



HUMAN  
RIGHTS  
WATCH

## “We are Like the Dead”

Torture and other Human Rights Abuses in Jail Ogaden,  
Somali Regional State, Ethiopia





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Torture and other Abuses in Jail Ogaden,  
Somali Regional State, Ethiopia

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## Torture and other Abuses in Jail Ogaden, Somali Regional State, Ethiopia

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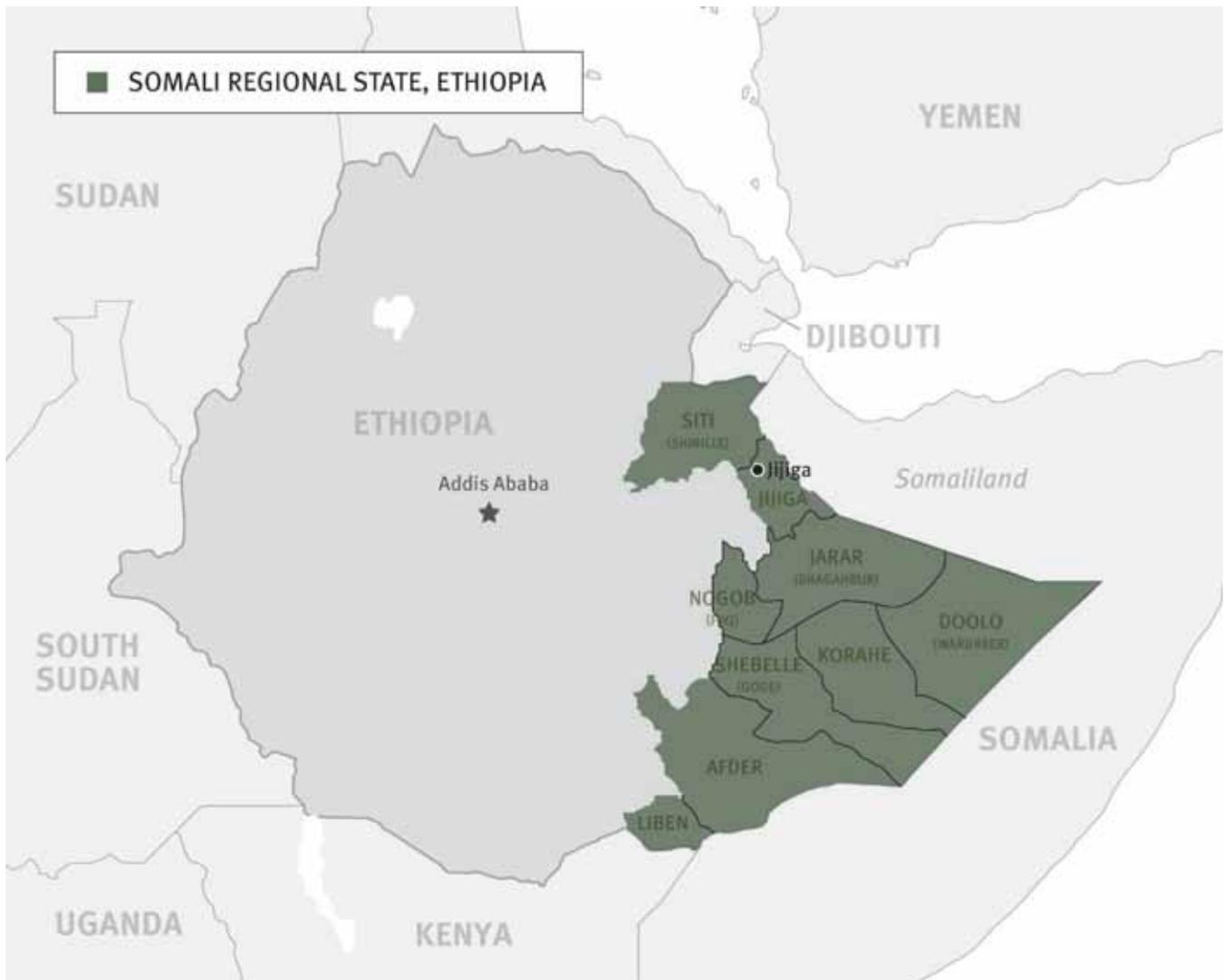
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## Acronyms and Abbreviations

ACHPR	African Charter on Human and Peoples' Rights
ANDM	Amhara National Democratic Movement
AU	African Union
CAT	Convention Against Torture
COE	Commission of Experts
EDF	Ethiopian Defence Forces
EHRC	Ethiopian Human Rights Commission
EPRDF	Ethiopian Peoples' Revolutionary Democratic Front
ESPDP	Ethiopian Somali Peoples' Democratic Party
HOPR	House of Peoples' Representatives
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
NEBE	National Electoral Board of Ethiopia
OLF	Oromo Liberation Front
ONLF	Ogaden National Liberation Front
OPDO	Oromo Peoples' Democratic Organization
SEPDEM	Southern Ethiopia Peoples' Democratic Movement
TPLF	Tigrayan Peoples' Liberation Front
UN	United Nations

## Map of Zones in the Somali Region



## Summary

Jail Ogaden is unthinkable. From the moment you are put there until the moment you are released, you do not know if you are alive or dead. You are tortured and humiliated day and night, you are starved, [and] you can't sleep because there's so many people.

—42-year-old Mohamed who spent five years without charge in Jail Ogaden, August 2017

In the heart of the eastern city of Jijiga, just five minutes from the University, lies one of the most notorious detention centers in Ethiopia. Jail Ogaden, officially known as Jijiga Central Prison, is home to thousands of prisoners, who are brutalized and neglected. Many have never been charged or convicted of any crime.

Former prisoners described a horrific reality of constant abuse and torture, with no access to adequate medical care, family, lawyers, or even, at times, food. 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. In overcrowded cells, head prisoners, called *kabbas*, beat and harassed prisoners at night during interrogations, passing notes on to prison leaders who then chose some for further punishment. The purpose of the torture and humiliation was to coerce prisoners to “confess” to membership in the Ogaden National Liberation Front (ONLF), a banned opposition group.

This report, based on almost 100 interviews, including 70 former prisoners of Jail Ogaden, documents torture and other serious abuses, including rape, long term arbitrary detention, and horrific detention conditions in Jail Ogaden in Ethiopia's Somali Regional State (Somali Region) between 2011 and early 2018. Interviewees also included government officials and members of Somali Region security forces.

Many of the former prisoners interviewed said they saw people dying in their cells after being tortured by officials. Female former prisoners told of rape. Prison guards and the notorious Liyu police [“special” police in Amharic], brutalized prisoners, at the behest of regional authorities. The prison is subject to almost no meaningful scrutiny or oversight.

The cycle of torture, humiliating treatment, overcrowding, inadequate food, sleep deprivation, and lack of health care in Jail Ogaden is consistent with the government's long-standing collective punishment of people who are perceived to support the ONLF. Human Rights Watch has previously documented how the Ethiopian army committed crimes against humanity and war crimes during counter insurgency operations against the ONLF in 2007 and 2008, including extrajudicial executions, torture and rape.

Rather than meaningfully investigate the crimes at that time, the Ethiopian government established the Liyu police who have committed a range of serious abuses in Somali Region since 2008. The Liyu police report to the Somali Region president, Abdi Mohamoud Omar, known as Abdi Illey.

In Jail Ogaden, disease is rampant, basic water and sanitation needs are systematically ignored, while prisoners report deaths in detention following the outbreak of infectious disease. Some former prisoners told Human Rights Watch that corpses sometimes remained in prisoners' cells for several days.

Female prisoners gave birth in their cells without access to skilled birth attendants, often in grossly unhygienic conditions. The plight of children, some allegedly born in Jail Ogaden from rape by prison guards, is especially tragic. Former prisoners said that lactating mothers received no extra food, and that children received no education. Since 2013, prisoners have reportedly not been permitted any visitors, or to receive food or other goods from relatives.

Release of prisoners is often ad hoc and the length of prisoners' sentences, when they have one, may have little bearing on when they are actually released.

Former prisoners said that senior Somali politicians including Abdi Illey and Somali Region head of security and head of the Liyu police Abdirahman Labagole appeared regularly at the prison to speak to the prison population. Many of the worst abusers have been the prison heads of Jail Ogaden. Not only do some of these officials appear to have ordered torture, rape and denial of food, but in some cases, former prisoners alleged that they were personally involved in committing rape and acts of torture.

In 2011, Somali Region officials carried out an 11-day evaluation of prison guard performance which corroborated many of patterns of abuse former prisoners described to Human Rights Watch. The evaluation was filmed at the request of Abdi Illey, and then shared with Human Rights Watch several years later when an advisor to Abdi Illey left Ethiopia. On film, guards detail torturing, raping, and extorting money from prisoners, and describe how various senior officials at Jail Ogaden directed them to engage in torture and rape.

The Ethiopian Human Rights Commission (EHRC), a federal government body mandated to carry out investigations into allegations of human rights abuse, has inspected Jail Ogaden on many occasions since 2011, but there are no publicly available reports on those visits. It is not clear what actions, if any, were taken to hold anyone accountable for abuses uncovered during those inspections. Many former prisoners told Human Rights Watch that they had been prepped by prison officials on what to say and what not to say to the Commission. The most visibly injured, along with children and pregnant women, were reportedly held in secret rooms or moved out of the prison ahead of Commission visits. Those who spoke openly to Commission officials were brutally beaten, sometimes to death, in the days after the visits. The EHRC did not respond to our letter requesting information about their work to address abuses in Jail Ogaden.

Ethiopia's federal system gives considerable autonomy to its regions, including the Somali Region, to carry out many governance functions. Regional detention facilities in Somali Region have little federal oversight and the regional government has neither the will nor capacity to monitor detention conditions.

Very few of the former prisoners we interviewed said they had ever been to court or been charged with any crime. Even when prisoners did appear in court, most did not have access to defense lawyers, could not present an adequate defense, and were confronted with courts that lack independence and are reluctant to challenge government abuses. This all leaves prisoners in Jail Ogaden with virtually no channels for redress.

Torture and impunity for torture are well-entrenched problems throughout Ethiopia. Human Rights Watch regularly receives reports of abusive interrogations countrywide using techniques such as severe beatings and water and genital torture, similar to what Jail Ogaden's former prisoners describe. As far as Human Rights Watch is aware, there have

been no reported instances of the federal government holding anyone accountable for torture, and prisoners' complaints of torture in detention are routinely ignored by the courts.

The Ethiopian government's response to requests for investigation into alleged rights abuses is to state that the Ethiopian Human Rights Commission (EHRC) can carry out such investigations, but EHRC investigations have generally not met the most basic standards of impartiality. There is little transparency around its work. The government has repeatedly rejected calls for independent international investigations into abuses and has ignored repeated requests from the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and eight other UN Special Rapporteurs to visit Ethiopia.

Ethiopia's new prime minister, Dr. Abiy Ahmed, took office in April 2018. Since then, he has pledged to implement progressive reforms and his government has closed Maekelawi detention center in Addis Ababa, a site notorious for torture and abuse of prisoners. He also acknowledged that torture exists in Ethiopia in a June speech to parliament, a rare admission for an Ethiopian prime minister.

Thus far, however, the new prime minister has not stated how his government will tackle the larger problem of impunity for torture. While many former prisoners would welcome the closure of Jail Ogaden, such a move would not address the abusive nature of the region's security forces, the impunity of those who engage in serious abuses, or the weak rule of law in Somali Region.

Ethiopia should comply with the provisions of its own constitution and fulfill its core obligations under international human rights law—in particular the absolute prohibition on torture and cruel, inhuman, and degrading treatment—by systemically addressing persistent allegations of torture and illegal detention. Ethiopia's new prime minister and senior officials, including in the federal police and the military, should urgently and publicly condemn abuse of prisoners in Jail Ogaden and other prisons in Ethiopia, to send an unequivocal public message that mistreatment of prisoners will not be tolerated—and back up such announcements with disciplinary action and prosecutions of officials who engage in such practices.

In the face of numerous and horrific allegations, Dr Abiy Ahmed and parliament should establish a federal Commission of Experts (COE) for Somali Region. The Commission should investigate abuse at Jail Ogaden and recommend specific officials, regardless of rank, to face criminal charges for the mistreatment of prisoners. This should include specific investigations into senior Somali Region officials such as President Abdi Illey and current head of Liyu police Abdirahman Labagole.

Furthermore, authorities should allow access to Jail Ogaden and all other detention centers throughout the country to independent Ethiopian and international monitors, including human rights and humanitarian organizations, members of the diplomatic community, African Union human rights mechanisms, and UN mechanisms such as the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention.

Prime Minister Abiy should also take immediate steps to substantially reform the Liyu police and hold senior members of the Liyu police and Somali Region government to account for serious human rights violations, including torture in Jail Ogaden.

# Recommendations

## To the Prime Minister of Ethiopia

- Publicly and unequivocally condemn torture and other cruel, inhuman or degrading treatment in Ethiopia. Underscore that there is never a justifiable reason to use torture.
- Support the establishment of a federal Commission of Experts (COE) to examine abuses in Jail Ogaden. The COE's tasks should include:
  - a process for evaluating the case of each prisoner in Jail Ogaden to ensure that:
    - those who have completed their sentences are released,
    - those who have not been charged are either promptly charged based on credible evidence or are released immediately, and
    - those who have been charged have a chance to defend themselves, with legal assistance, before an impartial court.
  - an investigation into allegations of torture as raised by individual prisoners during their case determinations; and,
  - recommendations for criminal charges against individual officials involved in abuse, regardless of their rank. This would include individuals who carried out acts of torture, those who directed it, and those with command responsibility over prison officials involved in abuse.
- If the Commission is not established, promptly order a transparent and impartial investigation into allegations of torture and ill-treatment and ensure that all personnel implicated in serious abuses, regardless of rank, are appropriately disciplined or prosecuted. Publicly release regular reports detailing the progress and results of investigations, and any actions taken against individuals implicated in abuse.
- Work with parliament to draft and define a clear legal mandate for regional Liyu “special” police forces across Ethiopia.
- Take immediate steps to substantially reform the Liyu police, which could include clarifying command responsibilities and disbanding abusive units.
- Ensure appropriate funding, oversight, and regulations to ensure Ethiopian prisons rapidly improve the conditions of detention and can meet the UN Standard Minimum Rules for the Treatment of Prisoners.

- Allow independent monitoring of Jail Ogaden and other detention facilities and prisons by independent human rights monitors. This should include the ability to conduct private, confidential meetings with prisoners.
- Offer a standing invitation to relevant United Nations and African Union human rights mechanisms including the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention to visit Ethiopia.

## To the Ethiopian Parliament

- Work with the Prime Minister's office to establish the federal Commission of Experts (COE) described above.
- Amend provisions in the Criminal Procedure Code that are contrary to Ethiopia's international legal obligations to ensure that prisoners have prompt access to a lawyer, prevent unreasonably long pre-trial detention, and clarify evidentiary standards to ensure that no statements, confessions, or other information obtained as a result of torture or other ill-treatment can be accepted as evidence.
- Increase federal oversight of all places of detention in Somali Region.
- Ensure that the federal police, military, regional police, special police, prison guards, and other law enforcement personnel receive appropriate training on interrogation practices that adhere to international human rights standards.
- Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the International Covenant on Civil and Political Rights.

## To the Ethiopian Human Rights Commission

- Conduct frequent, unannounced visits to Jail Ogaden and other detention centers, privately and confidentially interview prisoners, consider interviewing prisoners who have been released who may have less fear of reprisals, and follow-up on allegations of mistreatment.
- Take urgent steps to minimize the likelihood of reprisals against prisoners who speak to Commission staff during visits, including follow up visits to those prisoners who spoke to the Commission. Ensure that Commission staff alone can choose interviewees.

- Publish all reports that pertain to treatment of prisoners and conditions in Ethiopia’s detention centers. Make Jail Ogaden detention reports publicly available in both Amharic and Somali and indicate what steps, if any, were taken to improve prison conditions and hold to account individuals, including through command responsibility.

## To the United Nations Human Rights Council

- Press for the release of all political prisoners or those individuals arbitrarily detained in Ethiopia’s Somali Region and elsewhere in Ethiopia.
- Urge Ethiopian officials to invite relevant UN human rights mechanisms, including the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention to visit Ethiopia.
- Ensure a credible, independent and transparent investigation into the ongoing problem of torture in Ethiopia’s many places of detention.

## To Ethiopia’s International Partners

- Publicly and privately raise concerns with Ethiopian government officials at all levels regarding arbitrary detention, torture, ill-treatment, and other human rights violations in Jail Ogaden and other detention facilities in Ethiopia.
- Donors that fund programs that may involve Ethiopia’s security forces should conduct thorough investigations into allegations of human rights violations by those security forces within places of detention to ensure funding is not going to abusive units.
- Actively seek unhindered access to detention facilities for international humanitarian and human rights organizations to monitor the conditions of those detained, and document cases of arbitrary detention.
- Urge Ethiopian officials to invite relevant UN and AU human rights mechanisms, including the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention to visit Ethiopia.
- Publicly urge prompt, transparent, and impartial investigations into allegations of abuse in detention facilities.

- Investigate the extent to which block grants are being allocated to regional security budgets in Somali Region, used in part to fund the abusive Liyu police.
- Press the Ethiopian government to reform the abusive Liyu police.

### **To the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Working Group on Arbitrary Detention**

- Seek an invitation to visit Ethiopia but consider, in absence of an invitation, alternative means to gather information and report on the issue.

### **To the UN Special Rapporteur on the Independence of Judges and Lawyers**

- Seek an invitation to Ethiopia to investigate issues around the independence of the judiciary in Ethiopia, but with specific focus on Somali Region. Consider, in absence of an invitation, alternative means to gather information and report on the issue.

### **To the African Commission on Human and People's Rights (ACHPR) Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa**

- Request an invitation to Ethiopia to investigate the situation of torture and other cruel, inhuman or degrading treatment in detention in Ethiopia, including Jail Ogaden.

## Methodology

This report documents patterns of serious, widespread human rights violations in Jijiga's Central Prison, commonly called Jail Ogaden, which occurred between 2011 and early 2018. It is based on research conducted in Ethiopia and nine other countries in Africa, Europe and North America, primarily in 2017 and 2018. Over the course of investigating various allegations of abuse in Ethiopia's Somali Region over the last 10 years, numerous individuals described to Human Rights Watch being detained in various places of detention, but in particular, Jail Ogaden.

Human Rights Watch researchers interviewed 98 people, including 70 former Jail Ogaden prisoners. Thirty-two of the former prisoners were women. Interviewees also included family members of prisoners, regional government officials, and former Liyu police and other security and intelligence officials. All were interviewed individually in person, via telephone, or other secure communication methods. Those interviewed had a wide range of backgrounds, ages, gender, political and clan affiliations, and were from diverse geographical locations in Somali Region, to provide as broad a perspective as possible. Ten of the former prisoners interviewed, including two women, said they were under the age of 18 at the time of their detention. Age verification in Ethiopia's Somali region is difficult. Many individuals we interviewed were not aware of their precise age and most rural residents, who make up the bulk of prisoners, do not have any birth or identity documents.

Human Rights Watch conducted some research for this report inside Ethiopia, but most victims of abuses were interviewed outside the country, where they were able to speak more openly about their experiences. The government frequently attempts to identify victims of and witnesses to human rights violations who provide information to the media or human rights groups. The authorities have harassed and detained individuals for providing information or meeting with international human rights investigators, journalists, and others. This often makes it impossible to assure the safety and confidentiality of victims of human rights violations interviewed inside the country.

The risks of reprisals are particularly significant in Somali Region, where Human Rights Watch has documented numerous cases of specific threats, harassment or arrests of family members of Ethiopian Somali diaspora who are active on social media, have participated in diaspora protests, or otherwise expressed criticism of the regional

government. In at least one case, our research indicates that state agents killed family members of an Ethiopian in the diaspora who spoke out. Human Rights Watch documented such threats and intimidation against family members living in Somali Region whose relatives reside in eight of the nine countries where we conducted research. Consequently, in the footnotes to this report, all interviewees unless otherwise noted have been assigned numbers and in the report, interviewees have been assigned pseudonyms. Locations of interviews and key identifying information have been withheld to reduce likelihood of reprisals. All interviewees in Sections III-VI, unless otherwise noted, are former prisoners.

Human Rights Watch identified interviewees through various methods including torture survivor groups, community-based organizations and other former prisoners. Fifteen translators helped to interpret from Somali or Afan Oromo into English where necessary. No one interviewed for this report was offered any form of compensation. All interviewees were informed of the purpose of the interview and its voluntary nature, including their right to stop the interview at any point, and gave informed consent to be interviewed.

Human Rights Watch also consulted court documents, medical reports, photos, videos and other relevant material, including academic articles, reports from nongovernmental organizations, and information collected by other credible experts and independent human rights investigators that could corroborate details or patterns of abuse described in the report.

Human Rights Watch also corroborated patterns of abuse from 2011 by reviewing 25 hours of video from an 11-day evaluation of Jail Ogaden prison guard performance. Senior Somali Region officials conducted the evaluation and Somali Region president Abdi Illey requested the sessions to be filmed. Years later, an advisor to Abdi Illey provided a copy of the video to Human Rights Watch and others working on abuses in Somali Region. Human Rights Watch took various steps to authenticate the video.

Throughout the research, Human Rights Watch took various precautions to verify the credibility of interviewees' statements. Unless otherwise specified, all the patterns of abuses described in this report was based on at least two, and usually many more than two, independent sources including both interviews and secondary material.

