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Ethiopia in Profile

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@Accountability past and present: Human rights in transition

1. INTRODUCTION

The Ethiopian authorities are prosecuting officials of the former government for gross human rights violations, but the Transitional Government has not acted with equal determination against abuses by its own forces.

The Transitional Government established in 1991 came to power after 17 years of brutally repressive rule. The general elections scheduled for May 1995 mark the end of the four-year transitional period.

Trials of officials of the former government for gross human rights abuses have just started after long delays and will continue for some years. The trials are of international significance and send a message to all perpetrators of human rights violations that they cannot expect impunity and will be held accountable for their actions.

However, the transitional period has also seen many new abuses of human rights. Thousands of suspected opponents of the Transitional Government have been detained without charge or trial in the past four years. Many have been released but several hundred are still held. Some are prisoners of conscience; some have been imprisoned after trials which appear to have been unfair. Dozens of suspected opponents of the government have "disappeared" and many prisoners have been subjected to torture. A number of defenceless civilians have been shot dead by the security forces.

The Transitional Government has spoken frequently of its commitment to human rights and its acceptance of the principle of accountability. It took on the task of prosecuting officials of the overthrown government for crimes against humanity committed in their official capacities. But it has not done enough to ensure that its own human rights record is beyond reproach. It has not been open in acknowledging and investigating abuses by its own forces. The international community too has paid insufficient attention to continuing reports of violations.

This report is about the human rights record of President Meles Zenawi's four-year Transitional Government. It is based on extensive research by Amnesty International and the outcome of Amnesty International's latest talks with the Ethiopian government in February 1995. The meetings discussed a detailed memorandum submitted by Amnesty International to the AI Index: AFR 25/06/95 Amnesty International April 1995

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government three months earlier and the report reflects the government's response.

Amnesty International recognizes that the Transitional Government has faced a difficult task of reconstruction after 17 years of systematic abuses. It has also had to deal with continuing armed insurgency by the Oromo Liberation Front (OLF) and anti-government violence from other opposition groups in some parts of the country. But these factors, important though they are, cannot justify government failure to take action against human rights violations. It is a particularly important test of a government's commitment to human rights that it should establish and maintain safeguards to protect basic human rights in such a situation of conflict.

This report documents human rights violations in Ethiopia since 1991 and reports primarily on political imprisonment and the treatment of prisoners.

The report also describes the first stages of the trials of officials of the former Dergue and Workers Party of Ethiopia (WPE) governments headed by Lieutenant-Colonel Mengistu Haile-Mariam between 1974 and 1991. They are charged with genocide and crimes against humanity.

Amnesty International believes that these trials, if they are conducted fairly and exclude the death penalty, could significantly advance the cause of human rights internationally and the rule of law in Ethiopia. However, the powerful message that human rights violators will be held accountable for their actions will be undermined if equally decisive action is not taken against those who have violated basic human rights under the Transitional Government and if firm safeguards are not established to prevent further violations taking place.

The report concludes with a series of recommendations for action to end and prevent human rights violations. The Ethiopian authorities should be consistent in their approach to human rights by acknowledging, remedying and preventing violations.

1.1 Amnesty International's work on Ethiopia and the government's response

Amnesty International has been reporting on human rights in Ethiopia ever since the organization was formed in 1961. Under the Dergue government it repeatedly condemned the persistent pattern of arbitrary detentions, torture, "disappearances" and extrajudicial executions, which peaked in the "Red Terror" campaign against government opponents in the late 1970s. In the 1980s Amnesty International campaigned against the systematic violation of human rights both in war zones and in the rest of the country. A detailed report of human rights violations under the Dergue and WPE governments, *Ethiopia: End of an era of brutal repression - a new chance for human rights*, was published by Amnesty International in May 1991 (AI Index: AFR 25/05/91).

Soon after the Transitional Government of Ethiopia assumed power in 1991, Amnesty International submitted a series of proposals for the protection and promotion of human rights (*Ethiopia and Eritrea: The human rights agenda* (AI Index: AFR 25/09/91)). Some of these

recommendations have been put into practice, others have not. Amnesty International representatives have visited Ethiopia several times since then and have met the government. Amnesty International's members have appealed to the Ethiopian authorities on a number of specific issues.

In November 1994, after extensive research into reports of human rights violations received over the previous three years, Amnesty International submitted a detailed memorandum on human rights in Ethiopia to the Transitional Government. It invited the government to comment on the memorandum and requested an opportunity to discuss its concerns with the government. It undertook to give close attention to the government's responses to its concerns and to reflect the views of the government in the report it would later publish.

Amnesty International representatives visited Ethiopia in February 1995 for these meetings. They met the Minister of Information, Dr Negaso Gidada; the Minister of Justice, Mahteme Solomon; the Chief Special Prosecutor for the Dergue/WPE trials, Girma Wakjira; the President of the Supreme Court, Kemal Bedri; the Legal Adviser to the President, Dawit Yohannes; and the Coordinator of Police and Prisons, Hassan Shiffa. Their request to meet President Meles Zenawi was not granted. Meetings requested with the Prime Minister, Tamrat Layne, the Minister of Defence, Seye Abraha, and (in London) with the Head of Security and Vice-Minister of Internal Affairs, Kifle Gebre-Medhin, did not take place either.

In Addis Ababa, government members and officials insisted that the Ethiopian government was seriously committed to protecting human rights and would take action when abuses occurred. They told Amnesty International's representatives that over 10 police officers had been prosecuted for abuse of power, but did not provide details. In general, they denied that the situation was as serious as Amnesty International described it, ascribing some of the problems to shortages of resources and to insufficient training for the new police and judiciary, which was being remedied. Officials claimed that the Amnesty International memorandum was politically biased and largely based on opposition publications. They alleged that the "disappearance" cases and torture testimonies contained in the memorandum were "mostly fabricated" and said that there were no secret interrogation centres or any "parallel system" of secret detention centres outside the official police and prison system. They said that there was no "policy" of torture or "disappearances", and that many of the detainees described as prisoners of conscience or possible prisoners of conscience had used or incited violence or had been charged with ordinary criminal offences, including murder.

Amnesty International's representatives explained that they welcomed the positive human rights developments achieved by the Transitional Government but had strong evidence of serious human rights violations occurring over the past four years, and still continuing. They urged the government to investigate the cases presented to it and to act vigorously to prevent abuses. Amnesty International categorically denies any political bias in its research on human rights in Ethiopia. In no case was the evidence based solely on an opposition report without full

independent corroboration. The information came from a wide range of sources and was carefully cross-checked and scrutinized, particularly if it came from people associated with opposition organizations.

Amnesty International has studied carefully what the government has said and has thoroughly reviewed all the evidence it submitted in its memorandum to the government, in the light of these meetings and the government's written reply on particular cases. It remains deeply concerned about reliably attested evidence of extensive abuses in Ethiopia during the transitional period, and in particular the government's failure to clarify "disappearances", the denial of access to alleged secret detention centres, and persistent inaction by the authorities. Declarations by the government of a commitment to human rights are not enough. Action is needed to remedy and prevent human rights violations.

2. BACKGROUND

Four years ago Ethiopia emerged from 17 years of brutal repression by the Dergue (Provisional Military Administrative Council) and the subsequent Workers Party of Ethiopia (WPE) government, both headed by Lieutenant-Colonel Mengistu Haile-Mariam. On 28 May 1991 President Mengistu Haile-Mariam's government was defeated and overthrown by Ethiopian People's Revolutionary Democratic Front (EPRDF) forces and the Transitional Government was established two months later.

The period of repression was marked throughout by arbitrary detentions, torture, "disappearances" and extrajudicial executions. During the "Red Terror" campaign in the late 1970s tens of thousands of suspected opponents of the government were killed. In long-running wars in Eritrea, Tigray and elsewhere in Ethiopia, there were violations of humanitarian law by government troops, including deliberate bombings and murders of unarmed civilians and the use of chemical weapons. In the 1980s forced resettlement and "villagization" programs resulted in enormous numbers of famine deaths.

The initial EPRDF Provisional Government declared on 21 June 1991 its "commitment to the observance of and respect for basic human rights in general" and its "determination to abide by the provisions of all the relevant international legal instruments pertaining to the observance of basic human rights and fundamental freedoms". A Transitional Charter was adopted on 22 July 1991 as an interim Constitution by the new Council of Representatives (the interim parliament) as the basis for the Transitional Government of Ethiopia (TGE) which would be in power for a two-year period, extendable for a further six months. The Transitional Government further extended the transitional period until the formation of a permanent government after elections in May 1995.

Article 1 of the Transitional Charter stated that "Based on the Universal Declaration of Human

Rights... individual human rights shall be respected fully, and without any limitation whatsoever". The Council of Representatives passed laws allowing the formation of national and regional political parties, free expression in public meetings and demonstrations, and an independent press. Over 60 new political parties have been formed and registered, most of which are pro-government. Alongside these new political freedoms, however, there have been some restrictions on the activities of peaceful opposition parties. Human rights violations against government opponents were reported in certain regions during the 1992 regional assembly elections. Thirty-nine political parties contested the elections in 1994 for a Constituent Assembly to finalize and ratify a new Constitution. Most were pro-government, as the opposition boycotted the elections. In April 1995 it seemed that most opposition parties were likely to boycott the national parliamentary elections scheduled for May.

On 8 December 1994 a new, permanent Constitution was adopted and ratified by the Constituent Assembly. Some constitutional and governmental structures will only be put in place after the May 1995 elections. The Constitution will also need to be officially gazetted to come into force. The Constitution provides extensive new protections for human rights. It states: "Human rights and freedoms are inviolable and inalienable. They are inherent in the dignity of human beings. Human and democratic rights of Ethiopian citizens shall be respected" (Article 10). Chapter 3 on "Fundamental Rights and Freedoms" prohibits arbitrary arrest and detention, torture and cruel, inhuman or degrading treatment or punishment, and sets out the rights of people arrested and accused of crimes. It affirms the right to freedom of religion, belief, opinion and expression, assembly and demonstration, association and movement, and details rights for women and children and the rights of nationalities and peoples to self-determination -- including procedures permitting secession.

Ethiopia under the Transitional Government has acceded to several important international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the 1977 Additional Protocols I and II of the Geneva Conventions of 12 August 1949. The new Constitution states that ratified treaties automatically become national law (Article 9.4). Human rights groups have been formed in Ethiopia and there have been numerous published articles, lectures and conferences on human rights, as well as visits to the country by human rights organizations (including Amnesty International, long banned by the previous government).

3. POLITICAL IMPRISONMENT

The Transitional Government of Ethiopia has used political imprisonment on a large scale against its critics and opponents since it came to power in 1991. The detainees have included non-violent critics of the government, including journalists and political activists. The majority have been members or suspected members of organizations that have taken up arms against the

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government. As the authorities are taking more detainees to court, Amnesty International is concerned about whether the trials are fair.

Over 20,000 government opponents were detained without charge or trial between 1992 and 1994. The majority were released during the past year. However, several hundred opponents and suspected opponents are still detained and political arrests are continuing with little or no protection in most cases for the human and legal rights of detainees. The cases described in this section illustrate the patterns of political imprisonment but are not a comprehensive record.

Some of those who have been detained under the Transitional Government are outspoken journalists or members of open opposition groups which have been officially registered as political parties under government regulations of April 1993. Others are members of groups that exist unofficially but are not formally proscribed, such as the Council of Alternative Forces for Peace and Democracy in Ethiopia. Others belong to groups accused by the government of secretly engaging in violence, such as the All-Amhara People's Organization.

The largest group of detainees comprised alleged supporters of the Oromo Liberation Front (OLF), which has been fighting the government since June 1992. Over 20,000 OLF members and suspected OLF members were detained without charge or trial for long periods in special military camps; nearly all have now been released, but in early 1995 the remaining 280 detainees were charged and brought to trial.

Some of the political prisoners now held in Ethiopia appear to be prisoners of conscience: men, women and children imprisoned because of their political, religious or other conscientiously held beliefs or because of their ethnic origin, sex, colour or language, who have not used or advocated violence. Amnesty International calls for the immediate and unconditional release of all prisoners of conscience. Amnesty International also opposes the indefinite detention of political prisoners without charge or trial, including cases where detainees may have used or advocated violence. Amnesty International calls for them to be brought to court promptly, charged with a recognizable criminal offence and given prompt and early trials, or otherwise released.

Most political detainees in Ethiopia have been held either on the basis of repeatedly renewed 14-day court orders or outside the legal and judicial process altogether. More are now being formally charged. The Criminal Procedure Code requires that detainees should be brought to court within 48 hours of arrest. They can then be remanded by the judge for 14 days while the offence which they are suspected of having committed is investigated, or formally charged, or released. The 14-day investigation period is renewable without any specified time limit but it has not been judicial practice to renew remands indefinitely. When investigations are completed, detainees must be charged within 15 days or released but there is no specified time-limit before trial. There is no legal provision for "preventive" or administrative detention, that is, detention without charge or trial. The police or a court can at any time release a detainee provisionally on bond (in cases where the detainee had not been charged), or on bail (in cases where the detainee

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has been charged with a bailable offence).

As more people arrested on political grounds are now being brought to court and charged with political offences - or in some cases, ordinary criminal offences - Amnesty International is investigating whether they are receiving fair trials. In some recent political trials described below, the defendants may not have received fair trials. Some journalists have been imprisoned for the expression of non-violent opinions, for example under the Press Law or for "contempt of court". In some cases where government opponents have been charged with criminal offences before newly established regional courts, Amnesty International has doubts whether there was credible evidence to support charges such as murder or incitement to armed rebellion. Information about regional court cases is difficult to obtain -- the Ministry of Justice, for example, could not provide Amnesty International's representatives in February 1995 with details of the charges against the 280 OLF detainees whose trial in Ziway is continuing. Defendants in regional courts have difficulty in obtaining defence representation and the independence of the regional judiciary is not well established.

