



# ETHIOPIA: **SURVIVING** TORTURE

**A call to address three decades of untold tragedy  
for torture victims in Ethiopia**

Joint research report  
Juillet 2021

## DEDICATION

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

*“Anyone who has been tortured remains tortured [...] anyone who has suffered torture never again will be able to be at ease in the world; the abomination of annihilation is never extinguished. Faith in humanity, already cracked by the first slap in the face, then demolished by torture, is never acquired again<sup>1</sup>.”*

**Jean Amery**

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

## ACRONYMS

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

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# EXECUTIVE SUMMARY

After three decades of military and autocratic regimes, Ethiopia has been in a process of democratic transition in 2018. The election of a reformist Prime Minister, Dr Abiy Ahmed, led to numerous political reforms, including the opening of the political and civic space, the release political prisoners, the revision of restrictive legislation, including the Ethiopian Law on Civil Society Organisations (CSO Proclamation). The release of thousands of political prisoners from the infamous Maekelawi prison and Jail Ogaden, signalled the end of three decades of the Ethiopian government's systematic use of torture against dissidents<sup>2</sup>. Many lost their lives in prison due to torture, while victims who survived have suffered both short- and long-term physical and psychological harm, as well as social and economic problems as a result.

The Prime Minister, who was awarded a Nobel prize for Peace in 2019, was the first to recognise the State's fundamental role in building a culture of torture in the past. He advocated the rehabilitation of victims and promised to help Ethiopia turn this dark page in its history. Unfortunately, following the outbreak of war in the northern Tigray region in October 2020, there has been a violent return of torture, massacres, mass sexual violence and fears of ethnic cleansing. Local and international organisations have documented and reported serious allegations regarding the torture and ill-treatment of civilians by the Tigray People's Liberation Front (TPLF), government forces<sup>3</sup>, and Eritrean armed forces present in Tigray<sup>4</sup>. The Ethiopian authorities have denied allegations of torture being committed by their armed forces and Eritrean allies and have failed to investigate or prosecute the perpetrators. However, recently the Ethiopian government has allowed joint investigation of all the alleged abuses and rights violations in the region to be carried out by the UN Office of High Commissioner and the Ethiopian Human Rights Commission.<sup>5</sup> Military force members have been accused for committing rape and killing civilians.<sup>6</sup> Similarly, the African Commission on Human and Peoples' Rights has established pursuant to the ACHPR Resolution 482 (EXT.OS/XXXII) 2021 a fact-finding mission to the Tigray region in the Federal Democratic Republic of Ethiopia that started its work on 17 June 2021<sup>7</sup>.

2. The term "Victim" in this study refers to people who are subjected to torture or who have survived but been by it and are still unable to overcome its effects due to a lack of proper rehabilitation.

3. Amnesty international, Ethiopia: Tepid international response to Tigray conflict fuels horrific violations over past six months, <https://www.amnesty.org/en/latest/news/2021/05/ethiopia-tepid-international-response-to-tigray-conflict-fuels-horrific-violations-over-past-six-months/>, 4 May 2021

4. Amnesty international, The massacre in Axum, <https://www.amnesty.org/download/Documents/AFR2537302021ENGLISH.PDF>, 18 February 2021

5. Probe announced into alleged Tigray rights violations: UN rights office, <https://news.un.org/en/story/2021/03/1088272>, accessed on 21/6/2021, 25 March 2021

6. Ethiopia Convicts 3 Troops of Rape, Charges 28 For Killings, <https://www.voanews.com/africa/ethiopia-convicts-3-troops-rape-charges-28-killings>, accessed on 21/6/2021

7. Press Statement on the official launch of the Commission of Inquiry on the Tigray Region in the Federal Democratic Republic of Ethiopia, <https://www.achpr.org/pressrelease/detail?id=583>

Three years after the beginning of the political transition and reforms, the old demons of torture have returned to haunt Ethiopia and are threatening to re-characterize the country's governance. The thousands of political detainees and human rights defenders who had been freed and were promised rehabilitation to have simply been forgotten. This attempt to deny and ignore torture victims, or even to reintroduce torture in security operations, reveals a culture of impunity that was never fully uprooted and needs to be addressed at a structural level.

This report gives an account of the torture inflicted on political prisoners who either defended the public interest or were suspected of having contact with so-called "terrorist" groups in recent decades. It demonstrates the grave human rights violations committed by the authorities in detention centres and covered up by political leaders. It describes the condition of victims following their release and explains the government's failure to discharge its obligation to support and rehabilitate them beyond their release. It also analyses whether there are national policies and systems in place to redress and rehabilitate these victims.

The report aims to urge the authorities to honour to their previous commitment and complete the reform they began. This includes fully complying with international treaties and establishing new laws, institutions and practices to help put an end to brutal regimes.

# ABOUT THE AUTHORS

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

Benefitting from the opening of the civic space following the revision of the restrictive CSO Proclamation No. 621/2009, the AHRE decided to base its office in Ethiopia and registered in November 2020.

The organisation works to improve the human rights situation in Ethiopia, mainly through advocacy and research. It is also involved in training local actors, publishing monthly press releases and a bi-monthly online magazine and trial monitoring. All these activities seek to raise awareness, build the capacity of local actors in Ethiopia, and call on those concerned to pay due attention.

The **World Organisation Against Torture** (OMCT) works with around 200 member organisations which make up its SOS-Torture Network, to end torture, fight impunity and protect human rights defenders worldwide. Together, we make up the largest global group actively standing up to torture in more than 90 countries. Helping local voices to be heard, we support our key partners in the field and provide direct assistance to victims.

Our International Secretariat is based in Geneva, and we also have offices in Brussels and Tunis. The OMCT's International Secretariat provides personalised medical, legal and/or social assistance to hundreds of torture victims worldwide, to protect individuals and fight impunity. As part of its work, the OMCT also submits individual communications and alternative reports to United Nations' special mechanisms, such the Committee Against Torture.

