

The background of the entire page is a dark, grainy photograph of what appears to be a prison cell. In the upper right, there is a window with vertical bars. Below the window, a wooden bench or bed frame is visible, extending diagonally across the lower half of the image. The lighting is very low, creating a somber and oppressive atmosphere.

# **Victims or Survivors?**

**The Reform, Torture Victims, Rehabilitation and Justice**

**Association for Human Rights in Ethiopia**

## **Victims or Survivors?**

### **The Reform, Torture Victims, Rehabilitation and Justice**

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## **Dedication**

*For all the torture victims, survivors, those whose whereabouts are unknown, those who have lost their life and their families.*

## **List of Acronyms**

AEUP	-	All Ethiopian Unity Party
AHRE	-	Association for Human Rights in Ethiopia
ACHPR	-	African Charter on Human and People's Rights
EPRDF	-	Ethiopian People's Revolutionary Democratic Front
FDRE	-	Federal Democratic Republic of Ethiopia
ICCPR	-	International Covenant on Civil and Political Rights
OLF	-	Oromo Liberation Front
TPLF	-	Tigray People Liberation Front
UDHR	-	Universal Declaration of Human Rights
UNCAT	-	United Nations Convention Against Torture

## Foreword

Despite the adoption of various legal instruments prohibiting torture, officials sometimes use torture as an interrogation and punishment mechanism. Torture has a long history in Ethiopia as a way of extracting information and as a form of punishment. This fact was proven by the testimony of victims<sup>1</sup> and investigation by different organizations working on human rights like AHRE. Many have lost their lives in prison as a result of torture and victims have been suffering from temporary and permanent physical and psychological harm as well as social and economic problems.

There is a prohibition on the use of torture for any purpose as well as a duty on the government to rehabilitate and support the victims. The first confession from the government came during the inauguration of Dr. Abiy Ahmed Ali as the prime minister of Ethiopia in 2018. There was a statement by the prime minister acknowledging the commission of torture by the government. Following this, political prisoners who had experienced torture and other forms of mistreatment at prisons and pre-trial detention centers were released.

This research shows the torture inflicted upon political prisoners who either defended the interest of the public or who were suspected of having contact with groups labeled as terrorists. It demonstrates the grave human rights violations committed by authorities, articulates victims' conditions after release, explains failure by the government to discharge its obligation to support and rehabilitate beyond releasing the victims and assesses whether there are national policies and systems to redress and rehabilitate the victims.

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<sup>1</sup> Victim in this particular research refers to persons subjected to torture, have survived but have been traumatized and are still unable to overcome the effects due to lack of proper rehabilitation.



## **About Association for Human Rights in Ethiopia**

The **Association for Human Rights in Ethiopia** (AHRE) is a non-governmental, non-partisan, and not-for-profit organization dedicated to the advancement of human rights in Ethiopia. The organization was initially registered and based in Geneva, Switzerland. It was established through an initiative of an Ethiopian human rights activist that fled the country and other members of the Ethiopian diaspora, as an overseas human rights organization that carries out activities that are difficult to undertake by organizations based in Ethiopia due to financial and administrative restrictions.

Taking advantage of the opening up of the civic space as a result of the revision of the restrictive CSO proclamation (proclamation no. 621/2009) AHRE decided to base its office in Ethiopia, and got registered with the Agency as of November 12/2020.

The organization is engaged in contributing for the improvement of the human rights situation in Ethiopia, mainly through its advocacy and research works. It is also engaged in Training Local Actors, Publishing press statements monthly and a Bi-monthly magazine online and Trial monitoring. All the above activities are the tools used to work for creating awareness, strengthening the capacity of local actors in Ethiopia and call upon concerned parties to give it due concern.

## **Recommendations**

Based on the findings, the study recommends the following measures to be taken by different stakeholders.

### **To the HPR of FDRE**

Enact laws which:

- As part of the reform in the substantive criminal law, expressly criminalize torture;
- Reduce the pre-trial detention period, including through introduction of compulsory maximum period of pre-trial detention;
- Impose obligation on the executive to provide security and protection for victims that testify against the perpetrators and
- Oblige the government to take action to rehabilitate the victims of torture, including through allocation of budget and establishment of victim funds as necessary;

### **To the judiciary**

- Exercise its independence and make inadmissible confessions taken under torture;
- Shorten the period it grants for pre-trial detention for investigation;
- Hear victims statements regarding their treatment in detention centers and make decisions, as necessary, that guarantee humane treatment of prisoners;

### **To the executive of FDRE**

- Design a national policy and strategy for physical, economic, social and psychological rehabilitation of victims and full reinstatement of victims to society.
- Bring the perpetrators before court of law so that they can face justice so as to deter others from further commission of torture.

### **To the Ethiopian Human Rights Commission (EHRC)**

- Expose those who are responsible for the commission of the act and make sure that they are brought to justice and advocate for the same;
- Bring the government's attention to the rehabilitation of the victims of torture;

#### **To the United Nations and the African Commission on Human and People's Rights**

- Urge the Ethiopian government to rehabilitate torture victims everywhere, so that they can be relieved from the physical, mental, economic and social scars of the torture and ill-treatment they experienced and lead their normal life
- Publicly call upon the Ethiopian government to bring perpetrators of torture to justice and end impunity

#### **To the European Union and its allies**

- Publicly and privately express concern on the need to rehabilitate victims and end impunity
- Assist in the establishment of rehabilitation centers for victims and support them based on their need.

#### **To Human Rights Organizations and defenders**

- To advocate for the right of torture victims and victims and put pressure on the government to take all the necessary measures to prevent further commission of torture
- Advocate for the end of impunity of perpetrators;

## Methodology

Methodologically, the study has adopted two approaches. First, it makes content analysis of international and national laws against torture. This is with the view to determine the extent to which the domestic laws of Ethiopia meet international standards in taking legislative measures against torture. Besides, it also explores reports and writings on torture in Ethiopia published by human rights organizations including AHRE in our own previous works.

Second, the study also makes a qualitative analysis employing a narrative design to provide stories of victims of torture through interview to get the empirical evidence about the nature and magnitude of torture, the role of courts in the fight against torture, victims' current state of affairs, and measures needed to rehabilitate and reinstate victims. The study has focused on four regional states and one city administration: Oromiya, Amhara, Somali SNNP and Addis Ababa. Interviews with more than 20 victims have been conducted, five of which are human rights defenders. To incorporate the views of the government as well, an interview was conducted with two government officials from Somali and Amhara regional states. Due to budget constraint and other factors AHRE was forced to collect data from most interviewees through phone conversations.

This research is intended to assess the torture committed during the EPRDF regime before Prime Minister Abiy Ahmed came to power.

*The names of victims used in the research have been changed except for that of officials.*

# 1. Introduction

*“Anyone who has been tortured remains tortured [...] anyone who has suffered torture never again will be able to be at ease in the world; the abomination of annihilation is never extinguished. Faith in humanity, already cracked by the first slap in the face, then demolished by torture, is never acquired again<sup>2</sup>.”*

*Jean Amery, At the Mind's Limits: Contemplations by a Victim on Auschwitz and Its Realities, Indiana University Press, 1980.*

Torture can generally be understood as an inhuman act carried out against a person by another under official capacity for some desire or purpose. Even if torture is committed once, its negative effect on humanity often lasts for long.

Torture, as a state-sanctioned practice, has existed throughout the ages. At its core, it degrades human dignity and demeans the person, violating the essential integrity of the human body and human will; an exploitation of a person's threshold of suffering. It takes advantage of every person's aversion to pain, which is deeply rooted in the primeval human instinct for survival and self-preservation and almost always overpowers a person's will<sup>3</sup> leading suspects to confess to crimes they didn't even commit. By using torture, authorities seek to achieve objectives that can readily be obtained through other means of interrogation and investigation that do not violate the integrity of the human person.<sup>4</sup>

The vast majority of torture and other ill-treatment that occurs around the world takes place in pretrial detentions. Nevertheless, excessive and arbitrary pretrial detention is universally prohibited by international legal norms. Pretrial detainees are extremely vulnerable to abuse because they are entirely controlled by authorities who have interest in gaining information or

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<sup>2</sup>Open Society Foundations (OSF), Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk (OSF 24 June 2011)

<sup>3</sup>Eric Henry Joseph F. Mallonga, Prosecution of torture: A manual (Asia Foundation 2011) <<https://www.asiafoundation.org/resources/pdfs/ManualontheProsecutionofTortur>>

<sup>4</sup>Ibid

confession to secure conviction. Consequently, there is a justifiable fear that once arrested people often fall into a deep criminal justice hole that is almost impossible to escape.<sup>5</sup> This makes pretrial detention the worst part of the criminal justice system.

Moreover, individuals subjected to prolonged pretrial detention emerge from the justice system years later, mentally and physically scarred, and with little chance of redress or rehabilitation. This is profoundly damaging to the individual and to the society as a whole. That is why in designing pre-trial detention, states are required to meet conditions defined in human rights law and in particular refer to the right to liberty and security of the person, and the principle of presumption of innocence.<sup>6</sup>

Disregarding the human rights obligations and with the full knowledge of negative effect of torture, many law enforcement officials still opt to the use of torture. The fundamental reason is that they regard torture as the easiest and fastest way to get the suspects' confession. This is done even in democratic countries setting aside the legislative prohibition of torture and inhuman treatments. In the case of autocrats, the use of repression, including torture, is not limited to getting confession; but, also to extract information about potential conspiracies, as a strategy to dissuade opponents, or as a punitive measure against acts of dissent.<sup>7</sup>

In Ethiopia thousands have suffered from torture at detention centers and prisons in different parts of the country. However, after the coming into power of Prime Minister Abiy Ahmed, the ruling party in its course of changing the political atmosphere closed major detention centers like “Mackelawi” and released political prisoners particularly those arrested with terrorism charges.

Apart from prohibiting the act of torture, international instruments and domestic laws have designed accountability and redress systems with a view to deter the commission of torture. The measures, inter alia, include holding perpetrators criminally and civilly accountable, making inadmissible evidence obtained through torture, and allowing independent oversight of detention

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<sup>5</sup>Open Society Foundations (OSF) (n 2)

<sup>6</sup>Ibid

<sup>7</sup>Ibid

facilities.<sup>8</sup> In addition, it is necessary to rehabilitate the victims to relieve them from the post-torture trauma, be reintegrated in to the society and lead a normal life.

Nevertheless, despite releasing political prisoners who had been tortured, the Ethiopian government is reluctant to the rehabilitation of victims who have suffered physical, psychological, economic and social harms. Moreover, the government is not holding perpetrators accountable.

