

**Submission from Oromia Support Group
Human Rights Committee in its 99th session
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***Related to the discussion of the
country situation in Ethiopia***

The Oromia Support Group (OSG) is a non-political organisation which attempts to raise awareness of human rights abuses in Ethiopia, campaigning for the Ethiopian government to abide by its constitution which guarantees human rights and self-determination for all peoples of Ethiopia.

Executive Summary

This report submitted to the Human Rights Committee for consideration by the task force for Ethiopia in response to Ethiopia's official submission to the Committee considers the implementation of provisions of the International Covenant on Civil and Political Rights (ICCPR). Completed by the Oromia Support Group, it highlights the country situation regarding violations of civil and political rights in Ethiopia and suggests recommendations for measures which the government should adopt to fully implement the ICCPR.

One of the main issues raised in this report includes identifying the Anti-Terrorism Proclamation of 2009 as a severe limitation on rights and freedoms particularly freedom of expression. This is in light of vague definitions of terrorism within the legislation with no clear distinction for policy towards treatment of peaceful political activity and associated unjustifiably harsh punishment of peaceful activists. The report identifies evidence of arbitrary arrests and detention, inhumane treatment of individuals who are imprisoned as well as instances of extra-judicial killings and disappearances. Limitations on parliamentary candidates able to stand for election because of attacks by government and local security forces as well as unjustified imprisonment of potential candidates represent violations of the effective right to participate in political processes.

Introduction

The Oromia Support Group (OSG) was established in 1994 to raise awareness of human rights abuses in Ethiopia. It has made oral submissions to the UN Commission for Human Rights, submitted written material to the UN Centre for Human Rights and Universal Periodic Review and submitted a written statement to the 2001 World Conference Against Racism.

The Oromo people are one of the most numerous national groups in Africa. According to the US State Department (Country Report, Ethiopia, section 5, 11 March 2008) and Amnesty International (Report 2008, Ethiopia), they number about 30 million and constitute about 40% of the population of Ethiopia. They are the largest national group in Ethiopia. Except for a relatively small number of arid land pastoralists who live in Kenya, all their homelands lie in Ethiopia. Despite this numeric majority they are treated like a minority, suffering discrimination and marginalization.

OSG has, as of March 2010, reported 4,185 instances of extra-judicial killings and 944 disappearances of civilians suspected of supporting groups opposing the government, a majority of Oromo people.¹ Scores of thousands of civilians have been imprisoned. Torture and rape of prisoners is commonplace, especially in secret detention centres, whose existence is denied by the government.

Detention of political opposition figures has continued to be widespread since the last national election in 2005 which was deeply contested and harsh treatment of political protesters accelerated in early 2010. Legal Ethiopian opposition parties are complaining of harassment, intimidation and the detention and killing of their members and supporters: this persecution is now officially sanctioned by the government party and is backed by legislation.

Methodology

Information has been gathered from a range of sources including eye witness reports of human rights violations as corroborated by human rights reports from other international organizations and civil society groups. The report offers critical analysis of the implementation of the provisions in the ICCPR. By close analysis of legal frameworks, it indicates evidence that certain articles of the ICCPR are being breached and identifies the far reaching consequences this has on individuals living in Ethiopia. The report focuses on violations of Articles 5.1 9.1 10.1 and 25.

Article 5.1 Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

The Federal Negarit Gazeta of the Federal Republic of Ethiopia Ethiopian government passed the Anti-Terrorism Proclamation No. 652/2009 on 7 July 2009. Oromia Support Group believes this is in conflict with international standards on freedom of expression. The vague definitions contained within this legislation allow scope for the justification of peaceful political activity as a criminal act. Non-violent protest could qualify as a terrorist act with disproportionate punishment of 10-20 years imprisonment, or possibly even the death penalty. Groups of more than two individuals meeting to plan peaceful routes of participation could be considered a terrorist organisation and even advisors could be considered culpable in their support. A journalist interviewing an opposition politician or a supporter of an armed opposition group could be deemed to be “encouraging” terrorism merely by publicizing the views of the interviewee.’ Ambiguous terms within the Proclamation such as criminalization of acts which are “encouraging,” “advancing,” or “in support” of terrorist acts do not draw distinction with activity in line with freedom of speech with no direct incitement to violence.

The proclamation ‘gives the police and other security services almost unlimited power to conduct body searches, and search or seize property based solely on the belief that terrorist activity “will be” or has been committed.’² Security

¹ Oromia Support Group Report 45, March 2010 <http://oromo.org/osg/pr45.html>

² Human Rights Watch Report ‘**Analysis of Ethiopia’s Draft Anti-Terrorism Law**’ June 30, 2009 Available from <http://www.hrw.org/node/84132>

services may intercept any form of communication, destroy property or restrict movement. The new law grants the police new levels of jurisdiction to make arrests without a warrant, granting officers a high level of subjectivity if they 'reasonably suspect' terrorist activity. Under these new rules, hearsay or "indirect evidences" can be admitted in court without any limitation. Official intelligence reports can also be admitted "even if the report does not disclose the source or the method it was gathered." By making intelligence reports admissible in court even if the sources and methods are not disclosed, the law effectively allows evidence obtained under torture.