# RECOMMENDATIONS

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

## To the House of Peoples' Representatives of the Federal Democratic Republic of Ethiopia

- Enact laws which:
- as part of the substantive criminal law reform, expressly criminalise torture
- reduce the pre-trial detention period, through introduction of a compulsory maximum pre-trial detention period, among other measures
- require the Executive Branch to provide security and protection for victims who testify against perpetrators, and
- require the government to take action to rehabilitate the victims of torture, including through allocation of budget and the establishment of victim funds, as necessary.

## To the judicial authorities of the Federal Democratic Republic of Ethiopia

- Exercise independence and make confessions obtained under torture inadmissible.
- Shorten the pre-trial detention period granted for investigations.
- Hear victims' statements regarding their treatment in detention centres and make decisions, as applicable, to guarantee the humane treatment of prisoners.
- Systematically undertake prompt, independent and impartial investigations to prosecute all perpetrators of torture and ill-treatment.

## To the executive authorities of the Federal Democratic Republic of Ethiopia

- Design a national policy and strategy for the physical, economic, social and psychological rehabilitation of victims and their comprehensive social reinsertion.
- Bring the perpetrators to justice before courts of law to deter others from further committing torture.

## To the Ethiopian Human Rights Commission (EHRC)

- Monitor, report and advocate for the prohibition and prosecution of acts of torture in national detention centres and by State representatives.
- Raise awareness regarding the urgency of rehabilitating torture victims.

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

- Provide technical assistance and recommendations to the Ethiopian government for the rehabilitation of torture victims.
- Encourage and contribute to the capacity building of law enforcement officers, detention officers and other State representatives in the prevention and absolute prohibition of torture.

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

- Publicly and privately express concern regarding the need to rehabilitate victims and end impunity.
- Provide financial support for offsetting up rehabilitation centres for torture victims and training of State officials.

### **To human rights organisations and defenders**

- Use advocacy to contribute to the redress and rehabilitation of torture victims.
- Monitor, document and report torture cases to help combat the impunity of torture perpetrators.

## **METHODOLOGY AND SCOPE**

The report comprises two main parts. The first, determines the extent to which Ethiopia's domestic laws meet international standards in taking legislative measures against torture. It analyses previous treaty body observations and recommendations on the Ethiopian legal and institutional anti-torture framework and its practices. The second, addresses the Ethiopian government's commitments and obligations in relation to victims' testimonies before, during and after their arrest and detention. Furthermore, it revisits earlier reports on torture in Ethiopia published by human rights organisations including the AHRE.

The study also reveals very rare, untold stories of torture victims, which were collected in interviews from October 2019 to January 2021. This was documented through a qualitative method involving a narrative design in order to elicit empirical evidence about the nature and magnitude of torture, the role of the courts in combatting torture, the current situation of victims, and the measures needed for their rehabilitation and social insertion.

This study focuses on the following four regional states and city administration: Oromiya, Amhara, Somali SNNP and Addis Ababa. Direct in person and telephone interviews were conducted with more than 20 victims, five of whom were human rights defenders. Three of these human right defenders were journalists, working as activists and agents of change. The two others were actively involved in reporting and denouncing human rights violations and working to promote human rights in Ethiopia. To ensure the government's views were also incorporated, an interview was conducted with two government officials from the Somali and Amhara regional states.

Although the study focuses on acts of torture committed between 1991 and 2018, during the Ethiopian People's Revolutionary Front (EPRDF) regime, it also highlights the failure of the current regime, led by Prime Minister Abiy Ahmed, to rehabilitate the victims and fully implement the reforms it promised. The report does not cover the allegations of torture committed during the recent war in the Tigray region. The names of victims used in the research have been changed, except for those of officials.

# INTRODUCTION

*“They tortured me in front of my father, who had come to visit me. It was so painful to look at him crying out loud and begging them to stop beating me.<sup>8</sup> Other times, they used to make me push the wall with my hands raised for a long time and ask, ‘can this wall be pushed away?’ When I said ‘no’ they would reply ‘EPRDF is just like this wall; it cannot be moved.’”<sup>9</sup>*

In the last two decades, thousands of Ethiopians have suffered torture at detention centres and prisons in different parts of the country. From 1974 to 1991, the country was ruled by the military following numerous coups d'état, and from 1995 to 2018 it lived under an autocracy. During that time, torture was a weapon of governance against human rights defenders and political opponents. However, when Prime Minister Abiy Ahmed took power, he initiated important political changes, beginning a democratic transition that was primarily marked by the closure of major detention centres, such as Maekelawi, and the release of political prisoners – in particular, those arrested on “terrorism” charges.

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8. Aman (no. 63)  
9. Ibid

The absolute prohibition of torture in international instruments and domestic laws has never been implemented in Ethiopia with accountability and redress for victims with a view to deter its commission. The intentional failure to hold perpetrators criminally and civilly liable, has made evidence obtained through torture admissible, and denied the independent oversight of detention facilities. Similarly, the country has neglected the obligation and need to rehabilitate torture victims and to help them through their trauma, before reintegrating them into society to resume a normal life.

## ***A long history of torture against dissidents.***

Immediately after Emperor Haile Selassie was overthrown, the military regime (known as the Derg) which governed from 1974 to 1991 instituted torture as a tool to crack down on the widespread opposition and protest it faced, through a brutal campaign of repression called the “Red Terror”. This resulted in the killing and torture of thousands of youths with dissenting political opinions. The Constitution of the People’s Democratic Republic of Ethiopia (PDRE)<sup>10</sup>, which was adopted in 1987, failed to incorporate the prohibition of torture as one of its principles. Close to half a million people — old and young, Christian and Muslim — were killed, imprisoned or forced to flee the country on account of the Red Terror<sup>11</sup>. Many of those imprisoned were detained in harsh conditions, in tightly crowded rooms with no light, where they could hear the screams of others being tortured while awaiting torture themselves.<sup>12</sup> Arrest, beatings, torture and executions without a charge or trial were carried out against those suspected of having connections with the then insurgent groups.<sup>13</sup> Likewise, those suspected of being political opponents were shackled to the ceiling and had the soles of their feet beaten, toenails and fingernails removed with pliers, and their wrists crushed with tight handcuffs. Women would be raped and sexually tortured.<sup>14</sup> Political prisoners did not have the right to trial or the right to present evidence in their defence.<sup>15</sup> Generally speaking, torture was frequent, severe and geographically widespread during the military dictatorship. The main federal police investigation centre at Maekelawi in Addis Ababa, and Mariam Gimki in Asemera were the main torture centres, but almost all other detention centres in the country also practised severe forms of torture.<sup>16</sup>

Yet, the perpetrators of mass killings and torture were not held liable under the regime. Their impunity was aided by Ethiopia’s non-participation in regional or in-

10. The Constitution of the People’s Democratic Republic of Ethiopia, Proclamation No. 1 of 1987, Negarit Gazette, Vol. 47, No. 1, Addis Ababa, 12 September 1987 (PDRE Constitution).