## **2. Historical Background: Torture in Ethiopia**

### **2.1. A Short History of Torture in Ethiopia**

The Dergue regime was an era with widespread opposition and protest which has had an effect on the youth resulting in the death and torture of thousands; being a socialist regime with a military structure it had no room for opposing political ideas and parties. The Constitution of the People's Democratic Republic of Ethiopia (PDRE)<sup>9</sup> has failed to incorporate the prohibition of torture as one of its principles. It is difficult to calculate the exact number of those killed, imprisoned or forced to flee the country on account of the Red Terror campaign of the PDRE (Derg) era. Many of the prisoners were detained in harsh conditions in rooms which were highly packed, lightless and where the screams of others being tortured could be heard while awaiting torture themselves.<sup>10</sup> Suspicion of having connections with the then insurgent groups was the reason for the arrest, beating, torture and execution without a charge or trial.<sup>11</sup> Likewise those who were suspected of being members of the opposing group were shackled to the ceiling and had the sole of their feet beaten, toenails and fingernails removed with pliers, their wrists crushed with tight handcuffs and women would be raped and sexually tortured.<sup>12</sup> Political prisoners did not have the right to trial or

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<sup>8</sup>Ibid

<sup>9</sup> The Constitution of the People's Democratic Republic of Ethiopia, Proclamation No. 1 of 1987, Negarit Gazette, Vol. 47, No. 1, Addis Ababa, 12 September 1987 (PDRE Constitution)

<sup>10</sup> United States Bureau of Citizenship and Immigration Services, Ethiopia: Background Information on the Mengistu Regime during the Red Terror, 28 December 1999, ETH00003.OGC

<<https://www.refworld.org/docid/3ae6a6b414.html>>

<sup>11</sup>Ibid

<sup>12</sup> Kissi, Revolution and genocide, 123 cited in Edward Kissi, "Remembering Ethiopia's 'Red Terror': History of a Private Effort to Preserve a Public Memory," Ethiopian Red Terror Documentation & Research Center (ERTDRC), Documenting the Red Terror, Bearing Witness to Ethiopias Lost Generation, (2012), p 12

that of the right to present evidence in their defense.<sup>13</sup> Generally, during the military dictatorship torture was frequent, severe and geographically widespread. The principal federal police investigation center at Maekelawi in Addis Ababa and Mariam Gimki in Asemera were the main torture centers; in addition to the two almost all the other detention centers in the country also practiced severe forms of torture.<sup>14</sup>

However, those perpetrators of the mass killing or torture were not held liable during the regime. Impunity was exacerbated by the fact that Ethiopia did not participate in regional or international human rights systems and lacked international and domestic monitoring and complaint systems.<sup>15</sup>

The peasant militias of the country that served as security forces during the Dergue regime in the country had the power to detain and interrogate suspects; however they were never held accountable for their abuse of power and torture.<sup>16</sup>

Generally despite the “Red Terror Trials” impunity for torture continued in the years that followed as the officials who were convicted for crimes against humanity and sentenced from life imprisonment to death penalty were released on parole.<sup>17</sup>

In May 1991 the Ethiopian People’s Revolutionary Front (EPRDF) took power after defeating the Dergue. As a result, there was a transitional government established in July 1991. The International Covenant on Civil and Political Rights (ICCPR)<sup>18</sup> and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)<sup>19</sup> were also adopted during the transition.<sup>20</sup>

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<sup>13</sup> Richard Carver and Lisa Handley (eds), *Does Torture Prevention Work?* (Liverpool University Press 2016) 474

<sup>14</sup> *ibid* 475

<sup>15</sup> *ibid* 475

<sup>16</sup> *ibid*

<sup>17</sup> Tesfa news, Derg officials released from Ethiopian prison, (October 15, 2011) 16 <<https://www.tesfanews.net/16-derg-officials-released-from-ethiopia-jail/>>

<sup>18</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR)

<sup>19</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984 entered into force 26 June 1987) 1465 UNTS 85 (CAT)

<sup>20</sup> Human Rights Watch, *Ethiopia- The Curtailment of Rights*, 1 December 1997, A908, available at: <<https://www.refworld.org/docid/3ae6a8554.html> >



Despite the changes that were envisioned following the Red Terror Trials and the adoption of a new constitution and international human right treaties, torture continued to be practiced on detainees. Thousands have been tortured and inhumanly treated in different parts of the country while many have lost their lives and others are living with their sufferings.

### **3. Turning point: Closure of Maekelawi Prison and Jail Ogaden**

The Federal Police Crime Investigation center Maekelawi which translates to “Central” is among the infamous torture centers located in the capital Addis Ababa. This site had also served the same purpose during the Dergue regime.<sup>21</sup> It is where most political prisoners—opposition politicians, journalists, protest organizers, alleged supporters of ethnic insurgencies and many others were taken to after their arrest. There they were interrogated and many have suffered all sorts of abuse and torture.<sup>22</sup>

The interviewees have mentioned that investigators would use coercive measures amounting to torture so as to gain confession and other information from the detainees and those who were suspected of terrorism were particularly targeted. The types of torture alleged include severe beating, electric shock, suspension of a plastic bottle holding water from their testicles, electric shock, the insertion of objects into a woman detainees’ vagina, and forcing a naked person to perform physical exercises before a crowd of the opposite sex.

Detainees were often denied access to legal counsel and family members. Basic needs like food, water, and light were provided as rewards depending on the compliance of detainees with the investigators demand. In a 2013 report on the prison and an attached police station, Human Rights Watch concluded that abuses at Maekelawi were widespread.<sup>23</sup>

The second infamous torture center is Jail Ogaden which is located in the Eastern part of the Ethiopia Somali Regional State Jigjiga town. Many studies and reports of international human

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<sup>21</sup>Richard (n 13) 475

<sup>22</sup>Human Rights Watch, 'They Want a Confession': Torture and Ill-Treatment in Ethiopia's Maekelawi Police Station (17 October 2013) 1

<sup>23</sup>Selam Solomon and Tsion Girma, 'Ethiopia close the infamous prison, but activities awaits deep reform' (08 April 2018) <<https://www.voanews.com/africa/ethiopia-closes-infamous-prison-activists-await-deeper-reforms>>

rights organizations including Human Rights Watch showed that Jail Ogaden was the worst prison where thousands were brutally tortured.<sup>24</sup>

As part of the recent reform, the government has closed these notorious detention and investigation centers. Maekelawi is converted into a museum<sup>25</sup> and jail Ogaden is also open for visitors.<sup>26</sup> Also, the prime minister acknowledged openly that people were being tortured and he promised his administration would have zero tolerance for torture in detention.<sup>27</sup>

## 4. Prohibition of Torture

Torture has been recognized as the “most serious violation of the human right to personal integrity and dignity... [i]t presupposes a situation where the victim is powerless i.e. is under the total control of another person.”<sup>28</sup> Thus it is universally recognized as an abhorrent act which is prohibited under international, regional and national instruments aimed at protecting the dignity as well as the mental and physical integrity of individuals.

The prohibition of torture and other forms of ill-treatment is absolute, non-derogable, and one of the strongest and most entrenched rules in all international laws. The prohibition is absolute in that there is no exception in which torture may be allowed, and states are not permitted in any circumstance by any treaty to temporarily limit the application of the prohibition under their own domestic law. An order from a superior officer or a public authority may not be invoked as justification of torture and each act of torture is required to be investigated, prosecuted, and

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<sup>24</sup>Human Rights Watch, “We are like the dead” torture and other human rights abuses in jail Ogaden, Somali Region, Ethiopia, (July 4 2018) <<https://www.hrw.org/report/2018/07/04/we-are-dead/torture-and-other-human-rights-abuses-jail-ogaden-somali-regional>>

<sup>25</sup> Daniel Mumbere, Ethiopia closes Maekelawi prison, restores internet access across the country (Africa news 07 April 2018) <<https://www.africanews.com/2018/04/07/ethiopia-closes-maekelawi-prison-restores-internet-across-the-country/>>

<sup>26</sup> Abdur Rahman Alfa Shaban, ‘Ethiopia’s Somali region closes infamous Jail Ogden’ (22 September 2018) <[www.africanews.com/2018/09/22/ethiopia-s-somali-region-closes-notorious-jail-ogaden/](http://www.africanews.com/2018/09/22/ethiopia-s-somali-region-closes-notorious-jail-ogaden/)>

<sup>27</sup> Felix Horne, ‘Moving From Ethiopia’s Torturous Past’ HRW (2 July 2019) <<https://www.hrw.org/news/2019/07/02/moving-ethiopias-torturous-past>>

<sup>28</sup>UN Special Rapporteur on Torture Manfred Nowak, E/CN.4/2006/6, para. 39.

punished. International, regional as well as national instruments in which the prohibition of torture is codified in are discussed below.

#### **4.1. International and Regional Standards**

International treaties and resolutions of international organizations set up systems intended to guarantee the prohibition and prevention of resorting to torture as much as possible. We have the Universal Declaration of Human Rights (UDHR)<sup>29</sup>, ICCPR and CAT which are the prominent instruments that absolutely prohibit torture.

The UDHR under article 5 and ICCPR under article 7 provide that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” The ICCPR also prohibits in absolute terms subjecting a person to medical or scientific experimentation without free consent. Additionally ICCPR has provided, “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”<sup>30</sup> Not only are detainees protected from treatment contrary to Article 7, but they also have a positive right to be treated with respect.

Besides, CAT represents the most elaborate international codification of standards and practices regarding the prohibition against torture. It provides the most widely accepted definition of torture under its Article 1. It specifies a range of additional steps that States must take to adequately prevent, prohibit and redress torture and guarantee non-recurrence. The purpose of the Convention is to prevent and eradicate the use of torture and other cruel, inhuman or degrading treatment or punishment and to ensure accountability for acts of torture. It recognizes torture committed by the State through its agents as a prohibited conduct in itself, independent of the context in which it is committed.<sup>31</sup>

It has also imposed positive obligations on state parties to:

- Take effective legislative, administrative, judicial, or other measures to prevent acts of torture in any territory under their jurisdiction.

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<sup>29</sup> Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR)

<sup>30</sup> ICCPR, Art 10

<sup>31</sup> Eric (n 3)

- Keep under continual systematic review of interrogation rules instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under their jurisdiction, with a view to preventing any cases of torture.
- Define torture as a specific and separate criminal offence in their national laws
- To render inadmissible any testimony proven to have been extracted by way of acts of torture.
- To undertake investigation of torture cases in their official capacity and not only at the instance of a formal private complaint. Thus, the UNCAT obligates states to pursue the investigation of any official within their ranks as soon as reasonable grounds appear to engender a belief that torture has been committed.<sup>32</sup>

Regionally, the African Charter on Human and Peoples' Rights, under Art. 5, prohibits all forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment.<sup>33</sup> Other regional human rights treaties have also given recognition to the protection against torture.<sup>34</sup>

## **4.2. National Standards**

The post-1995 government of Ethiopia has taken different legislative measures to prohibit torture. Below is a summary of the legislative measures taken.

