



ETHIOPIA

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 33RD SESSION OF THE UPR WORKING GROUP, 6-17 MAY 2019

FOLLOW-UP TO THE PREVIOUS REVIEW

Since Ethiopia's last Universal Periodic Review (UPR), Amnesty International has observed significant changes in the country's human rights situation. This submission reviews the implementation of recommendations that Ethiopia accepted in its 2014 review and largely focuses on serious human rights violations committed before Prime Minister Abiy Ahmed's new administration in April 2018. His administration has taken significant measures towards improving the human rights landscape in the country, however, it is important that states in the Human Rights Council's UPR Working Group are mindful of past abuses so as to allow for justice and accountability to break the cycle of impunity.

In its last UPR, Ethiopia accepted 188 of 252 recommendations made by other states.¹ In April 2017, the Ethiopian government launched a National Human Rights Action Plan II (2017-19)² to implement the UPR recommendations it accepted.³

Spurred by systemic human rights repression and economic and political marginalization in 2015, youth in Oromia and Amhara regions took their grievances to the streets in vast numbers and in a sustained manner until early 2018. The government used excessive, and often lethal, force to quell the protests, killing, beating and arresting protesters. The protests continued for over two years and forced then Prime Minister Hailemariam Dessalegn to resign in February 2018. The new Prime Minister, Abiy Ahmed, announced reforms to address structural and systematic human rights issues, and released thousands of prisoners who were serving sentences under politically motivated charges. Amnesty International recognizes that Prime Minister Abiy Ahmed has put forward an important reform agenda that has potential to improve the human rights situation if effectively implemented and urges the new administration to address deep-rooted human rights concerns. Amnesty International has also noted positive steps already taken by the administration towards reforming draconian legislation, such as those addressing anti-terrorism, civil society, and media proclamations.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Human rights in the domestic legal system

The Constitution of the Federal Democratic Republic of Ethiopia (FDRE) dedicates a whole chapter to human rights. However, the power to interpret the Constitution is vested in one chamber of the Federal Bicameral Parliament⁴ and not the judiciary, barring the judiciary from independently adjudicating cases involving interpretation of the Constitution.

¹ Report of the Working Group on the Universal Periodic Review, Ethiopia, A/HRC/27/14 and the Addendum - Views on Conclusions and/or recommendations, voluntary commitments, and replies presented by the State under review, A/HRC/27/14, Add.1.

² The Federal Democratic Republic of Ethiopia, National Human Rights Action Plan, 2013-2015.

³ Report on the Working Group on the Universal Periodic Review, Ethiopia, A/HRC/27/14, para. 157.10.

⁴ Federal Democratic Republic of Ethiopia Constitution, Article 83(1) states that "All constitutional disputes shall be decided by the House of the Federation".

The last four years have exposed the Ethiopian Human Rights Commission's (ECHR) lack of capacity and independence and failure to conform with the Paris Principles. According to the Proclamation establishing the EHRC, the Commission can investigate allegations of human rights violations in the country; however, since the last review, it has not investigated and reported on mounting allegations of human rights violations, such as extrajudicial executions, excessive and unnecessary use of force against protesters, ethnically motivated attacks, and torture and other ill-treatment in detention.

Ethiopia has neither extended a standing invitation to the Special Procedures nor accepted requests from the Special Rapporteur on Freedom of Expression or the Working Group on Arbitrary Detention to visit Ethiopia.

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

In the past five years, Amnesty International has documented various human rights violations by Ethiopian state officials, including torture and other ill-treatment, extra-judicial executions, and arbitrary arrest and detention.

Restrictions on freedom of peaceful assembly and excessive use of force

In Oromia Regional State, protests over the Addis Ababa City Integrated Development Plan (Addis Ababa Master Plan) took place between April and May 2014. They continued in November 2015 and lasted for just over two years. Though the Addis Ababa Master Plan was the immediate cause for the protests, they did not end when the government cancelled the Plan in January 2016. The demands of the protestors evolved to include calls for economic justice and the release of Oromo political leaders. The federal government responded with unnecessary and excessive use of force in the face of largely peaceful protests, resulting in many deaths, arrests, and violations of the rights to freedom of expression and peaceful assembly.

