



ETHIOPIA:

**Violations of the rights of the minorities protected by the International Covenant on Civil and Political Rights
102nd session of the United Nations Human Rights Committee, 11-29 July 2011**

**Statement submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status
pursuant to HRC resolution 5/1 of 18 June 2007**

I. Background

The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications.

Since 2004, The Advocates has documented reports from members of the Oromo ethnic group living in diaspora in the United States of human rights abuses they and their friends and family experienced in Ethiopia. The Advocates conducted over 65 interviews of Ethiopians, including Oromo and other ethnic group members; scholars; immigration attorneys; medical professionals; and other service providers working with Ethiopians in the United States. In addition, The Advocates monitored news and human rights reporting on events in Ethiopia.

Based on this information, AHR is gravely concerned about the continued human rights violations against the Oromo people committed by the Government of Ethiopia, as reported by Ethiopian nationals living in diaspora in the United States and by news media and human rights organizations monitoring conditions in Ethiopia. Despite credible, sustained reports of human rights abuses committed by the Ethiopian government since coming to power in 1991, the Government of Ethiopia continues practices that violate its obligations under articles 7, 9, 10, 12, 13, 14, 17, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights.

II. Violations of the Rights of Minorities under the ICCPR

Members of the Oromo ethnic group continue to report violations of human rights by the government. AHR has received credible reports of sustained persecution of and discrimination against Oromos by the Government of Ethiopia in violation.

Prohibition of Torture Inhuman, or Degrading Treatment or Punishment, Right to liberty and security of person, and Treatment of Prisoners (Art. 7, 9, 10)

In spite of Government assertions of Constitutional protections, members of the Oromo ethnic group continue to report violations of human rights by the government. The Advocates received credible reports of arbitrary arrest, detention without charge, and torture of Oromos by Ethiopian police and security officials based upon suspicion of association with the Oromo Liberation Front (OLF). Members of the Oromo ethnic group reported beatings, painful physical exercises, punishment, whipping of the feet, prolonged hanging by the arms or legs, and mock executions. Both men and women reported sexual violence including rape, assault with foreign objects, and electric shock to the genitals. Men reported having heavy weights hung from their genitals. Other gender-specific torture while in the detention centers was reported.¹

In June 2007, Ethiopia launched a military campaign in the Ogaden region of Ethiopia, which has resulted in grave human rights violations. Ethiopian soldiers have chased women and children from wells in the desert and blocked civilians from getting medical care.ⁱⁱ Dozens of cases of severe abuse by Ethiopian troops in the Ogaden, including gang rapes, arson, and “demonstration killings” like hangings and beheadings meant to terrorize the population have been documented.ⁱⁱⁱ

Most recently, in March 2011, Ethiopian authorities carried out several waves of apparently politically motivated mass arrests of more than 200 ethnic Oromo Ethiopians. On March 30, the government confirmed that 121 were in detention without charge, alleging that they were members of the Oromo Liberation Front, a banned rebel armed group. The government told journalists that it had obtained court orders to continue to hold the 121 individuals while it gathers evidence against them.^{iv}

Right to Freedom of Movement and Residence (art. 12 and 13)

As outlined in the Constitution and the Ethiopian Civil Code, any Ethiopian or foreign national lawfully in Ethiopia has the freedom of move and to choose his residence (First Periodic Report by the Government of Ethiopia, paragraphs 108-109). Members of the Oromo ethnic group reported to The Advocates that they experience difficulties in travelling around Ethiopia to visit family members or to conduct business and are required to report their movement to government officials at the *kebele* level.^v

Equality before Courts and Tribunals and Right to a Fair Trial (Art. 14)

The Government of Ethiopia reports that the Constitution grants accused persons the right to a public trial within a reasonable time after having been charged, and that accused persons in the criminal justice system have the right to be charged and informed of the charges against them (First Periodic Report by the Government of Ethiopia, paragraphs 124, 132). The Advocates, however, has received credible reports of detention without charge.