Recent political trials have raised questions about the independence of some members of the newly constituted judiciary (both in central and regional courts), as have some judges' decisions, such as refusal of *habeas corpus* applications, refusal of provisional release, and failure to investigate allegations of torture or of unlawful detention. The mechanism of provisional release on bond -- where a guarantor deposits a financial bond which will be forfeited if the person fails to report to the police or court when required -- has undoubtedly saved many individuals from prolonged pre-trial imprisonment. Amnesty International notes too that very few of those provisionally released have in fact been brought to trial. However, some of those released on bond have complained that they have had no chance to challenge the allegations against them or the restrictions placed on them during provisional release.

Protection of prisoners' legal and human rights varies in the different categories of prisons. The UN Standard Minimum Rules for the Treatment of Prisoners require that prisoners are given prompt access to their families, to lawyers and to their own doctor. Ethiopian law does not protect these rights adequately. In practice, relatives of prisoners frequently find it difficult to discover where a prisoner is being held, at least in the initial period after arrest.

Prisoners in police stations and in official prisons are generally allowed visits by families and lawyers. The International Committee of the Red Cross (ICRC) now has access to these pre-trial detainees and convicted prisoners. In contrast, prisoners in the special military detention centres to which OLF suspects were transferred from all over the country were not allowed family visits. The government did, however, give the ICRC access to these huge military camps. Between about April and June 1994 all the remaining prisoners held in these camps were released after "political re-education", except for the 280 currently on trial.

Some other political prisoners, both civilian and military, have also been detained in military

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camps, particularly in the Somali region. They have been held incommunicado and often secretly. They have been detained without a charge or court order, putting them at risk of ill-treatment or "disappearance".

There have also been persistent reports of the existence of other unauthorized detention or interrogation centres where government opponents have been secretly held. These detainees effectively "disappeared" after being abducted by armed men presumed to be government security officers. According to testimonies of some of them after their "re-appearance" (see below), they were held in secret interrogation or detention centres or other premises controlled by the government's security service and not by the police or prison administration.

Amnesty International concludes that, despite strong government denials, there appear to be two systems for holding government opponents: the official police and prison system and a closed system run by the security service or the military. In the official system there is more openness and prisoners' rights are generally protected, although abuses of human rights still occur. In the closed system prisoners' rights under national law and international law and standards are ignored. Prisoners there are at great risk of human rights abuse, and there are numerous allegations that this has occurred. The two systems are to some extent connected. There is a close relationship between them at senior level within the Ministry of Internal Affairs and there also close coordination between the military and the security service, both of which are based on the forces of the EPRDF and the Tigray People's Liberation Front (TPLF).

After the many years of intensive repression under the previous government, detainees and their families are often still afraid to talk about human rights violations. There is a general climate of secrecy and intimidation surrounding these issues which makes collecting information difficult. It has been particularly hard for Amnesty International to obtain information from the authorities about prisoners. Although some cases have been openly reported, such as the imprisonment of journalists and prominent opposition figures, in other cases the authorities have been reluctant to give information to prisoners' relatives or to the general public and Amnesty International. Some released prisoners told Amnesty International they had been warned not to speak of their experiences or to contact human rights organizations or foreign embassies. Amnesty International is aware that other former political prisoners and their relatives have been too afraid to contact the organization. After years in which prisoners effectively had no rights at all, there is still little knowledge in Ethiopia about the rights of detainees and their families and how to seek redress for violations.

Most of the cases included in this report have been raised by Amnesty International with the government on visits to Ethiopia in December 1991, July 1993, May 1994, and most recently in February 1995; in meetings with officials and embassies in different countries; and in letters from Amnesty International members around the world. The responses have been disappointing. Few detailed responses have been received and statements by officials and embassies have generally consisted of blanket denials. The government's response to Amnesty International's

memorandum is included in the text below.

3.1 Journalists

Since a new Press Law on the freedom and responsibilities of the press was promulgated in October 1992, over 100 journalists and publishers of private newspapers and magazines in Addis Ababa have been arrested and a score or more others have been summoned for interrogation. Some of the offending articles which led to arrests have contained allegations of criminal offences by members of the government and security forces, while other articles republished communiques by armed opposition groups. Most of the journalists who have been arrested were provisionally released after some days or weeks. Nine journalists have been sentenced to prison terms varying from six months to two years for publishing articles criticizing the government: most have served their sentence or been provisionally released pending appeal. Several others have received suspended prison sentences. Four were acquitted. Two journalists have "disappeared". Over 15 have been given heavy fines, and at least four of them had to serve prison terms as they could not pay the fines. The pattern of arrests of journalists continues: 18 were arrested in December 1994, of whom some may be still held. Some of those released on a provisional basis could yet be tried and imprisoned.

Some of the journalists arrested for breaches of the Press Law were held incommunicado and without being taken to court for several days or weeks. Two journalists have alleged that they were held incommunicado for two weeks in a dark underground cell in Maikelawi police prison in Addis Ababa and beaten. Most of the arrested journalists were initially denied provisional release, and judges frequently rejected their applications for provisional release without giving reasons. Eventually, most detainees were provisionally released, although they had to find a guarantor to provide security of sums such as 5,000 birr (approximately US\$800) to ensure that they attended court when summoned.

The Press Law confirmed the right to freedom of the press declared by the Transitional Charter. As well as the government-controlled news media, which have recently been given a degree of autonomy and a duty to represent a diversity of opinion, the Press Law allowed private publications. The Minister of Information informed Amnesty International's representatives that 224 publications had been granted licences, which need to be renewed each year. However, the law also imposed restrictions on the press and established penalties of up to three years' imprisonment for defamation, publishing false information, incitement of communities against each other and "agitation for war". Existing censorship institutions were abolished but previous criminal penalties for press offences remain in force.

The new Constitution guarantees freedom of the press in Article 29. It states: "These rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order to protect youth, and the honour and reputation of

individuals. War propaganda as well as the public expression of opinion intended to injure human dignity shall be forbidden by law" (Article 29.6).

In general, the government has tolerated numerous critical and sometimes abusive articles and cartoons published by the private press. Yet the arrests of so many journalists and publishers on account of published articles which did not advocate violence signal restrictions on the non-violent exercise of freedom of expression and an attempt to silence peaceful dissent. The number of private publications has drastically reduced as a result of the arrests, other harassment and restrictions on distribution, but over 20 continue to publish in Addis Ababa and none has been specifically banned. The debate in Ethiopia about the freedom of the press will evidently continue and much will depend on how the police and courts interpret the Press Law and Article 29 of the Constitution. Amnesty International's main concern is that no journalist or publisher should be imprisoned for the peaceful exercise of the right to freedom of expression.

Tefera Asmare (see photograph), editor of *Ethiopia* magazine, is one of those still imprisoned. He was sentenced to two years' imprisonment in March 1994 on account of articles accusing the government of "fascist" practices in Tigray region and claiming there was fighting in Gondar region, which the Ministry of Defence denied. **Goshu Moges**, of *Tobia* magazine, was sentenced to six months' imprisonment in October 1994 for "contempt of court" after publishing a letter from Professor Asrat Woldeyes, an imprisoned opposition leader, claiming that he could not expect a fair trial. He has been provisionally released pending appeal. **Getahun Bekelle**, of *Tarik* magazine, was imprisoned for five months in December 1994 in lieu of paying a fine -- which he refused to do -- imposed for contempt of court after publishing criticism of the way the presiding judge was conducting the Dergue trial. Amnesty International considers Tefera Asmare and Getahun Bekelle to be prisoners of conscience. Some of the other journalists who were detained for a period without charge or trial were prisoners of conscience.

Two journalists have "disappeared". **Nayk Kassaye** (see photograph), editor of *Beza* magazine, who had earlier been arrested for a short period and released on bond, has not been seen since he left his parents' home in Addis Ababa on 9 May 1994. It is feared that he is held secretly by the security service. The authorities deny that the police ever arrested him. **Berhanu Ijigu** of *Lubar* magazine "disappeared" on 20 June 1994 after reportedly being arrested and has not been seen since.

The chairman of the newly formed Ethiopian Free Press Journalists Association, **Kefale Mammo**, was arrested on 7 April 1994. The official justification for his arrest was that he had attended an opposition conference in January 1994 in contravention of the ban on political activity by members of the former ruling party. He maintained that he had attended only as a press observer; he was released uncharged after 19 days. The real reason for his imprisonment may have been that he had contacted international human rights and media organizations about repression of the private press in Ethiopia. He was fined later in the year on other charges relating to his editorial work on *Ruh* magazine.

Other journalists have been convicted of Press Law offences and given suspended prison sentences or fined substantial amounts ranging from 5,000 to 20,000 birr (about US\$800 to US\$3,200). The average journalist's monthly salary is said to be 750 birr (about US\$120). Those who would not or could not pay the fine were imprisoned.

The Press Law has also been used to try to intimidate and deter human rights activists. For example, in June 1993 **Professor Mesfin Wolde-Mariam**, chairman of the Ethiopian Human Rights Council, was detained and questioned for allegedly publishing false information in a report by the Council on human rights violations in Ethiopia. He was provisionally released on bond; there have been no further proceedings against him. Two board members of the Council were detained without charge for several weeks in 1993, when one of them, **Tesfaye Tadesse**, a lawyer, was questioned about his council activities. The police later claimed he was arrested for alleged involvement in an opposition organization, which he denied. He was rearrested in May 1994 with two other journalists on *Lubar* magazine, where he is a legal consultant. He was held for six months for police investigations.

3.2 Detainees from southern political parties

Hundreds of officials and members of recognized southern opposition parties were detained in 1994. Most of the targeted organizations aim to promote the interests of a particular nationality and belong to the Southern Ethiopia Peoples' Democratic Coalition. Most of those detained were held without charge but some were later charged with offences involving alleged political violence. A pattern of repression and harassment of these parties by government soldiers and by pro-government political groups which control the southern region administration emerged clearly during 1994. A number of opposition party offices in the south were forcibly closed. Amnesty International believes that many of those arrested were prisoners of conscience, imprisoned solely for their peaceful political activities. Their respective organizations said they would not participate in the May 1995 elections if these were not released; by April 1995 some had been released but others remained in prison.

The main political party affected has been the Sidama Liberation Movement (SLM). It belonged to the Council of Representatives until it was expelled because its representatives attended an opposition conference in France in 1993. Hundreds of SLM members were reported to have been arrested in Sidama region and others to have been killed, allegedly extrajudicially executed, in the past two years.

Lemma Sidamo, acting vice-chairman of the SLM, was arrested by soldiers at his home in Addis Ababa on 22 September 1994 and taken to custody in Awassa. He was released after two months in detention. Up to 300 other SLM officials and supporters were detained in Awassa in mid-August 1994. They were not taken to court or charged, and some were alleged to have been ill-treated in detention. They were arrested after the government accused the SLM of engaging in

a joint military action with the OLF against government troops. The SLM denied this, asserting that they are a political party without any armed force. This group of 300 SLM detainees was finally released in March 1995.

Five SLM officials, however, including **Yilma Chamola** (see photograph), the SLM vice-chairman, and **Negussie Rodda**, SLM executive committee member, are still detained in Awassa. They were arrested in Awassa on 17 August 1993. Troops arresting them closed the SLM office, arrested other staff (who were later released uncharged) and detained many other SLM members in Awassa and Yirgalem prisons. In early 1995 Yilma Chamola and Negussie Rodda were taken to court and charged with murder. On the basis of information about the case, Amnesty International believes that there is no credible evidence of their involvement in any violent crime and that they are prisoners of conscience. Other SLM members arrested at the same time in August 1993 were released in March 1995. Among them were **Dawit Muriso** (a school director), **Tamire Lamisso** (a businessman) and **Junga Furuka** (a former long-term detainee under the previous government).

Over 200 SLM supporters had been previously detained in a wave of arrests in Sidama region in mid-1992. They were moved to Bilate military camp in late 1992 through a long forced march on foot: six were reportedly killed under circumstances suggesting that they were extrajudicially executed outside the camp. The remaining detainees were released by May 1994. Amnesty International is not aware of any official investigation into these allegations of ill-treatment and extrajudicial executions.

Leading members of other southern opposition parties have also been detained, particularly in 1994. Those still in detention include **Merid Abebe**, chairman of the opposition Omo People's Democratic Union, who was arrested at his office in Addis Ababa on 18 October 1994 and taken to custody in Jinka, the Omo region capital. Also still detained are 16 other members arrested at the same time in Jinka, including **Girma Bekelle**, the vice-chairman, **Teshome Tilahun**, **Tesfaye Getu**, **Jemal Mussa** and **Dagne Belachaw**. Some of the detainees have allegedly been tortured or ill-treated. Merid Abebe and others were brought before the regional court and charged with inciting armed rebellion. Amnesty International knows of no evidence that they were involved in any violent activity. Two judges were also detained for some months in Jinka when they declared that the police had no evidence to continue holding these detainees.

Mengesha Dogoma, **Haile Dogoma** and **Teshome Gebre-Kidan**, leaders of the Gedeo People's Democratic Organization, were detained without charge or trial in Dilla from 1992 for over two years, and then charged with inciting violence against the government. In February 1995 they were brought to Addis Ababa for a trial which is just starting.

Members of the Kaffa People's Democratic Unity party, including two women -- **Aster Tessew** and **Alemnesh Yeboreta** -- and **Kinfe Abate**, were arrested in Bonga on 12 October 1994 but released on bail after some weeks. **Alemu Tirigo** and **Tekeba Telore** and over 20 other members

of the Kambata People's Congress were arrested in August 1994 -- most were released on bond in early 1995. Several members of the Wolayta People's Democratic Front and the Hadiya National Democratic Organization were arrested in late 1994 and have also been provisionally released. To Amnesty International's knowledge, all these members of opposition parties were detained without charge.

3.3 Oromo Liberation Front

The majority of political detainees under the Transitional Government have been suspected members of the OLF. In 1992 over 20,000 suspected OLF members were arrested throughout the Oromo region and in Addis Ababa where many Oromos live. The OLF had been active in the armed struggle against the previous government and was a partner in the Transitional Government from 1991 until June 1992. Since June 1992 it has been engaged in armed conflict with government forces and is reported to have armed units in the east, south and west of the country. The OLF is not banned, but suspected members have been detained for alleged involvement in the OLF's current armed opposition. Some of those arrested were OLF officials when the OLF was a recognized political party between May 1991 and June 1992.