This report does not purport to establish an exhaustive list of alleged perpetrators. Named individuals had clear command responsibility and control over prison guards during the time of serious abuses or personally carried out abuse according to more than two

interviewees. Former prisoners we spoke to identified many other perpetrators who are not named in the report, but some of those allegations could not be fully corroborated because of the limited amount of interviews conducted, further underscoring the need for an independent investigation into abuses at Jail Ogaden.

This report is not an exhaustive account of all of the human rights abuses associated with Jail Ogaden. The Ethiopian government's restrictions on access for independent investigators and hostility toward human rights research make it difficult to corroborate details of some incidents that have been described to Human Rights Watch, and we have not included those allegations here. While restrictions are countrywide, they are particularly draconian in Somali Region. Humanitarian actors, diplomats, and journalists are all restricted from traveling to many parts of Somali Region. There is also a serious lack of credible information published on the most basic aspects of Somali Region governance, justice, and human rights and a lack of transparency around Somali Region laws and government institutions.

The report covers abuses over a lengthy period. This is in part because of the lack of detailed information publicly available about Liyu police abuses in Somali Region since 2011. Also, during this period, based on interviews with victims, the patterns of abuse have not changed, and no one that we are aware of has been held to account for these abuses. The beginning of this period also coincides approximately with when the Liyu police took over functional control of the prison.

Human Rights Watch wrote to the government of Ethiopia and the Ethiopian Human Rights Commission in April 2018 to share the findings of this report and to request input. We also requested information regarding steps that the government may have taken to conduct investigations or discipline security forces responsible for abuses in Jail Ogaden. We requested a meeting to discuss these concerns. Copies of the letters were sent to the Ethiopian Embassy in Washington DC. In June, we followed up with the Embassy by email and telephone. We did not receive any response at time of writing. The letters are included in the appendices to this report. We welcome dialogue on these and other human rights issues with the government of Ethiopia and with the leadership of Somali Regional State.

# I. Background

## Torture in Ethiopia

Torture remains a serious and very underreported problem across Ethiopia. Human Rights Watch receives regular reports of torture in places of detention country-wide.<sup>1</sup> This includes police stations, prisons, military camps, and various unmarked places of detention.<sup>2</sup> Other NGOs and various media outlets have also reported on torture over many years.<sup>3</sup> Torture is pervasive across Ethiopia's security and intelligence institutions, but some of the most brutal torture occurs at the hands of the Ethiopian military and, since 2010 in Somali Region, at the hands of the Liyu police.

While patterns vary country-wide, Ethiopian officials often rely on torture to extract confessions, typically regarding a prisoner's connection to one of the groups that the government have designated as terrorist organizations, to gain information, or merely as punishment.<sup>4</sup>

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<sup>1</sup> See Human Rights Watch, "Such a Brutal Crackdown, Killings and Arrests in Response to Ethiopia's Oromo Protests," June 15, 2016, <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests>; and Human Rights Watch report, "They Want a Confession: Torture and Ill-treatment in Ethiopia's Maekelawi Police Station," October 17, 2013, <https://www.hrw.org/report/2013/10/17/they-want-confession/torture-and-ill-treatment-ethiopias-maekelawi-police-station>.

<sup>2</sup> Ethiopia is governed by an ethnic federalist system made up of nine predominately ethnic based regions and two "chartered administrations." These regions are made up of zones, which are made up of "*woredas*" [districts], which are made up of "*kebeles*." Different governance functions are decentralized to each lower level of government sometimes with considerable duplication of functions between different levels. There are various oversight mechanisms from federal and regional levels to lower levels of government. Despite this decentralization of government functions and power, political control still remains strongly centralized with the ruling EPRDF coalition and its affiliates winning 100 percent of parliamentary seats at federal and regional levels in the 2015 election. For more information see Habtu, Alem, "Ethnic Federalism in Ethiopia: Background, Present Conditions and Future Prospects" (2003). International Conference on African Development Archives. Paper 57. [http://scholarworks.wmich.edu/africancenter\\_icad\\_archive/57](http://scholarworks.wmich.edu/africancenter_icad_archive/57) [accessed June 27, 2018]. For more on administration and federal oversight of prisons please see Sections VII and VIII.

<sup>3</sup> See for example, Amnesty International, "Because I am Oromo", Sweeping Repression in the Oromia Region" of Ethiopia. October 10, 2014 <https://www.amnesty.org/download/Documents/4000/afr250062014en.pdf> (accessed April 23, 2018).

<sup>4</sup> There are five groups designated as terrorist organizations in Ethiopia, two international: Al-Shabab and Al-Qaeda, and three of them domestic: Ginbot 7 (G7), Oromo Liberation Front (OLF), and the Ogaden National Liberation Front (ONLF). If someone is an ethnic Oromo they are likely to be questioned regarding affiliation with the OLF. If one is an ethnic Somali, questioning involves accusations of support for the ONLF. And if one is from Amhara region or several other smaller ethnic groups, questioning centers on G7 membership.

The government's response to regular allegations of torture is denial and to suggest that they are politically motivated.<sup>5</sup> The Ethiopian Human Rights Commission does not meaningfully investigate the many torture allegations, nor do any of the other oversight mechanisms, including the courts. Ethiopia has not responded to repeated requests from the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for an invitation to visit the country.<sup>6</sup> Human rights groups and international organizations such as the International Committee of the Red Cross (ICRC) continue to be denied access to federal detention centers, including military camps, and to places of detention in Somali Region.<sup>7</sup>

Ethiopia is party to various international and regional treaties that confer legal obligations regarding the treatment of prisoners and the conduct of security personnel.<sup>8</sup> Article 424 of Ethiopia's Criminal Code states that any public servant who threatens or treats a person under their custody "in an improper or brutal manner, or in a manner which is incompatible with human dignity or his office, especially by the use of blows, cruelty or physical or mental torture" is "punishable with simple imprisonment or fine, or in serious cases, with rigorous imprisonment not exceeding ten years and fine."<sup>9</sup> Those who direct the use of "improper methods" are punishable "with rigorous imprisonment not exceeding fifteen years and fine."<sup>10</sup>

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<sup>5</sup> See Government Response section of this report.

<sup>6</sup> Amongst the Special Rapporteurs with outstanding requests for invites relevant to Somali Region are the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on arbitrary detention; the Special Rapporteur on minority issues; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Special Rapporteur on Food. For a list of outstanding requests please see: [http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ETH](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ETH) (accessed April 23, 2018).

<sup>7</sup> Email communication with ICRC, June 4, 2018, on file with Human Rights Watch.

<sup>8</sup> These include the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), the African Charter on Human and Peoples' Rights (ACHPR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). All of these treaties prohibit arbitrary arrest and detention and the use of torture and mistreatment. They uphold the right of detainees to be held in humane conditions, treated with dignity, and to have a fair trial and due process.

<sup>9</sup> The Criminal Code of the Federal Democratic Republic of Ethiopia, art. 424(1), Federal Negarit Gazeta, No. 414/2004, <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf> (accessed April 23, 2018).

<sup>10</sup> The Criminal Code of the Federal Democratic Republic of Ethiopia, art. 424(2), Federal Negarit Gazeta, No. 414/2004, <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf> (accessed April 23, 2018).

Human Rights Watch is not aware of any cases where individuals were charged under this clause for committing or being responsible for, acts of torture. In 2010 the United Nations Committee against Torture raised concerns that the existing definition of “improper methods” in the 2004 Criminal Code was more limited in scope than the definition of torture under the Convention against Torture and urged revisions in the code.<sup>11</sup> At time of writing, there had been no such revisions.

The Ethiopian Criminal Procedure Code, in the process of revision, contains new responsibilities around interrogations but Human Rights Watch has not seen the final version.<sup>12</sup>

The Federal Police Commission Establishment Proclamation of 2011 also prohibits the use of “any inhumane or degrading treatment or act” by federal police officials, although it does not apply to security personnel at regional prisons.<sup>13</sup> Human Rights Watch was unable to ascertain whether a similar prohibition is included in regional proclamations.

## Strategic Importance of Somali Regional State

Ethiopia’s Somali Regional State (Somali Region or SRS) is one of the poorest and most underdeveloped regions in Ethiopia, suffering from a lack of basic infrastructure, weak governance structures and institutions, and endemic food insecurity.<sup>14</sup> Its approximately five million people are mostly ethnic Somalis who are either pastoralists or agro-

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<sup>11</sup> Concluding Observations of the Committee against Torture: Ethiopia, “Consideration of Reports submitted by State parties under Article 19 of the Convention,” January 20, 2011, CAT/C/ETH//CO/1, [http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.ETH.CO.1\\_en.pdf](http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.ETH.CO.1_en.pdf) (accessed April 23, 2018).

<sup>12</sup> The reporter, “Commercial, Criminal Procedure codes tabled for revision after six decades,” December 2, 2017, <https://www.thereporterethiopia.com/article/commercial-criminal-procedure-codes-tabled-revision-after-six-decades> (accessed April 23, 2018).

<sup>13</sup> Ethiopian Federal Police Commission Establishment Proclamation, Federal Negarit Gazeta, No. 730/2011, November 28, 2011, art. 24(1).

<sup>14</sup> Somali Regional State is also called Somali Region or Region 5. It is also commonly, albeit mistakenly, referred to as the “Ogaden” or the “Ogaden Region”. The zones of Nogob (Fiiq), Jarar (Dhagahbur), Shebelle (Gode), Korahe, and Doolo (Wardheer), five out of the region’s 10 zones, are inhabited primarily by ethnic Ogaden people. Most of the major Somali clan families are in Somali Region. Divisions between Ogadeni and non-Ogadeni clans is an important part of the region’s dynamics. Somali Darod are the largest clan family numerically - with the Darod Ogaden clan estimated to be the largest single clan, constituting perhaps 40 to 50 percent of Ethiopian Somalis. The Isaaq inhabit the prized pasture land on the border with Somaliland, as well as parts of the Ogaden while the Issa live in the area north of the Hararghe highlands north of Dire Dawa.

pastoralists.<sup>15</sup> A historical mistrust of what ethnic Somalis often describe as “*habesha*” or Ethiopian “highlander”-dominated culture has contributed to an ambivalent affiliation with Ethiopian national identity. In many ways, the region’s ethnic Somali population is culturally and economically intertwined with neighboring Somalia and Djibouti.

Somali Region is of strategic importance to the Ethiopian federal government in part because of its rich resources, in particular oil and natural gas, and because of its strategic transportation corridors to the sea.<sup>16</sup> Important trade routes through Somali Region are critical not only for import of much-needed goods but also for export of Ethiopian goods, critical for Ethiopia’s foreign currency shortage.<sup>17</sup>

The Ethiopian government’s security interests in Somali Region are to contain armed insurgents, secure the border between Somalia and Ethiopia from infiltration of armed

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<sup>15</sup> According to the 2007 census the population of Somali Region was 4,439,147. A 2012 population projection estimated over 5 million people. According to the Constitution, art 103, a census is scheduled to take place every 10 years. A new census was scheduled for 2017 and then rescheduled for February 2018 but there has been no indication that the census has occurred. See The Reporter, “National Census postponed,” October 7, 2017, <https://www.thereporterethiopia.com/business/national-census-postponed> (accessed April 23, 2018). The government called a state of emergency starting in early February 2018, and it remained in place until it was lifted in June 2018.

<sup>16</sup> Ethiopia is landlocked, but 97 percent of its imports and most of its exports come through road and rail connections to the port of Djibouti. Both of these connections are through Somali Region. A road through Somali Region to Somaliland is also a critical trade route for *khat*, contraband, and other goods moving from the Ethiopian highlands to the Somali coast and further afield. *Khat*, also called *miraa*, is a mild stimulant grown in the Ethiopian highlands and popular amongst Somalis. It is a major cash crop and Somali Region is a major transport route of the simulant. The recent announcement by a Dubai-based logistics company, DP World, to develop Somaliland’s port of Berbera for \$442 million will likely significantly increase the amount of trade between Somaliland and Ethiopia, much of which would travel through Somali Region. Ethiopia also negotiated a 19 percent stake in this port. See <http://web.dpworld.com/our-business/marine-terminals/middle-east-europe-africa/berbera-somaliland/> (accessed April 23, 2018). Somaliland is an autonomous state in northwestern Somalia that claimed independence in 1991 but is not recognized internationally. Ethiopia maintains very strong relations with Somaliland and has diplomatic representation in Hargeisa, the capital. Human Rights Watch receives regular reports of Ethiopians in Somaliland, in particular ethnic Oromos, being arrested and deported back to Ethiopia. This includes asylum seekers who have registered with UNHCR. For information about oil exploration, please see Jakob Grandjean Bamberger and Kristian Skovsted, “Concessions and Conflicts: Mapping Oil Exploration in Somali and Ethiopia,” 2016, [http://pure.diis.dk/ws/files/576720/DIIS\\_WP\\_2016\\_2.pdf](http://pure.diis.dk/ws/files/576720/DIIS_WP_2016_2.pdf) (accessed May 1, 2018).

<sup>17</sup> See footnote 3 and Africa News, Ethiopian foreign exchange shortage will last many more years: new premier, April 17, 2018, <http://www.africanews.com/2018/04/17/ethiopian-foreign-exchange-shortage-will-last-many-more-years-new-premier/> (accessed April 30, 2018).

groups that could prove a threat to Ethiopia, notably the armed Islamist group, Al-Shabab, and influence events in Somalia in line with its interests.<sup>18</sup>

In Somali Region there is virtually no independent media or civil society. There is very little judicial independence on politically-motivated cases, and citizens have no recourse for the many human rights abuses.<sup>19</sup> Both international and Ethiopian domestic media have extremely limited avenues for reporting on events in Somali Region amid difficult access restrictions.<sup>20</sup> Even within the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) government, the Somali Region's ruling party, the Ethiopian Somali Peoples' Democratic Party (ESPDP) has a marginal role and is not one of the four ruling coalition members.<sup>21</sup> There are no legally registered opposition parties in Somali Region that are strong enough to meaningfully contest elections.<sup>22</sup>

## Conflict and Repression in Somali Regional State

In 1991, when the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) came to power following the ousting of the Derg, it implemented "ethnic federalism," which gave meaningful autonomy to many of Ethiopia's ethnic groups, including ethnic Somalis.<sup>23</sup> In the first regional elections, the Ogaden National Liberation Front (ONLF), despite having

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<sup>18</sup> Tobias Hagmann, "Talking Peace in the Ogaden", Rift Valley Institute, 2014, [http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20\(1\).pdf](http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20(1).pdf) (accessed April 23 2018).

<sup>19</sup> Human Rights Watch interviews with #78, 81, 83, March, 2018, April 2018, locations withheld.

<sup>20</sup> Very few international journalists have reported from Somali Region, other than from Jijiga, since Liyu police arrested Swedish journalists Martin Schibbye and Johan Persson inside the region in July 2011. They were investigating the activities of Swedish oil company Lundin Oil. They had snuck into Somali Region from neighboring Somalia with ONLF fighters and were captured by Liyu police and convicted under the anti-terrorism law and sentenced to 11 years in prison. They were pardoned and released in September 2012 after nine months in detention.

<sup>21</sup> Although in April 2018 prime minister Dr Abiy Ahmed announced several ESPDP members would take up positions within his cabinet. It is unusual for cabinet members to be from outside the four parties in the ruling coalition. Hornaffairs, "PM Abiy Ahmed's new appointees and their previous posts", April 19, 2018, <https://hornaffairs.com/2018/04/19/pm-abiy-ahmed-appointed-25-ministers-and-top-officials/> (accessed May 14, 2018).

<sup>22</sup> In the 2015 election, the ruling Ethiopian Somali Peoples' Democratic Party (ESPDP) won all 24 seats allocated to the Somali Region in the House of Peoples' Representatives and all 273 seats in the Somali Region regional assembly.

<sup>23</sup> There is a lengthy history of conflict within and over the region going back over one hundred years in part because of its proximity to Somalia. What is now Somali Region has been under the control of Great Britain, Italy, and Ethiopia over the last one hundred years. See Part 1 of Human Rights Watch report, "Collective Punishment, War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Region," June 12, 2008, <https://www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-against-humanity-ogaden-area-ethiopia> for more information.

limited political experience, won 60 percent of regional parliamentary seats.<sup>24</sup> Relations with Ethiopia's ruling coalition soured over the next several years, however.<sup>25</sup>

In 1994, ONLF-EPRDF tensions came to a head when Somali Region parliament attempted to hold a referendum on self-determination.<sup>26</sup> The federal government promptly arrested the regional president and his deputy and most senior members of the regional administration were fired.<sup>27</sup> Having been effectively removed from government, the ONLF began an armed insurgency against the Ethiopian state inside of Somali Region.

### *ONLF Insurgency and the Rise of the Liyu Police*

In April 2007, the intensity of the conflict in Somali Region increased when the ONLF attacked the Obole oil site, capturing and killing more than 70 Chinese and Ethiopian oil workers as well as scores of Ethiopian soldiers.<sup>28</sup> In May 2007, the ONLF was believed to be responsible for a grenade attack on then regional president, Abdullahi Hassan, in the capital, Jijiga, that killed five people and injured dozens, including Abdullahi.<sup>29</sup> Shortly thereafter the Ethiopian government commenced a large-scale counteroffensive to

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<sup>24</sup> The Ogaden clan, and in particular rer Abdille and rer Isaaq, who are sub-sub clans of the Mohamed Zubeir subclan comprised the majority of ONLF membership. Tobias Hagmann, "Talking Peace in the Ogaden", Rift Valley Institute, 2014, [http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20\(1\).pdf](http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20(1).pdf) (accessed April 23 2018).

<sup>25</sup> See Part 1 of Human Rights Watch report, "Collective Punishment, War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Region," June 12, 2008, <https://www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-against-humanity-ogaden-area-ethiopia> for more information

<sup>26</sup> As per their interpretation of Article 39 of the Ethiopian Constitution. Article 39 is related to self-determination and has been a controversial clause since its inception. Different interpretations of this clause have been an ongoing point of contention in successive peace talks between the government of Ethiopia and the ONLF.

Tobias Hagmann, "Talking Peace in the Ogaden", Rift Valley Institute, 2014, [http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20\(1\).pdf](http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20(1).pdf) (accessed April 23 2018)

<sup>27</sup> See Part 1 of Human Rights Watch report, "Collective Punishment, War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Region," June 12, 2008, <https://www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-against-humanity-ogaden-area-ethiopia> for more information.

<sup>28</sup> The Guardian, "Ethnic Somali rebels kill 74 at Chinese oilfield in Ethiopia," April 25, 2007, <https://www.theguardian.com/world/2007/apr/25/ethiopia> (accessed May 14, 2018).

<sup>29</sup> The conflict increased as Ethiopia invaded Somalia and fighting inside Somalia reached its peak around the same time. See Human Rights Watch report, "Collective Punishment, War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Region," June 12, 2008, p31, <https://www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-against-humanity-ogaden-area-ethiopia>.

suppress the ONLF, and brought large numbers of military troops into the region.<sup>30</sup> Between 2007-2009, the Ethiopian military embarked on a brutal counterinsurgency campaign, forcibly displacing entire villages, and publicly executing individuals accused of supporting the ONLF. Rape of women was widely reported.<sup>31</sup> Many individuals were imprisoned without charge in military camps or makeshift detention centers.<sup>32</sup>

The collective punishment of the civilian population was a cornerstone of the strategy of the Ethiopian Defence Forces (EDF) during these years.<sup>33</sup> Human Rights Watch concluded that both the ONLF and the EDF committed war crimes and that the EDF was responsible for crimes against humanity.<sup>34</sup> The government has never taken steps to allow for an independent investigation of these abuses.

In 2009, the Liyu police emerged in Somali Region, a brutal special police force that reports directly to the president of Somali Region.<sup>35</sup> Comprised of ethnic Somalis, many of them from the Ogaden clan, the Liyu police slowly replaced the EDF in their battle against the ONLF inside Somali Region.<sup>36</sup> This shifted the conflict away from what many Ethiopian

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<sup>30</sup> See Human Rights Watch report, “Collective Punishment, War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Region,” June 12, 2008, p31, <https://www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-against-humanity-ogaden-area-ethiopias>.

<sup>31</sup> Human Rights Watch report, “Collective Punishment, War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Region,” June 12, 2008, pp33-61, <https://www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-against-humanity-ogaden-area-ethiopias>.

<sup>32</sup> Human Rights Watch report, “Collective Punishment, War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Region,” June 12, 2008, pp63-74, <https://www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-against-humanity-ogaden-area-ethiopias>.

<sup>33</sup> Human Rights Watch report, “Collective Punishment, War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Region,” June 12, 2008, pp74, 96, <https://www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-against-humanity-ogaden-area-ethiopias>.

<sup>34</sup> For more information on the abuses during 2007-2008 specifically, please see Human Rights watch report, “Collective Punishment, War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Region,” June 12, 2008, pp110-115, <https://www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-against-humanity-ogaden-area-ethiopias>.

<sup>35</sup> Most of Ethiopia’s regional states have had special [“Liyu” in Amharic] police forces. In all regions they report in practice to the president of the region, but the mandate of these police forces vary widely. In some states, they are a unit of the regional police that are responsible for riot and crowd control and play a relatively small role in security affairs. In other regions, like Somali Region, they effectively act as a paramilitary unit engaged in military-like actions. There are no known laws or proclamations that specify regional special police force mandates or command responsibility. There is no apparent federal oversight.

<sup>36</sup> A key part of the strategy during the early years of the Liyu police was to recruit individuals from the same Ogadeni subclans that historically have supported the ONLF. Consequently, early recruitment of the Liyu police were initially from rer Abdille and rer Isaaq [sub clans of Mohamed Zubeir, which is a subclan of the Ogaden]. After 2013, recruitment into Liyu police went beyond these subclans.