Article 30 of the Federal Democratic Republic of Ethiopia's Constitution provides that 'everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition.' However, numerous protests by Oromo students have been violently repressed and protesting students have been killed by security forces on many occasions. The new Proclamation legitimizes such violent repression, which is in conflict with the constitution.

Recommendations

→ *Ethiopian legislators should closely reconsider wording of the Anti-Terrorism Proclamation to remove ambiguities and offer protection for peaceful protestors to voice their opinions in line with Ethiopia's own Constitution.*

→ *Ensure the definition of "terrorism" in Proclamation includes only acts of serious crime that pose a serious threat to life, safety or property. Replace vague terms "encourage" "indirectly encourage" and "other inducement" in the Proclamation with internationally accepted terminology.*

→ *The right of journalists and media organisations should be protected under the legislation to allow them to report freely and protect sources of information. There should be restrictions on searching and seizing of information, and limits on surveillance to identify sources and information.*

Article 9.1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

Several hundred students have been killed and thousands jailed since 2005 when a popular protest known as the 'Revolt Against Subjugation' began in the Oromia region and the number of students held incommunicado in Ambo had reached 130 by the end of 2005. An example of such suppression occurred on 10 March 2009 when over 80 Oromo students from Bahir Dar University were arrested and others beaten as they peacefully demonstrated against the treatment of the Oromo people, appealing to the international community to help their cause.³ Also in March 2009, a high school student in Gedo, W. Showa, was killed and others were injured and imprisoned during protests about racist literature being brought to the school. The Ethiopian Government is charged with arbitrarily arresting Oromo students and holding them indefinitely and incommunicado often on fabricated charges of terrorism. Oromo students have effectively been detained and jailed without trial for their political beliefs and ethnicity.

High school and college students have been central to peaceful demonstrations against the Ethiopian Government in light of the contested elections. Thousands of elementary school children have been detained often for simply wearing traditional Oromo clothes. Recently, three Oromo students of Awassa University were kidnapped by the government security and police forces.⁴ Nagga Gezaw, a second year Civil Engineering student and Dhaba Girre, a third year

³ Unrepresented Nations and Peoples Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Line 54-60 http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ET/UNPO_ETH_UPR_S06_2009.pdf

⁴ Human Rights League of the Horn of Africa (HRLHA) Saturday, 09 January 2010 Urgent Action No1 'Kidnappings and Disappearances of Students in Southern Ethiopia' <http://www.humanrightsleague.com/index.php/about-us/html/index.php?>

Management student, were kidnapped and taken away from the University campus by members of the security and police forces of the Federal Government of Ethiopia on 5th of January 2010. In addition, Jatani Wario, second year Co-operative student, was taken away from the campus in the same manner a day later on 6th of January 2010. The whereabouts of the three Oromo students remains unknown.

In January 2010 there were widespread arrests and it was estimated that more than 500 people were detained on 14 and 15 January in Hararge zone alone – about 350 in Haromaya and the others in Kombolcha, Deder, Karro, Dhangago and Qarsaa.⁵ Arrests beginning on 14 January 2010 were also reported from Sigimo and Gatira in Illubabor, from Horo Guduru in Wallega, Yabello and Liban in Borana, Dugdaa and Bishoftu in E. Showa, Ambo in W. Showa and from Arsi and Bale zones. Detainees were accused of involvement with the Oromo Liberation Front and most were held incommunicado in unknown locations. The Oromo People's Congress (OPC), a Medrek coalition partner, reported that at least 157 of its members were among those arrested, including regional representatives and central committee members Fikadu Tefera (Wallega), Demelash Tadesse (Arsi) and Tolesa Bacho Jilcha (Showa). Two other central committee members, Niguse Mekonnen Gammada and Abduljabbar Bashir, were appointed to replace Demelash Tadesse at the Arsi office but they too were arrested and imprisoned.⁶

Recommendations

→ Guarantee access to political structures and legal assistance for the Oromo population, assuring the right to peaceful assembly and Immediately put an end to extrajudicial killings

→ Either charge those that are detained by allowing them to have access to a court for a prompt and fair trial or release them with immediate effect.

→ Urgent measures are required to initiate prompt and thorough investigations into all cases of "disappearances" and to bring those responsible to justice, no matter how much time has elapsed since the commission of the crime.

→ Victims of "disappearance" and their dependants should be entitled to fair and adequate redress from the state including financial compensation and relatives of victims must receive adequate reparations. Victims who are released should be provided with appropriate medical care and rehabilitation.

→ Put an end to racial discrimination, which appears to be the motivation behind the current mistreatment of the Oromo population and prohibited under Article 25 of the Ethiopian Constitution and Article 4 of the International Covenant on Civil and Political Rights.