The suspected OLF members detained when the OLF went into armed conflict in June 1992 were categorized by the government as "prisoners of war", although in international law this term applies only to combatants captured in an international internal armed conflict, not an internal armed conflict such as this. They were in effect held under a form of administrative detention, some for over two years. Detention of this kind has no basis in Ethiopian or international law. In early 1993 all but about 2,000 were released. There were hundreds more detentions in 1993 and in the first half of 1994. In April 1994 a review of these detentions by the police and security services led to a second program of large-scale releases which reduced the number of these detainees to 280. Most had passed through a program of political "re-education" courses run by the EPRDF.

Amnesty International, which had called for these detainees to be either charged with recognizable criminal offences and given fair trials or else released, welcomed the releases. The authorities did not disclose the specific grounds or circumstances of their detentions, and did not take any of them to court to be charged. Amnesty International had also expressed concern at reports of torture or ill-treatment of some of the detainees, and also of extrajudicial executions and "disappearances" of detainees (see below). Amnesty International is unaware of any impartial investigation into these allegations of serious human rights abuses.

The government stated -- and still maintains -- that all these detainees were OLF members engaged in armed opposition, either as fighters or in other capacities. As a result of interviews with released detainees and information from other sources, Amnesty International's investigations concluded that although a substantial proportion were armed OLF personnel, the detainees also included civilians who were not involved in fighting or political violence. Some

were urban professionals such as doctors, teachers, civil servants and relief agency personnel. Others were peasant farmers and merchants. Among them were women, children and elderly men. It appears that many were tortured or coerced into admitting they belonged to the OLF and had been involved in the OLF's armed opposition. After release all were given identity cards issued by the military stating that they were released OLF fighters.

Most of the OLF detainees were held in special military "rehabilitation" or "re-education" detention centres designated for OLF members, situated at Dedessa in Wollega region, Hurso in Hararghe region, Agarfa in Bale region, and Bilate in Sidama region. The ICRC was given early access to these military detention centres, which resulted in improved conditions. Amnesty International had previously received reports of rape of women, ill-treatment of prisoners (particularly in the "Korea" section of Dedessa camp and in Agarfa camp), poor food and sanitation. There were also reports of widespread illness (particularly diarrhoea and tubercular infections) resulting in the death of several prisoners. Hardly any medical treatment was available for a long time. Detainees were denied family visits and families were unable to obtain any official information about detained relatives. Some detainees were locked up for 24 hours a day. Since many detainees had been transferred long distances to these camps, and transfers between camps were frequent, the whereabouts of many prisoners were not known for some time. Short visits by certain foreign embassy staff were occasionally allowed, but former prisoners have told Amnesty International that these visits were closely controlled, with some prisoners temporarily moved away and prison conditions only temporarily improved.

Amnesty International welcomed the releases of mid-1994. The 280 remaining detainees were transferred to police and prison jurisdiction in Ziwai, 200 kilometres south of Addis Ababa. In early 1995 they were taken to court and charged with genocide, armed rebellion and homicide. The charges relate to killings of over 150 people in April 1992 in Bedeno town in eastern Ethiopia which were allegedly carried out by OLF militias. A Council of Representatives inquiry into the incident found the OLF to have been responsible, although its report was not published. The victims included supporters of the rival and pro-government Oromo People's Democratic Organization (OPDO). In the incident OLF militias who claimed to control the area reportedly detained or abducted more than 150 people, killed them and threw their bodies over a cliff and into a ravine.

The first hearings in the Ziwai group trial started in early 1995 before judges of the Central High Court and the regional court. The defendants have private legal defence counsel as well as public defenders. The defendants all face the death penalty. Defence lawyers raised preliminary objections to the indictment, including arguments that the charge of genocide did not match the crimes alleged and that the acts alleged were not described sufficiently clearly to enable them to prepare a defence. The trial was adjourned until early May 1995. Amnesty International is concerned that the defendants should receive a fair trial and it opposes the use of the death penalty.

OLF suspects continue to be arrested. In a series of arrests in September 1994 in Ambo and Guder, west of Addis Ababa, about 40 people were detained after the funeral of a businessman, **Derara Kefana**, who had been killed by government soldiers on 3 September 1994. The detainees were apparently arrested for criticizing the killing, but the authorities accused them of being involved with an armed gang linked to the OLF. The authorities said that this gang was intimidating people and had killed seven government supporters. Some of those arrested were reportedly ill-treated. The detainees included **Baricha Kumsa**, a teacher, **Bekelle Wolde-Michael**, a merchant, and his son **Napu Bekelle**, **Lomi Daba**, a 13-year-old school-girl, **Olli Atomsa**, a retired civil servant, and **Asfaw Gemechu**, a former Ministry of Agriculture employee. Ten police officers were also arrested, reportedly after they demanded that the detainees should not be tortured and should be taken to court in accordance with the law. The authorities denied this and said they too were involved with the OLF. The detainees, who had not been charged, were moved to Weliso prison and in early 1995 all were provisionally released. There has been at least one further related arrest -- of **Dandana Gurm**, a 70-year-old diabetic, in Addis Ababa on 9 February 1995.

In November 1994 several civil servants, agriculture officials and others were detained without charge or trial in Negelle Borana after an OLF attack on the town. Two officials of the Oromo Relief Association, a recognized relief agency, were also detained but released after some weeks. Many alleged OLF supporters are currently detained in Nekemte prison in Wollega district and there were reports in early 1995 of many arrests in Harar following OLF fighting in the area.

The following testimonies from Oromo detainees are cited to illustrate the pattern of political imprisonment. In all such testimonies quoted in this report, the real names and identifying details have been withheld in order to protect victims and their families.

"Hussein", from Dire Dawa

"I was arrested in late 1993 and taken to a prison in Dire Dawa. I denied any involvement with the OLF, which they accused me of. In the kebele [local administration] prison, soldiers showed me what they said were five dead bodies and told me, 'If you don't tell us the truth, we'll kill you like these other people'. I couldn't tell if they were dead or not. I was tied up with plastic strips on my arms above the elbow and behind the back for one and a half hours. After two days there I was taken to the bush and tortured. They put guns at my mouth and my ear and threatened to kill me if I didn't tell them what they wanted. I was thrown on the ground and beaten and a soldier stamped on my chest, as a result of which I still cannot turn my neck properly. A soldier poked a gun in my side and another in my neck, piercing the skin, drawing blood and leaving scars, which you can see. After two and a half hours I was returned to the kebele prison, unable to walk or urinate. I was refused medical treatment. In the kebele I saw several other prisoners who had been tortured, one with a broken foot who was taken to Hurso, and many others who had arms paralysed because of tying.

"I was transferred to Hurso detention camp two days later and held there for six months. After

two months the ICRC saw me in Hurso and registered me but I still did not get any medicine. The prison officials refused to send me to hospital. I was questioned again in Hurso camp by EPRDF soldiers and threatened again with shooting."

"Dilgassa", farmer and Oromo elder

"I am 76 years old and I come from Wollega region. I had five children until 29 April 1993, when my son was shot dead by the EPRDF, simply for being an Oromo. On the fateful day, my son, a father of 12, was working on his farm when the EPRDF troops came and told him they needed him. But even before he could say anything, they opened fire and shot him in cold blood. When village people rushed to his rescue, the troops denied shooting him; he was buried the following day. My son was a civilian; he had never been a member of the OLF army. Most of the people arrested or shot in this area were accused by the EPRDF forces of being OLF soldiers. The EPRDF troops killed him and took possession of our house. Even now, they are still occupying the house, forcing me to live with relatives in Addis Ababa, moving from house to house.

"All the people in my region are Oromos; the EPRDF troops occasionally beat up the people, including the aged and children, for being sympathetic to the OLF cause. Even my 16-year-old grandson was severely beaten. He was a grade 8 student. He was arrested by the EPRDF soldiers and tied with nylon ropes which troops always use. They beat him up continuously for 24 hours and kept him in a prison. His mother was arrested too while she was nursing her two-month-old child and was forced to leave the child in the care of neighbours.

"When the OLF came to my area, I was elected as a representative for the people. Finally, when the OLF withdrew from the coalition government, the EPRDF said to me: 'You are the one who used to sympathise with the OLF', and that's why they came after me and my family. I was myself imprisoned for a week."

Only a very few detained OLF suspects have been charged or tried. **Bayera Mideksa** (see photograph), a pharmacist and businessman in Addis Ababa, was arrested in June 1992 and publicly accused of conspiracy to commit sabotage by planning to blow up an oil storage depot on the orders of the OLF. He and two former army officers were said to have been arrested in possession of several weapons, including rocket-launchers.

At the time of his arrest Bayera Mideksa had been pursuing a legal action to recover personal and business property allegedly seized by security officers who detained him illegally in a secret detention centre for a month in early 1992. Some of his relatives were also arrested and one "disappeared". Bayera Mideksa was tortured when he was arrested and paraded before the Ethiopian news media which reported that he had "confessed" and admitted acting under the orders of the OLF. He later denied this, and the alleged OLF link was apparently not brought up at his trial. He was detained initially for a total of eight months in a secret interrogation centre, and denied medical treatment even after being transferred to the Central Prison.

At the trial in March 1993, where Bayera Mideksa and his two co-defendants pleaded not guilty, they were acquitted of the main charge but convicted of illegal possession of weapons. The court acknowledged in its judgment that they had "sustained physical moral decadence" [i.e. damage] at the Investigation Coordination Division. The court did not investigate the allegations of torture despite visible evidence of injuries. All three were sentenced to 18 months' imprisonment -- the time already spent in custody. The court therefore ordered their immediate release but the prison authorities refused to free them and again refused when the court again ordered their release in May 1994. The prosecution appealed to the Supreme Court against their release and the Supreme Court increased the sentences to five years' imprisonment. The defendants are seeking reconsideration of this by the Supreme Court. Amnesty International is concerned that Bayera Mideksa (and his two co-defendants) may not have received a fair trial, that he was tortured and could be a prisoner of conscience.

In another case which came to court, **Elfinesh Kano**, an Oromo folk-singer and mother of two daughters, was arrested on 31 December 1993 with over 60 other Oromos (including 15 women). They were peacefully demonstrating outside the High Court in Addis Ababa against the trial of two OLF officials who had returned to Ethiopia for a peace conference organized by the opposition. They were held under military guard in Sendafa Police College, which is not an official prison, and they were ill-treated by soldiers. Their heads were dry-shaved without soap or water, which Amnesty International considers to be a form of cruel, inhuman and degrading treatment. They were also forced to do hard physical exercises, barefoot and on rough ground, and beaten if they failed to keep up. The only food provided was bread and water. They were denied medical treatment, although one sick prisoner was taken to hospital after a long delay when he became seriously ill. They were brought to court in January 1994, charged with contempt of court and most were sentenced to a month's imprisonment.

Elfinesh Kano remained in custody after the expiry of her sentence and was later transferred to Maikelawi police investigation centre, while a court investigated whether some audio-cassettes of her songs were seditious. She was finally released on bond in May 1994. Amnesty International believes she was a prisoner of conscience, although the government denies this. She had been detained three times before for political reasons: under the Dergue government in the 1980s; under the Transitional Government in June 1992, when she was briefly held at the airport as she was about to travel to Europe; and from July 1992 to February 1993 when she was held in Dedessa camp, accused of involvement with the OLF, which she denied. She had narrowly escaped killing by a Dergue commander in 1979.

In all these cases Amnesty International has sought to establish whether detainees were held for the expression of non-violent views -- for example, support for Oromo nationalism, as articulated in 1991 and 1992 by the OLF when it was an open political party -- as distinct from having used or advocated violence.

3.4 All-Amhara People's Organization

Another opposition party whose supporters have been targeted for arrest is the All-Amhara People's Organization (AAPO), hundreds of whose supporters were arrested in 1994 and early 1995. Amnesty International is investigating whether those currently held are prisoners of conscience. Two senior AAPO officials, including the AAPO chairman, **Professor Asrat Woldeyes** (see photograph), are serving prison sentences after conviction for political offences in trials which may have fallen short of international fair trial standards. Other AAPO supporters have been detained without charge or trial and some are currently on trial for political offences. Arrests took place in Addis Ababa and rural areas in the Amhara region.

The AAPO, formed in 1992, is a registered political party. It maintains that it opposes the government through solely peaceful means. It advocates the "unity of Ethiopia", thus opposing Eritrea's independence from Ethiopia, and it seeks to promote and defend the "Amhara nation". The AAPO chairman, Professor Asrat Woldeyes, aged 67, is a former Professor of Surgery at Addis Ababa University and a well-known medical specialist with his own practice. He is a prominent opponent of the government. He has frequently spoken in public alleging violations of the human rights of AAPO supporters. He has alleged that the authorities have failed to protect Amhara minorities in the Oromo region from violence by both pro-government OPDO militias and the opposition OLF. He maintains that he advocates peaceful opposition to the government and that "having dedicated his professional career to saving lives" he is "a sworn opponent of war".

Professor Asrat Woldeyes is currently serving three consecutive prison sentences totalling over five years which were imposed in three separate trials and he is on trial in a fourth case. Amnesty International is investigating whether Professor Asrat Woldeyes and other imprisoned AAPO officials and supporters are prisoners of conscience imprisoned for their non-violent political activities.

Amnesty International is also investigating the trials and appeals in order to determine whether or not the accused received fair trials in accordance with recognized international standards. The defendants were tried in public and were represented by counsel, but several aspects of the trials have raised concern. Amnesty International has closely studied the court judgments and other trial documents. The trials are described in some detail below. Government officials in meetings with Amnesty International representatives in February 1995 vigorously defended the convictions and they repeated accusations that AAPO was involved in anti-government violence.