Somalis framed as an Ethiopia versus Somali conflict, one with long standing historical dimensions, into a conflict between different actors from within the same Ethiopian Somali clan. The Liyu police employed various recruitment strategies, including recruitment from prisons. In some cases, refusing recruitment into the Liyu police could be seen synonymous with sympathy for the rebels, which warranted imprisonment or worse.<sup>37</sup> Families and communities became divided, with some members supporting ONLF and others supporting the Liyu police. The EDF initially gave military training to the Liyu police, and the EDF retained oversight of their operations in the early years with Liyu police autonomy increasing over time.<sup>38</sup>

The Liyu police continued the EDF strategy of collective punishment of civilians who may support the ONLF and committed the same kinds of horrific abuses.<sup>39</sup> Human Rights Watch has received consistent reports since 2009 of very serious crimes allegedly committed by Liyu police, including deliberate massacres of people in villages, extrajudicial killings, torture, rape, and property destruction.<sup>40</sup> These alleged abuses have been focused in the areas where the ONLF are popular or were engaged in attacks on military targets. Targets of abuse have included relatives of ONLF members, or those the Liyu police perceive to have provided food, water, shelter or information to the ONLF.

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<sup>37</sup> Given lack of employment opportunities in Somali Region, some Liyu police have described to Human Rights Watch that income was a driving factor in joining. Not only do Liyu police receive a salary, but they also keep extorted money and confiscated valuables or belongings recovered during raids. Over the last two years, senior members of the Liyu police have become more involved in collecting taxes and direct involvement in businesses, both legal and illicit. Human Rights Watch interview with former Liyu police member, April 2018, location withheld.

<sup>38</sup> Funding of the Liyu police is opaque, although former regional government officials told Human Rights Watch that funding comes direct from the federal government while other funding is diverted from Somali Region's general budget. Human Rights Watch has found no evidence of direct foreign funding of the Liyu police. In 2012 the UK's Department for International Development (DFID) had proposed to fund the Liyu police under the "Security and Justice" component of a £24 million 2012-2015 "Peace and Development Programme" for Ethiopia's Somali Region. *The Guardian* wrote an article in 2013 critiquing DFID's Liyu police funding through this program. In 2015, DFID dropped the support to the Liyu police "in order to maximize impact" according to DFID's November 2015 Annual Summary on the project. It is a common perception in Ogadeni communities that the UK funds the Liyu police. See "UK tenders to train Ethiopia paramilitaries accused of abuses", January 10, 2013, <https://www.theguardian.com/world/2013/jan/10/ethiopia-forces-human-rights-funding> (accessed May 1, 2018). See DFID's development tracker for more information on the "Peace and Development Programme" at <https://devtracker.dfid.gov.uk/projects/GB-1-202891>.

<sup>39</sup> See Tobias Hagmann, "Talking Peace in the Ogaden", Rift Valley Institute, 2014, [http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20\(1\).pdf](http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20(1).pdf) (accessed April 23 2018).

<sup>40</sup> For example, see "Ethiopia: No Justice in Somali Region Killings," Human Rights Watch news release, April 5, 2017, <https://www.hrw.org/news/2017/04/05/ethiopia-no-justice-somali-region-killings>.

and "Ethiopia: 'Special Police' Execute 10," Human Rights Watch news release, May 28, 2012, <https://www.hrw.org/news/2012/05/28/ethiopia-special-police-execute-10>.

While the ONLF still exists as an armed group, the frequency of attacks by ONLF has decreased greatly in recent years.<sup>41</sup>

Liyu police have also been more active outside of Ethiopia's Somali Region, including inside both Somalia and Ethiopia's Oromia region. In late 2017 over one million people were displaced from their homes along the border between Somali Region and Oromia, after a wave of attacks that communities attributed to the Liyu police.<sup>42</sup> In the meantime, sources inside Somali Region described to Human Rights Watch increased recruitment of Liyu police, including children, in the last six months.<sup>43</sup>

### *Withholding Humanitarian Assistance and Liyu Police Funding*

Food insecurity in Somali Region is a serious and recurrent problem. During the decade long conflict with ONLF, security forces restricted access to grazing land and water points, confiscated household assets including livestock and camels, and looted property of those they perceive to support the ONLF.<sup>44</sup>

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<sup>41</sup> Peace talks between the ONLF and the Ethiopian government took place in 2013 and 2018. The current status of the 2018 talks and the extent to which they are ongoing are not clear. Representatives from both the federal government and Somali Region government, including Abdi Illey, were present at the most recent round February 2018. VOA News, "Ethiopia Opens Three-Day Talks With Somali Rebels," February 11, 2018, <https://www.voanews.com/a/ethiopia-opens-three-day-talks-with-somali-rebels/4249097.html> (accessed May 14, 2018).

<sup>42</sup> In 2016 and 2017, communities in neighboring Oromia region reported frequent armed attacks on their homes by individuals from the Somali Region Liyu police. Residents reported killings, assaults, looting of property, and displacement. A complex series of attacks involving ethnic Oromo and Somali armed militias and other groups took place over the next year. Liyu police and other regional security actors forcibly removed Oromos living in Somali Region. Hundreds were killed and over one million people were internally displaced as a result of the conflict. Despite much attention on the conflict, particularly on social media and from the two regional governments, the federal government did little to halt the conflict until September 2017, by which point the vast majority of displacements had occurred. Restrictions on access have made it difficult to corroborate details. While conflict along the regional borders has reduced, most displaced households have not returned. As of time of publication, there continues to be hundreds of thousands displaced and Human Rights Watch continues to receive regular reports of killings in this area. United Nations Office for the Coordination of Humanitarian Affairs, "Ethiopia — Conflict Situation Displacement Situation Report, January 23, 2018, [https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia-\\_conflict\\_displacement\\_situation\\_report\\_o.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia-_conflict_displacement_situation_report_o.pdf) (accessed June 24, 2018) and United Nations Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2182 (2014): Somalia, October 19, 2015, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2015/801](http://www.un.org/ga/search/view_doc.asp?symbol=S/2015/801) (accessed May 2, 2018).

<sup>43</sup> Former Liyu police and other witnesses report that recruits have been as young as 15. There seems to be little screening in place to ensure they are the age of 18, and lack of birth registration or documentation makes it difficult to authenticate age. Human Rights Watch interviews #68, 70, 91, 98, March 2018, June 2018, locations withheld.

<sup>44</sup> See Collective Punishment and Tobias Hagmann, "Talking Peace in the Ogaden", Rift Valley Institute, 2014, [http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20\(1\).pdf](http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20(1).pdf) (accessed April 23 2018).

Human Rights Watch also receives reports of food aid, often distributed through government channels, being restricted for communities or families that are perceived to support the ONLF or who are perceived not to support Abdi Illey.<sup>45</sup>

Several former regional government officials described to Human Rights Watch how an effective humanitarian response is crippled by a sizeable percentage of Somali Region sectoral budgets<sup>46</sup> being funneled to Somali Region's security budget, most of which goes to the Liyu police. Mohamed, 28, who worked in a financial capacity in one of the bureaus that routinely had money moved into the regional security budget said:

A significant percentage of our budget each year was moved into the regional security budget. Reports [for donors] would show money went to the appropriate areas, but we would not let them visit those areas for “security reasons.” We were also told we couldn't do work in the areas where the ONLF has support because of security reasons. But there were no security issues in many of those areas. It was done to punish them, and the money we saved went straight to the Liyu police [budget].<sup>47</sup>

### *President Abdi Mohamoud Omar and Reprisals for Expression of Dissent*

During the height of the EDF abuses in 2007-2008, the regional head of security was Abdi Mohamoud Omar [commonly known as “Abdi Illey”]. In July 2010, he became the president of Somali Region. Five individuals involved with Somali region security forces, including two former Liyu police members, told Human Rights Watch of the command responsibility he has over the Liyu police, describing how he regularly communicates with Liyu police regiments on various operational matters. One said that “no operation is carried out without his knowledge and his support.”<sup>48</sup> According to one widely-credited report, Abdi Illey maintains

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<sup>45</sup> Human Rights Watch interviews #28, 34, 42, 60, 68, June 2017, August 2017, March 2018, locations withheld. Also see Tobias Hagmann, “Talking Peace in the Ogaden”, Rift Valley Institute, 2014, [http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20\(1\).pdf](http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20(1).pdf) (accessed April 23 2018).

<sup>46</sup> Sectoral budgets could include budgets for Somali Region bureaus responsible for health, education, and pastoral development for example.

<sup>47</sup> Human Rights Watch interview with former government workers A, B, C, March 2018, April 2018, locations withheld.

<sup>48</sup> The Somali Regional state constitution (2001) Article 61(3)(f) stipulates that the president “Leads and controls institutions, security and police forces that are established to maintain the security and enforcement of laws of the regional

a close relationship with the EDF's Eastern Command Post in Harar who are generally understood to retain oversight over Abdi Illey and security affairs in Somali Region.<sup>49</sup>

Criticism of the regional authorities, particularly of Abdi Illey, is not tolerated, either inside or outside of Somali Region. Family members of Ethiopian Somali diaspora have been targeted in Somali Region and have been arbitrarily detained, harassed, and had their property confiscated after their relatives in diaspora attended protests or were critical of Abdi Illey in social media posts. Human Rights Watch has documented these reprisals from diaspora in Australia, United States, Kenya, Somalia, and throughout Europe.<sup>50</sup>

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state." [translation from Amharic into English]. Human Rights Watch interviews #4, 5, 19, 54, 76, April 2014 and March 2018, locations withheld.

<sup>49</sup> Tobias Hagmann, "Talking Peace in the Ogaden", Rift Valley Institute, 2014, [http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20\(1\).pdf](http://www.c-r.org/downloads/RVI%20Nairobi%20Forum%20-%20Talking%20Peace%20in%20the%20Ogaden%20(1).pdf) (accessed April 23 2018).

<sup>50</sup> See for example, "Australia: Protests Prompt Ethiopia Reprisals," Human Rights watch new release, November 7, 2016, <https://www.hrw.org/news/2016/11/07/australia-protests-prompt-ethiopia-reprisals>. Human Rights Watch interviews with #54, 68, 69, 77, 82, 92-98, locations withheld, June 2017, August 2017, March 2018, May 2018.

## II. Jail Ogaden

Jijiga Central Prison, commonly known as Jail Ogaden or Jail Ogadeni [*Jeel Ogaden* in Somali] is in Jijiga, the capital of Somali Region and is Somali Region’s main functioning regional prison. Estimates of prison population varied widely across time, but it is estimated there was an average of several thousand prisoners at any particular time between 2011-2017.<sup>51</sup> Within Somali Region, there are many other places of detention in local (*kebele*), district (*woreda*) and zonal police stations, EDF military camps, and Liyu police detention facilities.<sup>52</sup>



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<sup>51</sup> Most detainees based their estimates on the daily counts of prisoners. Most detainees estimated between 1500-5000 prisoners.

<sup>52</sup> Human Rights Watch interviews with #54,68,70, locations withheld, June 2017, March 2018.



Satellite image of Jail Ogaden May 2016. © CNES 2018 - Airbus DS 2018; Source Google Earth.

## Physical Layout

Jail Ogaden, located near Jijiga University, was built in 2001. The prison expanded in 2011, following the escape of some prisoners partially due to pervasive corruption involving prison guards.<sup>53</sup> At present the prison has an inner and outer wall and the majority of prisoners are held inside the inner wall in one of 23 cells. Meetings of the prison population are held in an open area in the middle, covered with a tarp. Civil servants and “high-ranking” prisoners, including at least three former Jail Ogaden prison heads, are housed in more spacious rooms in between the inner and outer walls. Men and women are segregated in different parts of the prison. Both male and female guards watch over the women’s section.<sup>54</sup>

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<sup>53</sup> Video of 2011 evaluation of Jail Ogaden prison guards, on file with Human Rights Watch, translated from Somali into English.

<sup>54</sup> Section 8(a) of the UN Minimum Standard Rules of Treatment of Prisoners requires men and women to be in separate places. Human Rights Watch interviews with #53,57, locations withheld, June 2017, August 2017.

There are eight guard towers around the inner and outer walls. At the base of these guard towers are rooms, some of which are below ground level, where high profile prisoners are kept, sometimes in solitary confinement. These rooms are also sometimes used to hide prisoners from visiting Ethiopian Human Rights Commission (EHRC) officials.<sup>55</sup> Many prisoners reported being tortured in the area between the walls at night. Rooms 3 and 8 were the “punishment rooms” where the most intensive interrogations take place.<sup>56</sup>

Detention and abuse in Jail Ogaden is a key part of the strategy of collectively punishing and “rehabilitating” individuals the government believes are sympathetic to the ONLF to reduce their support for ONLF and to be more supportive of the government.<sup>57</sup> The need to support the government and to stop supporting the ONLF is frequently relayed by security officials in the prison-wide group meetings, *kabba*-led interrogations, and various individual interrogations. Beatings and punishment are seen as part of the rehabilitation process. Interviewees routinely described this kind of rehabilitation as the function of Jail Ogaden: “It is not a normal jail. You are there to be punished and “rehabilitated” for supporting the ONLF. It doesn’t matter if you do not [support], they want to make sure no one supports them ever again.”<sup>58</sup>

One prison guard discussed the ineffectiveness of that approach:

The inmates are brought to be rehabilitated and reformed but we don’t do that. What we do encourages them to redo or continue doing their vices because we torture them.<sup>59</sup>

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<sup>55</sup> See Section VIII on Ethiopian Human Rights Commission for more details.

<sup>56</sup> Human Rights Watch interviews with #5,13,32,33,38,45,58,72,79, April 2014, June 2017, August 2017, March 2018, April 2018, locations withheld.

<sup>57</sup> Human Rights Watch report, “Collective Punishment, War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Region,” June 12, 2008, <https://www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-against-humanity-ogaden-area-ethiopia>.

<sup>58</sup> Human Rights Watch interview with #71, March 2018, location withheld. The interviewee was held in Jail Ogaden from 2012-2016.

<sup>59</sup> Video of 2011 evaluation of Jail Ogaden prison guards, on file with Human Rights Watch, translated from Somali into English. Video #12. Time 0:10:05–0:11:15.

## Roles and Responsibilities in Jail Ogaden

Jail Ogaden is managed by *aslubta* [prison guards or “custodial corps”] and the Liyu police. As time has gone on, the Liyu police have taken on more and more responsibility in the prison. The role of the EDF has declined in parallel with their declined role in Somali Region more broadly, but they still use the prison occasionally.

Since 2012, the head of Jail Ogaden has typically been a member of the Liyu police and both Liyu police and the *aslubta* that work in the prison report to them. The head of Jail Ogaden reports to the Somali Region prison commissioner. While the Somali Region prison commissioner is responsible for all places of detention in Somali Region, in practice they are heavily involved in the day to day affairs of Jail Ogaden.<sup>60</sup> The regional commissioner reports to the Regional head of security, who at present is also the head of Liyu police.<sup>61</sup> Since 2011, those positions have been held by General Abdirahman Abdillahi Burale, commonly known as Abdirahman Labagole. He reports to the president of Somali Region, who since 2010, has been Abdi Illey.

Each prison cell has a head prisoner, called a *kabba*, and vice-*kabbas*. They are sometimes former Liyu police or *aslubta* who previously worked at Jail Ogaden.<sup>62</sup> The structure has evolved over time, but in general the *kabba* is responsible for handing out minor punishments, is responsible for group interrogations at night and sharing interrogation findings with prison guards, and in keeping discipline in the cell, including mediating arguments and determining where people sleep.<sup>63</sup>

## Prison Population

The vast majority of Ethiopian Somalis in Jail Ogaden are from the Ogaden subclan, who also make up the bulk of the ONLF. Some of the prisoners are criminals, some are ONLF

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<sup>60</sup> The regional prison commissioner does not have oversight of Liyu police places of detention and EDF military camps. Human Rights Watch interview with former security officials #68,70, March 2018, locations withheld.

<sup>61</sup> Human Rights Watch interview with former security officials #54, 68,70, June 2017, March 2018, locations withheld.

<sup>62</sup> Human Rights Watch interviews with #57,58,62,64,67, August 2017, October 2017, locations withheld.

<sup>63</sup> Human Rights Watch interviews with #57, 62, 64, 67, August 2017, October 2017, locations withheld.

fighters, while many are civilians who are accused of supporting ONLF with food, water, shelter, or information.<sup>64</sup>

There are also some Oromo prisoners in Jail Ogaden, particularly those who reside in Somali Region. In addition, many Oromos, including asylum seekers, who are arrested in Somaliland and forcibly returned to Ethiopia are often held in Jail Ogaden.<sup>65</sup> These forced returns increased dramatically in mid-2017 as conflict along the Oromia-Somali Region border escalated.<sup>66</sup>

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<sup>64</sup> Various former prisoners put the estimate of detainees that they believed were members of ONLF at between 10 and 33 percent.

<sup>65</sup> It is the closest large scale official detention center to the border with Somaliland. Human Rights Watch interviews with #1, 13, 27, 32, 37,57, December 2016, June 2017, August 2017, locations withheld.

<sup>66</sup> Human Rights Watch interviews with former Hargeisa community leaders, August 2017, September 2017, locations withheld. OPride, “Oromo-Somali conundrum: Can Ethiopia tame the Liyu police?”, September 26, 2017, <https://www.opride.com/2017/09/26/oromo-somali-conundrum-can-ethiopia-tame-liyu-police/> (accessed June 4, 2018).

### III. Torture and Cruel, Inhuman or Degrading Treatment

I was kept in solitary confinement in complete darkness for most of my [three-year] detention. I was only taken out at night for torture. They [prison officials] did many things to me - they electrocuted [applied electric shocks] my testicles, they tied wire around them, and they put a plastic bag with chili powder over my head. I often had a gag tied in my mouth so I wouldn't scream too much. During the day, I was given very little food - one [piece of] bread and occasionally a bit of stew. They also raped my wife [who was also in Jail Ogaden]. She gave birth to a child that was not mine there.

—Abdusalem M., aged 28, March 2018.<sup>67</sup>

Almost all of the 70 former prisoners interviewed by Human Rights Watch described being tortured in Jail Ogaden and many showed Human Rights Watch physical scars from what they endured in detention. Almost all also reported seeing people being beaten and humiliated in front of large groups of people.

Former prisoners said that prison guards removed people from their cells during the night and later returned them injured, bleeding, shaking, and/or crying. In some instances, former prisoners said that prisoners died in the cells and they attributed these deaths to injuries sustained during interrogations.<sup>68</sup> One Oromo man described how, “...in my room, somebody would die every night. Some would die because of hunger. Some people would die because of the beatings. Sometimes the bodies would lie in our cells for multiple days.”<sup>69</sup>

The Convention against Torture (CAT), to which Ethiopia is a party, defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person... when such pain or suffering is inflicted by or at the instigation of or with the

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<sup>67</sup> Human Rights Watch interview with #77, March 2018, location withheld. The interviewee was held in Jail Ogaden from 2012-2015.

<sup>68</sup> Human Rights Watch interview with #30,57,58, June 2017, August 2017, locations withheld.

<sup>69</sup> Human Rights Watch interview with #58, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2014.

consent or acquiescence of a public official.” Under CAT, torture can include acts carried out for a broad range of purposes, including interrogation, intimidation and punishment.<sup>79</sup>

## Torture Routines

Former prisoners described a brutal daily schedule of physical and psychological abuse and degradation and a weakened physical state from overcrowding, sleep deprivation, inadequate food, poor sanitation, and absence of health care.

There were three settings in which officers and *kabbas* (head prisoners) meted out physical brutality:

**Individual torture:** Most frequent during a prisoner’s early days of detention, prisoners were taken to individual rooms or outside areas and interrogated while being beaten and often tortured by prison officials.

**Prison-wide meetings:** All prisoners described large group meetings happening on a regular basis, usually in the mornings, where prison officials or regional government officials would speak. Former prisoners said that after 2011, these group meetings occurred with more frequency. The meetings, which usually lasted for several hours, usually had one of two purposes:

- to indoctrinate the prison population on how the government was good for the people and in favor of peace, while the ONLF were the enemies of the people; or,
- to interrogate or humiliate certain prisoners in front of the whole prison population.

“Abdullahi D.,” a 28-year-old man and former prisoner, told Human Rights Watch:

During my time [2013-2014], we had large meetings twice a week. There were various people who would speak to us, including Abdirahman Labagole. They would bring prisoners up on stage in front of the prisoners and tell them to admit what they have done and to give information “Did you support ONLF?” or “How did you start the idea to criticize the president [Abdi Illey]?” Or ladies accused of supporting ONLF will also be on stage and a male prisoner would be asked “Which of these ladies did you gang

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<sup>79</sup> Convention against Torture, art. 1. Ratified by Ethiopia in 1994.

rape when you were ONLF? Point out that woman.” He would be forced to say “I gang-raped that one.” They make you say the most ridiculous things to humiliate you: for example, they would force you to say you raped sheep or goats. If you don’t say these things, you will be beaten.<sup>71</sup>

“Ayan A.,” a 40-year-old woman and former prisoner, described the types of punishments that were common at these meetings:

Often they would line up some men and women, take off their clothes and make them stand in front of the other inmates. Five times I saw them tie a jerry can full of water to a naked man’s genitals and make him walk around. They once made me lie naked on the ground in front of everyone and roll around in the mud while they beat me with sticks. Once they made an old man stand naked with his daughter...you would feel such shame after these treatments in front of all the other prisoners.<sup>72</sup>

Sometimes pro-government and anti-ONLF entertainment took place during these meetings. One man said: “On Saturdays sometimes we had music, but if people didn’t clap loud to show they like the message they would be taken away for punishment.”<sup>73</sup>

**Evening Small Group Interrogations:** Most prisoners described smaller group interrogations inside rooms in the evenings where prisoners were divided into groups and interrogated by other members of the group or by the *kabbas*.