The Government of Ethiopia also states that an independent judiciary is established by the Constitution (First Periodic Report by the Government of Ethiopia, paragraph 125). The Advocates, however, has received credible reports of interference with the independence of the judiciary and failure of executive branch officials to respect judicial orders.

Several individuals reported to The Advocates that the government put pressure on judges to rule in its favor and refused to enforce judicial rulings with which it disagreed. A former Ethiopian judge reported that the judiciary “is not a place where you can make decisions on the basis of the law. There is tremendous political intervention by the political organs and the cadres, and you’ll be threatened. As a judge in Ethiopia you are extremely powerless, actually.”^{vi}

Right to privacy (Art. 17)

Reports of violations of the right to privacy include surveillance, monitoring of telephone conversations, and interference with mail and e-mail. Regardless of the level of surveillance engaged in by the Government of Ethiopia, there is a widespread belief among members of the Oromo diaspora that communications are monitored. One woman reported delays in receiving email communications from Ethiopia, believing that those emails are blocked and monitored. Another woman reported that her nephew had e-mails from his family intercepted and that he was shown copies of the emails while in jail.

Freedom of Expression, Peaceful Assembly and Association (Art. 19, 21, 22)

Ethiopia’s parliament passed a Proclamation for the Registration and Regulation of Charities and Societies in January 2009. While the stated goal was to overhaul the regulatory system governing charities, the January 2009 proclamation prohibits foreign agencies from working in the areas of human rights, equality, conflict resolution, and the rights of children. Local civil society organizations that receive more than ten percent of their funding from abroad, including from the Ethiopian diaspora, are also banned from working in these areas (Replies from the Government of Ethiopia to the list of issues, paragraph 47, 54). Even prior to the January 2009 proclamation, The Advocates received reports that

independent Oromo human-rights organizations had difficulty operating in Ethiopia. They described the hurdles organizations must overcome to get a license to operate, to maintain independence, and to continue to operate in the face of surveillance, harassment, and the incarceration of its leader and other members.

Further, the July 2009 Anti-Terrorism Law severely restricts the right to freedom of expression through its overly broad definition of terrorism. The Advocates is concerned that the law (which greatly expands police powers of search, seizure, and arrest, as well as allowing "terrorist suspects" to be held for up to four months without charge) could be used to suppress non-violent peaceful protests.

Ethiopia has a history of widespread surveillance, harassment, firings, detention, beatings, torture, disappearances, and killings of students and teachers suspected of supporting the OLF.^{vii} Arrests of students and teachers have continued, and freedoms of speech, expression, and assembly are frequently restricted on high school and university campuses.^{viii} The government does not permit teachers at any level to deviate from official lesson plans and discourages political activity and association of any kind on university campuses.^{ix} Several interviews conducted by The Advocates echo these findings, giving accounts of teacher termination (and often arrest) based on the government's suspicion of OLF involvement.

Right to participate in public affairs and elections (Art. 25)

While the Government of Ethiopia states that the right to elect and be elected is enshrined in the Constitution, elections under the current Ethiopian government have been marred by violence and by lack of participation by opposition parties. During the 2008 elections, the Oromo Federalist Democratic Movement remarked that up to 3000 of its candidates may have been forced to drop out as a result of intimidation of its proposed candidates.^x

Right of Minorities to enjoy their own culture, religion and language (Art. 27)

Diaspora Oromos reported particular concern about restrictions on speaking Oromiffa, the Oromo language. While the Government of Ethiopia restored Oromo language rights in 1994, reports of targeting of Oromos upon suspicion of belonging to or supporting the OLF because they spoke Oromiffa in public were recorded. In addition, Oromos reported that as a result of mandatory use of Oromiffa in schools in Oromia, Oromo students are at a disadvantage when seeking admission to university where English or Amharic is the preferred language. A member of the Oromo ethnic group also reported that lack of educational access. He noted that the Oromia region "people are learning in their language, but there is no material supply" and this systematically deprives Oromos of the opportunity to compete.^{xi}