Five AAPO members, including Professor Asrat Woldeyes, were tried between in 1993 and 1994 on charges of conspiring towards, planning or urging the formation of a band or group with other persons to raise an armed rebellion against the government, and of forming committees to do this in East Gojjam. Professor Asrat Woldeyes had been released on bail during the trial. **Sileshi Mulatu**, AAPO's office manager, **Teshome Bimerew**, a student, **Ambelu Mekonnen**, a farmer, and **Chane Alamerew**, a former army officer, remained in custody for over a year because the

Supreme Court overruled a lower court's decision to grant them bail.

At their long trial, all five defendants denied the charges, which related to a meeting at AAPO's office in October 1992. The prosecution alleged that during this meeting Professor Asrat Woldeyes made a speech which advocated violence against the government and that following the speech the people present at the meeting formed committees to carry it out. No evidence was presented in court to suggest that there was any armed rebellion by AAPO. All five defendants were convicted in June 1994 and sentenced to two years' imprisonment. An appeal court recently upheld the convictions and the two-year prison sentences.

Amnesty International is investigating among other things the court's decision to admit and consider as crucial evidence a document which the prosecution alleged contained minutes of the AAPO meeting on 11 October 1992, which formed the basis of the charges. The defendant who was alleged to have written this seven-page handwritten and unsigned document claimed that in fact the document did not contain minutes taken during the October 1992 meeting. He said the document did not accurately reflect the words spoken at the meeting and that he did not believe the points made at the meeting were meant to cause war or disturbances. He further claimed that he wrote the document nine months later during an interrogation in July 1993 and that he wrote it under duress as a result of police threats and pressure to incriminate Professor Asrat Woldeyes. He also stated that the police threatened that if he spoke to the judge about the threats he would "cease to exist". (The prosecution alleged that the document was found in the possession of one of the defendants during a police raid on the university in April 1993; this defendant, however, denied being in possession of the document.)

Amnesty International notes that the document presented to the court contained no evidence of advocacy of violence. The sole prosecution evidence that Professor Asrat Woldeyes had allegedly advocated violence was from a witness who had himself been detained after the meeting and held for over a month. He gave his statement while in police custody and was released afterwards. Other people present at the meeting, who were also detained for the same period, appeared as defence witnesses and claimed that police had put pressure on them to testify against Professor Asrat Woldeyes. It has been alleged that the prosecution witness may have given his testimony as a result of duress during detention. Although according to international standards the court was required to investigate the allegations of the threats, it apparently dismissed them without any investigation and admitted the document.

On 24 October 1994 in a second trial, Professor Asrat Woldeyes was charged with contempt of court. The charge was based on a letter which he wrote to a court hearing another case against him. In the letter, among other things Professor Asrat Woldeyes maintained that he was innocent of the charges on which he had been convicted in the past. He stated that the charges against him (past and present) were untrue. He reiterated his opposition to war and his advocacy of the use of peaceful and democratic means. He wrote that on the basis of past experience he did not believe that he could receive a fair trial. He therefore announced that he had dismissed his lawyers, that

he did not want the court to assign him another lawyer, and he called on the court to "pass judgment which [he believed] had already been designed for [him]". The judge sentenced him to six months' imprisonment for contempt of court. In March 1995 the sentence was reduced on appeal to 10 days' imprisonment. Amnesty International is concerned that Professor Asrat Woldeyes may have been convicted solely for the expression of his non-violent beliefs about the court and the charges brought against him.

In a third trial which began in 1993 Professor Asrat Woldeyes was charged with incitement to armed rebellion. The charges were based on the text of a speech he made during a rally in Debre Berhan in December 1992. He denied the charge and claimed his speech did not advocate violence. He was convicted on 26 December 1994 and sentenced to an additional three years' imprisonment. He has appealed.

Amnesty International has studied a translation of the speech. Amnesty International believes that the speech as a whole does not incite armed rebellion. In the speech Professor Asrat Woldeyes urged his supporters to refrain from violence and said he was calling for peaceful opposition to the EPRDF, which he claimed was trying to push the Amhara into declaring war. However, his reference to Amhara armed resistance in past history, and a comparison between the EPRDF and the Italian occupation in 1936 to 1941 when "their forefathers defended the country", appear to have been taken by the judge to indirectly incite armed rebellion. Although the text said -- as the judge pointed out in his judgment -- that "the Amhara know how to fight, for what purpose, when and against whom", the speech specifically urged that Amharas carry out their opposition by peaceful and democratic means. It said that "AAPO is a peaceful and democratic movement" and that "AAPO does not have...any army". Among other things, in the text it is stated, "We ask the Amhara to be patient and to struggle in peace and refrain from taking up arms, keeping in mind the damage this would do to the country". In this trial, as in the first trial, there was no evidence presented by the prosecution that AAPO had engaged in armed rebellion. He was nevertheless convicted of advocating armed rebellion.

In a fourth trial, which is at a preliminary stage, Professor Asrat Woldeyes and 31 others, including several AAPO officials who were arrested in late 1994, have been charged with offences relating to armed opposition to the government in the Amhara Region, including a prison break-out in mid-1994.

In a separate action on 20 September 1994 police arrested some 500 people who had gathered at the Central High Court in Addis Ababa where Professor Asrat Woldeyes was on trial. According to reports from eye-witnesses and some of those detained, the protests were peaceful before the police intervened and started arresting people, beating some, and taking them away. Some minor scuffles and stone-throwing were reported thereafter. The people detained included **Yodit (Judith) Imru**, aged 63, a former ambassador to Sweden, and her two sisters **Hirut Imru**, aged 64, a former university lecturer, and **Mammie Imru**, aged 58, an architect (see photograph), UN staff and children. Those arrested were taken to Kolfe army training camp in Addis Ababa. The

next day they were transferred to Sendafa Police College and held under military guard.

At first they were held in crowded rooms, without access to their families, lawyers or medical treatment, contrary to international standards. These require prompt access to families (Principle 16(1) of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (thereafter, "UN Body of Principles"), and Rule 92 of the Standard Minimum Rules for the Treatment of Prisoners); prompt access to a lawyer (Principle 18(3) of the UN Body of Principles); and prompt examination by a doctor (Principle 24 of the UN Body of Principles and Rule 24 of the UN Standard Minimum Rules for the Treatment of Prisoners).

Detainees had their heads shaved without soap or water. They complained that this was painful, causing bleeding, and was intentionally humiliating. More serious was the fact that a few girls and young men were forced to use razors which had already been used by other prisoners and which were contaminated with their blood, thus potentially exposing them to the risk of AIDS.

Detainees were forced to do army-type exercises. Some fell ill and only received medical treatment after some delays. They were not allowed to bathe or go outside to a toilet. At first the only nourishment they received was bread and water. After two weeks conditions improved following international protests. Amnesty International appealed for their immediate and unconditional release as it believed they were prisoners of conscience imprisoned solely for the exercise of their right to freedom of expression. Detainees were at this stage allowed to receive visits, food and medicines from their families, and the ICRC was given access to them.

In mid-October 1994 after more than three weeks in custody, about 250 of the detainees were released without having been charged or tried. The remaining 250 were taken back to Addis Ababa, and were brought before a court for the first time. They were charged with holding an illegal demonstration on the basis of their alleged participation in an organized demonstration which did not have advance permission from the authorities. They were also charged with "contempt of court" on the basis of chanting and T-shirt slogans calling for the release of Professor Asrat Woldeyes. The judge paid no attention to their complaints that they had not been brought to court within the required 48-hour limit. They were granted bail but those who could not initially raise bail were forced to remain in custody. No date has been set for their trials.

In response to Amnesty International's concern about their unlawful pre-charge detention for over three weeks and their ill-treatment, the Minister of Justice and the Coordinator of Police and Prisons told Amnesty International's representatives in February 1995 that the prisoners had been detained on account of an illegal demonstration and maintained that the calls for Professor Asrat Woldeyes' release were in contempt of court. They said prisoners in Ethiopia routinely had their heads shaved on admission for sanitary reasons. One official said that given the poor prison conditions it was important to take precautions in this way against head-lice. Amnesty International's representatives who had previously visited prisons in Ethiopia had never seen prisoners with shaven heads. Indeed, no other source contacted by Amnesty International knew

of any such routine practice, either for newly arrested detainees or for convicted prisoners. The government has never responded adequately to the charge that the practice of dry-shaving is itself insanitary and could be life-threatening where used razor blades are contaminated with blood from other prisoners.

Amnesty International is concerned that dry-shaving as practised in this way against these prisoners and the Oromo demonstrators in December 1993 (see above) constituted a form of cruel, inhuman and degrading treatment, and thus violated both Ethiopian law and the UN Convention against Torture.

If the prison medical authorities consider it necessary for sanitary reasons to shave prisoners' hair, this should be done in a hygienic and humane manner and never with unsterile or used razor blades. Dry-shaving with a used razor-blade contaminated by another person's blood is potentially life-threatening as it could lead to transmission of the HIV virus with the possibility of contracting AIDS. The incidence of AIDS in Ethiopia is a matter of public concern and the government has launched a major public information campaign about it. The authorities must ensure that their practices do not increase the risk of the spread of AIDS.

3.5 Ethiopian People's Revolutionary Party

Four members of an exiled opposition group first formed in opposition to the Dergue government, the Ethiopian People's Revolutionary Party (EPRP), have been detained in Ethiopia without charge or trial or explanation since June 1992. The four were formerly in exile in Sudan: **Said Daoud** (see photograph), **Said Hassan** (also known as Gosaye Amedea), **Beyene Gurra** (or Beyene Gebray) and **Meshesha Moges** (a disabled former employee of the International Rescue Committee, a relief agency). They were arrested in Sudan and forcibly returned to Ethiopia along with about 20 other suspected EPRP members who were released after some months. Amnesty International believes these four may be prisoners of conscience.

Genet Girma, an EPRP representative in Europe, was detained on arrival in Ethiopia for a peace conference in December 1993. She was released in February 1994 after a charge of conspiracy to armed rebellion was withdrawn.

Amnesty International has also sought information about four EPRP military or political leaders -- **Tsegay Gebre-Medhin** (also known as "Debteraw"), **Belete Amaha**, **Sitotaw Hussein** and **Yesehak Debre-Tsion** -- who were reportedly detained in July 1991 in Gojjam region. EPRDF security forces captured hundreds of members of the EPRP armed wing who were refusing to accept the new government and disarm. The majority were released after a few months in detention but these four have never been seen since. The authorities deny that they are detained and suggest that they were killed in the fighting in mid-1991.

3.6 Ogaden National Liberation Front

Hundreds of members or supporters of the Ogaden National Liberation Front (ONLF), a political party which was at the time the majority elected group in the regional assembly in the Somali region, were detained in 1994. They were arrested in various towns in southeastern Ethiopia, and some were killed by soldiers. Clashes were reported in parts of the region during 1994 and early 1995 between the security forces and anti-government groups, including ONLF militias and an armed Islamist group, *Al-Itihad*, which the government alleges has links with the ONLF.

Amnesty International believes several of the ONLF officials and members whose cases are described here may have been detained for exercising the right to freedom of expression without using or advocating violence. Amnesty International has appealed to the authorities either to bring the detainees to court if they were suspected of a criminal offence, and give them fair and prompt trials, or release them.

In January and February 1994, after the ONLF voted for a referendum on self-determination and independence for the Somali region, scores of ONLF members and supporters were arrested. Several were reportedly tortured or ill-treated in custody and others were killed. Those detained, who were not brought to court or charged with any offence, included **Hajio Dama**, chair of the Ogadenian Women's Democratic Alliance. She was later released seriously ill, apparently as a result of ill-treatment. Also arrested was **Sheikh Musse**, a district councillor. **Deeg Uraag**, a regional commissioner, was detained and later reported to have been killed in custody. Subsequently there were many further arrests of ONLF supporters in different parts of the region. Many of those arrested are reported to be still detained without charge or trial, and some are alleged to have "disappeared". **Ahmed Abdullahi Agooleh**, project manager of the Ministry of Agriculture's South East Rangeland Project, was arrested in Godey on 6 April 1994. He was released after about three months in custody without being taken to court or charged. He is a former governor of the region who had lost a leg in an assassination attempt, and was apparently accused of using his radio to despatch news of killings of ONLF demonstrators in Wardheer (see below). Amnesty International believes he was a prisoner of conscience.

In May 1994 the security forces arrested several more ONLF leaders, including **Hassan Jirreh Kalinle** and **Ahmed Ali Dahir**, president and vice-president respectively of the regional assembly, who were transferred to police custody in Addis Ababa and provisionally released after some weeks, reportedly charged with embezzlement. **Mirad Leli Sigale**, former mayor of Gode, was killed by soldiers a few days after his arrest; the government said he was killed escaping from detention. **Shukri Yasin**, mayor of Gode, is still in military custody, charged with having a radio used in connection with anti-government fighting by *Al-Itihad*. **Ibado Abdullahi ("Gabya")**, president of the Ogadenian Women's Democratic Alliance, and **Haji Abdinur Sheikh Mumin**, Imam of Degabur mosque, were also detained. Two months later, in July 1994, **Deeg Yusuf Kariye**, a journalist, was detained and **Mukhtar Aden Gadan**, deputy mayor of Gode, was killed by soldiers at his home. Further arrests and killings of ONLF supporters were reported in August, September and October 1994. Two women, **Ismahan Farah Bari** and

Amina Degadir, were reportedly among several people arrested in Wardheer on about 20 October 1994.

Almost all those detained were held without charge or trial and in most cases the authorities gave no information on those who had been detained, where they were held and why they had been arrested. This gave rise to fears expressed by their families and others that some had "disappeared".

In the previous two years many other ONLF members had been detained without charge, or killed. For example, an ONLF central committee member, **Kaafi Yusuf Ali**, was detained in Kebri Dahar in January 1992 and died in custody in July that year, allegedly as a result of torture. Several senior ONLF officials arrested by soldiers in Babile near Harar in June 1993 have "disappeared" and are feared dead, including **Makaddin Mohamed Ali**, **Sheikh Abdirahman** and **Omar Hassan Ahmed**.

Very few of these cases were clarified by the government in the February 1995 meetings. Many of those reported to have been detained are believed to be still held in custody and none has been tried.