11. Ethiopia still haunted by memory of Derg genocidal regime, <https://www.irishtimes.com/news/ethiopia-still-haunted-by-memory-of-derg-genocidal-regime-1.563626>, May 6, 2011

12. United States Bureau of Citizenship and Immigration Services, Ethiopia: Background Information on the Mengistu Regime during the Red Terror, December 28, 1999, ETH00003.0GC <<https://www.refworld.org/docid/3ae6a6b414.html>>.

13. Ibid.

14. Kissi, Revolution and genocide, 123 cited in Edward Kissi, “Remembering Ethiopia’s ‘Red Terror’: History of a Private Effort to Preserve a Public Memory,” Ethiopian Red Terror Documentation & Research Center (ERTDRC), Documenting the Red Terror, Bearing Witness to Ethiopias Lost Generation, (2012), p 12.

15. Richard Carver and Lisa Handley (eds), Does Torture Prevention Work? (Liverpool University Press 2016) 474.

16. Ibid 475.

ternational human rights mechanisms, and the resulting absence of international and domestic monitoring and whistleblowing systems.<sup>17</sup>

The country’s peasant militias, which served as security forces under the Derg regime, had the power to detain and interrogate suspects. However, they were never held accountable for their abuse of power and torture.<sup>18</sup>

Despite the “Red Terror Trials” 19, impunity for torture continued in subsequent years, as officials who had been convicted for crimes against humanity and sentenced to life imprisonment or the death penalty were released on parole.<sup>20</sup>

In May 1991, the Ethiopian People’s Revolutionary Front (EPRDF) took power after defeating the Derg regime. Despite the changes envisaged following the Red Terror Trials and the adoption of a new constitution and international human right treaties, detainees continued to be tortured in the following three decades. Thousands of people in different parts of the country were tortured and inhumanly treated; many lost their lives and others are still suffering as a result.

17. Ibid 475.

18. Ibid.

19. Col. Mengistu Hailemariam and the key political leaders of his military junta – were found guilty of genocide and crimes against humanity on 12 December 2006, twelve years after the trial began.

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



# 1. INADEQUATE LEGAL PROHIBITION OF TORTURE: THE FAILURE TO MEET INTERNATIONAL OBLIGATIONS

## 1.1.A NARROW LEGAL DEFINITION AND PROHIBITION

During the transition process which began<sup>21</sup> in 1994, key international human rights instruments were ratified. These included the International Covenant on Civil and Political Rights (ICCPR)<sup>22</sup> and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)<sup>23</sup>.

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

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

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

Since 1995, the Ethiopian government has taken different legislative measures to prohibit torture. It adopted the Constitution of the Federal Democratic Republic of Ethiopia, giving wider recognition to human rights, under Chapter 3.<sup>24</sup>

Article 18 expressly provides that “no one shall be subjected to cruel, inhuman or degrading treatment or punishment”. Through positive and constructive interpretations, this specific provision is used to establish that there is a prohibition of torture even though it is not expressly stated in the FDRE Constitution. At the same time, Article 93 (4(c)) of the FDRE Constitution includes Article 18 in the list of non-derogable rights. Moreover, Article 28(1) criminalises torture, as a crime against humanity. The provision further states that torture cannot be time barred and is neither subject to amnesty nor pardon.

The FDRE Criminal Code<sup>25</sup> criminalises torture as both a war crime and a serious offence. Specifically, Article 424 of the Criminal Code lays down penalties for violence, including torture, inflicted by State agents. Furthermore, it states that an official who orders torture will receive a harsh prison sentence of up to 15 years, in addition to a fine. Prison guards and administrators are required to refrain from torturing detainees, to ensure that they are treated properly and not subjected to any kind of ill-treatment. Article 31 of the FDRE Criminal Procedure Code<sup>26</sup> reinforces the exclusionary rule stipulated in Article 19(5) of the FDRE Constitution by making any evidence secured through torture inadmissible. The Code prohibits police officers or authorities from using any improper method, including torture, to secure a confession or any information; and stipulates that evidence obtained through such method is excluded.<sup>27</sup>

Despite these legal provisions clearly prohibiting torture, by 2011 the Committee Against Torture already had already expressed some concerns regarding the definition of torture under Ethiopian law. It is limited to some of the purposes envisaged in Article 1 of the Convention Against Torture and applies only to acts committed by public servants in the performance of their duties, who are responsible for the arrest, custody, supervision, escort, or interrogation of individuals under suspicion, arrest, detention or summoned to appear before a court or serving a sentence. Therefore, “acts of torture falling outside the definition provided in Article 424 of the revised Criminal Code are punishable only as the offence of “abuse of power”<sup>28</sup>. This means that there is a lack of adequate punishment for acts of torture occurring during public demonstrations or in non-custodial settings.