Residents of cities in the Amhara region joined the protests at the end of July 2016, following the arbitrary detention of members of the Wolkait Amhara Identity and Self-Determination Committee. Gondor, a city in the region, was the site of a large peaceful protest on 31 July 2016 which was not dispersed by security forces. However, despite being largely peaceful, subsequent protests in other cities in the Amhara region, Oromia region and Addis Ababa on 5 and 6 August 2016 were dispersed with excessive force. More than one hundred people were killed by security forces over the two days. The security forces also arrested protesters and detained them in unofficial places of detention, including military and police training bases. Victims told Amnesty International that they were subjected to torture and other ill-treatment while in detention.⁵

The Konso community in the Southern Nations' Nationalities and Peoples Region (SNNPR) also protested in August and September 2016 demanding their right to self-determination. The security forces responded to these peaceful assemblies with excessive force, killing protesters and burning homes.⁶

On 2 October 2016, a stampede at an annual festival further escalated the situation in the Oromia region. During the celebration of Irrecha⁷ in Bishoftu, tensions between security forces and protestors escalated into a stampede, which

⁵ Amnesty International, The Torturous Fields of Ethiopia's Rehabilitation Centre, 22 February 2017, <https://www.amnesty.org/en/latest/campaigns/2017/02/the-torturous-fields-of-ethiopias-rehabilitation-centre/>; Amnesty International, A license to Torture, 28 March 2017, <https://www.amnesty.org/en/latest/campaigns/2017/03/a-license-to-torture/>.

⁶ Amnesty International, Reform Only Feasible Way Out of Mounting Crisis, <https://www.amnesty.org/download/Documents/AFR2550032016ENGLISH.pdf>, last accessed 4 October 2018. (Amnesty International, Reform Only Feasible Way Out of Mounting Crisis.).

⁷ Irrecha is an annual Thanksgiving festival observed by Oromos in Ethiopia.

caused at least 52 deaths.⁸ The exact causes of the stampede, the number and cause of the fatalities, and the details of measures taken by the security forces during the Irrecha ceremony remain unclear.

By the time the government declared the first state of emergency on 9 October 2016, an estimated 800 protestors had been killed by the security forces and hundreds had been arrested and charged under the draconian Anti-Terrorism Proclamation (ATP). These included prominent politicians, human rights defenders and activists.⁹

Following the lifting of the state of emergency in August 2017, renewed protests took place in many parts of Oromia. A further 25 protestors were killed by security forces by December 2017.¹⁰

In 2018, the protests spread to parts of the Amhara Region, particularly in North Wollo. On 20 January 2018, at least nine people were killed in Woldiya town when security forces opened fire on worshippers attending the annual Epiphany holiday.¹¹ As a result, rioting occurred in nearby towns. The security forces killed at least four people in Mersa, three in Kobo, and one person in Wirgeissa town. There have been no formal reparations or remedies for any of these violations.¹²

Extrajudicial executions

Over the last four years, Amnesty International has documented a series of extrajudicial executions, mainly in the Oromia and Somali Regions. On 5 June 2016, the Somali Region Special Police, a regional paramilitary police unit, known in Amharic as “Liyu Police”, killed 21 people, including 14 who were killed at a village mosque as they prayed.¹³ The police then burnt down the village. When relatives of those killed came from neighbouring villages to mourn and bury the dead, the police demanded payment for the graves, alleging that those killed in the area were “foreigners”.¹⁴ The same police unit was credibly implicated in subsequent extrajudicial executions of Oromos within the Somali Region and in neighbouring districts of Oromia. From 8 to 10 June 2018, the Liyu Police officers attacked areas in Chinaksen District in Eastern Oromia and killed at least 14 people.¹⁵ On 12 August 2018, the Liyu police killed at least 42 people in Mayu Muluke District of Eastern Oromia.¹⁶

On 10 March 2018, members of the Ethiopian National Defence Force killed 15 people in Moyale town of Oromia.¹⁷ Amnesty International has documented similar killings by the members of the National Defence Force in Shashemene, Oromia Regional State on 11 October 2017; in Hamaressa, Harari Regional State on 11 February 2018; in Meda Walabu town, in Bale Zone of Oromia Regional State on 12 February 2018; and in Itteya town, in Arsi Zone of Oromia Regional

⁸ Ethiopia: Renewed Protests Underline the Need to Investigate After Dozens Killed in Stampede, 5 October 2016, <https://www.amnesty.org/en/latest/news/2016/10/ethiopia-renewed-protests-underline-need-to-investigate-after-dozens-killed-in-stampede/>

⁹ Amnesty International, Reform Only Feasible Way Out of Mounting Crisis.

¹⁰ 10 protestors were killed in Ambo a town west of Addis Ababa on 26 October 2017 and 15 protestors in Chelenko town in East Hararghe Zone on 11 December 2017.

¹¹ Amnesty International Urgent Action: Oromo Civilians Killed, Wounded by the Military, Index Number AFR 25/7904/2018, 20 February 2018, <https://www.amnesty.org/download/Documents/AFR2579042018ENGLISH.pdf>. (Amnesty International, Oromo Civilians Killed.)

¹² Amnesty International, Oromo Civilians Killed.