3.7 Other political prisoners

Some members of other non-violent political groups and certain professional groups have also been detained for varying periods on account of their opposition to the government. Groups whose members have been arrested include the Ethiopian Democratic Union Party, the Ethiopian National Democratic Party, the Islamic Front for the Liberation of Oromia, the Ethiopian Teachers Association and the Citizens' Council for Economic Freedom. There have also been many other less well-documented large-scale arrests following anti-government protests (such as those in Gondar in late 1992 and early 1993) and after incidents of political violence (as in Harar in mid-1994).

Forty-six members of the opposition Ethiopian National Democratic Party were detained in Awassa in August 1994. They were brought to the regional court and charged with criminal offences involving violence. Some were released by the end of the year but the last few were not freed until February 1995 when the court dismissed the charges and criticized their detentions as illegal and arbitrary.

Members of the Ethiopian Democratic Union Party in Tigray region have been harassed and intimidated. The party's leading representative in Tigray, **Mebratu Getsey**, was arrested in July 1994 and is still reportedly detained in Maichew prison, charged with homicide. In March 1995 party officials claimed that 30 members had been recently arrested in Kereme and Maichew on political grounds, but the authorities denied this.

Twenty-six Eritrean Liberation Front-Revolutionary Council (ELF-RC) officials and members

were detained in Ethiopia on 29 April 1994 and their office in Addis Ababa closed. They include **Haile Gebru, Berhane Tesfagaber, Abdelaziz Ahmed Said, Fessahaye Okba Michael** and six others arrested in Addis Ababa, and **Gebre-Yesus Tsegay, Mahmud Ismail** and 14 others arrested in Mekelle. They were apparently detained at the request of the Eritrean government because of their opposition to it. Several of them are currently under house arrest. The Ethiopian government has said it wants another country to grant them asylum and arrangements for this are said to be in process.

Amha-Yesus Gebre-Yohannes, a hermit (*batawi*) or independent preacher, was arrested in Addis Ababa on 13 September 1993 and is still reportedly detained incommunicado and without charge or trial. He was arrested in connection with a sermon he gave at the Eyesus Orthodox Church in Gondar on 6 September 1993. This was followed by an anti-government demonstration and riots in which at least 13 people were killed by government soldiers. The sermon is said to have criticized the government, but it is not clear that he advocated violence or incited his supporters to the violence which ensued. He had previously been detained for six weeks in July 1992. Amnesty International believes he may be a prisoner of conscience: it has called on the authorities either to bring him promptly to court and give him a fair trial or to release him.

4. "DISAPPEARANCES"

An alarming pattern of "disappearances" of suspected government opponents has emerged since 1992. Dozens of people have "disappeared" after being abducted by armed men who appeared to be security officers; others "disappeared" from an official place of custody. The "disappearances" were reported from Addis Ababa and regions where there was armed opposition. Victims' relatives have been unable to establish their whereabouts in any official place of detention. They are believed to have been taken to secret and unauthorized detention and interrogation centres run by the security or military authorities. If they are alive, they are still being held in secret detention. Amnesty International has received credible first-hand reports from several detainees who "disappeared" into such secret interrogation or detention centres and were later released and "re-appeared".

The location of some of these centres is known, although their existence has been denied by the government. There are secret detention centres in Addis Ababa and other towns and regions, including a reported special secret prison in Kuiha in Tigray region. One secret interrogation centre, where several former detainees have told Amnesty International they were held, is located in Casa Inchis in central Addis Ababa. It is in an unmarked compound with a maroon-painted fence on a road joining Jomo Kenyatta Avenue and Tito Street behind the UN Economic Commission for Africa. Amnesty International's representatives asked officials it met in February 1995 to let them inspect this place. A US State Department report on human rights in Ethiopia published in February 1995 had stated, "The [Ethiopian] government has agreed to allow

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international access to any area or facility suspected of being used in this manner". However, when Amnesty International's representatives asked the Commissioner of Police and Prisons in February 1995 for access to this alleged secret centre, there was no reply. Former detainees have also attested that they were held secretly in military or security premises, and in government-owned houses or offices.

When people are arrested in Ethiopia it is often difficult for their relatives to find out where they are held, often for several days. Relatives who visit police stations are sometimes denied information or even given false information. In rural areas, the problems of tracing prisoners, especially those arrested by soldiers or security officers, are even greater. There is no central register of prisoners and the authorities often refuse to divulge information to the public. These cases are more accurately described as "unacknowledged detention", rather than "disappearances". A "disappearance" not only lasts longer, perhaps for months or years, but it also involves secret detention, which the government may deny or refuse to comment on, and the risk of further human rights abuses such as torture or extrajudicial execution.

A central registration system is required by Rule 7 of the UN Standard Minimum Rules for the Treatment of Prisoners and Rule 12 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Similarly, the UN Declaration on the Protection of All Persons from Enforced Disappearances requires the authorities to take effective action to prevent "disappearances", including holding persons in officially recognized places of detention (Article 10(1)), making information concerning the place of detention and all transfers known to families, lawyers and others (Article 10 (2)), and ensuring releases of detainees under circumstances that permit verification of their release and conditions (Article 11).

The testimony of those who have survived "disappearance" and have "reappeared" sheds light on the practice. An Oromo schoolteacher who "reappeared" after more than a year in secret detention describes his experience:

"I was arrested in mid-1993 and taken to Addis Ababa. I was beaten and questioned about the OLF, about which I did not know anything. I was blindfolded and taken to the Navy Office where I was held for three months incommunicado in a dark room for 24 hours a day by myself. I was tied upside-down and beaten on my feet and kidneys, with my hands tied behind my back, and kicked. Then I was taken to the former army officers' quarters near the university at a place called Jalmeda. I was given dry bread once a day and only allowed out at night to the toilet. Five other people were there too. Then after over a year in prison, when my family thought they would never see me again, I was suddenly taken out and thrown out of a vehicle at Sidist Kilo near the university."

Five prisoners arrested with him who also "disappeared" may still be secretly detained there: **Yosias Ashane, Kebede Tufa, Taye Galalcha, Teferi Balemi and Dagne Gabeyehu.**

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Numerous cases of "disappearances" have been reported to Amnesty International or listed by other human rights groups since 1992. Most of the cases have not been clarified. Testimonies from torture survivors suggest that many of the "disappeared" have been held in secret prisons and tortured there. Some of the "disappeared" have reportedly been extrajudicially executed.

The UN Declaration on the Protection of All Persons from Enforced Disappearances requires the authorities to investigate reports of "disappearances" (Article 13). Amnesty International has received no substantive responses from the authorities to its inquiries about "disappearance" cases and is unaware of a single official investigation conducted according to international standards in any of these cases. The UN Working Group on Enforced or Involuntary Disappearances reported in December 1994 with regard to 70 disappearances under investigation that "no new information was received from the government of Ethiopia with regard to the outstanding cases". It concluded that it was "still unable to report on the fate or whereabouts of the disappeared persons".

Officials in Ethiopia denied to Amnesty International's representatives in February 1995 that there was any "policy" of "disappearances" but failed to clarify satisfactorily any of the cases raised, some of which are described below. Amnesty International's recommendations regarding the establishment of impartial investigations into "disappearances" and safeguards to prevent "disappearances" are vital to establish the principle of accountability when such serious abuses are persistently reported.

4.1 Cases of "disappearance"

The following cases of "disappearance" have been selected to illustrate the recent pattern in Ethiopia. The fate and whereabouts of all the victims remain uncertain, and in some cases relatives fear they have been killed in custody.

Mustafa Idris (see photograph), an employee of the Ethiopian Telecommunications Agency in Addis Ababa, and a former long-term prisoner of conscience under the former government, "disappeared" on his way home from work in Addis Ababa on 31 May 1994.

Abebe Aynekulu, a mechanical engineer at Bahar Dar textile factory, "disappeared" after reportedly being arrested by government soldiers while visiting Addis Ababa on 2 December 1993. He was allegedly arrested because he had led an internal investigation into a sabotage incident at the textile factory, which might have embarrassed the authorities. In May 1994 the police denied holding him; they also claimed he was involved in a murder plot involving the EPRP.

Efram Fantaye (see photograph), a graduate student at St Petersburg University in Russia and chairman of the Free Ethiopian Students Union Association there, "disappeared" in Addis Ababa on 29 April 1993 after returning for his mother's funeral. According to eye-witnesses, he was

abducted by EPRDF soldiers. Shortly before his "disappearance" he had twice been arrested for questioning by security officers, apparently on account of his criticisms of the government. He had earlier led FESUA students on a hunger-strike at the Ethiopian embassy in Moscow in July 1992, protesting about scholarship grants.

Yoseph Ayele Bati (see photograph), a former teacher in Bale region, was a prisoner of conscience for 10 years under the former government and a refugee in Kenya from 1988 to 1991. He "disappeared" in Addis Ababa on 27 November 1992. He was an active and open member of the OLF from 1991 until the OLF withdrew from the government coalition in June 1992. He was arrested in Shashamane on 15 September 1992 but released after being held for six weeks, mostly in a secret interrogation centre in Addis Ababa. On 27 November 1992, he was abducted while walking with a friend in a street in Addis Ababa by armed men presumed to be security officers. A released fellow-prisoner reported that he was detained in Maikelawi police investigation centre in late 1992 and had been tortured. An unconfirmed report claimed he was a secret prisoner in the Menelik Palace in mid-1993. A senior security official stated in 1994 that after being released in late October or early November 1992, Yoseph Ayele Bati had left the country for Kenya, which is contradicted by Amnesty International's information.

Lamessa Boru, a former army colonel who had been a prisoner of conscience under the governments of Emperor Haile Selassie and President Mengistu Haile-Mariam and then became the OLF Public Relations Officer in mid-1991, was reported to have been arrested on 17 September 1992. He was seized near Dembi Dollo by armed men in a Toyota landcruiser, who were believed to be EPRDF soldiers. He was later seen in a military hospital in Jimma but reportedly "disappeared" from there on 23 October 1992.

General Beretta Germamaw and **Colonel Getahun Wolde-Ghiorgis** were officers in the Ethiopian army who were captured by TPLF forces in 1989 and later joined the TPLF-established Ethiopian Democratic Officers' Revolutionary Movement to fight with the TPLF against the WPE government. They were reportedly detained by the EPRDF in mid-1991, allegedly because they opposed EPRDF policies. There were unconfirmed reports in 1991 and 1992 that they were detained secretly in Tigray. The government has denied any knowledge of their detention and in February 1995 implied to Amnesty International that they had been killed in fighting around the time of the defeat of President Mengistu's forces.

Hagos Atsbeha (see photograph) "disappeared" after being detained incommunicado in 1988 by the Tigray People's Liberation Front (TPLF) in liberated territory. He was still detained by the TPLF when the Transitional Government was formed in 1991. Hagos Atsbeha had been a refugee in Sudan, having fled from Ethiopia in the late 1970s during the "Red Terror" campaign against government opponents. He ran a transport business working partly with the TPLF's relief agency, the Relief Society for Tigray, but had become increasingly critical of the TPLF. His brother-in-law, Aregawi Berhe, had earlier defected from a senior position in the TPLF and is now a prominent exiled opponent of the government. In late 1991 a senior government official

confirmed to Amnesty International delegates that Hagos Atsbeha was in detention and said that he would be brought to trial for alleged embezzlement. His family had never been allowed to see him in detention, but had occasional unofficial news of him up to 1992, when he was thought to be detained secretly in Tigray region. The government has informed Amnesty International that he committed suicide in prison but it has given no date or details, despite repeated requests. There has been no inquest into his death and his family have not been given his body.

Among other people reported to have "disappeared" are **Daniel Agonafer Gebre-Medhin**, aged 20, a German-language student and evangelical church member, and **Menelik Tessema**, his cousin. They were reportedly arrested by unidentified security officials on 23 May 1994 near Addis Ababa University.

Yehualeshet Mekonnen, an electrical engineering student at Addis Ababa University, and **Abebe Gelaw**, a member of the student council (dismissed from the university), "disappeared" after being arrested by security forces on 7 October 1993 in Addis Ababa near the Faculty of Technology. They are reported to have been detained initially at the Second Police Station and then the Sixth Police Station, after which they "disappeared".

Adane Argaw, a representative in Dire Dawa of the Gurage People's Democratic Front, a southern political party, "disappeared" after being beaten and abducted by soldiers in Addis Ababa on 1 June 1994.

Two teachers at Misrak High School in Addis Ababa "disappeared" on two successive days in September 1993. **Ashenafi Mengistu** and **Getnet Asnake** were allegedly abducted by security officials on 18 and 19 September 1993 respectively.

Suspected OLF members who "disappeared" in Addis Ababa 1994 include **Asladin Sheikh Jamal**, who was reportedly abducted by unidentified security officials in Addis Ababa on 30 July 1994; **Sheikh Jamal Hussein**, a 60-year-old former refugee, previously detained in 1992, who "disappeared" on 12 May; and **Dereje Deme Shalu** and **Mitiku Wodajo**, two businessmen, who "disappeared" on 30 and 31 May 1994 respectively. **Wakuma Soboka**, a bank security guard, **Kassahun Habte**, a former OLF activist, and **Dereje Kanaa**, a teacher, "disappeared" in May 1993, June 1992 and February 1992 respectively.

A group of 16 detainees held since 1992 on suspicion of links with the OLF reportedly "disappeared" from Hurso military detention camp in February 1994. They included **Anano Mite**, former OLF office staff member in Dire Dawa, and **Bekissa Sina** and **Sheikh Aliyi Ahmed Waday**, former OLF officials.

Several members of the ONLF who were detained in 1994 are also reported to have "disappeared". They include **Abdullahi Abdi ("Taflo")**, an ONLF central committee member, and **Abshir Abdi Sugeh**, a regional member of parliament, who were detained in Jijiga on 23

May 1994; **Mohamoud Ugas Muhumed Ugas Hashi**, president of the Ogaden Welfare Society and a former university lecturer in Somalia, who was detained in Godey on 7 May 1994; and **Ibado Abdullahi ("Gabya")**, a poet and president of the Ogadenian Women's Democratic Alliance -- she was detained in Degabur on 20 March 1994.