### **4.2.1.The FDRE Constitution**

The Federal Democratic Republic of Ethiopia Constitution has given wider recognition to human rights under the third chapter.<sup>35</sup> This section of the FDRE Constitution is to be considered as an

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<sup>32</sup> Ibid

<sup>33</sup> African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter) Art 5

<sup>34</sup> Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR) art 3; ACHR(Adopted at the Inter-American Specialized Conference on Human Rights, San José, Costa Rica, 22 November 1969) art 5(2)

<sup>35</sup> Federal Democratic Republic of Ethiopia Constitution, Proclamation No. 1/1995, (FDRE Constitution)

integral part of the land and interpreted based on international instruments as per article 9(4) and 13(2).

Article 18 expressly provides that “no one shall be subjected to cruel, inhuman or degrading treatment or punishment”. Through positive and constructive interpretations, this specific provision is used to establish that there is a prohibition of torture even though it is not expressly provided in the FDRE Constitution. At the same time, Article 93 (4(c)) of the FDRE Constitution includes Article 18 in the list of non-derogable rights.

In addition, Articles 19(5) and 21 contribute for the protection of the right of prisoners to be free from torture, inhuman or degrading treatment or punishment indirectly. Moreover, Article 28(1) criminalizes torture as part of crimes against humanity. The provision further implies that torture cannot be barred by period of limitation and is not subjected to amnesty or pardon.

In general, from the above constitutional stipulations, it can be concluded that the FDRE Constitution provides protection against torture.

However, the question is whether this constitutional protection is translated into subordinate laws and practice. This is due to the state’s commitment to realize the constitutional protection which can be deduced from its act of legislation and practical enforcement of the right. In the subsequent sections, an appraisal of subordinate laws and recent state practice is examined to determine how far the government is determined to fight torture, hold those who committed the act liable and even compensate victims.

### **4.2.2.Subordinate Laws**

The FDRE Criminal Code<sup>36</sup> takes two approaches with regard to the criminalization of torture. The first one is specifically criminalizing torture as a war crime, whereas, the second one is putting torture in other cases as violence. Particularly, Article 424 of the Criminal Code provides penalties for violence, including torture, inflicted by state agents. It criminalizes torture against arrested persons by public officials involved in investigation and prison administration and provides

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<sup>36</sup>The Criminal Code of Ethiopia, Negarit Gazeta, Proclamation No.414/2004 (Criminal Code)

penalties with simple imprisonment or fine, or in serious cases, with rigorous imprisonment not exceeding ten years and a fine.

Moreover, an official giving the order of torture will be punished with rigorous imprisonment not exceeding fifteen years and fine. Prison guards and administrators have the responsibility to refrain from torturing the detainees, ensure that they are treated properly, and are not subjected to any kind of ill-treatment.

The Criminal Procedure Code<sup>37</sup> also incorporates an exclusionary rule of evidence to discourage the commission of torture to get admission or confession from a criminal suspect. The code prohibits any police officer or authority from using any improper method, including torture, in order to secure confession or any information; and that evidence obtained through such method is excluded.<sup>38</sup> This provision reinforces the exclusionary rule stipulated in Article 19(5) of the FDRE Constitution by making any evidence secured through torture inadmissible.

The other important law for the protection of individuals from torture is the repealed Federal prisons commission establishment proclamation number 365/2003<sup>39</sup>. The preamble provides that the proclamation is enacted with the purpose of creating a prison police administration that is committed to adhering to the FDRE Constitution as well as the law enacted under it.<sup>40</sup> Therefore, the prisons proclamation intends to establish federal prisons where the detainees are treated with humanity and respect free from torture and cruel and inhuman treatment and punishment. And explicitly entitles the prisoners right to be treated with dignity under article 22(1).

In the same fashion, the Federal Police Commission Proclamation No. 313/2003<sup>41</sup>, obliged any police officer to perform his responsibilities, among others, by fully observing human and

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<sup>37</sup> The Criminal Procedure Code of Ethiopia, Negarit Gazeta, Proclamation No. 185/1961 (Criminal Procedure Code)

<sup>38</sup> Criminal Procedure Code, Art 31.

<sup>39</sup> The Federal Prisons Commission Establishment Proclamation, Proclamation No. 365/2003, Federal Negarit Gazzeta (Prisons Proclamation)

<sup>40</sup> Art 18 (1) of the Commission proclamation has provided the principle that the prison warden has the responsibility to adhere to the human rights and democratic rights as found in the FDRE Constitution and International Human Right instruments adopted.

<sup>41</sup> Federal Police Proclamation, Proclamation No. 313/2003 (Federal Negarit Gazzeta, 9<sup>th</sup> Year No. 30, Addis Ababa, 4<sup>th</sup> January 2003) (Police Proclamation)

democratic rights ensured in the FDRE Constitution.<sup>42</sup> Similarly, under the Federal Police Commission Administration Regulation No. 86/2003<sup>43</sup>, violation of human and democratic rights stipulated in the Constitution would entail rigorous disciplinary measures, which include demotion and dismissal.<sup>44</sup>

In contrast to the above laws, there were other legislative measures which opened the door for torture. For instance the Anti-Terrorism Proclamation no. 652/2009<sup>45</sup> has had a detrimental effect on the human rights protection in the country. The law empowered police and security forces to use any means at their disposal to extract information or secure confessions it has simplified and weakened the standard of proof required to bring terrorism charges. Intelligence reports could be presented as evidence even if they do not disclose their sources or the method by which it was gathered;<sup>46</sup> and evidence gathered by interceptions or surveillance is also admissible.<sup>47</sup> This Proclamation had been used as a way to suppress the voices of many. Those who expressed their dissent peacefully have been accused of belonging to groups designated as terrorists and charged through the proclamation.<sup>48</sup>

No less important, almost all the major international and regional human rights instruments that guarantee protection from torture and inhuman treatment or punishment have been adopted by Ethiopia. However, contrary to these positive achievements, the country has been blamed for the prevalence of torture in many of its prisons.

## **5. Redress and Reparation for Victims**

It cannot be denied that aside from the heavy public impact of torture as a crime and the overriding interest of the State to prevent its commission, torture is still, at its core, a violation of the human

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<sup>42</sup> FDRE Constitution art 20(1)

<sup>43</sup> Hereinafter Police Administration Proclamation

<sup>44</sup> Police Administration Proclamation art 54(1)

<sup>45</sup> Anti-terrorism Proclamation, Proclamation No. 652/2009 (15th year No. 57, Federal Negarit Gazzeta, ADDIS ABABA 28th August, 2009) (Anti-terrorism proclamation)

<sup>46</sup> Anti-terrorism proclamation art 23(1)

<sup>47</sup> Anti-terrorism proclamation art 23(1)

<sup>48</sup> Human Rights Watch, Ethiopia Events in 2017, world report 2018 <<https://www.hrw.org/world-report/2018/country-chapters/ethiopia>> accessed at 15/11/2019

rights of an individual. Therefore, the State has an equally compelling interest in ensuring that victims of torture are given adequate mechanisms for redress and reparation.<sup>49</sup> CAT under Article 14 provides that states must ensure that victims of torture obtain redress and have an enforceable right to compensation, including the right to full rehabilitation as much as possible.<sup>50</sup>

General Comment No. 3<sup>51</sup> of the Committee on CAT has provided that there are 5 forms of reparation for redress which have been discussed below:

- **Restitution** – re-establishing the victim to the situation he was in before the torture was committed, taking into consideration the specificities of each case including the structural causes of the violation, including any kind of discrimination (for example, relating to gender, sexual orientation, disability, political or other opinion, ethnicity, age or religion).
- **Compensation** – monetary or non-monetary compensation given to the victim for any assessable damage resulting from the torture or ill-treatment. This may include medical and rehabilitative expenses, loss of earnings, opportunities, and earning potential due to the disability caused by the torture or ill-treatment as well as legal assistance associated with bringing a claim for redress. The Committee clarified that the provision of monetary compensation on its own is not sufficient for States to comply with their obligations under Article 14.
- **Rehabilitation** – Includes a full holistic rehabilitation of the medical and psychological care, as well as legal and social services to help restore the victims’ independence, physical, mental, social and vocational ability, and full inclusion and participation in society.

In respect to rehabilitation, the Committee has underscored “the obligation of State parties to provide the means for a full rehabilitation as possible” which refers to the need to restore and repair the harm suffered by a victim whose life, including dignity, health and self-

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<sup>49</sup>Ibid

50 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Adopted and opened for signature, ratification, and accession by GA Resolution 39/49 of 10 December 1984. <<https://legal.un.org/avl/ha/catcidtp/catcidtp.html>>

Art. 14

51CAT General comment no. 3, 2012 : Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment : implementation of article 14 by States parties, 13 December 2012 <<https://www.refworld.org/docid/5437cc274.html>>



sufficiency may never be fully recovered as a result of the pervasive effect of torture. The obligation does not relate to available resources of state parties and may not be postponed.

- **Satisfaction** – this includes the verification of facts and public disclosure of the truth; an official declaration or judicial decision restoring the dignity, reputation and the rights of the victim; effective measures to stop the violations; assisting in the recovery, identification and reburial of victims' bodies; public apologies, including acknowledgement of the facts and acceptance of responsibility; commemorations and tributes to victims.<sup>52</sup>
- **Non-repetition** – so as to guarantee this states are required to take measures to combat impunity along with other measures that would enable and guarantee the non-repetition of torture. Through guaranteeing non repetition states would be able to amend the laws, fight impunity as well as take measures that would prevent further occurrence of the act.<sup>53</sup> This relates to ensuring that the act of torture will not be committed again.

Generally, the Committee noted that the benefits should include mental and psychosocial rehabilitation, aside from the usual civil compensation sanctioned by law. In sum, this provision of the CAT recognizes the need to provide remedies against the ill effects of torture in the private realm, as seen from the vantage point of the victim.<sup>54</sup> Accordingly, States need to ensure that their legal and institutional frameworks enable victims of torture and other ill-treatments to access and obtain the redress discussed above. Nonetheless, research shows that access to judicial remedies for torture is protracted, expensive and fraught with challenges in most countries, and reparation measures, in the few instances in which they are ordered, are inadequate and often left un-implemented.<sup>55</sup>

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<sup>52</sup>REDRESS, Legal Frameworks to Prevent Torture In Africa: Best Practices, Shortcomings and Options Going Forward (March 2016) 55 <<https://www.refworld.org/docid/56e2d44e4.html>>

<sup>53</sup>General Comment 3 p 5

<sup>54</sup>Eric (n 3) 35.