Sometimes these interrogations would involve one prisoner in front of the room who was interrogated by the other prisoners in the room. Other times the room was divided into smaller groups, usually in fives, but sometimes as many as 15 prisoners. An individual prisoner would be made to stand to be interrogated by other members of the group. The

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<sup>71</sup> Human Rights Watch interview with #59, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

<sup>72</sup> Human Rights Watch interview with #30, June 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2015. This is taboo in Somali culture.

<sup>73</sup> Human Rights Watch interview with #64, October 2017, location withheld. The interviewee was held in Jail Ogaden in 2016. During the 2011 evaluation, individuals responsible for entertainment spoke about being arrested for several days for not composing songs. They also described being beaten when the sound system did not work and described being forcefully recruited into the band.

goal was to get the individual to confess to playing some role in support of the ONLF and to show remorse. The *kabba* or prison guard would supervise, taking notes, occasionally hitting with sticks both the person who was being interrogated and others in the cell who were not participating or who fell asleep.<sup>74</sup> Notes of the interrogation would be shared with prison guards. In some cases, if the information was seen as particularly revealing, that individual would be taken away by the *aslubta* or Liyu police in the morning or the following evening for more individual interrogation.<sup>75</sup> Responsibility for managing these interrogations fell on the *kabbas* but in some rooms prison guards or Liyu police would participate.<sup>76</sup> According to our research, in the men's rooms this would happen most nights, particularly since 2013. In the women's rooms, it was less frequent.

“Ali H.,” a 32-year-old man and former prisoner, described:

When night falls the evaluations start. It is only inmates doing this to each other, in the morning the report is given to the guards. The more you deny, the worse the torture. The better the confession, the less the beatings. The more you admit to during the evaluation, the more people will clap and if you don't admit to things the *kabbas* or prisoners will beat you right there.<sup>77</sup>

### The 2011 Gemgema Evaluation of Prison Guards

In 2011, senior regional government officials carried out a 14-day *gemgema* [group evaluation] of prison guards [*aslubta*]. The president of the Somali region Abdi Illey was travelling internationally at the time and asked one of his presidential advisors Abdullahi Hussein to have the session filmed so he could watch it upon his return. In 2012, Abdullahi Hussein fled Ethiopia to Sweden and brought with him 25 hours of film from this assessment and dozens of hours of other films from other meetings and events around Somali Region. Human Rights Watch has reviewed the footage.

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<sup>74</sup> Human Rights Watch interviews with #53, 74, 77, 81, June 2017, March 2018, locations withheld. UN Standard Minimum Rules for the Treatment of Prisoners, art 28(1) forbids employment of any prisoner in a disciplinary capacity.

<sup>75</sup> Human Rights Watch interviews with #67, 77, 81, October 2017, March 2018, May 2018, locations withheld.

<sup>76</sup> Human Rights Watch interviews with #53, 74, June 2017, March 2018, locations withheld.

<sup>77</sup> Human Rights Watch interview with #67, October 2017, location withheld..

On the video, prison guards spoke openly about being involved in serious human rights violations, including torture and rape. Many described then-regional prison commissioner Abdi Bede directing them to carry out these acts and being involved in the pervasive problem of prison guards raping women in the prison. Among the many individuals who were named for their involvement in the abuse was the then head of Jail Ogaden, Mohamed Sheikh Ahmed [commonly known as “Aweys”]. Prison guards described inadequate training, corruption, and death of numerous inmates from torture and mistreatment.

Senior government officials leading the evaluation included head of Liyu police Abdirahman Labagole, regional vice president Abdullahi Yusuf Werar [commonly known as Abdullahi “Ethiopia”] and regional prison commissioner, Abdi Bede Osman.

During this period, President Abdi Illey filmed many of his activities around Somali Region, including the mock execution of the two detained Swedish journalists Martin Schibbye and Johan Persson, meetings, Liyu police graduations, and this evaluation. He often used these materials to promote himself and the activities of the security and development sectors.

*Gemgemas* are common across Ethiopia and involve an open-ended evaluation of the performance of a government employee or political party member by their colleagues. These evaluations can be tied to promotions, demotions or dismissals and can last many days. Human Rights Watch could not immediately ascertain if there was a specific purpose to this particular *gemgema*.

Human Rights Watch has been unable to ascertain what disciplinary actions, if any, occurred as a result of the findings brought forward during the *gemgema*. Immediately after the assessment Abdi Bede was promoted to Head of Security for the president.

## Beatings

Virtually all prisoners described regular beatings by prison officials, either with hands, boots, gun butts, wooden sticks, metal sticks, or plastic wires. Sometimes cold or dirty water was thrown on prisoners prior to beatings.

Beatings were carried out at all times of day and at various locations in the prison. Sometimes individuals were targeted for beatings, while other times guards and *kabbas* would beat prisoners indiscriminately. One prisoner described the frequency: “they beat you at night, they beat you in the day. They beat you when you line up for the toilet, they beat you during meetings, the *kabba* beats you in your room. They beat you all the time!”<sup>78</sup>

“Halima H.,” a 26-year-old woman and former prisoner, told Human Rights Watch:

They [prison guards] took chili powder and ash from the fire and mixed it with water. We were tied suspended from the ceiling. They throw dirty water over you, then they would beat us with the stick from the fire. Other times they lie us down and pour water on us and then beat us. When we knew they were coming we would put on more clothes so that we would have more padding when we were hit.<sup>79</sup>

Several prisoners described prisoners being taken out of rooms and beaten at night under the lights to intimidate others. “Abdullahi N.,” a 28-year-old man and former prisoner, described his experience in 2012:

Certain strong prisoners are picked and everyone must watch them be beaten. This was done to intimidate others. At midnight, 1 a.m., 2 a.m., they would put on lights so people could watch. Sometimes they would slap them, sometimes hit with sticks, sometimes hands were tied behind back, or sometimes they would put chili powder in people’s eyes. One man was beaten while being accused of inciting prisoners. They kicked him in the stomach. When he fell, they beat him until he died. I was 20 meters away from this, there was nothing I could do.<sup>80</sup>

The then regional head of security and vice-president of Somali Region Abdullahi Yusuf Werar [commonly known as Abdullahi “Ethiopia”] acknowledged torture during the

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<sup>78</sup> Human Rights Watch interview with #59, August 2017, location withheld. The interviewee was held in Jail Ogaden in 2013-2014.

<sup>79</sup> Human Rights Watch interview with #62, June 2017, location withheld. The interviewee was held in Jail Ogaden in 2011.

<sup>80</sup> Human Rights Watch interview with #5, April 2014, location withheld. The interviewee was held in Jail Ogaden from 2012-2013.

recorded evaluation: “My interpretation is that this was common and majority of the officers used to undertake it.”<sup>81</sup>

Also in that video, one prison guard said:

It was a common knowledge that the police and the prisoners were tortured. I was a security detail for the commissioner [Abdi Bede]. He used to alert us when someone is to be beaten up.... During the beating, some policemen were credited for holding the torch well and others were praised for carrying out the beatings well. Whoever fails to beat the prisoners was tortured.<sup>82</sup>

Many prisoners spoke about the revolving door of prisoners becoming prison guards or Liyu police who then became prisoners again: “they do to others what was done to them.”<sup>83</sup> One guard described this pattern:

I cannot deny or hide there was torture. When I was a prisoner I was beaten every night. My ribs are broken because of it. And when I got out, I was never trained or attended any seminar. I took my cudgel [stick] and started enforcing the law that was already in place. No one can deny that.<sup>84</sup>

During the 2011 evaluation, numerous prison guards spoke of Abdi Bede and Mohamed Sheikh Ahmed (commonly known as “Aweys”), then head of Jail Ogaden, directing them to carry out torture.<sup>85</sup>

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<sup>81</sup> Video of 2011 evaluation of Jail Ogaden prison guards, on file with Human Rights Watch, translated from Somali into English. Video #6. Time 0:12:07–0:12:25, to which the prison guard responded during time 0:12:27–0:13:44: “Yes. It was a common thing. When a prisoner denies any allegiance to a peace-rebel group, he used to be tortured. That was the reality. I exercised torture. I was ordered to do that.”

<sup>82</sup> Video of 2011 evaluation of Jail Ogaden prison guards, on file with Human Rights Watch, translated from Somali into English. Video #5. Time 0:37:23–0:44:44.

<sup>83</sup> Human Rights Watch interview with #77, March 2018, location withheld. The interviewee was held in Jail Ogaden from 2012-2015. It is not clear why so many prisoners became prison guards and vice versa.

<sup>84</sup> Video of 2011 evaluation of Jail Ogaden prison guards, on file with Human Rights Watch, translated from Somali into English. Video #6. Time 0:03:28–0:10:20.

<sup>85</sup> The Jail Ogaden prison head is also referenced in many interviews as the deputy to the Regional Prison commissioner.

## Torture of Prison Guards

During the 2011 group evaluation 12 prison guards said senior officials expected them to beat prisoners and that if they refused they would be beaten or arrested. A prison guard said:

We exercised torture and beatings. It was an order from the office. If we catch a prisoner and we do nothing, we were beaten ourselves. How many times was I beaten for that? ... I was detained for eight nights because I didn't participate in beating a prisoner. It was not something we chose to do; we were forced. If you lag behind, you are beaten up and told you are 'flesh' [soft]. We were treated like prisoners; hands tied/handcuffed behind our back and watered [tortured using water] if we hesitate beating a prisoner. We were saving our bones [protecting ourselves].

Former prison guards described ranks being only given to those that "carry out the torture." One man described: "For instance, [name withheld] was a police commander and he was stripped of his rank, beaten up and assigned outside because he didn't beat people. We did it out of fear for our lives."

One commander in the *aslubta* described: "I was detained for seven nights for not beating a prisoner. I even stopped the commissioner [Abdi Bede] from beating the police when no one else dared."

Another prison guard said: "One night I declined to beat a prisoner. Aweys [Mohamed Sheikh Ahmed, head of Jail Ogaden] slapped me and I have a hearing problem on the left ear as a result."

## Rape and Other Sexual Violence

Some women said they were taken away from the prison at night to either Gidib, (the water reservoir on the outskirts of Jijiga), houses of regional government officials or Liyu police,

or other unknown locations, where they were raped.<sup>86</sup> Women were often raped by members of Liyu police and the women usually knew only the roles the perpetrators played at Jail Ogaden, not their names. Most of the 32 female prisoners interviewed described seeing women being taken away from their cells at night, and often, but not always, returned in the morning or later the same night. Prisoners reported that guards and Liyu police who took women away were sometimes drunk or under the influence of *khat*, a mild stimulant grown in the Ethiopian highlands and popular among Somalis.<sup>87</sup> Women often came back crying, with ripped clothes, and described their ordeal to the other prisoners, or implied that they had been raped.<sup>88</sup>

“Halima H.,” a 26-year-old woman and former prisoner, told Human Rights Watch about women being returned from Gidib: “Most nights, some women are taken out of the prison. But not all return. But if you return, you have been to Gidib and have been raped. They all tell us.”<sup>89</sup> Three women who were taken to Gidib described being raped by either Liyu police or EDF personnel who brought them to the reservoir.<sup>90</sup>

Women who said they were raped in Jail Ogaden by either Liyu police or prison guards were either taken to a room located near the guard’s quarters or outside of their cells but within the prison complex.<sup>91</sup> Many women reported being raped multiple times over the course of their sentences.<sup>92</sup>

Senior officials facilitated rape of prisoners. One former Liyu police officer described going to Jail Ogaden to “get some ladies” for Abdirahman Labagole, the head of the Liyu police. “He told me to bring him some ladies that were in the jail. Just any ladies. We are just free

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<sup>86</sup> Human Rights Watch interview with #53,65, 75, 76, June 2017, October 2017, March 2018, locations withheld. Gibib [means “dam” in Amharic] is a water reservoir about four kilometers northeast of Jail Ogaden on the outskirts of Jijiga.

<sup>87</sup> Also called *mira*. It is a major cash crop and Somali Region is a major transport route of the simulant.

<sup>88</sup> Human Rights Watch interview with #61, October 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

<sup>89</sup> Human Rights Watch interview with #62, October 2017, location withheld.

<sup>90</sup> For more information on abuses at Gidib reservoir please see the Water Torture subsection below. Human Rights Watch interviews with former prisoner #62, October 2017, locations withheld. Liyu police and EDF are generally identifiable because of familiarity with the uniforms and because many members of the EDF are non-Somalis.

<sup>91</sup> Human Rights Watch interview with #57, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2013.

<sup>92</sup> Human Rights Watch interviews with #45,61,61,73, June 2017, October 2017, March 2018, locations withheld.

to enter and take people, there is no process for us.”<sup>93</sup> Four former prisoners said that senior prison official Shamaahiye Sheikh Farah [commonly known as Shamaahiye] raped women.<sup>94</sup>

One woman said: “He [Shamaahiye] raped many people from our room. He would come and before he would take them out would say ‘I am doing this for your humanity.’”<sup>95</sup>

Another woman 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>96</sup>

Prison guards usually took women away from the cell one at a time and most described individual rapes, but several women spoke of incidents where several women were raped at the same time. “Hodan D.,” a 40-year-old woman and former prisoner, said:

Once they lined up seven women and raped them, I saw all this. They called specific people out of the room. They were raped in an area where you can see [the rapes] and hear their screams.<sup>97</sup>

Both male and female prison guards spoke about the prevalence of rape in Jail Ogaden during the 2011 evaluation, with one saying, “Rape was just normal.”<sup>98</sup>

Ten of the prisoners also described being raped in their original places of detention before they got to Jail Ogaden, either by members of the EDF or Liyu police.

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<sup>93</sup> Human Rights Watch interview with former Liyu police officer #75, March 2018, location withheld.

<sup>94</sup> Human Rights Watch interviews with former prisoners #53, 74,75,77, June 2017, March 2018, locations withheld.

<sup>95</sup> Human Rights Watch interview with #74, March 2018, location withheld.

<sup>96</sup> Human Rights Watch interview with #75, March 2018, location withheld. The interviewee was held in Jail Ogaden from 2012-2017.

<sup>97</sup> Human Rights Watch interview with #48, June 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

<sup>98</sup> Abdi Bede was the commissioner for most of the time that is understood to be covered by the 2011 evaluation.

“Amina H.,”<sup>34</sup> described the psychological impact of rape in the prison: “You would hear screams all the time. When people came 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>99</sup>

Male prisoners described serious physical and psychological abuse stemming from humiliation and shame when they were pressured to rape female prisoners.

“Abdirahman Y.,” a 31-year-old man and former prisoner, said:

They [prison officials] used to order men who were prisoners to rape female prisoners. If they refused, they would threaten to kill them. They would point pistols at them and put the pistol in someone’s mouth. When it happened to me they brought me out of the room. There was a woman there I had never seen, they told me to rape her like “I did when I was with [the ONLF].” I refused so they threw me on the ground and started to beat me, soldiers walked over me, and I fainted.<sup>100</sup>

There are no mechanisms available to report rape, either inside the prison or more broadly in Somali Region.

## Genital Torture of Men

Human Rights Watch interviewed six men who described having their genitals (penis and/or testicles) tied to heavy weights, water bottles, or bottles of sand when they were prisoners at Jail Ogaden. Some said this occurred in front of other inmates while others said it occurred during individual interrogations. Ten male prisoners interviewed described seeing individuals being returned to their cells exhibiting injuries apparently suffered as a result of this kind of torture.<sup>101</sup> One man told Human Rights Watch, “Twice they tied a bottle filled with water around my testicles. I would [also] have to hold heavy containers of sand up with my

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<sup>99</sup> Human Rights Watch interview with #61, October 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

<sup>100</sup> Human Rights Watch interview with #74, March 2018, location withheld. The interviewee was held in Jail Ogaden from 2012-2014.

<sup>101</sup> Human Rights Watch interviews with #45, #56, #57, #58, June 2017 and August 2017, locations withheld.

two hands. For others they took a container with sand and tied it around their testicles. Sometimes this happen[ed] at public meetings as an example to [intimidate] others.”<sup>102</sup>

Victims said they were unable to control urine, had generalized groin pain, had an inability to get an erection, and were infertile, which they attributed to the torture.<sup>103</sup> Human Rights Watch and Amnesty International have documented similar methods of torture in places of detention in Ethiopia, particularly in Oromia.<sup>104</sup>

## Water Torture

Thirteen former prisoners described being immersed in water, either as an interrogation technique or as punishment. Former prisoners told Human Rights Watch about being held for prolonged periods in various pools of water in between the walls of Jail Ogaden. Sometimes they would be immersed up to their chest in the water, other times prison guards submerged their heads in the water until they were about to faint, then pulled them out, asked them questions and then repeated the immersion.<sup>105</sup> “Fatuma M.,” a 26-year-old woman and former prisoner, described:

They would tie our hands together with rope, put us in the pool deeper than my head and keep you in. They would put around 10 people in that pool at a time. ...They ask you all the usual questions: “Who do you know from ONLF? How did you support them?” Some people they pull out and there is no response from them. I don’t know if they died.<sup>106</sup>

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<sup>102</sup> Human Rights Watch interview with #58, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2014.

<sup>103</sup> For example, Human Rights Watch interviews with #45,56, 58, and 77, June 2017, August 2017, March 2018, locations withheld.

<sup>104</sup> See “Such a Brutal Crackdown: Killings and Arrests in response to Ethiopia’s Oromo Protests,” Human Rights Watch report, June 15, 2016, <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests> (accessed April 23, 2018), Human Rights Watch, “Suppressing Dissent: Human Rights Abuses and Political Repression in Ethiopia’s Oromia Region,” Vol. 17, No. 7 (A), May 10, 2005, <http://www.hrw.org/reports/2005/05/09/suppressing-dissent-o> (accessed April 23, 2018); and Amnesty International, “Because I am Oromo’, Sweeping Repression in the Oromia Region” of Ethiopia. October 10, 2014 <https://www.amnesty.org/download/Documents/4000/afr250062014en.pdf> (accessed April 23, 2018).

<sup>105</sup> Human Rights Watch interviews with #4,12,32,44,45,52,61,62,65,73,76,77,82, December 2012, June 2017, October 2017, March 2018, May 2018, locations withheld.

<sup>106</sup> Human Rights Watch interview with #57, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2013.

One young man described being kept tied in a cold pool of water between the walls all night. In the morning, his hands and feet were tied to stakes in the ground and he was held there in his underwear the entire day in the hot sun before being returned to solitary confinement.

Ten former prisoners said that at night EDF, Liyu police, or *aslubta* took them to Gidib for interrogations.<sup>107</sup> There, prisoners were tied and their heads were submerged in water until they almost fainted, and then they were pulled out for questioning. Four prisoners described seeing at least six people being tied and just thrown into the reservoir to drown.<sup>108</sup>

“Abdusalem M.,” a 26-year-old man and former prisoner, told Human Rights Watch:

They [Liyu police] tied my feet and then my hands separately. They would either throw me in and then pull me out just before I drown or hold me from my ankles into the water. They pulled me out just as I was losing consciousness. Then they would put me on the ground a few feet away, wait until I vomit, and then do it again....Some people would die from this. When they pull us out they would show us the dead bodies lying there “that will be you next if you don’t give us info”.<sup>109</sup>

Prisoners told Human Rights Watch that cold temperatures in Jijiga made the immersion even more excruciating.<sup>110</sup> Five prisoners described groups of people being taken out of their cells at night.<sup>111</sup> In the morning only some of those in the group would return and

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<sup>107</sup> Human Rights Watch interviews with #12,61,62,64,68,74,75,76,77,82, December 2012, October 2017, March 2018, May 2018, locations withheld.

<sup>108</sup> Human Rights Watch interviews with #12, 62, 75, 77, December 2012, October 2017, March 2018, locations withheld.

<sup>109</sup> Human Rights Watch interview with #77, March 2018, location withheld. The interviewee was held in Jail Ogaden from 2012-2015. He described being taken there three or four times a month over the entire time he was in Jail Ogaden.

<sup>110</sup> Temperatures in Jijiga are much colder than many of the areas where detainees were brought from. For example, the mean temperature range during the growing season in Jijiga is 20.1 to 22.5 degrees Celsius (68.18-72.5 Fahrenheit), while the average temperature range during the growing season in Wardheer or Gode zones [where many detainees are from] is 25.1 to 27.5 degrees Celsius (77.18-81.5 Fahrenheit) [five degrees Celsius warmer]. From 2011 study: <http://www4.unfccc.int/nap/Documents/Climate%20Change%20Impacts,%20Vulnerabilities%20and%20Adaptation%20Strategies%20in%20Somali%20Region.pdf>. (accessed April 23, 2018). Human Rights Watch interviews with #18,30, 53, 71, April 2014, June 2017, October 2017, March 2018, locations withheld.

<sup>111</sup> Human Rights Watch interviews with #12, 57, 61, 62, 64, February 2012, August 2017, October 2017, locations withheld.

many of those individuals said they had been at Gidib.<sup>112</sup> Those that were taken out and did not return are never located.