¹³ Amnesty International Open Letter to the Ethiopian Authorities: Enable Independent Investigation into Extra-Judicial Executions in Somali Regional State, Index Number TG AFR 25/2016.004, 31 October 2016. (Amnesty International, Investigate Somali Crimes.)

¹⁴ Amnesty International, Investigate Somali Crimes.

¹⁵ Amnesty International Press Release: Abusive Police Unit Must Be Stopped, 11 June 2018, <https://www.amnesty.org/en/latest/news/2018/06/ethiopia-abusive-police-unit-must-be-stopped/>.

¹⁶ Interviews with Amnesty International, 13 August 2018.

¹⁷ Interviews with Amnesty International, March 2018.

State on 14 February 2018.¹⁸ No formal investigations have been opened into these incidents nor have there been reparations or remedies for any of these extra-judicial killings.

Torture and other ill-treatments

In the last four years, torture and other ill-treatment has been a routine interrogation tool, especially for people suspected of terrorism. While the principal aim of the torture was to extract “confessions”, Amnesty International has also documented instances of torture being used to force people to testify falsely against others suspected of terrorism.

Places of torture include the Federal Police Central Investigation and Forensic Directorate in Addis Ababa, more commonly known as *Maekelawi*, military bases and jails in different cities of Oromia (Shashemane, Borana, Neqemte, Dembi Dolo), the Amhara region (Gondor, Bahir Dar, Shewa Robit), the Tigray region (Humera, Mekele), and the Somali Region (Jijjiga).

Allegations of torture and other ill-treatment by defendants in terrorism trials are rarely investigated. The defendants in several trials have objected to the admissibility of forced “confessions” as evidence by the prosecution; however, the judges have mostly rejected such objections and accepted the evidence irrespective of how it was obtained.¹⁹ There are only a few cases in which the courts have asked the EHRC to investigate the defendants’ allegations of torture and other ill-treatment.²⁰

In 2017, the Federal High Court ordered the EHRC to investigate allegations of torture and other ill-treatment in trials related to a fire that took place in the Qilinto Federal Remand Center and to report its findings to the Court. Prisoners reported having undergone torture in the Shewa Robit Federal Prison after being transferred from the Qilinto Federal Remand Centre on 3 September 2016 following the fire. The EHRC investigated these allegations, however, their report neither confirmed nor denied the allegations of torture. There have been no formal reparations or remedies for any of these torture allegations and those accused of torture have not been brought to justice.²¹

Amnesty International reviewed the EHRC reports to the Federal High Court and is concerned about apparent gaps and shortcomings in the investigative process, which raise questions about the impartiality, independence, and credibility of the investigations. The Commission’s reports intentionally left out key information and repeatedly failed to reach conclusions on torture by the police. Furthermore, complainants generally bore the burden of proof for torture allegations, contrary to international human rights law and standards. Their investigative processes invite questions on the EHRC’s capacity and credibility to conduct prompt, impartial, independent and efficient investigations.

Forced displacement

In different parts of the country, Amnesty International has documented forced displacement of people following ethnically motivated attacks. In the Somali region, the Liyu Police and security officials, together with locals, killed and beat Oromo men, women and children in Jijjiga, Tog-Wojale, and Degehabur, forcing them to leave the region.

Since March 2017, the Liyu police have attacked Oromo villages near the Somali region and displaced the residents. Their attacks have left more than one million people internally displaced.²² Similarly, in September and December 2017 armed Oromos in eastern Oromia attacked and displaced Ethiopian Somalis. At least 100 Ethiopian Somalis were killed in the Aweday and Hawi-Gudina Districts of Eastern Oromia.

¹⁸ Amnesty International Open Letter to the Ethiopian Parliament: Concerns Over the State of Emergency Declaration, 1 March 2018, Index No. AFR25.2018.002.

¹⁹ Interview with Ameha Mekonnen, an Ethiopian defense attorney for a number of individuals charged under the ATP, on January 2017.

²⁰ *Some notable exceptions case be found in Federal Attorney General Vs Gebre Nigussie et al, Federal Attorney General Vs Lieutenant Masresha Sete et al,*²⁰ and *Federal Attorney General Vs Yared Hussein et al.*

²¹ Report of the Ethiopian National Human Rights Commission, 30 October 2017.

²² International Organization for Migration, *Ethiopia: Conflict Displacement Situation Report*, 2018, available at reliefweb.int/sites/reliefweb.int/files/resources/ethiopia-conflict-displacement-situation-report_o.pdf (Last seen on 24 Sept 2018).

In October 2017, members of the indigenous community and the regional police killed at least 14 Amharas with machetes and spears to force them to leave the region. During the same period, Amharas in the Qellem-Welega Zone of Oromia region were forcibly evicted following attacks and threats by local youth groups. Since April 2018, more than 900,000 people have been internally displaced because of the ethnic conflict between Guji Oromo and Gedeo ethnic groups in the West Guji Zone of Oromia and Gedeo Zone of the SNNPR.²³ In addition, villages have been burnt and harvests destroyed.