24. Federal Democratic Republic of Ethiopia Constitution, Proclamation No. 1/1995, (FDRE Constitution).

25. The Criminal Code of Ethiopia, Negarit Gazeta, Proclamation No.414/2004 (Criminal Code).

26. The Criminal Procedure Code of Ethiopia, Negarit Gazeta, Proclamation No. 185/1961 (Criminal Procedure Code).

27. Criminal Procedure Code, Art 31.

28. Concluding observations of the Committee against Torture on Ethiopia, CAT/C/ETH/CO/1, 2011, §9.

## 1.2. TORTURE AND TERRORISM: THE EXCUSE OF EXCEPTIONAL CIRCUMSTANCES

In 2009 Ethiopia adopted legislative measures that opened the door for torture, notably in context of combatting terrorism. Anti-Terrorism Proclamation No. 652/2009<sup>29</sup> proved to have a detrimental effect on the protection human rights in the country. In 2011, the Committee Against Torture expressed concern about the provisions of this law, which unduly restricted legal safeguards against torture and ill-treatment, in particular for persons suspected of or charged with terrorism or a related crime. The law empowered police and security forces to use any means at their disposal to extract information or secure confessions without a court warrant (Art.19). It simplified and weakened the standard of proof required to bring terrorism charges and resulted in hearsay and indirect evidence being accepted in court cases. It enabled intelligence reports to be presented as evidence, even when they did not disclose their sources or the method by which the information was gathered,<sup>30</sup> and also made evidence gathered by interceptions or surveillance admissible.<sup>31</sup> This Proclamation was used as a means to suppress the voices of many. Those who expressed their dissent peacefully were accused of belonging to so-called “terrorist” groups and charged under the proclamation.<sup>32</sup>

29. Anti-Terrorism Proclamation, Proclamation No. 652/2009 (15th year No. 57, Federal Negarit Gazzeta, ADDIS ABABA August 28, 2009) (Anti-Terrorism Proclamation).

30. Anti-terrorism proclamation, Art 23(1).

31. Anti-terrorism proclamation, Art 23(1).

32. Human Rights Watch, Ethiopia Events in 2017, World Report 2018 <<https://www.hrw.org/world-report/2018/country-chapters/ethiopia>>, accessed November 15, 2019.

## 2. WIDESPREAD USE OF TORTURE: TELLING VICTIMS’ STORIES

### 2.1. BRUTAL, ARBITRARY DETENTION

Under Federal Police Commission Proclamation No. 313/2003<sup>33</sup> police officers are required to perform their duties, among others, in full compliance with human and democratic rights ensured in the FDRE Constitution.<sup>34</sup> Similarly, under Federal Police Commission Administration Regulation No. 86/2003<sup>35</sup>, any violation of the human and democratic rights enshrined in the Constitution entails rigorous disciplinary measures, including demotion and dismissal.<sup>36</sup>

In principle, the police officer conducting an arrest must provide an arrest warrant and inform the suspect why the arrest is being made.<sup>37</sup> There is a requirement for the individual be able to inform family members of their arrest, and to have access to legal counsel.<sup>38</sup> The violation of this particular safeguard means that suspects can potentially be subjected to torture and other forms of ill treatment.<sup>39</sup>

Ethiopian criminal law requires a warrant when conducting an arrest.<sup>40</sup> Only in exceptional cases, such as flagrant offenses and when the suspect is on the verge of exile or disappearance, that an arrest can be made without a court warrant.<sup>41</sup> Furthermore, the law requires the arresting officer to inform suspects of the crime they are suspected of and to recite their Miranda rights.

The Committee Against Torture was nevertheless concerned that, in practice, Ethiopia was failing to provide all detainees with all fundamental legal safeguards from

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

34. FDRE Constitution, Art 20(1).

35. Hereinafter, Police Administration Proclamation.

36. Police Administration Proclamation, Art 54(1).

37. This principle is provided under article 9(1) of the ICCPR which prohibits arbitrary detention.

38. Amnesty International, Above the Law Police Torture in the Philippines (2014) 29.

39. Ibid, P 30.

40. Criminal Procedure Code Art 49.

41. Criminal Procedure Code art 51

the very outset of their detention. It noted that under Article 19 (3) of the Constitution, “the maximum period of 48 hours within which anyone arrested or detained on a criminal charge must be brought before a judge shall not include a reasonable time taken in the journey to a court of law” and that, under Article 59 (3) of the Criminal Procedure Code, remand in custody may be repeatedly prolonged for periods of 14 days each time<sup>42</sup>.

The victims interviewed confirmed that torture often began during arrest. They revealed that they were forcefully arrested at night, without putting up any resistance, hit from behind and surrounded at gun point, blindfolded and handcuffed. They were then thrown into a car that was driven at a high speed. Most didn't even get time to ask the officers why they were being arrested.

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

“

I was just about to open the front gate when they stopped me at gunpoint and asked my name. After ascertaining my identity, they handcuffed me and threw me to the ground, covered my eyes with a black piece of cloth, began to beat me, and finally threw me into the car, holding my hands and legs. When I asked them why they were arresting me they said I should ask that at the police station. I had no idea where they were taking me at that moment. I had lost consciousness for some time and can only remember that the car was driven at a high speed and sounded like an ambulance.”<sup>43</sup>

”

The same night Caleb was also arrested in similar conditions. The only difference being that he was arrested at 1:30 AM, in what could be deemed an act of kidnapping by security and intelligence officers.<sup>44</sup>

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

42. §12

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

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

“

“On March 01, 2015, around eight state security officers captured me while I was about to get into a car leaving for Addis Ababa. They covered my eyes with a cloth, threw me into a car and took me to Maekelawi. They neither showed me an arrest warrant, nor read me my rights. But they did have me appear before court within 48 hours.”<sup>45</sup>

”

Alemu from the Amhara region, who had participated in a peaceful political struggle, also stated that his arrest was harrowing. He recalls it as follows:

“

“On January 18, 2015, while I was attending the eve ceremony of Ethiopian Epiphany in Maksegnit (a small town a few kilometres from Gonder city), the police grabbed me from behind and kicked me hard. They took me to my home, claiming that there was a bomb in my house. They searched the house and took some party documents. They beat me violently in front of my family and also beat my son. Following that, they covered my eyes with a piece of cloth and took me to Azezo, a place in Gonder city, where they threw me into a hole then proceeded to pee on me and kick me hard. They ordered me to speak in Tigrigna. Finally, they tied up my hands and legs, covered my eyes with a cloth and took me to Maekelawi.”<sup>46</sup>

”

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

“

“When I was arrested for the first time in 2007, it was around 1:00 AM. There was a car in front of my gate with no number plates. And when I entered my home four people caught me, taped up my mouth, covered my eyes with a cloth and took me to Addis Ababa. During my