## Stress Positions

Six former prisoners described being tied in uncomfortable positions for long periods of time, either at night or in the hot sun. Some prisoners said they had been tied in *fig* position, a common practice in detention in Ethiopia where arms and feet are tied together behind the back.<sup>113</sup> Some former prisoners also described having heavy objects put on their backs while in *fig*.<sup>114</sup>

“Fatuma M.,” a 26-year-old woman and former prisoner, said: “*Fig* is very hard on the shoulders. Everyone in my room was tied in *fig* at some point.”<sup>115</sup>

## Stripped Naked

Twelve former prisoners described witnessing individuals being stripped naked and degraded in various ways.<sup>116</sup> In one instance three former prisoners said that several hundred men were stripped naked, forced to hold each other’s genitals and then pressed tightly together in a line.<sup>117</sup>

“Mohamed Y.,” a 32-year-old man and 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

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<sup>112</sup> Human Rights Watch interviews with #12, 62, 64, February 2012, August 2017, October 2017, locations withheld.

<sup>113</sup> Human Rights Watch interviews with #32,48,57, 66, 68,82, June 2017, August 2017, March 2018, May 2018, locations withheld. The *fig* position is especially common in Ethiopia’s military camps.

<sup>114</sup> Human Rights Watch interviews with #48, 66, 68, June 2017, October 2018, locations withheld.

<sup>115</sup> Human Rights Watch interview with #57, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2013.

<sup>116</sup> Human Rights Watch interviews with #15, 29, 30, 32, 48, 53, 58, 62, 66, 72,80, 82, April 2014, June 2017, August 2017, March 2018, April 2018, May 2018, locations withheld.

<sup>117</sup> Human Rights Watch interviews with #30, 53, 58, June 2017, August 2017, location withheld.

each other's genitals. Once you go back into the room you can let go. The guards took pictures of this laughing.<sup>118</sup>

“Ali S.,” a 28-year-old man and former prisoner, described another incident:

One of the nights in 2012, nine rooms were opened. And we were all asked to come out of the rooms naked. There were big lights outside. We were asked to look at each other while naked. This was really embarrassing because some of us were close relatives, and some were in-laws. They then told us to lie down and roll on the ground which was muddy because they had poured a lot of water on the ground. That jail is generally very cold so with cold mud on my body while I was naked it was freezing.<sup>119</sup>

Others, both men and women, were stripped naked and interrogated in front of large segments of the prison population.<sup>120</sup> Others were stripped naked and told to verbally abuse each other.<sup>121</sup>

## Rolling in Hot Ash

Several inmates described being forced to roll in hot ashes.<sup>122</sup> One witness said he saw the practice in 2014: “They [Liyu police] will make fire and when the fire is out they make people roll in it. They get burns that we see later. I saw people roll in the fire.<sup>123</sup>

“Fatuma M.,” a 26-year-old woman and former prisoner, described:

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<sup>118</sup> Human Rights Watch interview with #58, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2014. In the evaluation video, prison guards speak about a similar incident: “There was a night when the prisoners were brought outside (of their cells), water was splashed on them and tortured, all of them. They then squeezed all the 200 men, naked, in one room.”

<sup>119</sup> Human Rights Watch interview with #79, June 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2012.

<sup>120</sup> Human Rights Watch interviews with #30,53, 64, June 2017, March 2018, locations withheld.

<sup>121</sup> Human Rights Watch interviews with #30,53, 77, June 2017, March 2018, locations withheld.

<sup>122</sup> Human Rights Watch interviews with #53, 57, 59, June 2017, August 2017, locations withheld.

<sup>123</sup> Human Rights Watch interviews with #59, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

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 throw it on us. Then they beat us with a stick or tube. Reason they put water on us is when you are wet the beating hurts more. 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>124</sup>

## Solitary Confinement and Room 8

Certain high-profile prisoners were held in solitary confinement, particularly during the initial days and weeks of their detention. Four individuals described being held in solitary confinement in small rooms that were inside of larger rooms, including in room 8.<sup>125</sup> Other former prisoners said they had been held in small “holes in the ground” between the walls, particularly in 2011-2012.<sup>126</sup>

“Khalid M.,” a 50-year-old man and former prisoner, described being held there in 2014:

I was once kept in a hole. It is deep and only fits one person. They removed my clothes, tied my hands and put me there for one night. It is tight, you cannot sit. It is covered by a cement lid – it is heavy, so you couldn’t push it off.<sup>127</sup>

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<sup>124</sup> Human Rights Watch interview with #57, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2013. She showed the researcher various burn marks.

<sup>125</sup> Human Rights Watch interviews with #32, 38, 58, 71, June 2017, August 2017, March 2018, locations withheld.

<sup>126</sup> Prisoners held in Jail Ogaden in 2011 and 2012 described to Human Rights Watch being told by fellow prisoners that they had been held in these holes. From 2013 onwards, prisoners held in Jail Ogaden interviewed by Human Rights Watch were not told by fellow prisoners that they were held in these holes. Likely the practice has minimized since 2012. Human Rights Watch interviews with #27,39,49, June 2017, locations withheld.

<sup>127</sup> Human Rights Watch interview with #48, June 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

Eight former prisoners said that they were taken to rooms underneath the guard towers and held there, <sup>128</sup> six of whom were kept in solitary confinement there for up to three months.<sup>129</sup>

Ten prisoners described being held in room 8 where the most important prisoners were taken for limited periods of time for very intensive interrogation over days and weeks, often in solitary confinement.<sup>130</sup> One person, in solitary confinement for 15 days, described the impact of being held alone: “I did not know if it was day or night, or if I was alive or dead. When I got released into the main jail, I wanted to talk to everyone.”<sup>131</sup>

“Hassan A.,” a 28-year-old man and former prisoner, described his seven-day experience in room 8:

In room 8, there are many smaller rooms. The small rooms are for standing, only a skinny person can get in. There is no space in there. There are two hooks in there and they hang you by your arms from those hooks. Your feet just touch the ground and your face is against the wall. They would throw water in the room and at times it was at my mid-calves. Most nights they would come and question “are you confessing to being ONLF? If you say yes, we will take you out.” On the eighth night I was finally taken out to a pool of water between the walls. I was naked like the day I was born. They made me roll in that mud before putting me back into the pool.<sup>132</sup>

“Ahmed L.,” a 38-year-old man and former prisoner, described his three months of detention in room 8 in 2014:

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<sup>128</sup> Human Rights Watch interviews with #24,30, 41,52 53,58,59,77, April 2014, June 2017, August 2017, March 2018, locations withheld.

<sup>129</sup> Human Rights Watch interviews with #24,30,52,58,59,77, April 2014, June 2017, August 2017, March 2018, locations withheld.

<sup>130</sup> Human Rights Watch interviews with #5,13,32,33,38,45,58,71,72,79, April 2014, June 2017, August 2017, March 2018, April 2018, locations withheld.

<sup>131</sup> Human Rights Watch interview with #58, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2014.

<sup>132</sup> Human Rights Watch interview with #32, June 2017 and March 2018, location withheld. The interviewee was held in Jail Ogaden from 2010-2015.

In room 8, there are many small rooms and sometimes there are many inches of freezing cold water in up to your ankles or knees. Then they [prison officials] pull you out and just beat and beat until you are close to death. Then you are put back in the small room. You don't know if you are alive or dead. The only time I would be let out is when we were taken to an area outside room 8 where cold water is poured over you and they beat you mercilessly while you were forced to roll in the mud. It is called *galgalin* [place where camels sit and roll themselves in sand]. They beat me in so many ways there. They beat my fingernails. They made me grab my ears with hands behind my thighs. You have to stay like that. If you fall down, they beat you till you are unconscious. I was happy when I got into the bigger rooms because at least I could finally talk [to other prisoners].<sup>133</sup>

## Psychological Trauma

Many former prisoners told Human Rights Watch about the psychological trauma they sustained as a result of witnessing torture or being ordered to inflict abuse on fellow prisoners.

“Abdirahman Y.,” 31, described:

We were always being told to humiliate each other, but the worst was one day they brought together a number of prisoners and each was told to beat another person to death. They had metal sticks to give us for this. I was told if I refused then I had to kill myself. When we refused, they just beat us - but it's that constant psychological punishment that is the worst.<sup>134</sup>

Former prisoners described not only their own physical experience with torture, but the psychological anguish of seeing physically injured and traumatized people returned to

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<sup>133</sup> Human Rights Watch interview with #71, March 2018, location withheld. The interviewee was held in Jail Ogaden from 2012-2016.

<sup>134</sup> Human Rights Watch interview with #74, March 2018, location withheld. The interviewee was held in Jail Ogaden from 2015-2016.

their rooms after being tortured, and hearing screams, hitting and crying throughout the night and sometimes during the day.<sup>135</sup>

“Amina H.,” a 34-year-old woman and former prisoner, said:

Every night I could hear them hitting people. I heard so much crying. In the morning when people are sitting in front of my house eating breakfast everyone would speak quietly about who had been taken away the night before: “Mr so and so was killed by beating last night, or so and so was raped last night.” Every morning we would go through the list of those who had died or just didn’t return to their cell. We lived in a constant state of fear that we would be next.<sup>136</sup>

Numerous prisoners also spoke of the fear of being taken to the “punishment rooms”, also known as room numbers 3 and 8. “Ahmed S.,” a 40-year-old man and former prisoner, described:

I saw these rooms from the outside and spoke to the prisoners about them. They would beat prisoners [who were held there] all night and there is no air. In the morning sometimes they would carry bodies out on a stretcher through the main compound to the ambulance that was waiting in the outer courtyard near the gate. We were all usually out in the [inner] courtyard then so we would see this and it would terrify us. We believe they are taken to Karamarda hospital [in Jijiga] but usually they don’t come back.<sup>137</sup>

“Ahmed S.,” described the trauma associated with seeing the injuries of those who have been tortured: “five or six in my room are taken at night. The worst ones are the former

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<sup>135</sup> Human Rights Watch interviews with #39,44,48,75, June 2017, March 2018, locations withheld.

<sup>136</sup> Human Rights Watch interview with #61, October 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

<sup>137</sup> Human Rights Watch interview with #64, October 2017, location withheld. The interviewee was held in Jail Ogaden in 2016.

ONLF fighters - some don't come back, but those that do we can see their condition when they come back. It is indescribable. Many die in the following hours.”<sup>138</sup>

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<sup>138</sup> Human Rights Watch interview with #64, October 2017, location withheld. The interviewee was held in Jail Ogaden in 2016.

## IV. Other Inhumane Prison Conditions

### Overcrowding

Former prisoners said that serious overcrowding in Jail Ogaden meant that they were forced to take turns sleeping or being packed tightly together when they tried to sleep. One man said, “When we sleep on our sides, we can’t turn over without asking your neighbor to stand up so we can both turn over.”<sup>139</sup> *Kabbas* and vice *kabbas*, at times, assigned positions and instructed prisoners how to arrange themselves given the severe space limitations.<sup>140</sup>

“Abdirizak F.,” a 42-year-old man and former prisoner, told Human Rights Watch about the role of his *kabba* in assigning people to sleep:

After the assessments, we would take turns sleeping. The *kabba* and his assistants would measure length of forearm and say two people can sleep there. When one person sleeps, one would stand. <sup>141</sup>

A number of prisoners described how infection and disease spread quickly due to the overcrowding and the many inmates who had open untreated wounds from torture.<sup>142</sup> Overcrowding seemed particularly bad up until 2012. Former inmates told Human Rights Watch that there were times where there would be mass releases of prisoners if overcrowding was reaching a breaking point.<sup>143</sup> Male interviewees consistently reported overcrowding, while some women reported similar overcrowding and at other times they reported adequate space.<sup>144</sup>

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<sup>139</sup> Human Rights Watch interview with #61, October 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

<sup>140</sup> Human Rights Watch interview with #59, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

<sup>141</sup> Human Rights Watch interview with #6, April 2014, location withheld.

<sup>142</sup> For example, Human Rights Watch interviews with #39, 53, 77, June 2017, March 2018, locations withheld.

<sup>143</sup> Human Rights Watch interviews with #61, 68, and 77, October 2017, March 2018, locations withheld.

<sup>144</sup> Human Rights Watch interviews with #23, 32, 39, 51, 56, 57, 59, 61, 63, 66, 68, April 2014, June 2017, August 2017, March 2018, locations withheld.

## Inadequate Food

Former prisoners said that access to food was woefully inadequate and many described the lack of food as exacerbating the impact of torture and mistreatment.<sup>145</sup> Prisoners said inadequate food made it more difficult to recover from torture, leading to the death of some prisoners.<sup>146</sup>

Until 2011, family members could bring food to Jail Ogaden for prisoners, but in 2011 and 2012 families reported that the food was not reaching the prisoners. In the 2011 assessment video, prison guards described eating food that was brought by family members and intended for detainees. Former prisoners said that since 2013, food from outside is no longer permitted.<sup>147</sup>

There were reports of people bringing food to prisoners in Jail Ogaden and ending up getting arrested.<sup>148</sup> One former prisoner said, “Those who brought us food, they would beat them and say ‘you are bringing food to ONLF.’”<sup>149</sup>

Most prisoners who were in Jail Ogaden after 2013 described grossly inadequate food, particularly a lack of meat or other protein sources, and all described hunger as one of the biggest challenges they faced in the prison.<sup>150</sup>

Former prisoners told Human Rights Watch that prison officials sometimes also withheld food from prisoners as a form of punishment.<sup>151</sup> Sometimes *kabbas* would play a role in the

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<sup>145</sup> Human Rights Watch interviews with #5,32,33,56,59,61,64,67, April 2014, June 2017, October 2017, March 2018, locations withheld.

<sup>146</sup> The UN Standard Minimum Rules of the Treatment of Prisoners, art 20 outlines the requirement for adequate supplies of food and water. These standards, although non-binding, have been recognized as the minimum standards acceptable to the international community through adoption by the General Assembly.

<sup>147</sup> Human Rights Watch interviews with #68, 77, March 2018, locations withheld.

<sup>148</sup> Human Rights Watch interview with brother of former prisoner #61, October 2017, location withheld.

<sup>149</sup> Human Rights Watch interview with #62, October 2017, location withheld. The interviewee was held in Jail Ogaden in 2011.

<sup>150</sup> Some detainees complained that most of the food was *injera*, a staple of the Ethiopian highland diet, but food that many Somalis, particularly those from remote rural areas, are not used to. Human Rights Watch interviews with former prisoners #32, 58, 67, 68, 71,73,75,76,77,79,82, June 2017, August 2017, March 2018, April 2018, May 2018, locations withheld.

<sup>151</sup> Human Rights Watch interviews with #32, 57, 67, 68, 71,73,75,76,77,79, June 2017, August 2017, March 2018, April 2018, locations withheld.

distribution of food and some prisoners reported *kabbas* preventing them from receiving food as part of routine punishments.<sup>152</sup>

“Abdullahi D.,” a 28-year-old man and former prisoner, described how desperate the food situation was in year 2014 in his room:

There was one *injera* per day and they would divide it for four people. People were desperate, everyone was starving. One guy was sick and vomited. Another guy started eating the vomit. And then the guard came and started hitting him. I saw all of this.<sup>153</sup>

Nine former prisoners described an incident in 2013, when Caynsane [Caynsane Sheikh Mohamed] was in charge of Jail Ogaden, when food was severely restricted for all prisoners for around one week as punishment.<sup>154</sup> All nine of the former prisoners described people dying during this incident.

“Ahmed L.,” a 38-year-old man and former prisoner, said:

Guards told us ‘you will have no ability to walk when you are so weak [from lack of food].’ And it happened as they said. They told the whole prison population this, the Liyu [police] and all the other police were there, so was Abdullahi “Ethiopia”, but it was Caynsane [Caynsane Sheikh Mohamed], the new jail head, who spoke the most.<sup>155</sup>

International standards require that prisoners be supplied with “food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.”<sup>156</sup>

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<sup>152</sup> Human Rights Watch interviews with #30,58,62, June 2017, August 2017, October 2017, locations withheld.

<sup>153</sup> Human Rights Watch interview with #59, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

<sup>154</sup> Human Rights Watch interviews with #32, 67, 68, 71,73,75,76,77,79, June 2017, March 2018, April 2018, locations withheld.

<sup>155</sup> Human Rights Watch interview with #71, March 2018, location withheld. The interviewee was held in Jail Ogaden from 2012-2016.

<sup>156</sup> UN Standard Minimum Rules for the Treatment of Prisoners, para. 20(1). This standard has been cited with approval by the UN Human Rights Committee when examining the minimum standards that a state must observe for those deprived of their liberty, “regardless of a state party’s level of development.” See *Mukong v. Cameroon*, No. 458/1991, para. 9.3.

Deprivation of food in prison can constitute cruel, inhuman and degrading treatment under international law.

## Health Problems and Lack of Access to Medical Care

While a health clinic exists on site, most former prisoners we interviewed had never visited it and many said they were unaware it existed. The few prisoners who did visit it said there were no qualified personnel on staff and only a few medicines.<sup>157</sup> Former prisoners said that they never received dental or mental health services in Jail Ogaden, and that they were never tested for communicable diseases such as HIV or tuberculosis.<sup>158</sup>

One man said that he went to the health clinic in Jail Ogaden multiple times for different ailments but always got the same medication: “there is only one type of tablet-, it’s yellow and called ‘capsule’.”<sup>159</sup>

Former prisoners said that some people with serious injuries, including injuries from torture, were taken to Karamarda Hospital in Jijiga.<sup>160</sup> In some cases, Liyu police guarded the rooms and returned with prisoners back to Jail Ogaden when they had recovered.

Former prisoners described overcrowding and poor sanitary conditions at Jail Ogaden. One former prisoner said they had contracted lice and other parasites.<sup>161</sup> Access to toilets or to water for drinking or bathing was severely limited, in part due to an inadequate number of facilities given the number of prisoners. Up until 2013, former prisoners routinely described urinating inside the crowded rooms or defecating inside the rooms whenever there were outbreaks of diarrhea. Lineups for the latrines, often full, were very long, as

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<sup>157</sup> Human Rights Watch interviews with #32, 53, 71, 77, June 2017, March 2018, locations withheld.

<sup>158</sup> The UN Standard Minimum Rules on the Treatment of Prisoners, art 22-26, outline standards for health and dental care.

<sup>159</sup> Human Rights Watch interview with #20, July 2014, location withheld.

<sup>160</sup> Human Rights Watch interviews with #4,5, 13, April 2014, December 2016, locations withheld.

<sup>161</sup> Human Rights Watch interview with #59, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

were lineups for water.<sup>162</sup> Cleaning or emptying latrines, sometimes by hand, was also used as a punishment.<sup>163</sup>

Many former prisoners complained about the freezing cold temperatures in Jijiga. Few blankets were available, and many rooms had inadequate fresh air, ventilation and light, a problem compounded by the dire sanitation conditions inside many of the rooms.<sup>164</sup> Some rooms, like rooms 3 and 8 or the guard towers, had no windows or light whatsoever, so prisoners often did not know if it was day or night.<sup>165</sup>

Former prisoners said that diarrhea was very common.<sup>166</sup> “Fatuma M.,” a 26-year-old woman and former prisoner, spoke to Human Rights Watch about what she claimed to be a diarrhea outbreak in 2013:

Nineteen people in my room died, six of them children, and four of them elderly. Three died the first night in my room. The first night they locked the door, so people just went on the floor. The smell was horrible. After that the door was open, and they had an area where we could go to the bathroom. Even with the new place outside most people couldn’t wait and would just go on the floor. The rooms are very crowded, and we all go to the bathroom in the same place and share dishes and cups so disease can spread quickly. One lady died in my lap in the room that week: ‘I need water’ she said and just died then and there.<sup>167</sup>

“Abdullahi D.,” a 28-year-old man and former prisoner, described what he said was the same outbreak:

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<sup>162</sup> Human Rights Watch interviews with #5, 30, 58, 61, April 2014, June 2017, August 2017, October 2017, locations withheld. The UN Standard Minimum Rules of the Treatment of Prisoners, art 12 the requirement that “sanitary facilities should be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.”

<sup>163</sup> Human Rights Watch interviews with #58, 61, August 2017, October 2017, locations withheld.

<sup>164</sup> Human Rights Watch interviews with #18,30, 53, 71, April 2014, June 2017, October 2017, March 2018, locations withheld.

<sup>165</sup> Human Rights Watch interviews with #13,58,79, December 2016, August 2017, March 2018, locations withheld.

<sup>166</sup> Human Rights Watch interviews with #21,53, 68, June 2017, March 2018, locations withheld.

<sup>167</sup> He also said within one week Abdi Illey came and distributed water and some pills after news had spread through Jijiga about a cholera outbreak. Human Rights Watch interview with former prisoner #57, August 2017 and October 2017, location withheld.

During the outbreak, some government officials, including Abdi Illey and Abdirahman Labagole, came [to the prison]. They said “don’t say you are sick, we don’t want to hear you have cholera”. They were pressuring us not to say we are sick. Some of the nurses [from Jijiga] came and gave us some medicine. I don’t know what it is - maybe [oral rehydration] salts. No one [health care professionals] came from outside other than the nurses. The Liyu police would slap us if we claimed we were sick: “Who said you are sick? Why do you say that? Don’t claim you are sick.”<sup>168</sup>

Twelve former prisoners described regular deaths of prisoners that they believed resulted from various health ailments that were not treated, usually following torture and other punishments. Former prisoners described individuals being taken away at night and returned hours later exhibiting signs of torture, often crying, shaking, and despondent, and then dying in their cells in the following days.<sup>169</sup> Former Liyu police told Human Rights Watch that some bodies are buried in unmarked graves, others in Jijiga’s graveyard, while others are just dumped outside of town, where according to one officer, wild animals, such as hyenas and vultures, consume them.<sup>170</sup>

Former prisoners described symptoms that are consistent with progressively severe and untreated vitamin deficiencies resulting from extremely inadequate nutritional intake.