In Hawassa, the capital of SNNPR, Sidama youth killed at least 10 people of Wolaita ethnic descent in June 2018. Three Sidamas were killed in Wolaita City in response. There have been no formal investigations into the attacks that led to the displacement of the communities and they have had no access to adequate reparations.

Arbitrary arrest and detention

Security forces arbitrarily arrested protestors and opposition leaders simply for their real or perceived dissent, including thousands of people involved in the sustained protests in Oromia, Amhara and SNNPR. These violations intensified during the two periods when a state of emergency was in force, with more than 29,000 people arbitrarily arrested and detained under the federal government's emergency powers in 2016.²⁴

In addition, Amnesty International has documented the detention of hundreds of people under the ATP, which includes overly broad and vague definitions of "terrorist" acts punishable by up to 20 years imprisonment.²⁵ Many individuals have been held in pre-trial detention for more than four months, which is the maximum period allowed by law.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the Government of Ethiopia to:

National human rights framework

- Amend the FDRE Constitution provisions to give full power to the judiciary to decide in an impartial and independent manner on the interpretation and application of the human rights provisions stipulated in the Constitution;
- Ensure the independence, impartiality and capacity of the Ethiopian Human Rights Commission to exercise its full mandate in line with the Paris Principles;
- Extend standing invitations to the African Union and United Nations human rights mechanisms to allow regular visits to monitor the human rights situation in Ethiopia.

Freedom of peaceful assembly

- Adopt and implement clear and precise legislation that respects, protects and promotes the right to freedom of assembly, including regulations around the right to assemblies, government management of assemblies, notification of assemblies, conduct of assemblies, as well as adequate guidelines, equipment and training on the use of force by law enforcement officials when policing public assemblies;
- Ensure independent, impartial, thorough and transparent investigations into all cases of unnecessary and excessive use of force by law enforcement officials and hold all those responsible to account in fair trials that meet international standards, and establish oversight mechanisms to supervise law enforcement conduct in the

²³ International Organization for Migration, Ethiopia, Gedeo-West Guji Response Sitrep No 4, Sep 2018, available at <https://ethiopia.iom.int/iom-ethiopia-gedeo-west-guji-response-sitrep-no-4-sep-2018> (last seen on 24 Sept 2018).

²⁴ Reuters, Ethiopia lifts emergency rule imposed last October after months of unrest, available at <https://www.reuters.com/article/us-ethiopia-politics/ethiopia-lifts-emergency-rule-imposed-last-october-after-months-of-unrest-idUSKBN1AKoQV>, (last seen on 24 Sept 2018).

²⁵ Amnesty International interviews with former detainees charged under the ATP and their lawyers.

future.

Extrajudicial executions

- Ensure independent, impartial, thorough, and transparent investigations into all cases of extrajudicial executions and hold the perpetrators to account in fair trials that meet international standards;
- Ratify the first Optional Protocol to the International Covenant for Civil Political Rights establishing an individual complaint mechanism.

Torture and other ill-treatment

- Ensure independent, impartial, thorough, and transparent investigations into all allegations of torture and other ill-treatment in places of detention, such as the former Maekelawi prison, Jail Ogaden, Awash Arba Military Camp and Shewa Robit Federal Prison, and hold the perpetrators to account in fair trials that meet international standards;
- Adopt and implement clear and precise laws that regulate interrogation methods and their procedures, duration, and location, as well as laws that provide for police accountability in the event of a police breach;
- Amend laws to clearly provide for investigation of allegations of torture and other ill-treatment by defendants or witnesses in trials, ensuring that the prosecution bears the burden of providing that the evidence was not procured through torture and other ill-treatment or in any other unlawfully coercive manner;
- Amend the rules of evidence so that evidence procured by torture or other ill-treatment is not admissible in a court of law;
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Forced displacement

- Promote, through education and public campaigns, the right to freedom of movement and the right to choose any place of residence within the national boundaries of the country;
- Immediately change laws, procedures, and practices that allow for people to live wherever in Ethiopia they would like, regardless of their ethnicity.

Arbitrary arrest and detention

- Revise laws and practices to ensure freedom from arbitrary detention and freedom from extended periods of pre-trial detention;
- Adopt laws that clearly guarantee detainees the right to access their family and lawyer, with sanctions imposed where this guarantee is violated;
- Immediately and unconditionally release all people who have been detained solely for the peaceful exercise of their human rights, including the rights to freedom of expression and peaceful assembly.

Freedom of expression

- Revise provisions of the Anti-Terrorism Proclamation and Media Proclamation to protect the rights to freedom of expression and press freedom.