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

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

arrest in 2015, they broke into my house at 11:00 PM at night, made everybody in the house lie down outside and took me and my 11th grade child to the police station, while beating us with the handle of their gun. But later, after I begged them for a while, they released my son and took me back to Maekelawi. In both cases they did not bring an arrest warrant, inform me of the crime that I was suspected of or my right to remain silent.”<sup>47</sup>

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

“When I got out of a bank at around 3 AM in the morning, people came in four automobiles, pointed a gun at me, coerced and handcuffed me, threw me in to a car, covered my eyes with a cloth and pushed down my neck with their knee. They put on very loud music and took me to an unknown place. I was investigated at that place for 74 days. They didn’t show me an arrest warrant, inform me of my right to remain silent, or tell me the crime that I was suspected of committing.”<sup>48</sup>

On the other hand, human rights defenders, activists and journalists, such as **Seifu**<sup>49</sup>, **Robel**<sup>50</sup>, **Kiros**<sup>51</sup>, **Seid**<sup>52</sup> and **Liku**<sup>53</sup>, who were arrested in Addis Ababa, mentioned that they had been arrested randomly without an arrest warrant and were not informed of their right to remain silent.

Seifu who, along with colleagues, was involved in blogging, online campaigning and activism for the protection and advancement of human rights, was arrested various times for his human rights activism and criticism of the human rights situation in Ethiopia, as well as the government’s gross human rights violations. His longest arrest began when he was apprehended on April 25, 2019, with colleagues, including Kiros. Below, he recalls how the arrest was conducted:

47. Ezra, Association for Human Rights in Ethiopia Phone interviews #5, January 2021, location Aribaminch town (translation from Amharic into English).  
48. Taye, Association for Human Rights in Ethiopia Phone interviews #4, January 2021, location Debre Tabor town (translation from Amharic into English).  
49. Seifu, Association for Human Rights in Ethiopia Phone interviews #3, January 2021, location Adiss Abeba (translation from Amharic into English).  
50. Robel, Association for Human Rights in Ethiopia interviews #8, December 2020, location Adiss Abeba translation from Amharic into English).  
51. Kiros, Association for Human Rights in Ethiopia interviews #9, December 2020, location Adiss Abeba translation from Amharic into English).  
52. Seid, Association for Human Rights in Ethiopia interviews #10, December 2020, location Adiss Abeba translation from Amharic into English).  
53. Liku, Association for Human Rights in Ethiopia interviews #11, December 2020, location Adiss Abeba translation from Amharic into English).

“Security forces, the exact number of whom I don’t remember, approached us around Kenenisa Hotel in Addis Ababa and told us we are under arrest. I asked them where the arrest warrant was. However, the security officers refused to show us one, but one of them read from a piece of paper that authorising the police to arrest us. We could not confirm whether it was a formal arrest warrant or not. We weren’t also informed of our right to remain silent or that the statements we made would be presented as evidence against us.”<sup>54</sup>

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

“Two months after the publication of the piece, I received a call from Meakelawi prison administration. The person at the other end of the phone told me I was needed for some questioning and to come to the office. I went there straight away, and they detained me. No arrest warrant was presented to me, and I was not informed of my right to remain silent or that the statements I made would be presented against me as evidence.”<sup>55</sup>

The arrests of Liku, a freelance, activist and then opposition politician, on December 25, 2015, and of journalist Seid, on June 19, 2011, were made in a similar manner to those mentioned above. They revealed that during their respective arrests, they were only told that they were suspected of terrorism. They were not informed of their Miranda rights and were not presented with an arrest warrant.<sup>56</sup>

Generally speaking, the above victims’ testimonies reveal that the conditions of their arrest violated their human and democratic rights. Moreover, these conditions were such that they facilitate the commission of torture during detention.

56. Liku (No. 71) and Seid (No. 70).  
54. Seifu (No. 67).  
55. Robel (No. 68).  
56. Liku (No. 71) and Seid (No. 70).

## 2.2. TORTURE AND ILL-TREATMENT IN DETENTION CENTRES: THE HORRORS OF MAEKELAWI PRISON AND JAIL OGADEN

Articles 19(5) and 21 of the FDRE Constitution protect the right of prisoners to be free from torture, inhuman or degrading treatment or punishment indirectly. The repealed Federal prisons commission establishment Proclamation No. 365/2003<sup>57</sup> sought to protect individuals from torture. The preamble stated that the Proclamation was enacted with the intention of creating a prison police administration committed to adhering to the FDRE Constitution, as well as the law enacted thereunder.<sup>58</sup> Therefore, the prisons proclamation aims to establish federal prisons in which detainees are treated with humanity and respect, free from torture or cruel, inhuman treatment and punishment. And Article 22(1) explicitly grants prisoners the right to be treated with dignity.

Despite it being clearly legally prohibited, in the past, Ethiopian prison centres encouraged torture and ill-treatment. Consistent and ongoing allegations have been made concerning the routine use of torture by the police, prison officers and other members of the security forces, as well as the military. Such acts frequently occurred at the instigation or with the participation or consent of commanding officers in police stations, detention centres, federal prisons, military bases and in unofficial or secret places of detention. Torture was commonly used during interrogation to extract confessions when the suspect was deprived of fundamental legal safeguards, in particular access to legal counsel<sup>59</sup>.

The Federal Police Crime Investigation Centre, Maekelawi (“Central”), was among the infamous torture centres located in the capital, Addis Ababa. This site also served the same purpose during the Derg regime.<sup>60</sup> It is where most political prisoners—opposition politicians, journalists, protest organisers, alleged supporters of ethnic insurgencies and many others—were taken to after their arrest. There they were interrogated, and many suffered all kinds of abuse and torture, without any oversight.<sup>61</sup>

57. The Federal Prisons Commission Establishment Proclamation, Proclamation No. 365/2003, Federal Negarit Gazzeta (Prisons Proclamation).

58. Art. 18 (1) of the Commission Proclamation provided that the prison warden had a duty to adhere to human and democratic rights, as enshrined in the FDRE Constitution and International Human Right instruments adopted.