“Ibrahim K.,” a 45-year-old Oromo man and former prisoner, described a common ailment from his experience in the prison:

There was a disease that attacked your knees and swelled entire parts of the body finally resulting in death. I myself experienced this disease. Three

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<sup>168</sup> Human Rights Watch interview with #59, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

<sup>169</sup> Prison guards also continuously referred to “deaths from torture” during the 2011 evaluation. Names on file. Human Rights Watch interviews with #27,31,53,68, June 2017, March 2018, locations withheld.

<sup>170</sup> Human Rights Watch interview with former Liyu police officer, #76, March 2018, location withheld. Landinfo, the Norwegian government’s Country of Origin office, in its 2015 report on Jail Ogaden says that “Most of those who die during their stay in prison are buried by their family outside of the prison. But those who for various reasons are not brought out are buried within the prison walls. Such burials take place near the northern part of the outer wall facing west.” [https://landinfo.no/asset/3403/1/3403\\_1.pdf](https://landinfo.no/asset/3403/1/3403_1.pdf). Human Rights Watch did not find many situations where family members received bodies of loved ones, and little information that bodies were buried in those locations.

people in my room died that year from these conditions. It got worse and worse, they would scream every night and finally they stopped screaming. But it [those who died] is probably more, because usually when it gets extreme they are taken away from treatment and often don't return. We don't know whether those patients are released, died, transferred to another detention center or are still in hospital.<sup>171</sup>

Other former prisoners described conditions they called “fire in the feet,” which caused extreme pain, as well as swollen stomachs and feet, and blindness. Severe malnutrition can result in neuropathic pain in extremities as well as loss of critical protein stores which can cause leakage of internal fluids and severe swelling of, among others, the abdomen.<sup>172</sup>

## Theft of Belongings

Prisoners upon arrival at Jail Ogaden are searched and all belongings, including jewelry, watches, mobile phones, and money are confiscated.<sup>173</sup> Numerous former prison guards and Liyu police talked about dividing money and jewelry between themselves in the assessment video.<sup>174</sup> Not one of the 70 former prisoners Human Rights Watch interviewed said that their belongings were returned upon release.<sup>175</sup> While many former prisoners told Human Rights Watch that their belongings were taken at Jail Ogaden, many also said they had their belongings taken during their initial detention by police.

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<sup>171</sup> Human Rights Watch interview with #13, December 2016, location withheld. The interviewee was held in Jail Ogaden from 2011-2016.

<sup>172</sup> “Adult Malnutrition in Emergencies An Overview of Diagnosis and Treatment”, Action contre la Faim – France, September 2006, <https://www.accioncontraelhambre.org/sites/default/files/documents/adult-malnutrition-in-emergencies.pdf> (accessed June 24, 2018).

<sup>173</sup> Human Rights Watch interview #32, June 2017, location withheld.

<sup>174</sup> Video of 2011 evaluation of Jail Ogaden prison guards, on file with Human Rights Watch, translated from Somali into English. Video #10. Time 0:16:48—0:22:29. Video #12. Time 0:21:15—0:26:58.

<sup>175</sup> Article 43 of the UN Minimum Standard Rules of Treatment of Prisoners outlines requirements around retention of prisoner's property.

## V. Births and Children in Custody

The situation of the children is terrible. They cannot grow, they don't even look like children. Their life is horrible.<sup>176</sup>

—Female prisoner from Jail Ogaden, March 2018, jailed from 2012-2014

### Births in Custody

All of the 32 female former prisoners interviewed described witnessing women giving birth inside their prison cell. Ten female former prisoners told Human Rights Watch that they delivered babies inside their cell without the presence of skilled birth attendants and in extremely unhygienic conditions. One woman told Human Rights Watch that she was permitted to go to Karamarda hospital for delivery of her baby, while four others were taken to individual rooms within the prison to give birth. Some interviewees said that they witnessed guards taking women away when there were medical complications during the delivery, in some cases apparently to health clinics. However, most others said that many births occurred in the prison and said that they had witnessed both maternal and infant deaths during or following the delivery.

“Ayan A.,” 40, jailed for five years in Jail Ogaden, described how she pleaded to be allowed to go to hospital to give birth, but the prison guard humiliated her and refused, and she delivered in her prison cell with only her fellow prisoners to assist her:

None of the children born while I was there had any [professional] help, only from the women. I requested [medical care] treatment for my birth because I knew I would give birth soon. Liyu police said “put it [the baby] in the toilet, they are of no use, they will just grow up to be a sympathizer of ONLF.” I asked to be taken to hospital for birth. He laughed. I asked for extra water. He refused. So I gave birth in the jail. The women had a sharp

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<sup>176</sup> Human Rights Watch interview with #73, March 2018, location withheld. The interviewee was held in Jail Ogaden in 2012-2014.

piece of metal they used to cut the umbilical cord and they tied it themselves.<sup>177</sup>

Ethiopia is a signatory to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (also known as the Maputo Declaration).<sup>178</sup> This provides that women in detention should be held in an environment "suitable to their condition" and ensures their right to be treated with dignity.<sup>179</sup> The UN Standard Minimum Rules of the Treatment of Prisoners states that "Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution."<sup>180</sup>

## Children in Custody

Women interviewed by Human Rights Watch described dozens of children in each of the women's cells. They said that mothers with young children usually bring their children with them at the time of their arrest. In addition, they said that some women entered the prison pregnant, while others are raped and impregnated by prison guards.<sup>181</sup>

Former prisoners told Human Rights Watch that there is no education, no special health care, and little or no extra nutritional supplement available for children or lactating mothers.<sup>182</sup> One mother described during a time of "much diarrhea" that children were brought milk and a "powdered supplement."<sup>183</sup>

Former prisoners said that some young children died from health complications, worsened by poor sanitation and malnutrition. For example, "Fatuma O.," a 30-year-old former prisoner said that her two-year-old died in prison after he was sick, had no food and was

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<sup>177</sup> Human Rights Watch interview with #30, June 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2015.

<sup>178</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, CAB/LEG/66.6 (September 13, 2000); entered into force November 25, 2005. Has not yet been ratified by Ethiopia.

<sup>179</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, art.25.

<sup>180</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, art.33(5).

<sup>181</sup> Human Rights Watch interviews with #68,77, March 2018, locations withheld.

<sup>182</sup> Human Rights Watch interviews with #29, 57, 73, June 2017, August 2017, March 2018, locations withheld.

<sup>183</sup> Human Rights Watch interview with #30, June 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2015.

too weak to survive.<sup>184</sup> “Nimco M.,” 32, also said her baby died in Jail Ogaden from lack of food, adding: “Many newborns die within five to ten days. There is no extra food or water for mothers, and the children just die.”<sup>185</sup>

Many former prisoners described children with various health ailments that are consistent with malnourishment. Among others, they described children who had trouble with their vision or who had grey hair, both of which result from malnutrition or a vitamin B12 deficiency.<sup>186</sup>

One mother said that prison guards beat her and verbally abused her and her child when her baby would cry.<sup>187</sup>

Ten of the former prisoners we interviewed were under the age of 18 at the time of their detention. They all said they were kept in the same rooms as adults and that there were no special dispensations because of their age. Under international human rights norms, juveniles should not be housed with adult prisoners.<sup>188</sup>

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<sup>184</sup> Human Rights Watch interview with #46, June 2017, location withheld. The interviewee was held in Jail Ogaden from 2009-2014.

<sup>185</sup> Human Rights Watch interview with #73, March 2018, location withheld. The interviewee was held in Jail Ogaden in 2012-2014.

<sup>186</sup> Guidelines for evaluation of the nutritional status and growth in refugee children during the domestic medical screening examination, CDC & U.S. Department of Health and Human Services, November 2013. <https://www.cdc.gov/immigrantrefugeehealth/pdf/Nutrition-and-Growth-Guidelines.pdf> (accessed June 24, 2018)

<sup>187</sup> Human Rights Watch interview with #30, June 2017, location withheld. The interviewee was held in Jail Ogaden in 2010-2015.

<sup>188</sup> The UN Standard Minimum Rules of the Treatment of Prisoners, art. 8(d) says “that young prisoners should be kept separate from adult prisoners.” Human Rights Watch interviews with #9, 12, 18, 29, 30,57,62,63, 75,76, April 2014, June 2017, August 2017, October 2017, March 2018, locations withheld.

## VI. Due Process Violations

### Lack of Court Hearings and Intimidation of Judges

Human Rights Watch found that the majority of detainees in Jail Ogaden have never appeared in court, particularly those from rural areas. Only four of the 70 former prisoners interviewed by Human Rights Watch said that they were aware of the precise criminal charges against them, despite having spent years in Jail Ogaden.<sup>189</sup> Only six individuals – most from Jijiga – out of the 70 former prisoners interviewed said they had appeared in court during their time in detention.<sup>190</sup> The Ethiopian constitution includes safeguards for persons in custody. Article 19 sets out that a person taken into custody must be brought before a court within 48 hours and informed, in a language they understand, of the reasons for their arrest.<sup>191</sup>

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<sup>189</sup> While Ethiopia's problematic anti-terrorism law has been used to convict those only spuriously connected to banned organizations countrywide, in Somali Region it is rarely used, in part because of the lack of criminal charges in general. Individuals who are charged under the anti-terrorism law for alleged connections to ONLF are usually arrested and charged outside of Somali Region, although there are very few known cases even outside Somali Region. Individuals charged outside of Somali Region are generally those that are forcibly returned from foreign countries or those who are arrested outside of Somali Region [Addis Ababa or Dire Dawa for example]. A former judge told Human Rights Watch that the law is occasionally used to charge individuals in regional courts in Jijiga, and that those are usually individuals who have returned from Somalia and might be accused of connections to ONLF or Al-Shabab. The law permits individuals to be held up to four months in pre-charge detention, one of the longest pre-charge detention periods in the world. The law also permits the use of hearsay or "indirect evidences" in court without any limitation. It allows the admission of official intelligence reports without disclosing the source of the information or how it was gathered which effectively allows evidence obtained under torture to be used. Similarly, it allows for the admissibility of confessions without prohibiting the use of confessions made under torture. In addition to Human Rights Watch, the Committee against Torture and the Special Rapporteur on counter-terrorism and human rights have expressed concern that provisions of the anti-terrorism law contravene human rights standards. Human Rights Watch interview #81, March 2018, location withheld. For more information on concerns with the anti-terrorism law please see Human Rights Watch, "In the Name of Security: Counterterrorism Laws Worldwide since September 11," June 29, 2012, <https://www.hrw.org/report/2012/06/29/name-security/counterterrorism-laws-worldwide-september-11> (accessed 14 May 2018).

<sup>190</sup> Human Rights Watch interviews with #13,16,61,64,65,79, April 2014, December 2016, October 2017, April 2018, locations withheld. In Somali Region, there are courts at *woreda* (district), zonal, and regional levels, and a council court for Jijiga. There are also appeals courts for zonal and regional levels and sharia courts for issues of divorce and estate. There have been ongoing rumors of military courts run by the Liyu police, but as of time of publication there is no evidence these courts were in place.

<sup>191</sup> Constitution of the Federal Democratic Republic of Ethiopia, August 21, 1995, arts. 19(1) and 19(3). Article 19(3) states, "Persons arrested have the right to be brought before a court within 48 hours of their arrest. Such time shall not include the time reasonably required for the journey from the place of arrest to the court. On appearing before a court, they have the right to be given prompt and specific explanation of the reasons for their arrest due to the alleged crime committed."

Only four of the former prisoners interviewed for this report said that they had appeared in court and were aware of their sentence. The remainder either:

- never appeared in court and were unaware if they have been sentenced and if so for what crime or to what sentence; or
- never appeared in court and were told their sentences by security force personnel when they arrived in Jail Ogaden or while they were being transported. Some reported seeing a letter with their name and sentence. One person described seeing they had been charged under the Criminal Code but did not know for what offense.

According to two former Somali Region judges who spoke to Human Rights Watch it was very rare for a prisoner from Jail Ogaden to be brought before court.<sup>192</sup> They also said that when individuals are in court, there are no defense lawyers available and defendants are rarely able to respond to evidence or in most cases to speak at all. The two former judges noted that Liyu police members, often times the very people who have been torturing the prisoners during interrogations, are present in the courtroom.<sup>193</sup>

Three former judges told Human Rights Watch that they were told by government or security officials who to convict and how long to sentence individuals.<sup>194</sup> The judges said they had no knowledge of the individuals and were not informed what they were alleged to have done. Two of the judges specifically mentioned Abdirahman Labagole calling directly from Jijiga and ordering a sentence.<sup>195</sup>

Judges are appointed by the chair of the Somali Region Justice Bureau, who is appointed by Somali Region parliament.

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<sup>192</sup> Human Rights Watch interviews with former judges #78, 81, March, 2018, April 2018, locations withheld.

<sup>193</sup> Human Rights Watch interviews with former judges #78, 81, March, 2018, April 2018, locations withheld.

<sup>194</sup> The Judges said that the officials making those requests were either local security officials or security officials now living in Jijiga who were originally from the areas of the detainees. Human Rights Watch interviews with former judges #78, 81, 83, March, 2018, April 2018, locations withheld.

<sup>195</sup> Human Rights Watch interviews with former judges #78, 81, March, 2018, April 2018, locations withheld.

While appeal courts exist, according to one former judge it is “extremely rare” that appeals are heard given the lack of faith citizens have in the judiciary, the lack of appeal lawyers, and the financial cost involved.<sup>196</sup>

One former judge said regarding the torture of prisoners in Jail Ogaden: “We know what is going on in there. We hear things and the Liyu police brag about different individuals who come through our courts. But we cannot do anything – we cannot make it better, we cannot make it worse. We have no role. It’s the government’s prison and we are under their control.”<sup>197</sup> One current judge complained that, “judges that care about the law have been weeded out.”<sup>198</sup>

## Confessions Under Torture and Opaque Sentencing

Virtually all former prisoners interviewed described individual interrogations designed to force confessions, real or not, of membership or support of the ONLF, and to provide information about who was involved in the ONLF.<sup>199</sup> “Mohamed Y.,” 32, described seeing someone being pressured to admit to supplying arms to the ONLF. “Eventually he admitted to burying a helicopter full of guns in his back yard,” he said. “The more absurd the confession the less the punishment. We nicknamed him ‘helicopter.’”<sup>200</sup>

Former judges described several cases where defendants complained about torture to the judge.<sup>201</sup> One said:

There is one guy who begged me in front of the court to sentence him. But I knew he hadn’t done anything. I asked him why I should sentence him. He

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<sup>196</sup> Human Rights Watch interview with former judge #78, April 2018, location withheld.

<sup>197</sup> Human Rights Watch interview with former judge #78, April 2018, location withheld.

<sup>198</sup> Human Rights Watch interview with judge #82, April 2018, location withheld.

<sup>199</sup> This is a common theme during interrogations in Ethiopia’s places of detention. See Human Rights Watch report, “Such a Brutal Crackdown, Killings and Arrests in Response to Ethiopia’s Oromo Protests,” June 15, 2016, <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests>; and Human Rights Watch report, “They Want a Confession: Torture and Ill-treatment in Ethiopia’s Maekelawi Police Station,” October 17, 2013, <https://www.hrw.org/report/2013/10/17/they-want-confession/torture-and-ill-treatment-ethiopias-maekelawi-police-station>

<sup>200</sup> Human Rights Watch interview with #58, August 2017, location withheld. The interviewee was held in Jail Ogaden from 2010-2014.

<sup>201</sup> Human Rights Watch interviews with former judges #78, 81, March, 2018, April 2018, locations withheld.

answered: “I was beaten by Liyu police every night and tortured and my friend who already got sentenced said they stop torturing you if you get sentenced. It is not so bad, you will get to sleep.”<sup>202</sup>

“Ahmed S.,” 40, arrested and accused of supplying weapons to the ONLF, appeared before a zonal court in Jijiga. Liyu police had beaten him in detention and his torturer was present to explain the confession to the judge. Ahmed described:

The judge asked me why I was a supporter of ONLF. I told him it was because I was beaten and tortured, so I admitted I was. Everyone laughed. The judge said “Are we the ones who beat you?” I pointed at the Liyu police officer next to me. I said, “He beat me and you are not even asking him anything. When we leave he will beat me again.” Ahmed was sentenced to one year and six months. <sup>203</sup>

“Abdirahman S.,” 32, an ethnic Oromo man, told Human Rights Watch about being arrested during a protest and taken to Jail Ogaden:

To my surprise after I spent a month in that jail, one police officer came to the cell and called me out. When I came to him he gave me a signed paper with a stamp and few sentences on it. But the stamp was not readable, and I could not understand which authority wrote it. That officer took the paper back from me before I properly grasped what it was all about and read it aloud for me saying; “you have been convicted for a crime of terrorism and thus sentenced to serve 10 years in jail.” I asked him how that could happen while I have never visited the court.<sup>204</sup>

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<sup>202</sup> Human Rights Watch interview with former judge #78, April 2018, location withheld.

<sup>203</sup> Human Rights Watch interview with #64, October 2017, location withheld. The interviewee was held in Jail Ogaden from 2016.

<sup>204</sup> Human Rights Watch interview with #27, June 2017, location withheld. He was released in 2014 after spending three years in Jail Ogaden. In 2014, there was a mass release of Oromo prisoners from Jail Ogaden. It is not apparent why.

## Release from Jail Ogaden

Release of prisoners has little to do with the actual length of incarceration sentences, with some people not being released even after completion of the sentences they believed they had. Some former prisoners said that releases were either facilitated through bribery of prison officials or during one of the mass releases of prisoners.<sup>205</sup> Releases of large numbers of prisoners occurred ahead of Islamic holidays, especially Eid al-Fitr and Eid al-Adha.<sup>206</sup>

Former prisoners told Human Rights Watch that mass releases were often extravagant affairs and would sometimes involve senior Somali Region officials celebrating the rehabilitation of ONLF prisoners on television.<sup>207</sup> During releases, Abdi Illey or other senior Somali Region officials would speak to the prison population about their responsibilities upon release.<sup>208</sup> Numerous detainees described prisoners being released on the condition that they join the Liyu police.<sup>209</sup>

In February 2018, the Ethiopian government released significant numbers of political prisoners.<sup>210</sup> In Somali Region, the government announced they were to release up to 1500

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<sup>205</sup>Human Rights Watch interviews with former prisoners #57, 58, August 2017, locations withheld.

<sup>206</sup> Cakaara News, “600 Prisoners Released by the State to Mark Idul-Adha”, September 3, 2017,

<http://cakaaranews.com/index.php/wararka-separator/wararka-degaanka/6894-600-00-maxbuus-oo-xukuumadu-cafis-u-fidisay-fadliga-ciidul-adxa.html> (accessed June 5, 2018). Cakaara News, “The SRS president grants presidential pardon to more than 200 prisoners released from the Central Prison,” September 13, 2014,

<http://cakaaranews.com/index.php/wararka-separator/wararka-degaanka/4300-madaxwaynaha-ddsi-oo-cafis-u-fidiyay-in-ka-badan-200-00-maxbuus-lagana-sii-daayay-xabsiga-dhexe-ee-mmj.html> (accessed June 5, 2018).

<sup>207</sup> Human Rights Watch interviews with #4, 24, 48, 56, 66, April 2014, June 2017, August 2017, October 2017, locations withheld.

<sup>208</sup> Human Rights Watch interviews with #4, 5, 24, 33, 50, 57, 66, 68, 71, 74, 79, April 2014, June 2017, August 2017, October 2017, March 2018, April 2018, locations withheld.

<sup>209</sup> Human Rights Watch interviews with #5, 20, 24, 57, 71, April 2014, June 2017, locations withheld. This was particularly common before 2012.

<sup>210</sup> Human Rights Watch, “Does Ethiopia’s New State of Emergency Dash Hopes for Reform,” February 21, 2018, <https://www.hrw.org/news/2018/02/21/does-ethiopias-new-state-emergency-dash-hopes-reform>.

prisoners from Jail Ogaden.<sup>211</sup> On Eid al-Fitr on June 15, 2018 an unknown number of prisoners were released from Jail Ogaden.<sup>212</sup>

## Access to Family

Prisoners have not been permitted access to relatives and friends since 2012.<sup>213</sup> Many relatives of prisoners described not knowing if their relatives were alive or dead. Families seeking information have very limited options though some said that they tried through local prison guards, some of whom shared information on release dates, particularly in exchange for money.<sup>214</sup> Those released would often provide information to family members of deceased prisoners or deliver messages to families. Former prisoners described several incidents where punishments were handed out because information on individuals who had died had been leaked to family members.<sup>215</sup>

One woman described not seeing her brother for four years after he was arrested by Liyu police:

For almost a year I did not know where he was and whether he was alive or dead. Then someone who was released told me he was there. I went to Jijiga to try and see him, but I was not allowed. Until he was released [three years later, in 2016], I did not see him or hear anything more about him.<sup>216</sup>

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<sup>211</sup> Cakaara News, “President Abdi Mohamud Omar Grants Presidential Pardon to More Than 1,500 Rehabilitated Prisoners” February 21, 2018,

<http://cakaaranews.com/index.php/wararka-separator/wararka-degaanka/7402-mw-cmc-oo-cafis-ufidiyay-in-kabandan-1500-oo-maxaabiis-ladhaqanceliyay-ah.html> (accessed June 5, 2018) and

Xinhua, “Ethiopia’s Somali state pardons 1,500 detainees,” February 22, 2018, [http://www.xinhuanet.com/english/2018-02/22/c\\_136991780.htm](http://www.xinhuanet.com/english/2018-02/22/c_136991780.htm) (accessed April 23, 2018).