<sup>55</sup>ibid 31

## 6. Victims Testimony

### 6.1. Conducting Arrest

During arrest, the principle is that a police officer conducting the arrest is to provide the suspect with the warrant for his arrest and inform him of the reason thereof.<sup>56</sup> It is a requirement that an individual be able to communicate with family members of his arrest and have access to legal counsel.<sup>57</sup> The outcome of the violation of this particular safeguard is that of potentially being subjected to torture and other forms of ill treatment.<sup>58</sup>

The Ethiopian criminal law requires a warrant when conducting an arrest.<sup>59</sup> It is only in exceptional cases, in case of flagrant offenses and when the suspect is at the verge of exile or disappearance that arrest without a court warrant can be made.<sup>60</sup> Furthermore, the law requires the arresting officer to inform suspects of the crime they are suspected of and recite their Miranda rights.

However, what used to happen during the era of EPRDF to the victims interviewed was against human rights and constitutional norms. Torture often began at the time of conducting arrest; interviewees revealed that their arrest was made forcefully, without any resistance at night, hit from behind and surrounded at gun point, with their eyes covered, and handcuffed. They were then thrown in a car that was driven at a high speed and most didn't even get time to ask the officers about why they were arrested.

For example, Abate, a member of the opposition, was arrested on April 22, 2013, around 11:00 P.M. at night on his way home from the office. He described that federal police officers, who were fully armed, had surrounded his home and said:

*“The moment I was about to open the front gate, they stopped me at gunpoint and asked my name. After ascertaining my identity they handcuffed and bumped me to*

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<sup>56</sup> This principle is provided under article 9(1) of the ICCPR which prohibits arbitrary detention.

<sup>57</sup> Amnesty International, Above The Law Police Torture In The Phillipines (2014) 29

<sup>58</sup> Ibid, P 30

<sup>59</sup> Criminal Procedure Code art 49

<sup>60</sup> Criminal Procedure Code art 51

*the ground, covered my eyes with black piece of cloth, began to beat me, and finally threw me into the car holding my hands and legs. When I asked them why they were arresting me they said I should ask that at the police station. I had no idea where they were taking me at that moment. I had lost consciousness for some time and can only remember that the car was driven at a high speed and sounded like an ambulance.*”<sup>61</sup>

The same night Caleb was also arrested in similar conditions. The only difference being that he was arrested at 1:30 P.M. at night through an act which could be considered as a kidnapping by security and intelligence officers.<sup>62</sup>

Aman, who was also a member of an opposition party from Oromia region, has stated that he was arrested on his way from Bahir Dar to Addis Ababa at night. He explained the condition of arrest as follows:

*“It was on March 01/2015 that around eight state security people captured me while I was about to get into a car leaving for Addis Ababa. They covered my eyes with a cloth, threw me into a car and took me to Maekelawi. They neither showed me a court order nor told me my right to remain silent. But they made me appear before court within 48 hours.”*<sup>63</sup>

Alemu, who had participated in a peaceful political struggle, from Amhara region has also stated that his arrest was full of misery. He recalls the condition of his arrest as follows:

*“On January 18/2015 while I was attending the eve ceremony of Ethiopian Epiphany at Maksegnit town (a small town a few kilometers away from Gonder city) the police grabbed me from behind and kicked me hard. They took me to my home and claimed that there was a bomb in my house, searched the house and took some party documents. They beat me violently in front of my family and also beat*

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<sup>61</sup> Abate, Association for Human Rights in Ethiopia interviews #1, October 2019, location Bahir Dar (translation from Amharic into English).

<sup>62</sup> Caleb, Association for Human Rights in Ethiopia interviews #2, October 2019, location Bahir Dar (translation from Amharic into English).

<sup>63</sup> Aman, Association for Human Rights in Ethiopia Phone interviews #3, January 2021, location Adiss Ababa (translation from Amharic into English).

*my son. Following this they covered my eyes with a piece of cloth and took me to Azezo, a place in Gonder city; threw me into a hole; then proceeded to pee on me and kick me hard. They ordered me to speak in Tigrigna. Finally, they tied up my hands and legs, covered my eyes with a cloth and took me to Maekelawi.*”<sup>64</sup>

Ezra from Southern Nations Nationalities and Peoples Regional State (SNNPR) took part in middle leadership of a Party. He had been arrested twice, first in 2007 and then in 2015. He narrated his arrest as follows:

*“When I was arrested for the first time in 2007, it was around 1:00 P.M. in the evening. There was a car in front of my gate with no plate numbers. And when I entered my home four people caught me, taped up my mouth, covered my eyes with a cloth and took me to Addis Ababa. During my arrest in 2015 they broke into my house at 11:00 P.M. at night, made everybody in the house lay down outside and took me and my 11<sup>th</sup> grade child to the police station while beating us with the handle of their gun. But later, after I begged them for a while, they released my son and took me back to Maekelawi. In both cases they did not bring a court order, inform me of the crime that I was suspected of or my right to remain silent.*”<sup>65</sup>

Taye, from Amhara region, who was arrested on December 31 /2014, narrated the condition of his arrest in the following manner.

*“When I got out of a bank around 3 A.M in the morning people who came in four automobiles pointed gun at me and coerced and handcuffed me, threw me in to a car, covered my eyes with cloth and pushed down my neck with their knee, the music was opened very loud and they took me to an unknown place. I was investigated at such a place for seventy four days. They neither showed me a court order nor told me about my right to remain silent or the crime that I had been suspected of.*”<sup>66</sup>

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<sup>64</sup> Alemu, Association for Human Rights in Ethiopia Phone interviews #4, January 2021, location Debre Tabor town (translation from Amharic into English).

<sup>65</sup> Ezra, Association for Human Rights in Ethiopia Phone interviews #5, January 2021, location Aribaminch town (translation from Amharic into English).

<sup>66</sup> Taye, Association for Human Rights in Ethiopia Phone interviews #4, January 2021, location Debre Tabor town (translation from Amharic into English).

On the other hand, the human rights defenders, activists and journalists such as Seifu<sup>67</sup>, Robel<sup>68</sup>, Kiros,<sup>69</sup> Seid<sup>70</sup> and Liku<sup>71</sup> who were arrested in Addis Ababa mentioned that they had not been informed of their right to remain silent and were arrested randomly without an arrest warrant.

Seifu, who engaged in blogging, online campaigning and activism along with colleagues which focused on the protection and advancement of human rights, was arrested at different times for his human rights activism and criticism of the human rights situation in the country and the government's gross human rights violations. His longest arrest was the one where he was apprehended on April 25, 2019 with his colleagues including Kiros. He recalls how the arrest was conducted as follows:

*“Security forces, whose exact number I don’t remember, approached us around Kenenisa Hotel in Addis Ababa and told us we are under arrest. I asked them where the arrest warrant was. However, the security officers refused to show us one, but one of them read a piece of paper that authorizes the police to arrest us. We could not confirm whether it was a formal arrest warrant or not. We weren’t also told about our right to remain silent and that the statements we made would be presented as evidence against us.”*<sup>72</sup>

Robel, a freelance journalist, human rights activist and writer also stated that he was arrested twice in November 2014 and November 2016 for what he had written in magazines and newspapers. In 2014, he was arrested for a piece he contributed to a Magazine. He said:

*“Two months after the publication of the piece I received a call from Meakelawi prison administration. The person on the other side of the phone told me that I was*

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<sup>67</sup> Seifu, Association for Human Rights in Ethiopia Phone interviews #3, January 2021, location Adiss Abeba (translation from Amharic into English).

<sup>68</sup> Robel, Association for Human Rights in Ethiopia interviews #8, December 2020, location Adiss Abeba translation from Amharic into English)

<sup>69</sup> Kiros, Association for Human Rights in Ethiopia interviews #9, December 2020, location Adiss Abeba translation from Amharic into English)

<sup>70</sup> Seid, Association for Human Rights in Ethiopia interviews #10, December 2020, location Adiss Abeba translation from Amharic into English)

<sup>71</sup> Liku, Association for Human Rights in Ethiopia interviews #11, December 2020, location Adiss Abeba translation from Amharic into English)

<sup>72</sup> Seifu (n 67)

*needed for some questioning and to come to the office. Forthwith I went there and they detained me. There was no arrest warrant presented to me and I was not informed to remain silent and of the effect that statements I made would be presented against me as evidence.”*<sup>73</sup>

The arrest of Liku, freelance, activist and the then opposition politician, who was arrested on December 25, 2015; and Journalist Seid, who was arrested on 19 June 2011, had been taken in the same fashion as that of the others mentioned above. Both of them revealed that during their arrest they were only told that they were suspected of terrorism. They were not informed of their Miranda rights, and they were not presented with an arrest warrant.<sup>74</sup>

Generally, the above testimonies of victims reveal that they were captured for arrest in conditions which are considered as violating their human and democratic rights. Moreover as indicated above, the conditions are such as to fall under the category that facilitates the commission of torture during detention.

## **6.2. Condition of Detention and Arrest in Different Centers**

### **i. Maekelawi**

Although the places where most of our interviewees were first apprehended are different, they finally ended up in the notorious torture center Maekelawi. Most victims explained that they were put in dark rooms with no sunlight at all, and they used to get sunlight only from ten to fifteen minutes per day and that was also when they were allowed to use the restroom. Others were detained in rooms with high electric power that hurt their eyes. Furthermore, the torture victims also revealed that they were not allowed visitation rights by their family and lawyers for a long time while they were detained in the prison center. As an illustration the following victims have narrated their stories.

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<sup>73</sup> Robel (n 68)

<sup>74</sup> Liku (n 71) and Seid(n 70)

Aman said that ‘for a month and two weeks, my family had no clue about my whereabouts. They were looking for me in all of the police stations in Bahir Dar.’<sup>75</sup> Similarly, Alemu mentioned that he was prevented from meeting his family for the first three months.<sup>76</sup>

Ezra, who had the worst experience from among the interviewees stated that his family knew his whereabouts after six months of his arrest.<sup>77</sup> Aron who had been fighting against the eviction of farmers around Sudan border without any compensation or substitute land in 2006 on the other hand said:

*“I was detained in a dark room for five consecutive months at Maekelawi. They allowed me to get sunlight for a maximum of five minutes.”<sup>78</sup>*

Aman, has also, stated:

*“I was detained in a room with high electric power which was not comfortable for my eyes and it was switched on for 24 hours. I could not open my eyes due to the electric power in such a very small room.”<sup>79</sup>*

For instance Ezra, Seifu and Habtamu stated that they were handcuffed and forced to sleep on the floor for their entire stay in the prison. They said that the rooms were very narrow, and that they used to sleep taking turns and that it was highly suffocated.<sup>80</sup>

They were not provided with adequate food and water. They also mentioned that the food smelled very bad and they ate just for the sake of survival. Abate, for instance, noted:

*“I do not know what was used to prepare the food. It smelled so bad and also had a very bad taste. I used to eat while holding my nose just for survival.”<sup>81</sup>*

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<sup>75</sup> Aman (n 63)

<sup>76</sup> Alemu (n 64)

<sup>77</sup> Ezra(n 65)

<sup>78</sup> Aron, Association for Human Rights in Ethiopia interviews #12, January 2021, location Addis Ababa (translation from Amharic into English).