59. CAT/C/ETH/CO/1, § 10.

60. Richard (n 13) 475.

61. Human Rights Watch, ‘They Want a Confession’: Torture and Ill-Treatment in Ethiopia’s Maekelawi Police Station (17 October 2013) 1.

The CAT had already denounced the lack of a dedicated, independent and effective complaint mechanism for receiving complaints and conducting prompt and impartial investigations into torture allegations, in particular those of prisoners and detainees, and for ensuring that those found guilty are appropriately punished<sup>62</sup>. On the contrary the country did not grant human rights NGOs and the International Committee of the Red Cross (ICRC) permission to access prisons and other places of detention, and favoured alarming detention conditions, in particular for women and children, which were not compliant with the United Nations Standard Minimum Rules for the Treatment of Prisoners.<sup>63</sup>

Our interviewees mentioned that investigators would use coercive measures amounting to torture to obtain confessions and other information from detainees, with terrorism suspects being particularly targeted. The types of alleged torture include severe beatings, electric shocks, suspension of a plastic bottle full of water from their testicles, the insertion of objects into one female detainees’ vagina, and a naked person being forced to perform physical exercise in front of a crowd of the opposite sex.<sup>64</sup>

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

The second infamous torture centre is Jail Ogaden, located in Jijjiga town in the eastern part of Ethiopia’s Somali Regional State. Many studies and reports by international human rights organisations, including Human Rights Watch, concluded that Jail Ogaden was the worst prison, in which thousands were brutally tortured. As part of the recent reform, the government has closed these notorious detention and investigation centres. Maekelawi has been converted into a museum and Jail Ogaden has also been opened to visitors. The Prime Minister furthermore openly acknowledged that people had been tortured and promised his administration would have zero-tolerance policy against torture in detention.<sup>65</sup>

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62. CAT/C/ETH/CO/1, § 18.

63. Concluding observations of the Human Rights Committee Ethiopia, CCPR/C/ETH/CO/1, §23, August 19, 2011.

64. Selam Solomon and Tsion Girma, ‘Ethiopia closes infamous prison, but activists await deep reform’ (April 08, 2018) <<https://www.voanews.com/africa/ethiopia-closes-infamous-prison-activists-await-deeper-reforms>>.

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

66. Daniel Mumbere, Ethiopia closes Maekelawi prison, restores internet access across the country (Africa news April 7, 2018) <<https://www.africanews.com/2018/04/07/ethiopia-closes-maekelawi-prison-restores-internet-access-across-the-country/>>.

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

## i. Maekelawi prison

Most of the interviewees ended up in the notorious Maekelawi torture centre. Most explained that they were put in dark rooms, where they were deprived of sunlight and were allowed only 10-15 minutes' sunlight a day at the same time, they were allowed to use the restroom. Others were detained in rooms with very bright light that hurt their eyes. Furthermore, these torture victims also revealed that they were denied visitation rights to see their family and lawyers for a long time following their detention in the prison centre. This is illustrated in the following victims' stories.

According to Aman: "for a month and two weeks, my family had no clue of my whereabouts. They were looking for me in all the police stations in Bahir Dar."<sup>69</sup> Similarly, Alemu mentioned that he was prevented from meeting his family for the first three months.<sup>70</sup>

Ezra, who suffered perhaps the worst experience, from among those we interviewed, stated that his family only discovered his whereabouts six months after his arrest<sup>71</sup>. On the other hand, Aron, who had been fighting against the eviction, without compensation or substitute land, of farmers from around the Sudan border in 2006, said:

“

"I was detained in a dark room for five consecutive months at Maekelawi. They allowed me to get sunlight for a maximum of five minutes."<sup>72</sup>

”

Aman, has also, stated:

“

"I was detained in a room with bright light, which was not comfortable for my eyes and it was switched on 24 hours a day. I could not open my eyes due to the bright light in such a very small room."<sup>73</sup>

”

69. Aman (No. 63).

70. Alemu (No. 64).

71. Ezra (No. 65).

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

73. Aman (No. 63).

Ezra, Seifu and Habtamu stated that they were handcuffed and forced to sleep on the floor for their entire stay in the prison. They said that the rooms were very narrow, and that they used to take turns sleeping, and it was hard to breathe.<sup>74</sup>

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

“

"I do not know what was used to prepare the food. It smelled so bad and also had a very bad taste. I used to eat while holding my nose just to survive."<sup>75</sup>

”

Below, Ezra talks about the shortage of time he was given to use the bathroom as a detainee:

“

They hurried us back from the toilet when we had barely sat down. We sometimes even refused to eat the food because we were not allowed to use the toilet freely. They did not allow us to go to the toilet at night, even though we had stomachache, which was common due to the food. We used to use the toilet in such a small room when we were sick, especially at night.<sup>76</sup>

”

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

“

"We were not allowed to change our clothes; we wore clothes that we had peed on during the torture. We smelled bad. And they used to tell us it was part of the investigation."<sup>77</sup>

”

74. Ezra (No. 65), Seifu (n 67) and Association for Human Rights in Ethiopia interviews #13, January 2021, location Addis Ababa (translation from Amharic into English).

75. Abate (No. 61).

76. Ezra (No. 65).

77. Habtamu, Association for Human Rights in Ethiopia interviews #13, January 2021, location Addis Ababa (translation from Amharic into English).

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

“There was no medical treatment for us. They used to torture us more while we were bleeding and wounded. They said that the prohibition of medical treatment was part of the investigation.”<sup>78</sup>

The victims were detained in these conditions for more than a year prior to their conviction or receiving a final verdict, thus implying that the conditions of their detention alone were tantamount to torture.

Apart from the worst detention conditions, the interrogation process was also inhuman, degrading and torturous, as the interviewees unanimously revealed. The interviewees said that the police and intelligence officers used every possible means to make them confess or admit to the crimes they were suspected of, in doing so disregarding the constitutional and international human rights of arrested persons not to be forced to make a confession or admission that could be used against them as evidence.

The interrogation would begin in the middle of or late at night, on the assumption that the others under arrest would be sleeping, and no one would hear what they were doing. The torture took both psychological and physical forms. Psychologically, the officers used insults and derogatory comments against the suspects’ ethnic group. They would spit in the faces of their naked victims. The victim testimonies below illustrate the nature of the psychological torture.