5. TORTURE

The Ethiopian authorities seem to have done nothing to prevent suspected government opponents being tortured in secret detention centres run by the military or security forces. Unarmed civilians in zones of armed conflict have also been subjected to torture, including women who have been raped. Amnesty International has received a wide range of credible reports of torture over the past four years. Amnesty International's representatives have interviewed torture survivors and seen marks of torture on their bodies. The torture took place both in Addis Ababa and in regions where the security forces were evidently attempting to identify and act against armed opponents and their supporters.

The lack of evidence of action by the authorities to investigate the numerous torture allegations that have been made indicates a failure of accountability. This leads to the conclusion that the authorities either condone its use or are seriously negligent. Apart from demonstrating to the international community that it condemns torture by ratifying a UN treaty against torture, the government seems to have done little to stop or prevent its use. In meetings with Amnesty International representatives in February 1995 government officials denied that there was a policy to use torture or any routine practice of torture. They gave no details of any investigations into torture allegations, though claiming that any reports would be investigated.

5.1 Law and background

Torture is a fundamental violation of human rights, condemned by the United Nations as an offence against human dignity. Torture is a crime in Ethiopia. It is also a crime under international law.

The UN Convention against Torture and Article 7 of the ICCPR prohibit torture and other cruel, inhuman or degrading treatment or punishment. Ethiopia is also a party to the Geneva Conventions of 1949, each of which in Common Article 3 prohibit torture during internal armed conflict. The UN Human Rights Committee, established under the ICCPR to monitor its implementation, has declared that states are obliged to provide an effective remedy for torture under national law and that "complaints must be investigated promptly and impartially". The UN Convention against Torture requires that any person who alleges that he or she has been tortured has the right to have the complaint impartially examined and that, even if there has been no formal complaint, the authorities should promptly and impartially investigate wherever there are reasonable grounds for believing that an act of torture has occurred.

States are also required to bring those responsible for torture to justice and to give redress and compensation to those who have been tortured.

The Transitional Government has denied that its forces have used torture as a matter of routine, saying that isolated cases may have occurred which can and will be remedied. However, in no case known to Amnesty International has there been a prompt and impartial investigation of a report or complaint of torture. No member of the security forces has been brought to justice for torture, although Amnesty International has received reports of compensation promised (but not paid) to some farmers in Arsi region for injuries inflicted in 1992 (see below).

5.2 Torture methods

Torture methods reported to have been employed against prisoners by government military or security officers since 1991 include:

- tying the prisoner with plastic ties around the upper arms pinned together behind the back, and leaving the victim tied up for several hours or even a few days, causing intense pain, swelling and paralysis of the fore-arms and hands, which may be permanent (see photographs);
- tying prisoners in other ways, or hanging them up by ropes, then beating them, and beatings on the soles of the feet (*falanga*);
- rape of women;
- beatings with sticks and guns butts and whipping with electric cable, while the victims are forced into a kneeling or prostrate position;
- death threats, with guns held at the head;

"Tying" with plastic ties around the upper arms is a new torture method in Ethiopia. It has been reported only since the EPRDF came to power in 1991 and is only known to have been inflicted by EPRDF troops. Beating prisoners on the soles of the feet while they are tied up was the most common form of torture under the former government and some torture survivors have alleged that certain former Dergue security officers have been recruited into the new security forces.

The purpose of torture seems to be to obtain information about opposition activities -- particularly those of armed groups such as the OLF -- and confessions. It is also intended to deter and punish support for the opposition.

5.3 Places of torture

Torture has generally been committed outside official places of detention such as police stations and prisons. It has been reported in the following circumstances:

- beatings at the time of arrest;

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- torture in secret security prisons or safe houses or military camps in different parts of the country, including Addis Ababa;
- prisoners taken into the bush to be tortured;
- in an area of armed conflict, peasants or nomads tied in public and left there as an example to others;
- in rural areas where OLF armed units are active, or where the security forces suspect that the OLF has support or shelter.

Prisoners in secret or unauthorized places of custody have been ill-treated, including by being denied medical treatment. Overcrowding in some regional prisons, notably Gondar prison, may also amount to ill-treatment.

5.4 Testimonies of torture

"Ibrahim", a merchant and Oromo elder, Hararghe region

"I am a community elder. I was arrested during the month of Ramadan (February/March 1994). Three TPLF soldiers came to my house and asked me for money. I told them I had none. They took me to a military camp where they kept me for eight days. On one day the soldiers tied my arms behind my back: it was very painful. They demanded money, accusing me of organizing the OLF; they even demanded weapons from me.

"After eight days they took me out of the army camp and into the bush. They threw me onto the ground violently and appeared ready to kill me. One had a rope which he tied around my neck, but it was just to threaten me. Meanwhile, my community, led by my fellow elders, went to the area military commander to seek my release. I was released on the tenth day without any charge. I still have chest pains as a result of that one day of torture.

"I can say confidently that many people confessed to being OLF or Islamic Front for the Liberation of Oromia members, simply to escape the torture which was sometimes unbearable, especially to the younger people. I was tied up for about 13 hours and I felt indescribable pain; many younger people would find this too much and would confess to anything just to escape the pain even if it meant being taken to Hurso camp. So when the government says that all those held in Hurso camp are former fighters, I know that this is untrue. The places I and other members were first held were mere transit points of torture on the way to Hurso. Once you confessed to their false accusations, they took you to Hurso camp where you were immediately branded a fighter."

"Berhane", an opposition politician, Addis Ababa

"On 18 September 1993 I was on my way home in Addis Ababa when a car hit me and seriously

injured me. Thinking that it was an accident, I tried to stand up but six people who had been in the car started beating me until I fainted. My face was covered with blood. They put me in their car and threatened to kill me if I did not stop my political activities. These people spoke Tigrinya and I knew they were government agents even before they told me they were TPLF members.

"They then took me to a forest area near St Urael Church where they continued questioning me. They blindfolded me and took me to some abandoned house where they later removed my blindfolds and began questioning me at gun-point. They asked me to abandon my party and become an EPRDF member, which I said I could not do. Then they took me to a different location where they beat me up using an electric cable...Every two or three days I was blindfolded and taken for questioning. The beating and whipping with electric wire and hippo whips were regular.

"My father went on hunger-strike at home to protest my arrest, and did so until he died. They even refused to allow me to attend my father's burial -- this was terrible cruelty. My whole family was victimized by the troops because of me; my brother was even kidnapped recently.

"Then one evening at around 5pm I was taken to a court where there was only a judge and EPRDF soldiers. I told the judge I had been illegally abducted and detained but he didn't pay any attention to that. Although I was not charged with any crime, I was required to deposit a bond of 20,000 Ethiopian birr (approximately US\$ 3,180), which my family paid so that I would be released. Now, I am not allowed to leave Addis Ababa."

"Jemal", office worker, Dire Dawa

"I was arrested in September 1993 by OPDO militias and EPRDF soldiers. I was held for 15 days in an EPRDF encampment in kebele 15 in Dire Dawa. In the kebele I was violently beaten with sticks, causing body wounds that later went black...I was also later tied with my arms behind my back, and with a stick below my knees and over the elbows, and beaten on the feet, exactly as in torture under the Dergue. This was still known as "number 8", as in Mengistu's time. I was accused of being a member of the OLF, which was not true. I was finally taken to Hurso detention camp after 15 days and held there for seven months, until I was released in April 1994."

"Almas", 17-year-old female school student

"I was arrested in July 1993 and detained at Debre Zeit (Bishoftu). They arrested me because they suspected me of being an OLF supporter. I was taken with a group of prisoners to the airforce officers' club. My two sisters were also arrested separately from me. I was taken to a dark room inside the prison at gun-point where some man I could not identify raped me violently. I became pregnant as a result of the rape and gave birth nine months later to a child whose father I did not know. While in prison, I was beaten many times but I was raped only once. I was a virgin before that rape. I was only 16."

After four months she was taken to a police station, then to a prison in another town where she was charged with robbery. She appeared in court four times before being released because she was about to give birth.

"Hawa", a woman from eastern Hararghe (*see photograph*)

"I was arrested on 24 June 1993 when there were mass arrests of Oromos. There was mass tying of people by EPRDF and looting of property -- I had 35,000 birr (c. US\$ 5,500) stolen by them. Bodies of people who had been killed were left on the road. Ten people chewing khat were shot dead. This went on in a widespread area. I was tied for eight days and then taken to a forest where I saw many people tied. Some were strangled to death, while others were taken away and disappeared. OLF fighting was far away but this was revenge for the fighting. Girls were abducted and raped in all the villages around and there was much killing by soldiers."

"Tola", farmer in Arsi district (*see photograph*)

"I was arrested in June 1992 by EPRDF soldiers who severely tortured me by tying with plastic ties for 30 hours. Six of us were detained, and our wives and children were beaten. We were tied up, and put in a vehicle that took us to Shashamane. We were kicked and questioned about a murder and told we would not be released until we confessed or named the killer. We told them we did not know anything. Our hands swelled up and blood spurted out. We were left quite paralysed -- now we cannot eat with our hands and can hardly lift anything or move our hands. One of us had two amputations in hospital because of the injuries from tying. We were not political cases. This sort of thing is still going on [mid-1994] and people do not dare complain. Many people have fled their homes and ex-detainees are particularly at risk. There are no charges, people are taken to faraway prisons, others are just tortured."

The photographs of "Tola" and two other men who were arrested at the same time in Arsi district show scars and loss of tissue from prolonged tying. In the hospital the doctor said that their cases were beyond his ability to treat, and they were sent to another hospital where one had his left arm amputated. After local protests, the army commander reportedly said the victims would be compensated but they have not yet received anything. They are disabled and cannot do any farm work.

6. KILLINGS BY GOVERNMENT SECURITY FORCES AND ARMED OPPOSITION GROUPS

6.1 Alleged extrajudicial executions

Government soldiers are alleged to have extrajudicially executed unarmed civilians including prisoners. These allegations have not, in general, been investigated by the authorities. Other unlawful killings have occurred when lethal force has been used against peaceful demonstrators and protesters. The authorities seem to have hardly ever taken action against members of the

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security forces in cases of alleged unlawful and deliberate killings and no case of this nature has yet, to Amnesty International's knowledge, come to trial.

Extrajudicial executions violate the most basic right guaranteed by the Universal Declaration of Human Rights and Article 6 of the ICCPR: the right to life. Principle 1 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions requires governments to "prohibit by law all extra-legal, arbitrary and summary executions" and to "ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences". Principle 1 makes clear that "such executions shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict".

Principles 2 to 8 require governments to take effective measures to prevent "extra-legal, arbitrary or summary executions". Principles 9 to 17 spell out the strict requirements which must be satisfied in carrying out a thorough, prompt and impartial investigation of such executions. Principles 18 to 20 require governments to bring those responsible to justice and compensate the families of the victims.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials specify that "intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life" (Principle 9).

In many of the reported cases of extrajudicial executions, it has been difficult to establish the facts with certainty. There are no effective legal remedies and few official investigations. Victims' relatives and witnesses fear reprisals if they speak out, and there is little information and independent verification available about incidents in remote rural areas. Amnesty International has, nevertheless, received reports of killings which seem to have been extrajudicial executions. Names, dates and places have been documented through community structures and by human rights activists. Where Amnesty International has been able to cross-check with reliable sources, the organization has verified that incidents took place.

For example, **Mohamed Omer Tuber**, a regional commissioner, and **Abdullahi Ganey** and **Deeg Mohamud Arab**, both deputy regional commissioners, were reported to have been extrajudicially executed by soldiers at the time of mass arrests of ONLF supporters in January 1994. The arrests continued and on 22 February 1994 soldiers shot dead a regional police officer and fired into a crowd of pro-ONLF demonstrators in Wardheer. Around 80 people -- many more than the local authorities acknowledged -- were reportedly shot dead or died later of gunshot wounds. Amnesty International has the names of 45 of the victims. Among those listed as dead are **Ahmed Ibrahim Nur**, ONLF regional assembly representative for Wardheer, **Abshir Ali Dhuh**, mayor of Qorilleh, and **Hakin Hersi Abdulleh**, mayor of Addo. Although an investigation into this incident was reported to have been set up, nothing more has been heard of it. Other alleged ONLF supporters were killed by soldiers on 25 August 1994 in Degabur: **Duh**

Siad Hassan, a district prosecutor, and **Mohamoud Mohamed Hussein**, an agricultural official.

Members of other opposition parties have also allegedly been extrajudicially executed, including members of the Sidama Liberation Movement, six of whose members were reportedly taken outside Bilate military camp in late 1992 and killed.

There have been numerous allegations in the past three years that suspected OLF members have been extrajudicially executed in the past three years. One recent case was that of **Bekelle Argaw**, a former army officer, who was reportedly killed by soldiers at his home in Ambo on 26 September 1994 without warning or any resistance on his part. There has been no official inquiry into the incident.

6.2 Inquiries

Few allegations of extrajudicial executions appear to have been investigated at all thoroughly. In some cases there have been inquiries of sorts, including internal police inquiries. For example, there was an internal police inquiry into an incident in Gondar on 6 September 1993 when 13 people were killed by government soldiers in the course of anti-government demonstrations and riots. The police report published in the press disclosed few details. Special inquiry committees of the Council of Representatives were established in 1992 to examine a number of serious incidents in which people had been killed. However, the result of only one such inquiry was reported: that of the Bedeno incident where OLF armed personnel were found to have been responsible. In other incidents government troops or pro-government militias were allegedly responsible, for example when scores of AAPO supporters were killed in Arba Gugu village in Arsi district in June 1992. In these cases the committees did not publish their findings. Without publication of the reports with details of the methods of investigation, findings and recommendations, it is impossible for the general public and others to assess their value.

There was an extended public inquiry into one incident, which took place at Addis Ababa University on 4 January 1993. Security forces shot at a student demonstration which started peacefully, killing one student and injuring 13. An official Committee of Inquiry into the incident, mandated to establish the facts, began in March 1993. In December 1993 it submitted its report and recommendations to the Council of Representatives, which would decide on any measures to be taken. The President of the Supreme Court chaired the committee and nominated its members from among religious leaders, judges and others.