<sup>79</sup> Aman(n 63)

<sup>80</sup> Ezra (n 65), Seifu (n 67) and Association for Human Rights in Ethiopia interviews #13, January 2021, location Addis Ababa (translation from Amharic into English).

<sup>81</sup> Abate(n 61)

Ezra who was a detainee has said the following regarding the inadequacy of time they are given to the bathroom:

*They rushed us to get back from the toilet when we just sat. We sometimes even refused to eat the food because we were not allowed to use the toilet freely. They did not allow us to go to the toilet at night even though we had a stomach ache which was common due to the food. We used to use the toilet in such a small room when we were sick, especially at night.*<sup>82</sup>

Victims were also unable to wash even their hands for months. The majority have also stated that they were not allowed to change their clothes for long periods of time. For instance Habtamu stated:

*“We were not allowed to change our cloth; we wore the cloths that we peed on during the torture. We had a bad odor. And they used to tell us it was part of the investigation.”*<sup>83</sup>

During their detention they were also denied access to health and medical treatment. Ezra said that:

*“There was no medical treatment for us. They used to torture us more while we were bleeding and wounded. They said that the prohibition of medical treatment was part of the investigation.”*<sup>84</sup>

The victims were detained for more than a year before their conviction or final verdict in such conditions. All these things imply that the condition of the detention by itself was torture.

Apart from the worst detention conditions, the process of interrogation was also inhuman, degrading and torturing as the interviewees unanimously revealed. The interviewees said that the police and intelligence officers used all the ways possible to make the interviewees confess or admit the crime they are suspected of. This was disregarding the constitutional and international

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<sup>82</sup>Ezra (n 65)

<sup>83</sup> Habtamu, Association for Human Rights in Ethiopia interviews #13, January 2021, location Addis Ababa (translation from Amharic into English)

<sup>84</sup>Ezra (n 65)



human rights of arrested persons not to be compelled to make a confession or admission which could be used against them as evidence.

The interrogation commences in the middle of or late at night. This was with the assumption that the other arrested persons felt sleepy and no one would hear what they were doing. The torture took both psychological and physical forms. Psychologically, the officers used insulting and derogatory words against the ethnic group of the suspects. They used to spit on their face and the victims were also put naked. The testimonies of some of the victims summarized below illustrate the nature of the psychological torture.

Abate said, that “[the torturers] put us naked and said to us ‘we put your ethnic group ‘Amhara’ without any political power and we undress you to tell you this fact’.”<sup>85</sup>

Alemu on his side explained how he was psychologically tortured stating that:

*“They ordered me to take off my trousers and I refused. Then, they hanged me with my hands up and took off my trousers and said ‘we have undressed Amhara like this’ and then beat me till I passed out. Following which I remained unconscious for the next two days.”*<sup>86</sup>

Aron also stated that:

*“They used to spit on me and insult my ethnic origin using words that I do not want to repeat here. They also repeatedly said that ‘you do not know what we are doing to your family’. This worried me so much and I always thought about the worst things happening to my beloved ones. It was more painful even than that of the physical torture they inflicted up on me.”*<sup>87</sup>

Moreover, Aman, has explained how he was psychologically tortured as follows:

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<sup>85</sup> Abate (n 61)

<sup>86</sup> Alemu(n 64)

<sup>87</sup> Aron (n 78)

*“They tortured me in front of my father, who came to visit me. It was so painful to look at him crying out loud and begging them to stop beating me.”<sup>88</sup> Other times, they used to make me push the wall holding my hands up for a long time and ask ‘can this wall be pushed away?’ When I said ‘no’ they would reply ‘EPRDF is just like this wall; it cannot be moved.’<sup>89</sup>*

Caleb said that:

*“Because of the harsh torture, one of the victims hanged himself and committed suicide. That day, we spent the night with the corpse as they were not willing to take it out.”<sup>90</sup>*

Liku, on his side narrates the condition and torture in Maeklawi as follows:

*“I have suffered psychological torture and was detained in a poor condition in a room crowded with other detainees where we slept taking turns. I was not allowed to be visited by my family and a lawyer for a month. After some time they transferred me to a cell where interrogations were conducted above my room and I heard when detainees were beaten and crying. On 9 March 2016 I heard someone get beaten harshly and cry so loud, later he was dragged out by the police and then never returned back. I think he was probably dead; it was terrorizing and we never fell asleep all night. The interrogation was late at night when you would fall asleep and in handcuffs. The torturers were drunk and took alcohol even during torture.”<sup>91</sup>*

Physically, the victims had also experienced slapping and punching which were common forms of physical torture as well as most types of torture. Additionally beating the inner part of their feet, electric shock, putting in cold water in the middle of the night, waterboarding, denailing, pulling one’s testicular to the back with a rope, putting in position of number 8, hanging, forcing to drink one’s own blood, beating with an electric wire, pushing a wall while holding their head up for a

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<sup>88</sup> Aman (n 63)

<sup>89</sup> Ibid

<sup>90</sup> Caleb (n 62)

<sup>91</sup> Liku (n 71)

very long time, insertion of pen into their nose and other forms of abuse were common in their stay in Maekelawi.

Abate narrates the experience of his torture:

*“One day they tortured me in a group of six. Two of them stood on my legs and the other two on my hands and the remaining two beat me so hard. In the meantime, I lost my teeth and then they closed my mouth with a bandage and made me drink my own blood. And then put water in my nose and mouth simultaneously.”*<sup>92</sup>

He has also declared that due to being forced to sleep on the floor on hard paper he still suffers from respiratory system problems. He was also put in the commonly called number 8 position and had the inner part of his legs beaten.<sup>93</sup>

Tesfaye stated that he was made to do heavy exercise for 43 days during which the guards kicked his back and feet with their fists, boots and electric wire. He also said that as a result of this he has attempted to commit suicide.<sup>94</sup>

Similarly Siraj has also stated:

*“I was subjected to beating of my inner legs and handcuffed behind my back. As a result of the torture, I have lost hearing capacity in my left ear.”*<sup>95</sup>

Similarly, Caleb was also beaten and this damaged his eyes, ears, legs, hands and spinal cord. He mentioned:

*“They had employed all methods of torture that they use, on me. I was usually put in a position commonly known as number 8 and the inner part of my feet was beaten for so many days. And sometimes I passed out.”*<sup>96</sup>

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<sup>92</sup> Abate (n 61)

<sup>93</sup> Ibid

<sup>94</sup> AHRE (Association for Human Rights in Ethiopia), Ethiopian political prisoners and their accounts of torture, 2018, Geneva Switzerland, Pp. 26

<sup>95</sup> Siraj Association for Human Rights in Ethiopia interviews #14, January 2019, location Addis Ababa (translation from Amharic into English).

<sup>96</sup> Caleb (n 62)

Aron stated

*“I was once hung with my hands up for around six hours due to which one of my arms has become permanently damaged. I have experienced electric shock and beating so many times. Most of the time they came drunk and torture us at night.”*<sup>97</sup>

Alemu, on the other hand, noted the physical torture suffered by him and fellow victims as follows:

*“They used to hang us for two to three hours minimum and beat us while hanged up. They frightened us by holding a needle saying that they would insert it into our penis. They used to insert pens into our noses. They used to beat us so hard especially at night so we could not sleep well as we did not know when they would come and take us out to torture us.”*<sup>98</sup>

Habtamu, also explains how he was tortured at Makelawi:

*“One day while taking me to the torture room the torturers told me that I will never give birth for sure. They used to pull my testicles with rope. They usually beat my inner feet. I was also subjected to electric shock and due to the repeated hard beating I could not hold my urine for a long time. They beat me up continuously for eighteen days and finally I fainted for the next two days. But they continued torturing me afterwards. They used to torture us even when we were bleeding or wounded. They used to say that it is part of the investigation. I tried to commit suicide and I even begged them to kill me so many times since I could not bear the torture any longer.”*<sup>99</sup>

Ezra, also narrates the physical torture he suffered:

*“When I was arrested for the second time around fifteen people were arrested with me. Then the investigator who used to torture me in my previous stay in Maekelawi said to me that ‘had we killed you before you would not be here again’. My inner feet were beaten with an electric wire. They used to make me stand for more than*

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<sup>97</sup> Aron (n 78)

<sup>98</sup> Alemu (n 64)

<sup>99</sup> Habtamu (n 83)

*four consecutive hours holding my head and hands up in front of a wall. They used to say that ‘we will sue you finding evidence but you will never admit’. After I was moved to Kilinto (another torture Centre in Addis Ababa) they began to torture me again claiming that I took part in burning the prison. Finally, I became diabetic.”<sup>100</sup>*

Taye explains the physical torture he suffered:

*“[the torturers] used to beat me repeatedly and I could not hold my urine for fifteen days. I wore one cloth for months and they covered my eyes by taking off my own shirt. Even the guard of the compound beat me as a result of which my eye still hurts. The torture they committed was beyond words.”<sup>101</sup>*

Seid also described the condition of detention and torture in Maekelawi prison Centre as ‘hell’. He noted:

*“The interrogation process includes harsh beatings, detention in cold and dark rooms for three months, late night interrogations, shameful blasphemy and degrading insults. As a result of the beating I lost the hearing capacity of my right ear and my bladder was swollen for a long period of time.”<sup>102</sup>*

Seifu also faced similar kind of detention condition and torture. He stated:

*“The interrogation was full of beating, threatening, degrading insults, heavy physical exercises, punching and hitting with boots. Slapping was normal and a regular activity. I had also experienced flange torture.”<sup>103</sup>*

## **ii. Jail Ogaden**

Jail Ogaden, officially known as Jijiga Central Prison, was home to thousands of prisoners, who were brutalized and neglected. Many prisoners there have never been charged or convicted of any

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<sup>100</sup>Ezra (n 65)

<sup>101</sup>Taye(n 66)

<sup>102</sup>Seid (n 70)

<sup>103</sup>Seifu (n 67)

crime. Former prisoners described a horrific reality of constant abuse and torture, with no access to adequate medical care, family, lawyers, or food at times. Officials stripped naked and beat prisoners and forced them to perform humiliating acts in front of the entire prison population, as punishment and to instill shame and fear. The purpose of the torture and humiliation was to coerce the prisoners to confess to their membership in Ogaden National Liberation Front (ONLF), the then banned opposition group.