According to Abate: “[the torturers] stripped us naked and said ‘we’ve stripped your ethnic group, the Amhara, of political power and we’re undressing you to show you that.’”<sup>79</sup>

Alemu explained how he was psychologically tortured, stating:

“They ordered me to take off my trousers and I refused. Then, they hung me by my hands, took off my trousers and said: ‘this is how we undressed the Amhara’, and then they beat me until I passed out. After that, I remained unconscious for the next two days.”<sup>80</sup>

78. Ezra (No. 65).  
79. Abate (No. 61).  
80. Alemu (No. 64).

According to Aron:

“They used to spit on me and insult my ethnic origin using words that I do not want to repeat here. They also repeatedly said: ‘you do not know what we are doing to your family’. This worried me so much and I always thought about the worst things happening to my loved ones. That was even more painful than the physical torture they inflicted on me.”<sup>81</sup>

Aman, explained how he was psychologically tortured:

“They tortured me in front of my father, who came to visit me. It was so painful to look at him crying out loud and begging them to stop beating me.<sup>82</sup> Other times, they used to make me push the wall, raising my hands up for a long time and ask ‘can this wall be pushed away?’ When I said ‘no’ they would reply ‘EPRDF is just like this wall; it cannot be moved.’”<sup>83</sup>

Caleb said:

“Because of the harsh torture, one of the victims committed suicide by hanging himself. That day, we spent the night with the corpse, as they refused to take it out.”<sup>84</sup>

Liku, describes the conditions and torture in Maekelawi as follows:

“I suffered psychological torture and was detained in poor conditions in a crowded room with other detainees, where we took turns to sleep. I was not allowed to have my family, or a lawyer visit me for a month. After some time, they transferred me to a cell where interrogations

81. Aron (No. 78).  
82. Aman (No. 63).  
83. Ibid.  
84. Caleb (No.62).

were conducted above my room and I heard when detainees were beaten and crying. On March 9, 2016, I heard someone get beaten harshly and cry so loud, later he was dragged out by the police and then never came back. I think he was probably dead; it was terrorising, and we never fell asleep all night. We were interrogated late at night, when you would fall asleep, and in handcuffs. The torturers were drunk and even drank alcohol during the torture.”<sup>85</sup>



Physically, the victims also experienced slapping and punching, which were common forms of physical torture, as well as most other types of torture. In addition, they commonly had the soles of their feet beaten, were given electric shocks, placed in cold water in the middle of the night, waterboarded, had their nails pulled out, their testicles pulled back with a rope, were placed in the so-called “number eight” position, hanged, forced to drink their own blood, beaten with an electric wire, forced to push a wall with their hands raised for very long periods of time, and had pens inserted to their noses, as well as being subjected to other forms of abuse, during their stay in Maekelawi.

Abate describes his experience below:



“One day a group of six of them tortured me. Two of them stood on my legs, another two on my hands and the remaining two beat me so hard. In the meantime, I lost my teeth and then they closed my mouth with a bandage and made me drink my own blood. And then put water in my nose and mouth simultaneously.”<sup>86</sup>



He also declared that due to being forced to sleep on the floor on hard paper he still suffers from respiratory system problems. He was also put in the commonly called the “number eight” position and had the inner part of his legs beaten.<sup>87</sup>

Tesfaye stated that he was made to do heavy exercise for 43 days during which the guards beat his back and feet with their fists, boots and an electric wire. He also said that as a result of this he has attempted to commit suicide.<sup>88</sup>

Similarly, Siraj also stated:

85. Liku (No.71).  
86. Abate (No. 61).  
87. Ibid.  
88. AHRE (Association for Human Rights in Ethiopia), Ethiopian political prisoners and their accounts of torture, 2018, Geneva Switzerland, Pp. 26.



“I was subjected my inner legs being beaten while I was handcuffed behind my back. As a result of the torture, I have lost my hearing in my left ear.”<sup>89</sup>



Similarly, Caleb was beaten, and his eyes, ears, legs, hands and spinal cord were damaged as a result. He mentioned:



“They used every torture method they had on me. I was usually put in what’s commonly known as the “number eight” position and the soles of my feet were beaten for so many days. Sometimes I passed out.”<sup>90</sup>



Aron stated:



“I was once hung up by my hands for around six hours, due to which one of my arms has become permanently damaged. I have experienced electric shocks and beatings so many times. Most of the time, they came drunk and tortured us at night.”<sup>91</sup>



Below, Alemu describes the physical torture suffered by him and his fellow victims:



“They used to hang us for two to three hours minimum, and beat us while we were hanging. They frightened us by holding a needle saying that they would insert it into our penis. They used to insert pens into our noses. They used to beat us so hard, especially at night so we could not sleep well, as we did not know when they would come and take us out to torture us.”<sup>92</sup>



89. Siraj Association for Human Rights in Ethiopia interviews #14, January 2019, location Addis Ababa (translation from Amharic into English).  
90. Caleb (No. 62).  
91. Aron (No.78).  
92. Alemu (No. 64).



Habtamu, explains how he was tortured at Maekelawi:

“

“One day while taking me to the torture room, the torturers told me that I would never be able to father children. They used to pull my testicles with a rope. They usually beat the soles of my feet. I was also subjected to electric shocks and, due to the repeated hard beatings, I could not hold my urine for a long time. They beat me up continuously for 18 days and finally I lost consciousness for the next two days. But they continued torturing me afterwards. They used to torture us even when we were bleeding or wounded. They would say it was part of the investigation. I tried to commit suicide and I even begged them to kill me so many times since I could not bear the torture any longer.”<sup>93</sup>

”

Ezra, describes the physical torture he suffered:

“

“When I was arrested for the second time, around 15 people were arrested with me. Then the investigator who used to torture me during my previous stay in Maekelawi told me: ‘if we had killed you before, you wouldn’t be here again’. The soles of my feet were beaten with an electric wire. They used to make me stand for more than four consecutive hours holding my head and hands up in front of a wall. They used to say: ‘we have found evidence to prosecute you, but you will never confess’. After I was moved to Kilinto (another torture Centre in Addis Ababa), they began to torture me again, claiming that I was involved in setting fire to the prison. Finally, I became diabetic.”<sup>94</sup>