Article 6.1 Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 15 of the Ethiopian Constitution protects the right to life, and states that 'no person may be deprived of his life except as a punishment for a serious criminal offence determined by law.' However despite this domestic protection there have been numerous incidences of extra-judicial killings amongst the Oromo population, particularly students.

option=com_content&view=article&id=200:hrha-urgent-action-no-8-january-2010&catid=4:press-releases

⁵ Oromo Human Rights and Relief Organisation (Oromo Menschenrechts-und Hilfsorganisation) OMHRO, 20 January 2010

⁶ Oromia Support Group Report 45, March 2010 <http://oromo.org/osg/pr45.html>

According to reports received the Ethiopian Government has met peaceful demonstrations with shootings, killing as well as injuring many students. In November 2005 in the region of Ambo three high school students were killed by Government forces, and in 2006 Human Rights Watch reported that between June and November 2005 at least 40 people had died during confrontations with the police in the Oromo region. In the same year Amnesty International also reported that demonstrators had been shot dead by police.

On 20 October 2006 a senior judge in charge of investigating the violence that followed the 2005 elections, reported that Ethiopian security forces massacred 193 people, three times the official number given. Among those killed were 40 teenagers. 763 people were believed to have been injured. The European Union's chief observer during the May 2005 elections, Ana Gomes, told the Associated Press that this 'exposes the lie' that the Ethiopian Government is forging a democracy. The U.S. State Department has also accused Ethiopia of extrajudicial killings.

Recommendations

→The Government of Ethiopia should be commended for investigating the treatment of the civilian population after the 2005 election. However the Government must acknowledge its findings and bring those responsible for the atrocities to justice as well as put a new mechanism in place, charged with undertaking independent and credible investigations into all reported extrajudicial killings.

Article 10.1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Students that have been arbitrarily arrested are often held in locations where torture has been frequently reported, such as Ambo Palace Prison and Senkele police training centre, near the town of Ambo. On 25 July 2009, Human Rights League of the Horn of Africa published a document compiled by Oromo political prisoners entitled 'Oromo Political Prisoners' Plight and Appeal'.⁷ The prisoners' report listed 29 among many other forms of torture practiced upon them 'by the Federal Police Crime and Forensic Investigation Main Division, National Security and Intelligence Service, and Federal Police Anti-Terrorist Task Force' including a full list and graphic list of draconian torture methods used. At the end of the list, the prisoners wrote that any complaints about torture made by the prisoners in court were followed by 'severe punishments/torture, worse than the ones he or she complained about'.

Recommendations

→ Regular, independent, unannounced and unrestricted visits of inspection to all places of detention must be carried out.

→Officials suspected of responsibility for "disappearances", extrajudicial executions or torture should be suspended from active duty during the investigation and any subsequent prosecution.

→ Victims of torture who are released, should be provided with appropriate medical care or rehabilitation.

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HRLHA: Plight of Oromo Political Prisoners in Ethiopia July 26, 2009 <http://gadaa.com/oduu/?p=725>

Article 25 Every citizen shall have the right and the opportunity... without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (b) To vote and to be elected at genuine periodic elections...guaranteeing the free expression of the will of the electors;

In January 2010, a representative of the Oromo Federalist Democratic Movement (OFDM, a Medrek coalition partner) in Nekemte, Wallega, was fined and sentenced to three months detention, thus preventing his registering as an election candidate according to *Fitih* newspaper, 8 January 2010.⁸

Amharic weekly *Sendek*, 24 February, reported complaints from Medrek chairman and Oromo People's Congress leader Merera Gudina that his party was unable to field candidates in five woredas of Oromia Region because of government actions. Masked men attacked and damaged a party vehicle, stole documents and beat representatives travelling to E. Wallega to register candidates. Local government officials and security forces were involved in the attacks. EDP chairman, Lidetu Ayelew also complained to *Sendek* that registration of candidates was obstructed and that government cadres intimidated, arrested and beat his party's candidates.

A Reuters report revealed that nearly 450 members of the opposition party had been jailed to prevent them standing as parliamentary candidates in the May 2010 election. One party claimed seven of its members were murdered in the preceding year.⁹

Recommendations

→ *Immediately provide the detained political parties and leaders with an effective remedy, which includes adopting the legislative or other measures necessary to guarantee the effective right to participate, directly or through freely chosen representatives and in general conditions of equality, in their national legislature.*

→ *Organize free, democratic and open elections where opposition parties can take part in an attempt to achieve genuine equality for all in Ethiopia, free of intimidation*

⁸ *Fitih* newspaper, 8 January 2010 As quoted http://www.romoparliamentarians.org/English/Press_Release/OSG%20Report%20imposes%20UN%20intervention%20in%20Ethiopia.htm

⁹ Barry Malone, "Ethiopia Opposition says nearly 450 members jailed," Reuters, November 3, 2009