Many of the former prisoners interviewed by various human rights organizations like Human Rights Watch said they saw people dying in their cells after being tortured by officials.<sup>104</sup> Former female prisoners told of being raped multiple times during the course of their sentence; and some have given birth to their children in their cells without skilled birth attendants and often in highly unhygienic conditions. As documented by Human Rights Watch one woman has said:

“I was there when he [Shamaahiye] ordered the military [Liyu police] to rape the girls. He was saying this in front of a group of women: ‘You are our donkeys, even God cannot save you from us.’ And then they took some away. I was raped by one of those [Liyu police] men several weeks later.”<sup>105</sup>

Amina H. described the psychological impact of rape in prison as follows:

“You would hear screams all the time. When people come back to the room, you see them shaking, shivering and crying... Every night I was scared because I wondered if I would be next.”<sup>106</sup>

The reports by Human Rights Watch also showed that since 2013 up to its closure in 2018, prisoners were reportedly not permitted to have any visitors, or to receive food or other goods from relatives.<sup>107</sup>

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<sup>104</sup>Human rights watch (n 24)

<sup>105</sup>Human Rights Watch interview with #61, October 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014 as cited in Human Rights Watch (n 24) 38.

<sup>106</sup>Human Rights Watch interview with #61, October 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014 as cited in Human Rights Watch (n 24) 39

<sup>107</sup>Human Rights Watch (n 24)

Human Rights Watch interviewed six men who described having heavy weights, water bottles, or bottles of sand tied to their genitals (penis and/or testicles) when they were prisoners at Jail Ogaden. Some said this occurred in front of other inmates while others said it occurred during individual interrogations. Victims said they were unable to control their urine, had generalized groin pain, inability to get an erection, and were infertile which they attributed to the torture.<sup>108</sup>

As per the documentation by Human Rights Watch, thirteen former prisoners described being immersed in water for prolonged periods of time in various pools of water between the wells of jail Ogaden, either as an interrogation technique or a punishment. Sometimes they would be immersed up to their chest in water, other times prison guards submerged their heads in water until they were about to faint then pulled them out, asked them a question and repeated the process again.<sup>109</sup>

Another interviewee of Human Rights Watch “Mohamed Y.,” a former prisoner, said:

*“I witnessed hundreds of men being undressed completely. It was at night and it was raining and muddy. They had called us out of the room, told us to take our clothes off, lie down and roll in the mud. Then some of us were taken back to our rooms naked. Others were told to walk in line holding each other’s genitals. Once you go back into the room you can let go. The guards took pictures of this laughing. They used to come at night and take everyone out of our room: the pregnant, the children, everyone! They used to put us in several lines. They had very dirty water from washing clothes. They would take a small container of this water and dump it on us. Then they beat us with a stick or tube. The water was dumped on us since the beating hurts more when we are wet. They also used to make a fire and when the ash was ready they used to make us roll in it. It was very hot. I have some burns from that. The coals would go through our clothes right away. We used to have conversations in prison about keeping those clothes with the burn holes for when Abdi Illey gets charged.”<sup>110</sup>*

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<sup>108</sup> Ibid

<sup>109</sup> Id 40

<sup>110</sup> Human Rights Watch interview with #58, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2014 as cited in Human Rights Watch (n 24) 43-44

“Abdirahman Y.,” another victim of torture of Jail Ogaden and an interviewee of Human Rights Watch described that:

“We were always being told to humiliate each other, but the worst was the day they brought together a number of prisoners and each one of us were told to beat another person to death. They gave us metal sticks to do this. I was told that I had to kill myself if I refused. And when we refused, they just beat us - but it’s that constant psychological punishment that is the worst.”<sup>111</sup>

### **iii. Other Detention Centers**

Apart from the notorious torture centers described above, there were other torture centers in the other parts of the country. In Amhara regional states capital, Bahir Dar, there is a place commonly called immigration office, where victims from Bahir Dar and neighboring states are tortured. This was not a prison center, it was an office for other purposes but was later made a place to torture political and conscientious prisoners. From this torture center, prisoners are then moved either to Maekelawi or other torture centers.

The victims interviewed like Abate, Caleb and Nebil, were first tortured here and he narrated his stay as follows:

*“It is a lightless office and we were forced to sleep on the floor with our hands cuffed and without any covers. We were beaten every day in the middle of the night even with no plan to secure confession but rather to inflict pain on us. They kept us separated and gave us just one piece of bread per day. Intelligence and police officers tortured us drunk and mentioned why we were associated with the then terrorist labeled group ‘Ginbot 7’. It was a place to accumulate victims and victims and they would stay for three months or less.”*<sup>112</sup>

Tesfaye who is from Oromia region said:

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<sup>111</sup> Human Rights Watch interview with #74, March 2018, location withheld. The interviewee was held in Jail Ogaden from 2015-2016 as cited in Human Rights Watch (n 24) 46

<sup>112</sup> Nebil, Association for Human Rights in Ethiopia interviews #15, October 2019, location Bahir Dar (translation from Amharic into English)



*‘I was originally detained in Woliso police station where a group of individuals wearing federal uniform and civil attire brutally beat me with their sticks. It was so severe that I finally passed out and woke up the next morning and did not remember what had happened to me the previous day. The officers were surprised that I survived when they saw me the next day.’<sup>113</sup>*

In Addis Ababa also there is another prison Centre called ‘Kilinto’ where torture was carried out. This is a place where convicted victims were mostly detained and tortured and it shared all the features of Maekelawi. Particularly in Kilinto, there is a place called Zone 4 where political prisoners are kept. It is very tight and has very dark rooms and detainees would only get sunlight for 15 minutes per day while they used the restrooms. The door of the prison was opened only to serve them food. More than eight prisoners were kept in a single tight room where it was highly suffocated and they could sleep only taking turns. The victims were tortured at night in different places.<sup>114</sup>

Robel explains his condition of detention at Kilinto:

*‘I was intentionally detained close to a toilet and a garbage store. As a result of which I got sick but was denied medical treatment. Since then I have been experiencing permanent loss of my sense of smell. They had also prevented my family and legal counsel from visiting me.’<sup>115</sup>*

Abate was moved to other prison centers when kilinto was set on fire and he was moved to ‘Shewa Robit’ in Amhara regional state and Ziway ‘Era Ero’ prison in Oromia regional state. They are located in the hottest places and kept in large numbers in a single room which makes it hard to breathe. He was rotated among these two prisons, was kept in a lightless room as well as beaten and tortured during the night as well.<sup>116</sup>

Bisrat Abera, a 32 year old man from Addis Ababa, elaborated his stay in Ziway:

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<sup>113</sup> AHRE (n 94)

<sup>114</sup> Human Rights Watch (n 22)

<sup>115</sup> Robel (n 68)

<sup>116</sup> Abate(n 61)

*“We were crammed in a small Dark Room called ‘Era Ero’ for 6 months. The room was too hot, and gave us water by pouring it underneath the closed doors. We would then eagerly fetch the water with our hands from the floor; where we used to sleep and walk on. Sometimes they took us outside and made us roll on the dusty ground by splashing water on us. Then they beat us with their sticks and boots. It was very painful, and we were hurt. One of the prisoners died from the beating in front of my eyes.”<sup>117</sup>*

Taye has also declared that he was detained in an unknown place in Addis Ababa:

*“I was detained and harshly tortured for 74 days in an unknown place in Addis Ababa, in a room full of rats and ants.”<sup>118</sup>*

On the other hand, Ezra mentioned that he was detained in a different station than Maekelawi and Kilinto in Addis Ababa. He said:

*“I was detained at the back of the current Addis Ababa police commission office. Water passed under the room and it was so cold. I still feel serious back pain whenever it is cold. I cannot sleep at night during the cold season. They beat me almost every night. I could not hold my urine for fifteen days. They also took off my fingernails and my toe nails.”<sup>119</sup>*

### **6.3. The Effect of Compelled Admission and the Role of Courts in the Fight Against Torture**

Courts of law play a significant role in the fight against torture in three forms: making confessions or admissions obtained through compulsion inadmissible, order any act of torture be stopped, and making the torturer liable. However, in the case of Ethiopia, courts have failed to carry out all the above measures in all the cases involving the interviewees.

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<sup>117</sup> AHRE (n 94) 25

<sup>118</sup> Taye(n 66)

<sup>119</sup> Ezra (n 65)

The interviewees said that whenever they appeared before a court of law, they demanded that the court pass an order to stop the torture. Rather what the court did was ask for the cooperation of the prison administration so as to stop the torture. Some interviewees even declared that the judges told them to bear the torture as they are criminals. Upon their return from courts, they were tortured for complaining in the courts.

Aron narrated how the court handled his complaint regarding the torture inflicted upon him:

*“I complained to the court about the torture that I had been going through but the judge told me that I have to bear it since I am there for committing a crime. After I got back they tortured me for complaining to the court.”* <sup>120</sup>

Furthermore, Tesfaye declared that though he took off his clothes and showed the bruises on his body to the judge, the judge merely advised him to admit everything before they killed him and said he could later deny and tell the court it was a forced coercion when his file is officially opened.<sup>121</sup>

Seid has also stated that:

*“Though I had been reporting the torture to the court, the judge mocked me saying that the inhumane methods may be part of the police interrogation methods.”*<sup>122</sup>

Besides, Taye stated that the person that had been torturing him in Maekelawi testified against him and the court accepted the testimony.<sup>123</sup>

The court even went to the extent of admitting the confession that was secured in compelling circumstances as valid evidence. Particularly Caleb reveals that:

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<sup>120</sup> Aron(n 78)

<sup>121</sup> AHRE (n 94)

<sup>122</sup> Seid (n 70)

<sup>123</sup> Taye (n 66)

“I got convicted just only by the confession and admission obtained through compulsion. Let alone setting aside the admission made during torture, the court gave a final verdict by basing on such confession.”<sup>124</sup>

Similar things have happened to Kiros, Liku, and Seifu who said:

*“We were not only forced to confess but also forced to sign a confession document written by them and it was used as evidence against us in court.”*<sup>125</sup>

Liku also noted that the statements or confessions given under duress have been used in court as evidence against him. He stated that:

*“The statements were framed by the security personnel and presented in a court of law. I tried to defend that I didn't make such a confession and that it was fabricated. However, the court did not rule out the confession.”*<sup>126</sup>

Furthermore, Seifu was also a victim of a similar case. He stated:

*“I was forced to make a confession under coercion and duress and the same was presented as evidence against me in a court of law. I tried to object to it but the court didn't sustain my objection.”*<sup>127</sup>

All of the above illustrations prove that Ethiopian courts were indirectly encouraging the commission of torture by security personnel to secure confession. This could be drawn from the fact that the courts made admissible and gave evidentiary weight to evidence collected through coercion disregarding their duty. As a result, there was no ground that discourages security persons from torturing suspects.

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<sup>124</sup> Caleb (n 62)

<sup>125</sup> Kiros (n 69), Liku (n 71) and Seifu (n 67)

<sup>126</sup> Liku (n 71)

<sup>127</sup> Seifu (n 67)

## 6.4. Life after Release

The interviewed victims were released for different reasons. Some of them were released with the change in government in 2018 while others were released after serving the term of imprisonment or more.