The committee took evidence from students and professors, eye-witnesses, journalists, police officers, hospital staff and others. Some evidence was given before television cameras. The inquiry focused particularly on the question of how many people were killed or wounded by the security forces. Police stated that one person, **Tesfahun Worku**, a first-year mature student, had been killed and 13 wounded. The inquiry committee reported that it received no evidence of

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more than one death by shooting or more than 13 wounded. (The government had criticized Amnesty International for an early statement that it had received initial reports of several deaths, but Amnesty International's own sources did not subsequently substantiate this and the organization accepts the figure of one death.)

Amnesty International remains concerned about certain aspects of the inquiry, including questions relating to procedures for resolving conflicting testimony and the issue of responsibility for the shootings. In its view, insufficient attention was paid to protecting witnesses from reprisals: indeed, the arrests of 95 students after the incident, the subsequent closure of the university and the dismissal of staff and students was highly intimidating.

Nevertheless, the committee apparently took its work seriously and no witnesses are known to have suffered reprisals. However, the committee's report to the Council of Representatives is not publicly available and only a summary of it which was published in the government press has been provided by the committee to Amnesty International. The report is said to have made recommendations about the use of lethal force by the police and advised compensation for the dead victim's family. The Council of Representatives has not yet had any debate or reached any decision on the report.

With the exception of this inquiry, investigations into alleged extrajudicial executions have been inadequate and incomplete. In most cases, there has been no official comment or official media reporting of the incidents or publication of the result of any official investigation into them.

An instance where such an inquiry might be useful is an incident on 21 February 1995 when nine people were killed and 126 wounded at the Anwar mosque in the Mercato area of Addis Ababa in clashes between rival Islamic groups. It is not yet clear how many of the dead were killed by police who were called to the scene, and whether there was lawful or unlawful use of lethal force. It is also unclear so far how many were killed by members of the rival groups, who also killed or injured some police officers. An independent and impartial investigation could determine how the deaths occurred, whether rights were violated and, if so, what should be done to prevent such an occurrence. No such inquiry has been established. Over 50 members of these groups were arrested and several have now been charged in connection with this incident.

The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions reported in December 1994 that he had received no reply from the government to several communications expressing concern at the occurrence of extrajudicial, summary or arbitrary executions in Ethiopia. He called on the Transitional Government:

"to ensure, with the same degree of determination as shown in the efforts to bring to justice those responsible for past abuses, that allegations of human rights violations under the current authorities are subjected to exhaustive and impartial investigations, with a view to establishing the facts, determining those responsible and bringing them to justice, granting adequate

compensation to the victims or their families, and to prevent the recurrence of such violations."

Credible and public procedures for independent and impartial investigations into allegations of human rights violations need to be established to find out the truth and to prevent the recurrence of any violations. In order to meet international standards, the main elements of an inquiry are that:

- it is conducted by an independent and impartial body;
- it operates according to relevant international standards and principles;
- witnesses, including eye-witnesses, victims of abuses, and members of the security forces, give their evidence without fear of recrimination;
- it reaches its conclusions within a reasonable time and makes public immediately a full report, along with a summary of its conclusions and the evidence for reaching them;
- it makes recommendations on any necessary measures of redress, reform or establishment of official procedures, or further investigation or prosecutions of those found to have been responsible for abuses or crimes.

6.3 Killings by opposition groups

Human rights abuses have been committed by opposition groups engaged in armed conflict with the government in parts of Ethiopia. Some opposition groups have deliberately and arbitrarily killed unarmed civilians. Killings by opposition groups have also been difficult to confirm and document in detail.

In early 1992 OLF militias reportedly detained, ill-treated and killed civilian opponents in the Oromo region. For example, over 150 people were killed in Bedeno in April 1992 and 280 OLF detainees are now on trial with connection with this incident. In August 1994 the OLF abducted a relief worker for three weeks. Later in the year OLF fighters were alleged to have killed a number of OPDO officials and civilian census enumerators in the Hararghe area.

The *Al-Itihad* group in Region Five and a faction of the Islamic Front for the Liberation of Oromia are alleged to have killed civilians opposed to them as well as government or regional government officials.

In addition, in several areas of the country armed groups whose motives appear to be criminal rather than political have killed and abused civilians. Some of these groups include former Dergue government soldiers who still possess their weapons.

7. DETENTIONS AND TRIALS OF FORMER GOVERNMENT OFFICIALS

About 1,750 members and officials of the overthrown government remain in detention. Most

have been held since 1991 and none were charged until late 1994. A first group is now on trial, including former President Mengistu Haile-Mariam, who is being tried in absentia. They have been charged with crimes including genocide and crimes against humanity, and their trial started in December 1994. The Transitional Government made it clear on taking power that it would deal with former government officials through the legal process and these trials are open to international observers.

Amnesty International welcomes the Transitional Government's commitment to the principle of accountability for past abuses of human rights. It is concerned at the same time that the trials should be fair in accordance with international standards and that the death penalty -- itself a violation of human rights -- should not be used.

7.1 Arrests

When EPRDF forces captured Addis Ababa and assumed power in May 1991, they detained defeated soldiers and ordered senior officials of the ruling party, the overthrown government and the armed forces to surrender. President Mengistu Haile-Mariam fled to Zimbabwe (where he remains) and many others fled the country too. Thousands were captured, arrested or detained after surrendering. The EPRDF made forceful and welcome declarations about its commitment to establishing the rule of law. It said that it would bring to justice officials of the former Dergue and WPE governments responsible for human rights violations committed between 1974 and 1991. It specifically affirmed that it would not deal with them extrajudicially.

During the following year the EPRDF demobilized the defeated armed forces, which numbered over half a million, many of them conscripts. In general, only higher-ranking officers were kept in detention and the rest were provisionally released, including police and prison officers who were not thought to have been involved in serious human rights violations. Most top Dergue and WPE officials, including some government ministers and civil servants, were kept in detention. Also held were local officials alleged to have been involved in "Red Terror" crimes in the late 1970s, including some who had themselves later fallen victim to the repression and had been tortured and detained for years. Arrests of former officials and members of the security forces continued in 1994 and early 1995. Arrests often occurred after public denunciation sessions organized by government-supported "Anti-Red Terror Committees". Other former WPE members who were not arrested were punished instead by being banned from political activity for five years, dismissed from state employment (including the judiciary), or denied their pensions or employment benefits. Most of the 1,750 remaining in detention are held in Addis Ababa but some are in regional prisons.

Some of the most recent detainees are opponents or critics of the present EPRDF government. The government has justified their detentions on the general that they were allegedly involved in human rights abuses under the previous government but has not specified the offences of which they are accused. For example, two AAPO officials -- **Getachew Mengiste**, a former police

colonel, and **Getahun Ijigu**, a former army lieutenant, regional governor and ambassador to Sweden -- were detained in early 1993 and early 1994 respectively. **Professor Alemayehu Teferra**, then President of Addis Ababa University, was arrested in April 1993 during a conflict between the government and the university. The government said that he was detained on the basis of documentary evidence of responsibility for Red Terror crimes. **Aberra Yemane-Ab**, a member of the exiled Coalition of Ethiopian Democratic Forces, was among eight exiles arrested when they returned to Ethiopia in December 1993 for a "peace and reconciliation conference" organized by the opposition. They were charged with armed rebellion. In early 1994 the prosecution withdrew the charges. Seven were released but Aberra Yemane-Ab was kept in detention on account of alleged involvement in human rights abuses under the Dergue government. In these and other similar cases -- such as the arrests in early 1993 of Ethiopian Airlines pilots who were previously airforce officers -- the authorities have not lodged any charges.

The EPRDF took control of the security and military records of the overthrown government. Documents apparently included records of military orders, arrests and execution warrants. In the absence of a police force (which had been disbanded), the EPRDF security forces carried out its own investigations, supplemented by evidence requested from the public. In general, it did not interrogate detainees. Detainees were not told of the accusations against them or given any opportunity to challenge them or present their own version. In the absence of a functioning court system for a long time, detainees were held without charge or trial and without any legal detention order, and had no possibility of contesting their detention.

7.2 The Special Prosecutor's Office

The Special Prosecutor's Office was established in August 1992 to deal with the cases of Dergue and WPE detainees. It is accountable to the Prime Minister. The proclamation establishing it said, "it is in the interest of a just historical obligation to record for posterity the brutal offences, the embezzlement of property perpetrated against the people and to educate the people to make them aware of these offences in order to prevent the recurrence of such a system of crimes". The function of the Special Prosecutor's Office is to "conduct proper investigations and bring to trial detainees".

Prosecutors were appointed in January 1993 and the Special Prosecutor's Office appealed for international assistance to enable it to perform its task, which was seen as of national and international significance in restoring respect for human rights and ensuring "no impunity". It received some technical assistance to computerize military and security records and other documentary evidence. However, the computerization project has been discontinued. International human rights legal consultants have been funded by US, Swedish, Canadian, Norwegian, Dutch and Danish government aid agencies and through the Carter Center in the USA and some international non-governmental organizations. The Argentinian Forensic Anthropology Team has excavated mass graves of extrajudicial execution victims.

The Special Prosecutor's Office cooperated in a successful law suit against an alleged former Ethiopian torturer in the USA in August 1993, assisting the court with documentary evidence, and subsequently requesting his extradition to Ethiopia to stand trial. It is also seeking extradition of former President Mengistu Haile-Mariam from Zimbabwe and about 60 other former officials from the USA, Kenya and other countries. It has asked Italy to hand over three former officials who sought asylum in the Italian embassy in Addis Ababa in May 1991. Two former officials were deported from Djibouti and detained in May 1994 and a third was taken from the Djibouti consulate in Dire Dawa in eastern Ethiopia in mid-1994 and is currently on trial.

7.3 Charges and trials

The proclamation establishing the Special Prosecutor's Office aimed to legalize the detention of former officials retroactively. It authorized the Special Prosecutor's Office to detain suspects and formally suspended detainees' right to *habeas corpus* for six months. It declared that this proclamation overrode existing laws, with evident reference to safeguards in the Criminal Procedure Code. When the suspension ended in February 1993 the first *habeas corpus* applications were made by detainees. This led to the provisional release of 200 to 300 detainees by the courts. Several hundred more were provisionally freed by the Special Prosecutor's Office itself.

In early 1993 these detainees began to be brought to court for the first time. Most were remanded in custody for investigation, though none was charged. Some detainees whose release was ordered by a court were rearrested by the Special Prosecutor's Office and brought to a different court for remand. Detainees' lawyers challenged the continual remands and the absence of charges even when investigations had been completed. The High Court and Supreme Court ruled that such remand was unlawful but in late 1993 the cassation division of the Central Supreme Court ruled that because of the special circumstances and the seriousness of the crimes involved, the detainees could be remanded without a specified limit -- but not indefinitely -- until they were charged. No detainee is known to have been released provisionally since that ruling.

The Special Prosecutor's Office said that it recognized international concern about the long delay in charging the detainees. It gave no specific individual grounds for the detentions and remands but said in June 1993 that "all detainees presently being held are suspected of serious crimes (e.g. multiple murders)". It admitted that the detainees were initially not held in accordance with Ethiopian law but said that the Supreme Court decision in late 1993 had remedied this.

The UN Working Group on arbitrary detentions declared in December 1992 that the detentions were "arbitrary, being in contravention of articles 9 and 10 of the Universal Declaration of Human Rights, articles 9 and 14 of the ICCPR and Principles 2, 4, 9, 10, 32, 32, 37 and 38 of the Body of Principles for the Protection of All Persons under Any Form of Detention or

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Imprisonment". Having received no reply from the Ethiopian government to contest this, it requested the government to "take the necessary steps to remedy the situation, so as to comply with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the ICCPR." This position was reiterated by the Working Group twice in 1993 and again in December 1994.

On 27 October 1994 the Chief Special Prosecutor announced filing of charges in the Central High Court against former President Mengistu Haile-Mariam (*in absentia*) and 65 other former members of the Dergue (which originally had 120 members). Of these 66, 44 appeared in court and 22 others were to be tried *in absentia*. The charges relate to 269 acts of genocide and crimes against humanity, including 1,823 killings, 99 cases of torture and 194 "disappearances". All defendants are alternatively charged with murder and 12 senior officials were also charged with other offences such as unlawful detention and bodily harm. One of the issues the courts will have to resolve is the definition of "genocide", as it is defined differently in Ethiopian and international law.

The Chief Special Prosecutor told Amnesty International's representatives in February 1995 that charges were being processed against other detainees but he could not say when all detainees would be charged. The detainees were being tried in three stages, starting with the "policy and decision makers", then the "field commanders, both military and civilian", then "the actual perpetrators" of murder, torture and other crimes (who might also be in the former two groups too).

On 13 December 1994 the first trial opened in the Central High Court. The indictment against the defendants was read over a period of four days. The proceedings were postponed until 7 March 1995 to permit defence lawyers to prepare objections to the indictment.

Lawyers generally had unrestricted access to their clients until January or February 1995, but then prison officials demanded to read all documents going in and out of the prison. This violates the right to communicate with legal counsel which is recognized in Article 14 (3) (b) of the ICCPR. Rule 93 of the UN Standard Minimum Rules for the Treatment of Prisoners, Principle 18 (1) of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and Rules 16 and 20 of the UN Basic Principles on the Role of Lawyers make clear that such communication must in all cases be confidential.

Lawyers refused to meet their clients under these circumstances and three of them sought an informal meeting with prison administrators in the office of the President of the Central High Court on 21 February 1995. This meeting was inconclusive and prison officials continued to demand to read all documents.

On 7 March 1995 the proceedings resumed. By then, more Dergue members had been charged, bringing the total number to 106. Forty-eight defendants appeared in court, 24 others were being

tried in absentia, and the rest were deceased. An Amnesty International observer attended the proceedings on March 1995, when defence lawyers presented their objections to restrictions on the right to defence and to the indictment itself.