<sup>212</sup> Eid al-Fitr is an important Islamic holiday that marks the end of Ramadan. Facebook live, Abdi Mohamoud Omar, June 15, 2018, <https://www.facebook.com/100004289385774/videos/1029111203908516/> (accessed June 24, 2018).

<sup>213</sup> Human Rights Watch interviews with #24, 26, 32, 46, 58, 61, April 2014, June 2017, August 2017, October 2017, locations withheld.

<sup>214</sup> Human Rights Watch interviews with brother of #61 and 72, October 2017, March 2018, locations withheld.

<sup>215</sup> Human Rights Watch interviews with #53, 57, 72, June 2017, August 2017, March 2018, locations withheld.

<sup>216</sup> Human Rights Watch interview with sister of #71, March 2018, location withheld.

Article 21 of the Ethiopian constitution states that prisoners are entitled to have access to family members, a lawyer, and a doctor.<sup>217</sup>

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<sup>217</sup> Constitution of the Federal Democratic Republic of Ethiopia, August 21, 1995, art 21.

## VII. Obligation to Investigate Torture

Ethiopia is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment.<sup>218</sup> It is also a party to the African Charter on Human and Peoples' Rights, which prohibits torture and cruel, inhuman or degrading punishment.<sup>219</sup> Ethiopia has also incorporated prohibitions on torture and cruel, inhuman and degrading treatment into its constitution.<sup>220</sup>

The African Commission on Human and Peoples' Rights, charged with interpreting and evaluating state compliance with the African Charter, has elaborated the responsibilities of state parties to ensure prompt, full, and effective access to redress for victims of torture, emphasizing that access to justice and effective remedy are at the core of this responsibility.<sup>221</sup> It also outlines the responsibility of states to provide redress for collective harm.<sup>222</sup> Although Ethiopia has criminal code provisions and other laws to fulfill its international and domestic obligations, they are seldom enforced, while government oversight mechanisms are limited and lack independence.

### Impunity and Entrenched Obstruction of Monitoring and Oversight

Impunity remains a serious problem in Ethiopia. The Ethiopian government has shown little willingness to meaningfully investigate human rights abuses, let alone hold abusers to account. Many accountability mechanisms are not sufficiently independent of the

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<sup>218</sup> Ethiopia acceded to the Convention Against Torture on March 14, 1994. United Nations Treaty Collection, "Status of Treaties," [http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-9&c...](http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&c...) (accessed May 5, 2018).

<sup>219</sup> African Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986, <http://www.achpr.org/instruments/achpr/>, Art. 5. Ethiopia ratified the African Charter in 1998.

<sup>220</sup> Constitution of the Federal Democratic Republic of Ethiopia, 1995, University of Pennsylvania African Studies Center, "Ethiopian Constitution," <http://www.wipo.int/edocs/lexdocs/laws/en/et/etoo7en.pdf> (accessed May 5, 2018), art. 16 ("Everyone has the right to protection against bodily harm.") and art. 18(1) ("Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment.").

<sup>221</sup> General Comment No. 4 on the African Charter on Human and Peoples' Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5), <http://www.achpr.org/instruments/general-comment-right-to-redress/> (accessed May 16, 2018).

<sup>222</sup> General Comment No. 4 on the African Charter on Human and Peoples' Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5), <http://www.achpr.org/instruments/general-comment-right-to-redress/> (accessed May 16, 2018).

government to achieve their desired goals.<sup>223</sup> Also challenging for these institutions is the perception of many Ethiopians that they are neither independent of the government nor capable of challenging it or holding to account. This decreases the likelihood that citizens will file complaints and increases the fear of providing these institutions with sensitive information.

The judiciary does not provide a meaningful or realistic pathway to accountability or redress, a problem that is underscored by long-standing concerns over the independence of the judiciary in politically sensitive cases.

There are few federal oversight mechanisms over regional prisons, such as Jail Ogaden, and those that exist have proven ineffective. There are some reporting requirements in the Federal Prisons Commission Establishment Proclamation and provisions for the Federal Police Commission to “have relations with Regional Prison Authorities in order to improve and enhance the administration modus operandi of prisons, the custody and treatment of prisoners, and also facilitate training opportunities to prison warden and other staff.”<sup>224</sup>

However, there is a mechanism for federal government to intervene in the affairs of a region if human rights abuses are committed “in violation of the provision of the human rights stipulated in the Constitution” and the “law enforcement agency and the judiciary” are unable to stop such violations.<sup>225</sup> If this is triggered by the House of Peoples Representatives (HoPR), an investigative team from HoPR can be sent to investigate and a report with accountability measures could be considered.<sup>226</sup> As far as Human Rights Watch is aware, this has never happened for Jail Ogaden or any of the other serious abuses committed in Somali Region.

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<sup>223</sup> This includes, for example, the Ethiopian Human Rights Commission and the Institute of the Ombudsman.

<sup>224</sup> Federal Prisons Commission Establishment Proclamation, <https://chilot.files.wordpress.com/2012/10/proc-no-365-2003-federal-prisons-commission-establishment.pdf> (accessed May 14, 2018). This also includes the requirement for regional prisons to send the Federal Prisons Commission periodic reports and statistics as regards the general condition of prisoners.

<sup>225</sup> System for the Intervention of the Federal Government in the Regions Proclamation No. 359/2003, art. 7, <https://chilot.me/2011/08/system-for-the-intervention-of-the-federal-government-in-the-regions-proclamation-no-3592003/> (accessed April 23, 2018).

<sup>226</sup> System for the Intervention of the Federal Government in the Regions Proclamation No. 359/2003, art. 9(2), <https://chilot.me/2011/08/system-for-the-intervention-of-the-federal-government-in-the-regions-proclamation-no-3592003/> (accessed April 23, 2018).

The repressive Charities and Societies Proclamation has also contributed to the climate of impunity by significantly reducing independent human rights monitoring.<sup>227</sup> The Charities and Societies Proclamation (CSO Law), which prohibits nongovernmental organizations receiving more than 10 percent of their funding from foreign sources for carrying out human rights and governance work, has severely hampered the work of independent national human rights organizations.<sup>228</sup>

Ethiopia has repeatedly rejected calls for independent investigations at the international level, saying it can carry out such investigations itself. Over the last two years, the European Parliament, United States' Congress, OHCHR, and individual states have encouraged Ethiopia to allow investigators to investigate abuses during the protest crackdown in Oromia and Amhara regions between 2015-2017.<sup>229</sup> The government of Ethiopia has also not responded to requests for invitations from 10 United Nations Special Rapporteurs (SR).<sup>230</sup> The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment requested an invitation in 2005, and sent reminders in 2007, 2010, 2011, 2013, and 2017.<sup>231</sup> The Working Group on Arbitrary Detention requested an invitation in 2005, and sent reminders in 2007, 2009, 2011, and 2015.<sup>232</sup> Other than the Special Rapporteur on Eritrea, Ethiopia has not let in a single Special Rapporteur since 2007.<sup>233</sup>

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<sup>227</sup> The International Center for Not-for-Profit Law, "Civic Freedom Monitor: Ethiopia," January 27, 2018, <http://www.icnl.org/research/monitor/ethiopia.html> (accessed April 23, 2018).

<sup>228</sup> The International Center for Not-for-Profit Law, "Civic Freedom Monitor: Ethiopia," January 27, 2018, <http://www.icnl.org/research/monitor/ethiopia.html> (accessed April 23, 2018).

<sup>229</sup> Human Rights Watch report, "Such a Brutal Crackdown, Killings and Arrests in Response to Ethiopia's Oromo Protests," June 15, 2016, <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopia-s-oromo-protests>. Reuters, "Ethiopia must allow rights observers after killings: U. N. rights boss", August 10, 2016, <https://www.reuters.com/article/us-ethiopia-violence-un-idUSKCN10L1SY> (accessed April 23, 2018). Resolution on the Human Rights Situation in the Federal Democratic Republic of Ethiopia - ACHPR/Res. 356(LIX) 2016, November 4, 2016, <http://www.achpr.org/sessions/59th/resolutions/356/> (accessed April 23, 2018). European Parliament resolution on the situation in Ethiopia (2016/2520(RSP)), January 21, 2016, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0023+0+DOC+XML+Vo//EN&language=EN> (accessed April 23, 2018). US Congress, House resolution 128 supporting respect for human rights and inclusive governance in Ethiopia, April 10, 2018, <https://www.congress.gov/bill/115th-congress/house-resolution/128> (accessed April 23, 2018).

<sup>230</sup> For a list of outstanding requests please see:

[http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ETH](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ETH)

<sup>231</sup> For a list of outstanding requests please see:

[http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ETH](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ETH)

<sup>232</sup> For a list of outstanding requests please see:

[http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ETH](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ETH)

<sup>233</sup> For a list of outstanding requests please see:

[http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ETH](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ETH)

Ethiopia has also not ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which would allow visits to Ethiopia by the protocol's Subcommittee on Prevention of Torture, nor has it ratified the Optional Protocol to the International Covenant on Civil and Political Rights, which allows for complaints to be filed before an independent UN committee.<sup>234</sup> It has also not ratified the Rome Statute, and as such is not a member of the International Criminal Court.

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<sup>234</sup> To see ratification status of treaties please see: <http://indicators.ohchr.org/>.

## VIII. Ethiopian Human Rights Commission and Jail Ogaden

The Ethiopian Human Rights Commission (EHRC) is mandated to investigate human rights violations throughout Ethiopia, but there are longstanding concerns over the independence of the EHRC, particularly around politically sensitive investigations.<sup>235</sup>

EHRC investigations have lacked transparency, with very few reports publicly available in any language.<sup>236</sup> It is not clear to what extent reports have been produced on prison visits. What investigative reports are available have lacked even the most basic semblance of impartiality. There is no evidence that investigators made an effort to speak to victims, and instead focused their interviews on local government officials. Such an approach cannot help but greatly undermine the credibility and accuracy of any investigation.

### EHRC Response in Somali Region

Headquartered in Addis Ababa, the EHRC have numerous regional offices, including one in Jijiga. They are the only federal institution that can carry out inspections at Jail Ogaden, and no nongovernmental organizations are able to do so. Former prisoners described Commission officials visiting Jail Ogaden dozens of times since 2011, where local Jijiga-based EHRC officials visited along with EHRC officials from Addis Ababa.<sup>237</sup>

According to former prisoners, prison officials took various steps to ensure that Commission officials did not get an accurate picture of detention conditions. Visits were highly scripted. Former prisoners said they were notified in advance of the visit and were told what to say and what not to say. Those prisoners in the worst physical conditions were either moved out of the prison that day or were relocated to cells under the guard towers away from the Commissioners.<sup>238</sup> The EHRC usually spoke to prisoners in small groups,

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<sup>235</sup> As per the Proclamation that established it the objective of EHRC “shall be to educate the public be aware of human rights see to it that human rights are protected, respected and fully enforced as well as to have the necessary measure taken where they are found to have been violated.” Ethiopian Human Rights Commission Establishment Proclamation, Proclamation 210/2000, <http://ehrp.org/wp-content/uploads/2014/05/ethiopian-human-rights-commission-procl.pdf> [accessed April 23, 2018].

<sup>236</sup> For example, see the EHRC’s website at: <http://www.ehrc.org.et/web/guest/home>.

<sup>237</sup> Human Rights Watch interviews with #53,68,72,80, June 2017, March 2018, April 2018, locations withheld.

<sup>238</sup> Detainees report being taken to nearby Garbassa military camp, to *khat* farms, or just into the countryside.

sometimes one on one, and sometimes to large groups. On several occasions, prisoners got to eat meat before or during the EHRC visits and cells were cleaned in the days before.<sup>239</sup>

“Fatuma J.,” a 26-year-old woman and former prisoner, told Human Rights Watch about a group session in front of EHRC officials in 2014:

The Liyu police had selected some female prisoners who would speak, but they also took some female *aslubta* who took their uniforms off and became part of the crowd. They were there to see who spoke up. One of the “*habesha*” asked with a Somali translator whether they were getting good food in the group session and the woman said “yes, we get good food, they slaughter camels for us and so on.” Later [when they were alone] one on one the Somali translator said to the women “you were lying about that, why did you not tell the truth?” She said “because there are Liyu police in there, if I tell you I will be beaten badly after.”<sup>240</sup>

“Amina H.,” a 34-year-old woman held in Jail Ogaden in 2013-2014 described:

When the human rights commission come they take out the serious cases, and just leave the new people. I was one of the people they were hiding. They took me to the military camp, Garbassa. I was there for seven days. They took out elderly women, and those who had been beaten in the face, had wounds, or had small children.<sup>241</sup>

It is not clear if the EHRC wrote reports after visits, and who, if anyone, they were submitted to. Nor is it clear if the Commission made any efforts to speak to prisoners who had been recently released or were in hospital due to injuries sustained at Jail Ogaden.

Individuals inside the Somali Region government have told Human Rights Watch that unannounced visits to Jail Ogaden were not permitted and the Commission was required to

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<sup>239</sup> Human Rights watch interviews with #61, 66, 68, October 2017, March 2018, locations withheld.

<sup>240</sup> Human Rights Watch interview with #66, October 2017 and May 2018, location withheld. The interviewee was held in Jail Ogaden from 2013-2015.

<sup>241</sup> Human Rights Watch interview with #61, October 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014.

notify Abdi Illey's office in advance.<sup>242</sup> Human Rights Watch's understanding is that the Commission does visit other places of detention in Ethiopia unannounced.

Despite these limitations, at times the EHRC visits had some impact. For example, prisoners were told by prison guards that head of Jail Ogaden Caynsane Sheikh Mohamed was jailed partly because of an EHRC report in August 2014.<sup>243</sup> Prisoners also understood that at least some of the prisoner releases and short-lived improvements in food and prison conditions were due to EHRC efforts.<sup>244</sup>

"Bashir L.," a 28-year-old man, told Human Rights Watch about an incident in 2012 where individuals selected to speak accurately described the abusive nature of the prison:

The prison guards chose people to speak. They chose those that were educated and they believed would make a good impression. One used to work for MSF [Médecins Sans Frontières] and one has worked for Somali Region Finance department. But [they] told the Commission members exactly what was going on. After the Commission left, they were beaten in the following days. Two of them died shortly thereafter.<sup>245</sup>

This incident was brought up by numerous former prisoners as evidence of what happened to those who spoke up. The *kabbas* and Liyu police referred to this incident afterwards in their various group meetings with prisoners.<sup>246</sup>

Human Rights Watch wrote to the EHRC in April 2018 to seek clarification on these issues and did not receive a response. The letter is in Appendix II.

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<sup>242</sup> Human Rights Watch interviews with former government officials, #68, 92, March 2018, locations withheld.

<sup>243</sup> Human Rights Watch interview with #68, March 2018, location withheld.

<sup>244</sup> This is alluded to in <https://biblio.ugent.be/publication/5855951/file/5876631.pdf> section 5.2 albeit in 2011.

<sup>245</sup> Human Rights Watch interview with #72, March 2018, April 2018, location withheld.

<sup>246</sup> Human Rights Watch interviews with #24, 68, 72, 79, April 2014, March 2018, locations withheld.

## Individual Criminal Liability for Torture

The Convention Against Torture requires state parties to make all acts of torture punishable under criminal law.<sup>247</sup> The UN Committee against Torture, the expert body charged with interpreting and monitoring state compliance with the Convention, has explained that “it is essential to investigate and establish the responsibility of persons in the chain of command as well as that of the direct perpetrator(s),” noting that command responsibility was sometimes unaddressed in national legislation, creating “potential loopholes for impunity.”<sup>248</sup>

During the course of Human Rights Watch interviews, former prisoners identified dozens of individuals as being directly responsible for acts of torture, including several who were personally involved in torturing individual prisoners. Some of the key individuals include:

- Abdi Mohamoud Omar (commonly known as “Abdi Illey”).<sup>249</sup> He is the current president of Somali Region and the former regional head of Justice and Security Bureau in Somali Region from 2005 to 2010. During this time the EDF committed war crimes and crimes against humanity in their counterterrorism operations against the ONLF in 2007-2008. In July 2010, he was appointed president of Somali Region by the federal government. As per the Somali Region Constitution, the President is responsible for all security forces, which includes the Liyu police.<sup>250</sup> According to two former Liyu police and three other security officials from Somali Region, Abdi Illey regularly communicates with Liyu police regiments on various operational matters.<sup>251</sup>
- Abdirahman Abdillahi Burale [commonly known as Abdirahman Labagole], Head of Liyu police and regional security head since 2012 with the rank of general.<sup>252</sup> He oversees the operations of all Liyu police regiments, including those who, based on

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<sup>247</sup> Convention Against Torture, Art. 4.

<sup>248</sup> Committee against Torture, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment General Comment No. 2, CAT/C/GC/2, January 24, 2008.

<sup>249</sup> Can also be spelled as Abdi Mohamud Omar or Cabdi Maxamuud Cumar.

<sup>250</sup> The Somali Regional state constitution (2001) article 61(3)(f) stipulates that the president “Leads and controls institutions, security and police forces that are established to maintain the security and enforcement of laws of the regional state.” [translation from Amharic into English].

<sup>251</sup> Human Rights Watch interviews #4, 5, 19, 54, 76, April 2014 and March 2018, locations withheld. For more information see President Abdi Mohamoud Omar and Reprisals for Expressions of Dissent subsection of Background section of this report.

<sup>252</sup> Can also be spelled at Abdirahman Abdullahi Burale, Cabdiraxmaan Cabdillaahi Buraale, or Cabdiraxmaan Cabdullaahi Buraale.

previous Human Rights Watch research, committed serious crimes throughout Somali Region since 2012.<sup>253</sup>

- Caynsane Sheikh Mohamed was the head of Jail Ogaden for two years from 2013 to 2014, and a colonel in Liyu police regiment three.<sup>254</sup> As prison head, he was responsible for the conduct of prison guards. He was imprisoned in Jail Ogaden in 2015 although according to several sources, he was released from Jail Ogaden in March 2018. Three former prisoners said he was personally involved in violent interrogations.<sup>255</sup> He was the prison head during a 2013 incident in which several former prisoners said that prison officials denied food and that many prisoners died.<sup>256</sup>
- Abdi Bede Osman was the regional prison commissioner from 2009-2012.<sup>257</sup> As of June 2018, he was a prisoner in Jail Ogaden. Numerous former prisoners described him beating people, raping women, and ordering others to rape and torture.<sup>258</sup> During the 2011 assessment of prison guards, numerous prison officials identified him as directing officers to beat prisoners.<sup>259</sup> He was eventually imprisoned in 2012. As regional prison commissioner he was responsible for all regional places of detention, including Jail Ogaden.
- Shamaahiye Sheikh Farah [commonly called “Shamaahiye”] is a Liyu police colonel.<sup>260</sup> He was head of Jail Ogaden for one year, in 2014, then became Regional Prison commissioner in 2015. As prison head he was responsible for the conduct of prison guards. Four female former prisoners said he was personally involved in

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<sup>253</sup> For example, Human Rights Watch “No justice in Somali Region Killings”, April 5, 2017,

<https://www.hrw.org/news/2017/04/05/ethiopia-no-justice-somali-region-killings> and Human Rights Watch, “‘Special Police’ Execute 10”, May 28, 2012, <https://www.hrw.org/news/2017/04/05/ethiopia-no-justice-somali-region-killings>.

<sup>254</sup> Can also be spelled as Aynsane Sheikh Mohamed or Caynsane Sheekh Maxamad. Sheikh can also be spelled Sheekh, Sheek, or Shiiq.

<sup>255</sup> Human Rights Watch interviews #66, 67, 75, October 2017, March 2018, May 2018, locations withheld.

<sup>256</sup> For more information see Inadequate Food subsection of Inhumane Prison Conditions section of this report.

<sup>257</sup> Can also be spelled Cabdi Bade Cismaan or Cabdi Bede Cismaan.

<sup>258</sup> Human Rights Watch interviews with former prisoners #10, 11, 20, 24, 62, 67, 78, 79, April 2012, April 2014, July 2014, October 2017, April 2018, locations withheld. See also Beatings subsection of Section III: Torture and cruel, inhuman or degrading treatment.

<sup>259</sup> Video of 2011 evaluation of Jail Ogaden prison guards, on file with Human Rights Watch, translated from Somali into English. Video #5. Time 0:00:01—0:03:14. Video #5. Time 0:47:36—0:51:30. Video #7. Time 0:25:45—0:27:43. Video #19. Time 0:07:48—0:09:10. Video #19. Time 0:13:36—0:17:33. Video #19. Time 0:17:28—0:19:00. See also Beatings subsection of Section III: Torture and cruel, inhuman or degrading treatment.

<sup>260</sup> Can also be spelled Shamaaxiye Sheekh Faarax. Sheikh can also be spelled Sheekh, Sheek, or Shiiq.

rape of women.<sup>261</sup> Prior to Jail Ogaden, he was head of Abdi Illey's personal security team.

- Mohamed Sheikh Ahmed [commonly known as "Aweys"].<sup>262</sup> He was head of Jail Ogaden in 2010-11 and, as of June 2018, was imprisoned in Jail Ogaden. Aweys was the head of Jail Ogaden during much of Abdi Bede's time as commissioner. As prison head he was responsible for the conduct of prison guards. Several witnesses described Aweys beating them, and multiple prison guards accused him of torture during the 2011 evaluation.<sup>263</sup> During the evaluation he described the rape and torture occurring in the prison: "Rape was just normal."<sup>264</sup>

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<sup>261</sup> Human Rights Watch interviews with former prisoners #53, 74,75,77, June 2017, March 2018, locations withheld. For more information see Female Prisoners subsection of Rape and Other Sexual violence section.