As a result of the torture almost all the interviewees still suffer from mental, physical, social and economic injuries. Mentally, they are suffering from post-torture trauma and suffer from loneliness (socialization problem), depression, anxiety, sleep walking and restlessness. None of them have received any counseling or psychological treatment so far. Some of them tried to get medication on their own but it is not adequate.

Alemu noted that:

*“In 2008 right after I was released I exposed the torture that had occurred in the prisons I was in to the media. And when they tried to arrest me again I fled to Egypt where I stayed for a year and got psychological treatment for my trauma. But I still suffer from psychological harm, I am not stable, I have become suspicious, I doubt everyone including my family, I am easily disappointed even with silly things, I have lost my patience, I don't sleep well, I am usually depressed and have lost my love for reading books.”<sup>128</sup>*

*Habtamu* has also stated the psychological harm that is still persisting and absence of support from the side of the government as follows:

*“I could not be the happy, cheerful, warm and sociable person that I used to be. I am struggling to get my old personality back. I have become a totally different person. I am depressed, cannot socialize with the community and usually prefer to be alone; therefore I go straight home from work, and don't have a stable sleep. Hoping that it will help me to overcome this whole psychological mess I have joined theology class.*

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<sup>128</sup> Alemu (n 64)

*With a friend of mine I tried to establish an association that might facilitate the rehabilitation of the torture victims like me. I hoped that me and my friends could get psychological treatment and get back to our normal and healthy life. But we were denied registration and could not proceed. There is nothing done by the government so we are forced to live with the endless trauma.* „<sup>129</sup>

On the other hand Ezra declared the psychological harm that he has been experiencing and unwillingness of the government to support victims of torture as follows.

*“I have experienced a lot of serious psychological harm. However, of all the things I have experienced, what hurts me most is my mother’s illness caused by my detention. I am an only child for my mother and when I was detained she lost consciousness and could not even recognize me when I returned and died without knowing who I was. This is something that I could not get out of my mind and it really hurts me. We are still seen as a threat and no governmental body is willing to help us in any respect. Most of us are living a degrading life and still suffer from psychological harm.* „<sup>130</sup>

Noting the psychological harm that the victims have experienced after their release Geta Asrade said the following.

*“Most Victims have been psychologically hurt more than they have suffered in the prisons; some were better while in prison. For most of them life has continued to be miserable. As there are a lot of victims whose house is confiscated, sold on auction just to attack them, who are not reinstated to their work, their business organizations are bankrupt and have no support. Most of them are men and were breadwinners for their family. And not being able to do what is expected of them for themselves and their family has also hurt them.*

*For instance Aron lost his house while he was in prison which was sold for a low price while he was in prison. Now he lives with his 6 children in a rented house and*

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<sup>129</sup>Habtamu (n 83)

<sup>130</sup>Ezra(n 65)

*has no job and is really hurt. He sometimes walks around talking to himself and has no peace of mind.*

*In addition, a victim who was shot by a government security force in a peaceful demonstration held around Bahir Dar town in 2016 is in bed with serious back bone (nerve) illness; he can't sit, eat and use the toilet by himself and is in a serious condition. He needs to go abroad and get better treatment.*

*Another victim of torture who had serious health problems has committed suicide last year.*

*At the same time there are a lot of persons who are taken by security forces and whose whereabouts are still unknown and whose family and children still suffer. Once we displayed the picture of a lost person on TV to search for him upon his family's request and his daughter passed out just seeing his picture and then got admitted to the hospital.”<sup>131</sup>*

Physically, most of the interviewees have a back injury in their spinal cord, their legs are injured, and some of them have a diminished hearing capacity.

Some of the victims have described how the physical damage has affected their life as follows:

Habtamu stated: “I have serious back pain. Especially at night when it is cold I suffer a lot and I cannot sleep.”<sup>132</sup>

Ezra stated:

*“I have back pain and became diabetic in prison. There is no free medical access for us and we are seen as enemies by officials. I was not reinstated to my previous job and cannot work as a daily laborer and I still have to buy medicine for my*

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<sup>131</sup> Geta Asrade, Association for Human Rights in Ethiopia interviews #16, October 2019, location Gondar (translation from Amharic into English).

<sup>132</sup> Habtamu (n 83)

*diabetics and maintain a balanced diet to control the disease. I live in my mother's house and most of us work as daily laborers.*"<sup>133</sup>

Taye explained:

*"I cannot stand up or sit down for a long time because my leg hurts. I also have to sleep on my back and cannot sleep on my side since I feel extreme pain when I try to sleep on my side. I am jobless and cannot afford better medical treatment. I have tried to get medication with the help of my friends and family but since my disease is complicated the treatment costs more and I cannot afford it. So I am living with the pain and praying for God's mercy. I also suffer from sight problems and cannot read as my eyes fill with tears when I try to read.*"<sup>134</sup>

Aman described: *"I have back pain and I was affected by hypertension while in prison. Additionally I cannot read for long as my eyes hurt."*<sup>135</sup>

Aron stated:

*"My hand is shorter as I was hung up for many hours as a result of which I cannot lift heavy things. My house was sold on auction and I live in a rented house with my 6 children. Two of my children have also dropped out of school when I was detained."*<sup>136</sup>

Apart from the above direct consequences of torture, there is also consequential damage the victims are exposed to. Because of the imprisonment and the torture, interviewees from Amhara and SNNP regions claimed that they have not been reinstated to their former jobs; or even if they are reinstated they have not been paid the salary they were supposed to gain had they not been detained. Most are unable to engage in the employment they used to work in before they got detained. Their detention is seen as political and employers hesitate to hire them due to fear of labeling and not getting involved in politics which they see as a dirty game.

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<sup>133</sup>Ezra (n 65)

<sup>134</sup>Taye (n 66)

<sup>135</sup>Aman (n 63)

<sup>136</sup>Aron (n 78)



Moreover, Geta Asrade explained the overall situation of torture victims in Amhara region as follows:

*“Most victims have back pain and other forms of physical harm and are not in a position to work even as daily laborers. There are victims that have become handicaps while in prison and after their release. There are plenty that have lost their eyes, legs and hands. There are also victims in bed with serious illness. They are leading a miserable life with their family. Their family cannot get back to their former life. The regional government has not made the required support available. Four of our members have died due to lack of medical treatment. There are also victims that committed suicide due to lose of hope in their future. Besides, most of them have not been reinstated to their jobs.*

*Even though the regional government once decided to reinstate them without reimbursement of their salary, it was not properly implemented. It depended on the willingness of the regional offices to take them back. Moreover, the measure does not consider those that had been working in Federal government offices and private organizations. Victims that used to work in these organizations were not reinstated.*

*Moreover those who exposed the torture through a documentary that was broadcasted through the media were exposed to further security threats by the torturers. They haven't gotten protection from the government. The threats came from those in power as well with the assumption that they will do the same to them. The victims believe that they have been used as a propaganda machine so as to get rid of the previously dominant party TPLF.”<sup>137</sup>*

The lack of justice and accountability is the other ongoing problem that victims are faced with. As a result of the reform there has been some arrest of those involved in the torture. However, some of the victims claim that the arrests are selective and politicized. On the other hand, in some cases the arrests have been of senior officials, including the former president of Somalia regional state Abdi Illey. However, interviewees state that many of those who were directly involved in the

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<sup>137</sup>Geta Asrade (n 131)

torture continue to walk free. They said it really hurts to see people who regularly beat and tortured them walking free on the street and this limits their sense of justice.

## 6.5. State Response

After assuming power, one of the great steps taken by the current government was releasing the political prisoners, exposing the torture that was committed in the torture centers and closing the notorious torture centers. Particularly, the unfolding of the heinous tortures in documentaries through different Media including the national television has caught the public's attention. It had created the hope and impression that, apart from the revelation of the truth, the victims are about to be served with justice and reparation. Nonetheless, the effort of the state response in holding the culprits accountable, restoring the livelihood, the health and mental wellbeing of victims didn't go as hoped and expected. This is, in fact, without undermining some efforts made by certain regional States to restore the health and livelihood of victims.

The victim-interviewees from Oromia Region revealed that they were reinstated to their previous work and paid the accumulated salary they haven't received for the period they were detained. For instance, Aman describes his and others current status as follows:

*“Now things are changing and better. I am hired and working in the area of my interest. Every governmental office is cooperative and is ready to help us in every spectrum. I am not considered a threat now. Officials treat us as citizens and I can freely participate in opposition parties. There are many victims who were released on amnesty and reinstated to their previous job and given back pay. The regional government also gave them special support.”<sup>138</sup>*

Similarly, a good initiative has been taken in Somali regional state where the victims of torture of the previous regime have received medical treatment domestically and abroad, reparation for the damage they sustained, reinstated to the public sector and some have even assumed offices in the new leadership. There are also some victims that gained monetary compensation for their loss.

Ahmed Ar, Director of the regional conflict resolution sector of the Somali Regional State noted:

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<sup>138</sup> Aman (n 63)

*“The regional government is committed to rehabilitation of the victims. Currently we are on the verge of establishing a reconciliation commission with the purpose of rehabilitating and providing all the necessary support for the torture victims in collaboration with all the concerned organs. We have submitted a draft and are waiting for parliament approval to start the operation. The commission is going to be an independent organ. The regional government supports its establishment and has facilitated its formation.”*<sup>139</sup>

In contrast, the situation of victims in Amhara and Southern Nations, Nationalities and Peoples’ (SNNP) Regions is much worse after their release as the respective regional governments haven’t made a satisfactory attempt to restore the victims to their previous social, health and economic positions. For Instance, Ezra, from SNNP Region, notes that:

*“Torture victims in SNNP Region are not still welcome by the regional government. We are still considered as opposition. I haven’t been reinstated to my job yet and I am unemployed. Living in my mother’s house makes me feel like a burden and hopeless. I haven’t been treated for my back pain and I am struggling to afford treatment for my diabetics. Many of the victims here are also leading a miserable life. Though recently they promised to give us land for housing we have received nothing yet. there is no satisfactory support from the government. .”*<sup>140</sup>

Moreover, Habtamu who is originally from SNNP and currently based in Addis Ababa also mentioned that:

*“We are seen as terrorists and government officials are not cooperative and they do not want to listen to our problems. I have returned to my job but I have not received the salary that I lost due to my imprisonment. Our friends from the Oromia region have gotten better treatment and they are in good condition.”*<sup>141</sup>

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<sup>139</sup> Ahmed Ar, Association for Human Rights in Ethiopia interviews A, January, location Jigjiga, phone interview (translation from Amharic into English).