With regard to the right to defence, defence lawyers objected to the seizure by prison officials of documents from two defendants relating to their defence strategy. The court immediately ordered the documents to be returned and this was done. However, the judge did not resolve a further complaint affecting the right to defence. Several defendants complained at the start of proceedings that as a result of the prison authorities' decision to read all documents they had not been able to confer privately with their lawyers about objections to the indictment. The following day the court directed lawyers to consult their clients and lawyers were able to meet the defendants as a group on the lawn outside the courtroom, but not individually. The next day a lawyer speaking on behalf of all the defendants was ruled out of order by the judge before he could raise the question of confidential access to clients. Other lawyers renewed their complaint about confidential access and denial of access to prosecution evidence at this stage but the court did not rule on these issues.

Defence lawyers also submitted a number of objections to the indictment, including that the charges lacked sufficient detail to enable them to prepare a defence. They also raised questions about the impartiality of the court and pre-trial prejudice against the defendants through government statements and proclamations.

On 16 March the judge adjourned the trial until 23 May, when the prosecution will reply to the objections to the indictment and other issues raised by the defence. Amnesty International will continue to monitor the trial and subsequent trials of former officials so that it will be in a position to make an independent assessment and report on whether the trial meets international standards of fair trial as set out in the ICCPR and other international standards.

The trial is being held in an open and normal court, with the right to defence and appeal. An Office of Public Defence was created within the Supreme Court under a Danish aid project to train some former judges and new law graduates to defend Dergue/WPE detainees who could not afford private lawyers. Subsequently, it was decided instead to pay for private lawyers so that all detainees would be represented by experienced counsel. Defendants will be able to appeal to the Central Supreme Court. If sentenced to death, they have the right to petition the President of the Republic for clemency, who may commute the sentence to life imprisonment. Article 25 of the new Constitution prohibits amnesty or pardon for those convicted of crimes against humanity.

Amnesty International has welcomed the decision to permit independent trial observers, including an Amnesty International delegate, to observe the trials in order to assess whether the proceedings are fair under both Ethiopian law and internationally accepted standards. Journalists and members of the public have also been able to attend the proceedings, which are being broadcast on Ethiopian television.

7.4 Death penalty

The death penalty is a violation of the right to life, which is guaranteed by Article 3 of the ICCPR, and it is the most cruel, inhuman and degrading punishment. Amnesty International opposes the death penalty in all cases as a matter of principle and works for its complete abolition worldwide.

The new Constitution provides for the death penalty. After affirming that "Everyone has the inviolable right to life" (Article 14), it immediately restricts this by Article 15 which states: "No person shall be deprived of his or her life except for grave crimes defined by law."

Ethiopian law retains the death penalty under the 1957 Penal Code. It is mainly an optional penalty -- an alternative to life imprisonment -- to be applied in "aggravated circumstances" or a situation of "exceptional gravity". It may be imposed for "Offences against the State" (including treason, espionage, armed rebellion), "Offences against the Law of Nations" (such as genocide, crimes against humanity, war crimes against the civilian population, and use of illegal means of combat), "Military Offences" and "Offences against Life or Person" (intentional homicide). It is up to the judges to determine in each case whether it is applicable. Most of the offences for which these detainees are held would carry the death penalty because of the aggravated or exceptionally grave circumstances of the crimes alleged.

The Special Prosecutor's Office has said that it is aware of the concern of the international community about the use of the death penalty. The Special Prosecutor's Office has said that it is "acutely aware that our purpose is to strengthen democratic institutions and to promote human rights". But the Transitional Government and the Special Prosecutor's Office both support the use of the death penalty and favour execution as an appropriate punishment for a "limited number" of former officials if they are convicted of the most serious offences, such as genocide and multiple crimes against humanity.

Amnesty International has pointed out to the Special Prosecutor's Office that the UN Security Council has ruled out the death penalty as an appropriate punishment for genocide, crimes against humanity and serious violations of the laws of armed conflict in the statutes of the International Criminal Tribunals for the Former Yugoslavia and Rwanda. Similarly, the International Law Commission (a UN body of the world's leading experts on international law) has excluded the death penalty as an appropriate punishment for such grave crimes in its draft statute for a permanent international criminal court, now being discussed by the UN.

Amnesty International has called on Ethiopia to join the growing number of African countries which have formally abolished or effectively suspended the use of the death penalty in recent years.

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In line with its commitment to the abolition of the death penalty worldwide, Amnesty International opposes the forcible return of anyone to any country to face the death penalty and possible execution. Amnesty International therefore opposes the extradition, deportation or surrender of former officials to Ethiopia if they might be executed. The organization considers that the retention of the death penalty and the determination to execute some prisoners convicted in these trials are an obstacle to bringing to justice those responsible for crimes against humanity.

There have been no judicial executions under the Transitional Government, to Amnesty International's knowledge, and courts trying cases such as murder have rarely imposed death sentences. However, some death sentences were imposed by courts in 1994 for aggravated homicide in ordinary criminal cases.

7.5 Treatment of detainees

The treatment in detention of the Dergue/WPE detainees has been broadly commendable, in contrast to the treatment of some recent political prisoners. Dergue/WPE detainees were seen and interviewed by an Amnesty International representative in July 1993 in the Central Prison (in the *Alem Bekagne* ("End of the World") section) and in Maikelawi police investigation centre. They had not been ill-treated and conditions in these two prisons had been greatly improved. The prison authorities there had clearly tried to meet international standards on the treatment of prisoners. Detainees' complaints related mainly to delays in obtaining medical treatment, and this seemed to be due to administrative or technical difficulties.

Conditions of Dergue/WPE detainees in other prisons, especially in the rural areas, are believed to be worse than in the Central Prison and Maikelawi police investigation centre, and possibly not consistent with the relevant international standards.

8. AMNESTY INTERNATIONAL'S RECOMMENDATIONS

8.1 The current human rights situation

i) Prisoners of conscience

Amnesty International urges an impartial and independent review of the cases of all political prisoners to examine the grounds for imprisonment and to determine whether any is a prisoner of conscience. The government should immediately and unconditionally release any prisoner of conscience. Where the law appears to allow the imprisonment of prisoners of conscience, then the law should be revised so that no one can be imprisoned for peacefully exercising their human rights.

ii) Political imprisonment

All political detainees against whom the authorities have evidence of involvement in violent

opposition or a criminal offence should be formally charged with a recognizable criminal offence, or otherwise released. If charged, they should then be given prompt and fair trials. No detainee should be held indefinitely without charge or defined legal status. Suspected members of an armed insurgent group such as the OLF (including those captured in fighting) should only be held within the framework of the law.

Action by the appropriate authorities is needed to ensure that no one is detained indefinitely without charge or trial, that all detainees are brought before a court within the specified 48-hour period, that no one can be kept in prison if their detention has no legal basis, that there is a limit on remand without charge, that the right to *habeas corpus* is protected in all cases, and that the independence of the judiciary is respected and promoted.

Amnesty International also requests those responsible for the administration of justice to ensure that judges do not remand detainees in custody unnecessarily, and that judicial proceedings in political cases are scrupulously fair and consistent with international standards, including Ethiopia's international treaty obligations.

With regard to trials before regional courts, there is an urgent need for training for regional judiciaries. A form of central federal judiciary review is also needed to promote the independence of regional judiciaries and to protect them from interference by regional political and security authorities.

iii) "Disappearances"

The authorities should publicly invite evidence of any secret or unauthorized detention to be given to an independent and impartial body established to examine such allegations. This body should examine the evidence, inspect the alleged secret detention centres and publish its findings.

Any prisoner found to be held in unauthorized interrogation or detention centres should be immediately moved to official and lawful custody. Any secret and unauthorized place of interrogation or detention must be closed. The government should ensure that no one is detained except in accordance with the law in publicly declared places of lawful custody. All prisoners should be publicly accounted for and should have access to relatives, legal counsel and appropriate national or international humanitarian organizations. A central register of detainees should be established and all information concerning the place of detention and all transfers should be made known to families, lawyers and others.

Any unresolved cases of "disappearance" should be subject to an independent and impartial inquiry to determine what happened to the victim and, if relevant, who was responsible for the "disappearance". International standards for such inquiries require that evidence is taken from all

concerned, the findings are published, witnesses are protected from reprisals, and criminal prosecutions are commenced against anyone found to be responsible for a "disappearance".

iv) Torture

Amnesty International calls on the government to institute a public and independent inquiry into allegations of torture, including rape of women, by the security forces. The inquiry should conform to international standards for commissions of inquiry. The government should publicly condemn torture, bring torturers to justice, and compensate torture victims. It should outlaw secret detention -- which provides the opportunity for torture -- and ensure that procedures for interrogation are consistent with international standards for the prevention of torture. In particular, it should immediately prohibit any method of restraint which can result in injury, such as tying with plastic ties for a prolonged period. The authorities should ensure that no prisoner is subjected to any form of torture or ill-treatment (including dry-shaving as described above) and that all prisoners are given immediate and regular access to their families and legal representatives and medical treatment as required.

v) Killings by the security forces

The government should demonstrate its total opposition to extrajudicial executions and the unlawful use of lethal force against prisoners or demonstrators. Those in charge of the security forces should maintain strict chain-of-command control and responsibility to ensure that officers under their command do not commit extrajudicial executions. The government should ensure that law enforcement officials use force only when strictly necessary and to the minimum extent required under the circumstances. Guidelines for the security forces should be introduced and maintained to ensure that lethal force is not used except when strictly unavoidable in order to protect life.

Allegations of unlawful use of lethal force by the security forces should be investigated thoroughly, promptly and impartially. Investigations should be consistent with international standards, and should lead to effective action to prevent and remedy any human rights violations. The security forces should be instructed that they will be prosecuted if they kill people unlawfully.

vi) Death penalty

Amnesty International urges the government to accept and declare that the death penalty is a violation of the right to life, and to refuse to inflict this cruel, inhuman and degrading punishment. However horrific the crimes committed, this cannot be a justification for the state to take further life. Executions of former officials -- even of those responsible for mass killings -- would not be a good precedent for protecting the right to life in the future.

Amnesty International seeks the total abolition of the death penalty in Ethiopia and around the world. At the present time, it appeals to the Ethiopian government to suspend the death penalty in all cases, to specifically exclude the death penalty in the Dergue/WPE trials, to reduce the range

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of applicability of the death penalty in Ethiopian law in accordance with general UN recommendations, and to preserve its present commendable record of no executions.

8.2 Trials of former government officials

The Transitional Government accepted its responsibility for bringing to justice those responsible for human rights violations under the former government. It is vital that the judicial proceedings should be fully fair and consistent with international standards.

Trials must satisfy both the requirements of Ethiopian law and internationally recognized standards for fair trial. These standards are found in numerous international instruments, including the ICCPR, the UN Standard Minimum Rules for the Treatment of Prisoners, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the UN Basic Principles on the Independence of the Judiciary, the UN Guidelines on the Role of Prosecutors, the UN Basic Principles on the Role of Lawyers and the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Among the essential guarantees are the following:

- confidential access by defendants to their lawyers;
- prompt access by the defence to evidence held by the prosecutor;
- a competent, independent and impartial court;
- exclusion of evidence obtained through torture or ill-treatment;
- the right to appeal.

The Special Prosecutor's Office should complete the process of bringing charges against all detainees as soon as possible, or release them pending possible trial or if they are not charged. International standards require that all detainees should be promptly charged with a recognizably criminal offence and given a fair trial within a reasonable time. These standards have so far not been met.

Amnesty International acknowledges that the court authorities are cooperating with those seeking to observe the trials. It requests them to ensure unimpeded access to the courtroom and court documentation (including prosecution evidence, in particular) for observers as well as defendants and their legal counsel and others, and to spare no effort to ensure that all aspects of the trials are fair in relation to international standards. This will enable the trials to have the impact intended with regard to protection of human rights for the present and future.

With regard to the death penalty, Amnesty International urges the authorities to avoid executions, either through the abolition, suspension or exclusion of the death penalty, or through the Special Prosecutor's Office not demanding death sentences, or through a judicial policy to exercise discretionary power not to impose death sentences, or through executive clemency to commute death sentences to life imprisonment. Amnesty International specifically requests the government

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to follow the example of the International Criminal Tribunal for the Former Yugoslavia, the Statute of the International Tribunal for Rwanda and the International Law Commission's draft statute of the permanent international criminal court, in excluding the death penalty, even for war crimes and genocide.

In respect of extraditions, deportations or requested surrender of former officials to stand trial in Ethiopia, Amnesty International requests the Ethiopian government to give assurances in all cases that the death penalty will not be used.

8.3 Human rights and the elections

In the current general elections, although likely to take place without the participation of several opposition parties, Amnesty International appeals to all parties and independent candidates to support Amnesty International's human rights recommendations. It also urges groups monitoring the elections -- the official National Election Board, the Donors' Election Unit of diplomatic observers, and Ethiopian and international non-governmental groups -- to watch for any abuses of human rights. They should ensure that no one is detained for peacefully exercising the right to freedom of expression and association. They should immediately report any abuses to the relevant authorities, make them public without delay and press for prompt remedial action.

8.4 Appeal to the new Government of Ethiopia

This report is also addressed to the new Government of Ethiopia which will succeed the Transitional Government. Amnesty International calls on the new government, officials serving under it, and the new parliament -- including those who held office under the Transitional Government and others taking office for the first time --- to put human rights high on their agendas for action. The issues of concern to Amnesty International are described in this report. Amnesty International urges close attention to these issues and determination to uphold the principle of accountability for human rights. Accountability for the abuses of the 1970s and 1980s is being established. The pressing need is to make sure that human rights are protected now.

Amnesty International appeals to the new government to implement the recommendations contained in this report, and in addition to:

- ratify the African Charter on Human and Peoples' Rights and the Optional Protocols to the ICCPR. This will signify full commitment to internationally recognized human rights and build on the Transitional Government's positive record of accessions to human rights treaties;
- establish an independent and impartial Human Rights Commission and an Ombudsman as envisaged in the Constitution. This will add important safeguards for human rights to a Constitution which sets out to guarantee recognition and protection of fundamental human rights.