<sup>262</sup> Can also be spelled Maxamad Sheekh Axmad. Sheikh can also be spelled Sheekh, Sheek, or Shiiq.

<sup>263</sup> Human Rights Watch interviews #24, 53, 62, April 2014, June 2017, October 2017, locations withheld. Video of 2011 evaluation of Jail Ogaden prison guards, on file with Human Rights Watch, translated from Somali into English. Video #5. Time 0:28:41—0:31:30. Video #5. Time 0:44:44—0:45:44. Video #5. Time 0:59:22—1:01:28. Video #6. Time 0:02:44—0:03:23. Video #12. Time 0:30:28—0:33:10. See also Beatings subsection of Section III: Torture and cruel, inhuman or degrading treatment.

<sup>264</sup> Video of 2011 evaluation of Jail Ogaden prison guards, on file with Human Rights Watch, translated from Somali into English, testimony of Mohamed Sheikh Ahmed, Video #10, Time 0:30:16—0:59:50.

## IX. The Case for a Federal Commission of Experts

Ethiopia's government, and in particular prime minister Dr. Abiy Ahmed, can take immediate steps to end the culture of impunity at Jail Ogaden and ensure accountability for the abuses documented in this report. One significant step forward would be the establishment of a federal Commission of Experts (COE) - a new investigative mechanism to examine abuses in Jail Ogaden specifically. The COE should include:

- a process for evaluating the case of each prisoners in Jail Ogaden to ensure that:
  - those who have completed their sentences are released,
  - those who have not been charged are either promptly charged based on credible evidence or are released immediately, and
  - those who have been charged have a meaningful chance to defend themselves, with legal assistance, before an impartial court.

The COE could develop a process that would allow for timely processing of each case or could make initial determinations on each case as described above. The COE should then continue to monitor the cases with the goal of ensuring that all Jail Ogaden prisoners who are not currently serving a valid sentence of incarceration have been either released or charged within six months, and that decisions on all cases have been made within 12 months. If possible, consideration should be given to using federal judges to clear this backlog of cases given capacity limitations and the lack of independence of the judiciary in Somali Region.

In addition, the COE should carry out an investigation into individual prisoners' allegations of torture during their case determinations. Investigators should also use other reports on Jail Ogaden abuses including this report and EHRC investigation reports [if they are available]. They should also seek to encourage former prisoners of Jail Ogaden to come forward, report their experiences and protect them from the threat of reprisals. On the strength of these investigations, the COE should issue recommendations for criminal investigations against individual officials involved in abuse, regardless of rank. This would include individuals who carried out acts of torture, those who directed it, and those with command responsibility over prison officials involved in abuse.

The COE should explicitly and publicly recommend that individuals implicated in torture be charged under Article 424 of the Criminal Code. Convictions under this article can carry a sentence of up to ten years.

The COE should be politically independent and made up of a diverse pool of individuals with expertise in judicial processes and human rights investigations. Consideration should be given to inviting individuals from outside Ethiopia with relevant expertise. Senior Somali Region officials should be obliged to cooperate with the COE, and protections should be put in place to lessen the likelihood of the long-standing problem of reprisals by Somali Region officials against prisoners, prison guards, translators, and others who cooperate with or assist the COE. This could include unannounced follow up visits to check on conditions of individuals who spoke to the COE and taking strong, immediate and public actions against prison officials who engage in reprisals.

The COE could also develop recommendations on reform of the Somali Region’s judiciary in order to ensure dramatically increased respect for rule of law, and recommendations on improving federal oversight of regional detention facilities.

Such a COE is a significant undertaking, and would need to be appropriately staffed and funded, but, if successful, could also act as a template for other investigations into serious abuses.<sup>265</sup>

The establishment of a federal Commission of Experts that makes credible, politically independent, and transparent recommendations for accountability would send an important message countrywide that the new prime minister is working to address impunity.

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<sup>265</sup> Alternatively, such a Commission could look more broadly at abuses carried out by the Liyu police throughout Somali Region since 2008 and inside Oromia since 2015. The abuses in Jail Ogaden would be one component of that investigation. This would be an even larger endeavor but would ensure that any reform of Somali Region Liyu police being considered would be done in a manner that respects human rights, holds perpetrators to account, and ensures that abusive officials are not part of any new police force. It would also help inform any country-wide actions to be made to clarify legal mandates or possible federal oversight mechanisms of regional “Liyu” police forces.

## X. Government Response to Torture Allegations

New prime minister Dr Abiy Ahmed has repeatedly spoken of his intention to undertake reforms since taking office in April 2018.<sup>266</sup> He acknowledged in a speech before parliament on June 18, 2018 that security force personnel engage in torture, something that previous prime ministers have not done.<sup>267</sup> But he has yet to address if or how his government will investigate security force abuses, including torture.

Under the government of prime minister Hailemariam Desalegn, few government actors commented on torture allegations. However, just before leaving office, Hailemariam announced that Maekelawi, an Addis-based detention facility notorious for torture,<sup>268</sup> would be closed. He did not acknowledge or comment on the treatment of prisoners there under his government but said that under the *Derg*, Maekelawi had been a site of torture.<sup>269</sup>

Government officials have made some statements in the past in response to allegations of torture, usually referring to Ethiopia's legal and constitutional standards around torture. For example, in 2011 then Justice Minister Berhanu Tsegaye dismissed reports of torture, stressing constitutional prohibitions on torture. He said:

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<sup>266</sup> See Africa News, "Ethiopia PM pledges to reform security sector and revisit repressive laws," May 15, 2018, <http://www.africanews.com/2018/04/15/ethiopia-pm-pledges-to-reform-security-sector-and-revisit-repressive-laws/> (accessed June 5, 2018) and African Arguments, "Wax & Gold: The tightrope challenges facing Ethiopia's Abiy Ahmed," March 28, 2018, <http://africanarguments.org/2018/03/28/wax-gold-the-tightrope-challenges-facing-ethiopia-abiy-ahmed/> (accessed June 5, 2018).

<sup>267</sup> Al-Jazeera, "Torture, state terrorism, and Ethiopia's transformation," June 23, 2018, <https://www.aljazeera.com/indepth/opinion/abiy-ahmed-transforming-ethiopia-face-adversity-180622112645741.html> (accessed June 25, 2018).

<sup>268</sup> Report and response available at <https://www.hrw.org/report/2013/10/17/they-want-confession/torture-and-ill-treatment-ethiopia-maekelawi-police-station#b8off> (accessed June 25, 2018).

<sup>269</sup> Maekelawi was formally closed on April 8, 2018. Desalegn also said that the site would be turned into a museum. Fana Television, "Ethiopia to drop charges, free imprisoned politicians", January 3, 2018, <http://www.fanabc.com/english/index.php/news/item/10977-decision-made-to-acquit-charges,-free-politicians-from-prison> (accessed June 1, 2018). VOA News, Ethiopia Closes Infamous Prison, But Activists Await Deeper Reform, April 8, 2018, <https://www.voanews.com/a/ethiopia-closes-prison-activists-await-deeper-reforms/4337475.html> (accessed June 1, 2018). The *Derg* ruled Ethiopia from 1974 to 1991, immediately before the current government came to power. During their rule, at least 150,000 students, academics and political opponents were killed. For more information, please see Africa Watch, "Evil Days: 30 Years of War and Famine," September 1991, <https://www.hrw.org/sites/default/files/reports/Ethiopia919.pdf> (accessed June 28, 2018).

It is clearly stated in our constitution torture and coercion is forbidden. So based on that we have the responsibility to follow the law when we arrest someone suspected of a crime and we are doing that now. The suspect gets information about the reason of his detention in a language he understands by the investigator when he first gets arrested. This is being done and there is no situation where we limit those rights. <sup>270</sup>

Berhanu was later named as Ethiopia's Attorney General in April 2018.<sup>271</sup>

In responding to a Human Rights Watch report in 2013 which detailed torture of detainees in Maekelawi, the Ministry of Federal Affairs largely dismissed allegations of torture stating: "Your deliberate neglect of facts on the ground and predetermined conclusion on your presentation strengthen your ideological bias rather than any concern on human rights situation in the Crime Investigation Sector [Maekelawi]."<sup>272</sup>

During Ethiopia's United Nation's Universal Periodic Review in May 2014 numerous NGOs, including Advocates for Human Rights, Amnesty International, and Unrepresented Nations and Peoples Organization (UNPO) raised allegations of torture and states made several recommendations to address torture.<sup>273</sup> Ethiopia did not accept recommendations to investigate allegations of torture by the Ethiopian military <sup>274</sup> nor to train "personnel to investigate and prosecute all alleged cases of torture."<sup>275</sup>

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<sup>270</sup> Waltainfo TV Interview with State Minister for the Ministry of Justice, Berhanu Tsegaye (Amharic) - <https://www.youtube.com/watch?feature=share&v=cG4gpLt5JTI&app=desktop> (accessed May 25 2018).

<sup>271</sup> Hornaffairs, "PM Abiy Ahmed 's new appointees and their previous posts", April 19, 2018, <https://hornaffairs.com/2018/04/19/pm-abiy-ahmed-appointed-25-ministers-and-top-officials/> (accessed June 1, 2018).

<sup>272</sup> Letter from Dr Shiferaw Teklemariam in response to Human Rights Watch's Letter on Maekelawi. In Annex IV of Human Rights Watch report "They Want a Confession": Torture and Ill-Treatment in Ethiopia's Maekelawi Police Station, October 17, 2013, <https://www.hrw.org/report/2013/10/17/they-want-confession/torture-and-ill-treatment-ethiopia-s-maekelawi-police-station#b8offf>

<sup>273</sup> See <https://www.upr-info.org/en/review/Ethiopia/Session-19---April-2014> for all documents related to Ethiopia's 2014 UPR.

<sup>274</sup> Recommendation 158.29 from Costa Rica was to "Take urgent measures to investigate the numerous reports of torture and extrajudicial executions committed by the Ethiopian National Defence Forces." See [https://www.upr-info.org/database/index.php?limit=0&f\\_SUR=57&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](https://www.upr-info.org/database/index.php?limit=0&f_SUR=57&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly) for list of recommendations made to Ethiopia.

<sup>275</sup> Recommendation 158.30 from Austria was to "Improve conditions in detention facilities by training personnel to investigate and prosecute all alleged cases of torture and ratify OPCAT." See [https://www.upr-info.org/database/index.php?limit=0&f\\_SUR=57&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco](https://www.upr-info.org/database/index.php?limit=0&f_SUR=57&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco)

Ethiopia was last reviewed under the Convention Against Torture, and Other Cruel Degrading or Inhumane Treatment or Punishment (CAT) in 2010. They were due to submit their next state report by Nov 19, 2014, but no report had been submitted at time of writing.<sup>276</sup>

At least once, the former prime minister commented on the lack of clarity around the mandate of the Liyu police in Somali region. On October 26, 2017, Hailemariam responded to a question in parliament saying:

The problem is not the name of the police; there are no frameworks or laws that guide police structure and responsibility at the national level, and the problem is due to that. In the recent conflict between Oromia and Somalia region, many police officers have played a positive role but some shoot on a people and that is a mistake.<sup>277</sup>

Human Rights Watch wrote to the government of Ethiopia in April 2018 to seek clarification on these issues and did not receive a response. The letters are in Appendices I and II.

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=&resultMax=300&response=&action\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly for list of recommendations made to Ethiopia.

<sup>276</sup> See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx) for current reporting status on Ethiopia.

<sup>277</sup> Ethiopian Reporter, November 1st 2017, <https://www.ethiopianreporter.com/article/2328> (Translated from Amharic) (Accessed May 15th 2018).

## Acknowledgments

This report was written by Felix Horne, senior researcher in the Africa division of Human Rights Watch, based on research carried out by Felix Horne and Abdullahi Abdi, senior coordinator in the Africa division of Human Rights Watch. It was reviewed by Maria Burnett, associate director of the Africa division; Jo Becker, advocacy director, Children's Rights Division; Agnes Odhiambo, senior researcher, Women's Rights Division; and Diederik Lohman, director, Health and Human Rights Division. Chris Albin-Lackey, senior legal advisor, and Babatunde Olugboji, deputy program director, provided legal and program review respectively. Samatar Abdi, research assistant, Africa division, Soleyana Gebremichael, intern, Africa division provided invaluable assistance with desk research and translation.

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Human Rights Watch would like to thank various people, including translators in Ethiopia and elsewhere who, despite concerns of possible government reprisals, shared their experiences with us. Many of them cannot be named for security reasons, but their contributions made this report possible.

# Appendix I: Letter to Ministry of Federal Affairs and Pastoral Development

April 18, 2018

Dr. Kebede Chane  
Ministry of Federal Affairs and Pastoral Development  
Addis Ababa, Ethiopia  
P.O. Box 5718  
Addis Ababa  
Ethiopia



Dear Minister Kebede:

On behalf of Human Rights Watch, I am writing to share our preliminary findings into the treatment of prisoners and conditions in Jijiga’s Central Prison, commonly known as Jail Ogaden, in the Somali Regional State (SRS).

As you likely know, Human Rights Watch conducts objective, rigorous field investigations in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change. Human Rights Watch is committed to producing material that is comprehensively documented and verified and we want to ensure that our report properly reflects the view, policies and practices of the government of Ethiopia.

We hope you or your staff will respond to the questions below so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by **May 9, 2018**.

Our research is based on over 80 interviews with former detainees, members of the judiciary, regional and local government officials, and members of the security forces, including the Somali Region's Liyu police. Our findings cover events between 2011-2018. Interviews with former detainees were conducted on an individual basis inside of Ethiopia and outside, and interviewees were identified through a range of channels.

Our research found government security officials carrying out torture and mistreatment of the vast majority of detainees alongside serious due process concerns. The Liyu police were responsible for many of the abuses we have documented since 2013. Overcrowding is a serious problem, there is an almost complete lack of health care and food is not only inadequate but access to it is restricted as a punishment. Detainees have no access to family members or anyone else, and releases are at the whim of the SRS's president's office and prison guards. Videos from regional government assessments of prison guard performance back up these assertions with prison guards describing patterns of torture, rape, and impunity that are consistent with victims' testimonies.

Detainees have little to no recourse and extremely limited options to complain about their treatment because the vast majority of detainees are never brought to court.

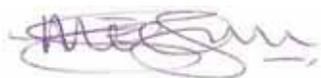
Human Rights Watch would appreciate your response to the concerns described above and to the following questions in order to reflect your views in our reporting:

1. What role does the federal government play in the oversight of regional prisons? What proclamations apply to these oversight obligations?
2. On what dates have members of your ministry visited Jail Ogaden since 2011 and what was the outcome of those visits?
3. What steps have been taken to address allegations of serious abuses such as torture and arbitrary detention in Jail Ogaden?
4. Other than the Ethiopian Human Rights Commission, what other groups and entities have access to monitor detention facilities in the Somali Region and how often are they granted access?
5. What is the legal basis for the establishment of the SRS's Liyu police and what is their legal mandate?
6. There are well-documented patterns of torture and abuse from many places of detention in Ethiopia and is not limited to Jail Ogaden. What specific actions have

been taken against those implicated in these abuses? How is it communicated to prison guards and other officials that torture is not a permissible interrogation technique?

We would appreciate receiving your response to this letter by **May 9, 2018** to ensure that it can be reflected in our final report. Kindly send your response to: Alternatively, we would greatly appreciate the opportunity to meet with you in person to discuss these questions.

Yours Sincerely,

A handwritten signature in purple ink, appearing to read 'MAUSI SEGUN', with a horizontal line underneath.

Mausi Segun (Ms.)  
Executive Director  
Africa Division

**Cc:**

Ministry of Justice, Ethiopian Human Rights Commission.

## Appendix II: Letter to Ethiopian Human Rights Commission

April 18, 2018

Dr Addisu Gebregziabher,  
Chairperson of the Ethiopian Human Rights Commission  
P.O. Box: 1165  
Addis Ababa,  
Ethiopia



Dear Dr Addisu,

On behalf of Human Rights Watch, I am writing to share our preliminary findings into the treatment of prisoners and conditions in Jijiga's Central Prison, commonly known as Jail Ogaden, in the Somali Regional State (SRS).

As you likely know, Human Rights Watch conducts objective, rigorous field investigations in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change. Human Rights Watch is committed to producing material that is comprehensively documented and verified and we want to ensure that our report properly reflects the view, policies and practices of the government of Ethiopia and of institutional human rights bodies such as the Ethiopian Human Rights Commission (EHRC).

We hope you or your staff will respond to the questions below so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by **May 9, 2018**.

Our research is based on over 80 interviews with former detainees, members of the judiciary, regional and local government officials, and members of the security forces, including the Somali Region's Liyu police. Our findings cover events between 2011-2018.

Interviews with former detainees were conducted on an individual basis inside of Ethiopia and outside, and interviewees were identified through a range of channels.

Our research found government security officials carrying out torture and mistreatment of the vast majority of detainees alongside serious due process concerns. The Liyu police were responsible for many of the abuses we have documented since 2013. Overcrowding is a serious problem, there is an almost complete lack of health care and food is not only inadequate but access to it is restricted as a punishment. Detainees have no access to family members or anyone else, and releases are at the whim of the SRS's president's office and prison guards. Videos from regional government assessments of prison guard performance back up these assertions with prison guards describing patterns of torture, rape, and impunity that are consistent with victims' testimonies.

Detainees have little to no recourse and extremely limited options to complain about their treatment because the vast majority of detainees are never brought to court.

The Human Rights Commission has clearly carried out prison inspections on numerous occasions, but we are eager to understand your findings or understand more about what actions have been taken against officials implicated.

Our research also raised serious concern for the methodology of the Commission's inspections. Interviewees repeatedly told us that Jail Ogaden prison officials and regional government officials handpicked detainees to speak to the Commission, briefed prisoners ahead of time on what to say and what not to say and relocated prisoners who exhibited signs of physical abuse or malnourishment out of sight of Commission officials. Those that did not comply with the prison guards' orders and spoke openly were brutally beaten once your officials left. In at least two circumstances prisoners were beaten to death. This was described in detail by numerous detainees and former officials.

Human Rights Watch would appreciate your response to the concerns described above and to the following questions in order to reflect your views in our reporting:

1. There are well-documented patterns of torture and abuse from many places of detention in Ethiopia and is not limited to Jail Ogaden. How does the EHRC communicated to prison guards and other officials that torture is not a permissible interrogation technique? What steps are taken to ensure that there are not reprisals

- against prisoners that you interview in prison? Are prison officials present during these interviews?
2. How many inspections has the EHRC carried out in Jail Ogaden between 2011 and 2018? Are written reports available and if so, could you please share them? Who were the reports shared with upon completion?
  3. What actions or follow up were recommended or taken based on the findings of these reports?
  4. What steps, if any, do EHRC officials take to overcome the risks of reprisals to detainees with whom they speak during inspection visits? How did you include the testimonies of former detainees, prison guards or officials who may be free to speak more openly?
  5. To your knowledge, other than the Ethiopian Human Rights Commission, what other groups and entities are granted access to monitor Jail Ogaden and how often do they receive access?
  6. Are visits to Jail Ogaden unannounced or are your officials required to give advance notification to SRS officials? Is this practice different compared to places of detention in other parts of Ethiopia and if so, how and why?
  7. What other investigations has EHRC undertaken into Liyu police abuses in the Somali Region since 2010 and what is the outcome of those investigations? Could you please share any written reporting by EHRC (in any language in which it was produced)?
  8. What federal, regional or other government bodies have oversight of regional prisons, including Jail Ogaden?
  9. What is the current number of detainees in Jail Ogaden? How many of those detainees have been convicted? What is the maximum number of prisoners permitted in Jail Ogaden?

We would appreciate receiving your response to this letter by **May 9, 2018** to ensure that it can be reflected in our final report. Kindly send your response to: Alternatively, we would greatly appreciate the opportunity to meet with you in person to discuss these questions.

Yours Sincerely,



Mausi Segun (Ms.)  
Executive Director  
Africa Division

**Cc:**

Ministry of Justice, Ministry of Federal Affairs and Pastoral Development.

# “We are Like the Dead”

## Torture and other Human Rights Abuses in Jail Ogaden, Somali Regional State, Ethiopia

Located in the heart of Ethiopia’s Somali Regional State lies Jijiga central prison, notorious in the ethnic Somali community for torture and mistreatment of thousands of prisoners. In the prison, commonly known as “Jail Ogaden,” prisoners endure a brutal schedule of interrogation, torture, humiliation, hunger, sleep deprivation, and even rape.

Based on almost 100 interviews with former detainees, government officials, members of security forces and other experts, “*We are Like the Dead*” describes serious human rights abuses and atrocious detention conditions. With no access to health care, some prisoners die from their injuries. The prison is grossly overcrowded and some female detainees give birth inside their jail cells in horrible settings that leave their children without health care or education.

Torture in Jail Ogaden is part of a pattern of serious abuses committed by the Ethiopian military and the Liyu police, a Somali Regional State paramilitary force, during a decade-long counterinsurgency campaign against the banned Ogaden National Liberation Front (ONLF).

The many accounts of detainee mistreatment in the report underscore the urgency for the new Ethiopian Prime Minister, Dr Abiy Ahmed, to take immediate steps to address human rights abuses in the Somali region, including in Jail Ogaden. His government should ensure respect for prisoners’ due process rights, and that they face no mistreatment. The government should investigate abuses documented in this report, substantially reform the Liyu police and hold senior officials to account for serious crimes, including torture in Jail Ogaden.



*Satellite image of Jail Ogaden, Jijiga, Ethiopia, recorded on May 27, 2016.*

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