<sup>140</sup> Ezra (n 65)

<sup>141</sup> Habtamu (n 83)

In the same fashion, victims from Amhara Region, have similar pain and story with Ezra in relation to State response. Geta Asrade, Director of Cooperation for Rehabilitation of Victims in (CRV) Charity Association, from Amhara Region had this to say about the state response:

*“In an organized manner we approached the regional government to design a mechanism to restore the health and livelihood and to psychologically rehabilitate the victims. To that effect the regional government took a step to establish an ad hoc committee to handle this matter. But, it didn’t take further action. We forwarded around eleven types of support victims need; they tried to respond to six of them including medical treatment and loan supply for victims. However, the decision was unclear and it has not been implemented yet. We also wrote a letter to the Ethiopian Human Rights Commission and the Federal Government for their intervention.*

*The officials even began to threaten us (the committee members) and other victims. They don’t want to see us. Some officials even warned us ‘not to knock on their offices’ again.”<sup>142</sup>*

On the other hand, according to Ato Tilahun Mekuanint vice chair of the Bureau of Labor and Social Affairs of Amhara Regional State, among the eleven questions (types of support requested by the victims through their association) the regional government tried to answer at least six of their concerns/questions. Assignments have also been given to the respective regional offices to implement the decisions passed by higher officials. But for different reasons like COVID-19 and budget constraints, the decisions could not be implemented. Accordingly, the cabinet passed the following decisions in favor of the victims:

- *To cover all the necessary cost for those who have to travel abroad for medication and to enable victims to have access to local medical treatment free of charge in public hospitals in their locality*
- *To establish rehabilitation centers (In this regard, in collaboration with hospitals in Gondar and Bahir Dar city, our office tried to open a rehabilitation center. Hence, at*

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<sup>142</sup>Geta Asrade (n 131)

*Tibebe Goin Referral Hospital (located in Bahir Dar) we opened a rehabilitation center known as 'Taytu Rehabilitation Center' and few victims got the treatment they needed and were healed. However, currently the Center does not operate).*

- *To enable them to access loans. It was decided for them to borrow 60,000 birr per individual, from the Amhara Credit and Saving Institution (ACSI). But for different reasons this did not also workout.*
- *To return lands, houses and business organizations confiscated without satisfactory reasons;*
- *To facilitate and find sponsors for those who want to continue their education;*
- *To reinstate them to their former jobs.*<sup>143</sup>

In addition, Ato Tilahun stated that even though they haven't been given back pay for their salary payable during their imprisonment; those that had been working at civil service institutions have returned to their job. And the regional government has not answered the other questions of the victims such as housing issues because of its limited capacity.<sup>144</sup>

The above testimony of the victims is proof that despite initiatives by some regional governments to support and redress torture victims, there is no national system or uniform center to rehabilitate torture victims in the country. Besides, the region-wide variations with regard to medical and livelihood support are due to the absence of national policy and strategy to resettle and rehabilitate victims in Ethiopia which has caused the feeling of desperate and discriminatory treatment among victims in different Regions.

## **6.6. What the Victims Seek?**

Rehabilitation helps victims rebuild their life after torture through a combination of services including medical, psychological, legal and social support. Victims have experienced different

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<sup>143</sup> Tilahun Mekuanint, Association for Human Rights in Ethiopia interviews B, February, location Bahir Dar (translation from Amharic into English).

<sup>144</sup> Ibid

forms of harm that need diversified support and treatment. Most importantly they seek the following services and support.

- **Medical care service to regain their health-** Many are suffering from serious physical illness as a result of the torture that they endured. However since they spent many years in prison, they are not in a position to afford the medication they need.

Geta Asrade said that:

*“Most victims have back pain, headache and other serious physical illnesses. Since they did not get enough drinking water most have also been suffering from kidney problems. They are also affected by non-transmissible diseases like Diabetics and Hypertension. They cannot afford the medicine that they need to take without intervention. They have become a burden to their family due to their illness and are in bad need of medical support.”<sup>145</sup>*

Other interviewees also mentioned that they need to have access to free medical care services for the illnesses they gained from their stay in prison.

- **Psychological support** - Torturers put their victims in depression in one way or another as they employ methods that may highly affect integrity and psychology. Almost all the interviewees claimed that they have been suffering from various forms of psychological sickness which is seriously affecting their whole life. Therefore, to get back to their normal life and become productive citizens they need psychological treatment.

Geta Asrade mentioned that:

*“Above all, most victims need psychological therapy or treatment. In addition to the torture trauma, leading a life full of misery has hurt them psychology. They have become hopeless and most of them are not normal. The problem is invisible and cannot be seen with the eyes but the association enables us to communicate with the victims and their families and we know*

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<sup>145</sup>Geta Asrade (n 131)

*what most victims have been going through in this regard. It cannot be expressed in words.”*<sup>146</sup>

Besides, among others Habtamu who stated that he has been psychologically suffering due to the torture in prison and even tried to establish an association which may enable torture victims to get psychological treatment added the following.

*I am in need of psychological treatment to get back to my previous peaceful life. Most victims are also going through serious psychological problems like me. We need training to socialize with the community and live a normal life. It affects our overall wellbeing and productivity.*<sup>147</sup>

- **Economic support-** Spending years in jail has taken away their jobs. Therefore, they want to get back to their jobs and get back payment and related benefits. Some cannot do the work they used to do because of the illness they encountered due to the torture.

Particularly, victims from Amhara and SNNP regions claimed economic support to survive and scholarships to continue their education. Geta Asrade said:

*“In the Amhara region victims have not been paid the salary they lost due to their imprisonment. There are also plenty of victims that have not got back to their jobs. Most have become dependent on their family and daily laborers. They are fleeing to neighboring countries and most are in severe economic condition.”*<sup>148</sup>

Besides, Alemu and Abate from Amhara region and Habtamu originally from SNNP have also claimed for the back pay of their salary. On the other hand, Ezra from SNNP claims reinstatement to his former job.<sup>149</sup> Moreover, interviewees from Amhara and SNNP regions have claimed access to loan opportunities to work and support themselves and their family.

- **Housing.** Interviewees also claim access to land for construction of dwelling houses.

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<sup>146</sup>Geta Asrade (n 131)

<sup>147</sup>Habtamu (n 83)

<sup>148</sup>Geta Asrade (n 131)

<sup>149</sup>Alemu(n 64), Abate (n 61) and Habtamu (n 83)

Geta Asrade stated that though they have not got any response yet, they have applied for land to construct a house from the concerned organs of the government through their association. Moreover, Geta Asrade, mentioning his strong relationship with victims from the Oromia region, said that “our friends in Oromia region have been given condominium apartments in Addis Ababa and other mechanisms have also been used to enable them to have dwelling houses.”<sup>150</sup>

- **Scholarship-** victims argue that had they not been detained for the crime they did not commit, they would get government scholarships or afford to learn in private. Therefore, they claimed scholarships at public universities.

There are victims who could not continue their college education due to economic problems. For instance, Taye noted that:

*“I was a college student but now I cannot continue my education because I cannot afford it. I have become dependent on my family due to my illness caused by the torture.”* <sup>151</sup>

- **Rehabilitation center.** To get back to normal, lead a normal life and join the general public, victims need to be free from the trauma of torture. Most importantly, since victims come from prominent positions, their victimization to torture may have an effect on the nation building and democratization process which the country is going through. This may in turn put the country’s and its people’s interests at stake. Rehabilitation centers are therefore indispensable for this purpose.

Besides, although some regions have taken different measures to support victims, no region has established a rehabilitation center yet. All interviewees asked for a full-fledged rehabilitation center for their overall recovery.

Geta Asrade said that:

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<sup>150</sup>Geta Asrade (n 131)

<sup>151</sup>Taye (n 66)



*“The association has tried to enable a few victims to get medical care and has provided shelter and food for those who cannot work due to their injury and have no relatives. But this is nothing compared to the number of victims and the support they seek. Their condition is getting worse through time. They need comprehensive rehabilitation. To the worst COVID 19 has made their life miserable than ever and the government has given them its deaf ear.”*<sup>152</sup>

- **Justice-** The victims are also in desperate need seeking justice to be served. They need to see those involved in and who directed the torture to be held responsible for their wrong and inhuman deeds in prison. They said this will give them some sort of relief and help them manage their torture trauma.

For example, Caleb noted that:

*“Seeing someone who tortured us walking freely on the streets hurts us a lot. And we are afraid for our life. We are afraid that they will hurt us thinking that we will expose them or testify against them in case they are arrested. But if they were arrested we would feel better since justice is being served and we would also live peacefully without fear.”*<sup>153</sup>

Victims claimed these and other supports from the government. However, they have not yet succeeded and the government is not providing what is needed.

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<sup>152</sup> Geta Asrade (n 131)

<sup>153</sup> Caleb (n 62)

## 7. Conclusion

Ethiopia has taken different legislative measures against torture. The country has ratified international human rights instruments including CAT. In the FDRE Constitution, Ethiopia has also given recognition to the right to be free from inhuman treatment (which could be considered as torture) and to the inadmissibility of confession obtained through such methods. In the criminal law, it also makes torture, in a tacit and limited way, a punishable crime.

Nonetheless, a critical evaluation of Ethiopian laws reveals that the legislative measures are not adequate enough in outlawing and to fight against torture. Particularly, the absence of an express criminalization of torture in any circumstance, the lack of an obligation on the state to take rehabilitative measures and to provide security protection to the victims of torture, and absence of legislative provision limiting the prolonged period of pre-trial detention are some to mention.

Furthermore, disregarding even the existing legislative measures, the government used to engage in torture to suppress political oppositions and criticisms. This fact was admitted by the government itself. The system of torture was manifested in the form of: false and fake charges, prolonged detention without bringing the suspects to court of law, detaining the victims in notorious torture centres (like Maekelawi, Jail Ogaden, Ziway, Kilinto and Shewa Robit prison centers), subjecting them to almost all types of torture which caused both psychological and physical harms, and convicting them with confessions obtained during torture.

The ‘reform’ government under PM Abiy Ahmed leadership has been taking different measures to redress the torture-victims and to curtail torture. Among others, acquittal and release of political prisoners and torture victims; closing of the notorious torture centers and their conversion to museum, and charging some of the torturers are the basic ones.

However, these measures are not adequate enough to give back to the victims the life they lost as result of the torture and the detention. This is because the victims are still suffering psychological, physical, and economic damages. Psychologically they are suffering from post-torture trauma, psychological instability, anxiety, sleeplessness, depression, and inability to socialize. Physically as well a number of victims have suffered temporary and permanent harms. Economically as well, most are living in severe poverty.

Furthermore, rehabilitating and supporting the victims appears to have been left to regional governments. As a result there is a lack of a consistent system at the national level. Hence, while some measures have been taken by the Oromia and Somali regions in contrast there is no assistance which is considered satisfactory in the Amhara and SNNP regional governments.

Torture victims in Amhara and SNNP are leading a miserable life as a consequence of the torture they experienced and absence of the support they need from the concerned parties particularly the government. They have also claimed that they are still being considered as criminals and terrorists.



**Association for Human Rights in Ethiopia**



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