Ethiopia to the growing number of countries in Africa and throughout the world which have abolished the use of the penalty for all offences. As

a first step the government should commute all outstanding death sentences.

## **7. Prevent extrajudicial executions**

All military and security personnel should be instructed that extrajudicial executions are crimes and that they are obliged not only to refuse any order to commit such a crime but also to report any such crime to the appropriate authority.

All allegations of extrajudicial executions of political prisoners or of captured combatants or civilians should be thoroughly, promptly and impartially investigated to establish the circumstances in which killings occurred and assess if they were unlawful. Those responsible for ordering or carrying out extrajudicial executions should be brought to justice.

## **8. Ratify international and regional human rights treaties**

The new government should make explicit its commitment to human rights by moving without delay to ratify the basic international and regional human rights instruments:

- The International Covenant on Civil and Political Rights, together with its two Optional Protocols;
- The African Charter on Human and Peoples' Rights;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The 1977 Additional Protocols I and II to the Geneva Conventions of 1949.

**APPENDIX I: International human rights treaties to which Ethiopia is a party**

Ethiopia has acceded to or ratified the following instruments (the date of accession or ratification is given in brackets):

- the Convention on the Prevention and Punishment of the Crime of Genocide (1949);
- Conventions of the International Labour Organization (ILO) on the Freedom of Association and Protection of the Right to Organize (1963), the Convention on the Right to Organize and Collective Bargaining (1963), and the Convention on Discrimination (Employment and Occupation) (1966);
- the Convention relating to the Status of Refugees, with its Additional Protocol(1969);
- the Convention on the Political Rights of Women (1969);
- the Geneva Conventions of 12 August 1949 (1969);
- the OAU Convention Governing Specific Aspects of Refugee Problems in Africa (1973);
- the International Convention on the Elimination of All Forms of Racial Discrimination (1976);
- the International Convention on the Suppression and Punishment of the Crime of Apartheid (1978);
- the Convention on the Elimination of All Forms of Discrimination against Women (1981).

## APPENDIX II: Long-term political detainees who "disappeared" from prison in Addis Ababa in July 1979

### (i) Former high officials detained in 1974:

Abebe Kebede	-former Vice-Minister and Head of the Haile Selassie Foundation
Assefa Defaye	- former Vice Minister and director the Awash Valley Development Project
Haregot Abay	-former Mayor of Asmara
Kassa Wolde-Mariam	- former Minister of Agriculture and previous President of the University
Kifle Enqo-Selassie	- former official
Samuel Beyene	- former Senator, Brigadier
Seifu Meheteme-Selassie	- former Minister of Education
Teferawork Kidane-Wolde	-former Minister of the Imperial Court
Yohannes Kidane-Mariam	- former Minister of State and Private Secretary to the Emperor

### (ii) The former head of the Ethiopian Orthodox Church

<i>Abuna</i> (Archbishop) Tewoflos	- former Patriarch of the Ethiopian Orthodox Church, illegally deposed on government orders and detained in 1976.
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### (iii) Leaders of the All-Ethiopia Socialist Movement (*Me'isone*):

Desta Tadesse	-former permanent secretary, Ministry of Culture and Sports
Haile Fida	-chairman of the central committee of <i>Me'isone</i>
Hailu Gerbaba	- head of the Provisional Office for Mass Organization Affairs (POMOA) in Wollega Region
Kongit Kebede (f)	- public relations officer, Ministry of Education
Negist Adane (f)	- medical doctor, wife of Desta Tadesse (above), head of POMOA's women's section

## APPENDIX III: Political detainees who "disappeared" in October 1985

### (i) Four members of the EPDA:

Aklilu Mewai Laike-Tsion	- statistician, civil servant
Asegahegne Araya Hailu ( <i>Dejazmatch</i> )	- former senator
Meheteme-Work Kassahun Kinfe	- former Ministry of Agriculture official
Wube Gebre-Yohannes Wolde-Medhin	- aged in his 60s

### ii) Alleged EPRP members detained since 1977

Tewodros Asfaw, Getachew Assefa, Zerihun Banti, Yemane Berhan Berhane, Asnake Getachew,



Yohannes Girmachew, Mahdi Kemal, Getachew Kumsa, Zewdu Haile-Michael, Suleiman Mohamed, Teshale Wondimu.

(iii) Others:

Tadesse Gebre-Igziabeher	-director of the Yekatit 66 Political Institute in Addis Ababa and WPE central committee member, arrested in 1984 for alleged links with the TPLF
Kebeyle Haile and Wendimu Debele Wolde Gerima	- Jehovah's Witnesses -teacher in Tigray, arrested in 1979
Yemane Berhane Gebre-Meskel	-director of a school in Adua in Tigray region, arrested in about 1978
Yemane Gebre-Medhin Ziaid Belay (f)	-from Tigray -Ministry of Transport employee in Asmara, arrested in 1982 .

#### **APPENDIX IV: Political detainees who "disappeared" in October 1986**

(i) Four Oromo political detainees arrested between 1978 and 1980:

Gezahegne Kassahun Kebede Demissie Muhee Abdu Yigezu Wake	- former first deputy chairman, All Ethiopia Trades Union -former Ministry of Agriculture official -civil servant and university graduate -former army lieutenant
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(ii) About 11 Tigrayan detainees, probably arrested in 1984:

Colonel Gebre-Yohannes Investigation Centre	- Assistant administrator, Central
Colonel Kahsay	-Ministry of Defence employee, educated at a university in India
Mulugetta Hagos Belay Berhe Habtu Araya	-police sergeant

(iii) Others

Four members of a pentecostal church