III. Recommendations

The Advocates welcomes Ethiopia's stated commitment to enhance and promote human rights. Ethiopia must, however, strengthen its legislation, increase accountability mechanisms as well as implement effective measures to address issues of discrimination. The Advocates makes the following recommendations:

- Cease the use of torture in its prisons, *kebele* offices, and other places of detention.
- Ensure that all persons detained by the Government are immediately brought before a competent and independent judicial authority to determine the lawfulness of their detention
- Ensure that all detention centers meet international detention standards.
- Improve efforts to investigate and address alleged cases of brutality and use of excessive force by law enforcement officials, especially in detention facilities.
- Implement nationwide law enforcement training programs designed to combat systematic discrimination and human rights violations.
- Fully respect the freedom of movement and residence of all persons in Ethiopia.
- Ensure that all persons in Ethiopia, regardless of their ethnicity, have equal access to educational opportunities.

- Fully respect the rights of all persons to assemble and to associate with others.
- Ensure that all persons have the ability to meaningfully participate in the electoral process.
- Revise and enhance the Proclamation for the Registration and Regulation of Charities and Societies to ensure that civil society organizations can effectively perform their human rights operations.

IV. Suggested Questions for the Human Rights Committee to ask the Government of Ethiopia:

- What mechanisms are available to ensure the protection of prisoners' rights and procedures in the submitting their complaints?
- What mechanisms are used to oversee the conduct of prison and police officials?
- Please detail specific measures that are being taken to enhance the conditions and efficiency of detention facilities, including access for NGOs.
- What protections are in place for persons who are not accused under the criminal justice system, but who are nonetheless held in custody by police, security forces, or in *kebele* offices?
- Do members of the police or other state security forces receive human rights training, including instruction to ensure they are aware of the legal prohibitions against torture?
- What rehabilitative services are available to Ethiopians who have been tortured by the Government of Ethiopia? Are those services available to Ethiopians regardless of ethnicity?
- What specific steps has the government undertaken to ensure that members of the judiciary are free from interference by the executive branch?
- What steps has the Government taken to ensure equal access to educational opportunities for members of minority groups?
- How will the Government of Ethiopia ensure robust political participation by opposition political parties in future regional and national elections?
- Why does the Charities and Societies legislation prohibit foreign contributions of more than 10% of the organization's funding?

ⁱ Advocates for Human Rights, *Human Rights in Ethiopia: Through The Eyes of The Oromo Diaspora*, December 2009 at 27.

ⁱⁱ *Ethiopia Blocking Civilian Access to Medicine in Conflict Zone, Agency Says*, INT'L HERALD TRIB., Sept 4, 2007

ⁱⁱⁱ *In Rebel Region, Ethiopia Turns to Civilian Patrols*, N.Y. TIMES, Dec. 14, 2007.

^{iv} *Ethiopia: Free Opposition Members*, Human Rights Watch, April 6, 2011

^v Advocates for Human Rights, *Human Rights in Ethiopia: Through The Eyes of The Oromo Diaspora*, December 2009 at 46.

^{vi} Advocates for Human Rights, *Human Rights in Ethiopia: Through The Eyes of The Oromo Diaspora*, December 2009 at 37

^{vii} See U.S. Dep't of State, 2004 Country Reports on Human Rights Practices, Ethiopia (Feb. 28, 2005) [hereinafter 2004 Ethiopia Report].

^{viii} See 2007 Ethiopia Report, *supra* note 272, at § 2.

^{ix} *Id.* at § 2(a).

^x *Ethiopia Opposition Group to Boycott Local Elections*, SAN DIEGO UNION-TRIB., Apr. 10, 2008, <http://www.signonsandiego.com/news/world/20080410-0724-ethiopia-elections.html>.

^{xi} Advocates for Human Rights, *Human Rights in Ethiopia: Through The Eyes of The Oromo Diaspora*, December 2009 at 55.