”

Taye explains the physical torture he suffered:

“

“[the torturers] beat me repeatedly, and I could not hold my urine for 15 days. I wore the same clothes for months and they blindfolded me with using my own shirt. Even the guard of the compound beat me, as a result of which I still have pain in my eye. The torture they committed was beyond words.”<sup>95</sup>

”

Seid describes the detention and torture conditions in Maekelawi Prison Centre as

93. Habtamu (No. 83).  
94. Ezra (No. 65).  
95. Taye (No. 66).

“hell”. He explains:

“

“The interrogation process included harsh beatings, detention in cold and dark rooms for three months, late night interrogations, shameful blasphemy and degrading insults. As a result of the beating, I lost the hearing in my right ear, and my bladder was swollen for a long time.”<sup>96</sup>

”

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

“

“The interrogation involved a great deal of beatings, threats, degrading insults, heavy physical exercise, being punched and kicked with boots. Slapping was a regular, routine activity. I also experienced Falanga torture.”<sup>97</sup>

”

## ii. Jail Ogaden and other detention centres

### a. Jail Ogaden, officially known as Jijiga Central Prison

Other torture centres existed in the other parts of the country, including the notorious Jail Ogaden, officially known as Jijiga Central Prison, home to thousands of prisoners who were brutalised and neglected. Many prisoners at Jail Ogaden were never charged or convicted of a crime. Former prisoners give horrific accounts of constant abuse and torture, with no access to adequate medical care, family, lawyers, or - at times - food. Officials stripped prisoners naked, beat them and forced them to perform humiliating acts in front of the rest of the prisoners, as punishment and to instil shame and fear. The purpose of the torture and humiliation was to coerce the prisoners to confess to their membership in Ogaden National Liberation Front (ONLF), the then-banned political opposition group.

Many of the former prisoners interviewed by various human rights organisations like Human Rights Watch, said they saw people dying in their cells after being tortured by officials.<sup>98</sup> Former female prisoners told of being raped multiple times during the

96. Seid (No. 70)

97. Seifu (No. 67) - Falanga is a form of torture involving beating the soles of the victim's feet with a solid object, which disables the victim and minimises their risk of escape. The resultant soft tissue swelling can cause an intense compartmental syndrome resulting in necrosis.

98. Human Rights Watch (No. 24)

course of their sentences; and some gave birth to children in their cells, without skilled birth attendants and often in highly unhygienic conditions. Here is the account of one woman, as documented by Human Rights Watch:

“

“I was there when he [Shamaahiye] ordered the military [Liyu police] to rape the girls. He was saying, in front of a group of women: ‘You are our donkeys, even God cannot save you from us.’ And then they took some of them away. I was raped by one of those [Liyu police] men several weeks later.”<sup>99</sup>

”

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

“

“You would hear screams all the time. When people came back to the room, you could see them shaking, shivering and crying... Every night I was scared because I wondered if I would be next.”<sup>100</sup>

”

## b. Detention facilities in Amhara regional states

In the capital city of the regional state of Amhara, Bahir Dar, victims from Bahir Dar and neighbouring states were tortured in a place commonly referred to as the “immigration office. This was not intended to be a prison centre but an office for other purposes. However, it later became a place to torture political and conscientious prisoners. Prisoners were then moved from this torture centre, to Maekelawi or another torture centre.

Some of the victims we interviewed, including Abate, Caleb and Nebil, were first tortured here. Nebil describes his stay as follows:

“

“It was a pitch-black office, where we were forced to sleep on the floor with our hands cuffed, without any covers. We were beaten on a daily basis in the middle of the night, even when they had no plan to secure a confession but just wanted to inflict pain on us. They kept us separated and gave us just one piece of bread a day. Intelligence and police officers tortured us drunk and asked why we were associated with group ‘Ginbot 7’ which at the time was considered to be a terrorist

99. Human Rights Watch interview with #61, October 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014, as cited in Human Rights Watch (No. 24) 38.

100. Human Rights Watch interview with #61, October 2017, location withheld. The interviewee was held in Jail Ogaden from 2013-2014, as cited in Human Rights Watch (No. 24) 39.

group. It was a place to house victims, where they would stay for three months or less.”<sup>101</sup>

”

Tesfaye, from the Oromia region said:

“

“I was originally detained in Woliso police station where a group of individuals wearing federal uniform and civil attire brutally beat me with their sticks. It was so severe that I finally passed out. I woke up the next morning and did not remember what had happened to me the previous day. The officers were surprised that I survived when they saw me the next day.”<sup>102</sup>

”

## c. Detention centre in Addis Ababa

In Addis Ababa, torture was also another carried out at another prison centre, known as ‘Kilinto’. This is a place where convicted victims were mostly detained and tortured, and it shared all the features of Maekelawi. In Kilinto, political prisoners were kept in a place called Zone 4. It was very cramped, with very dark rooms and detainees would only get sunlight for 15 minutes per day, while using the restrooms. The cell door was only opened to serve them food. More than eight prisoners were kept in a single cramped cell, where it very hard to breathe, and they had to take turns to sleep. The victims were tortured at night in different places. <sup>103</sup>

Robel explains his detention conditions at Kilinto:

“

“I was intentionally detained close to a toilet and a garbage store. As a result of which, I got sick but was denied medical treatment. Since then, I have experienced the permanent loss of my sense of smell. They also prevented my family and legal counsel from visiting me.”<sup>104</sup>

”

Abate was moved to other prison centres after Kilinto was set on fire: first to ‘Shewa Robit’ in Amhara regional state, and then to Ziway ‘Era Ero’ prison in Oromia regional state. Prisoners there were located in the hottest places of the prison, and kept in large numbers in a single room, making it hard to breathe. He was rotated between

101. Nebil, Association for Human Rights in Ethiopia interviews #15, October 2019, location Bahir Dar (translation from Amharic into English).

102. AHRE (No. 94)

103. Human Rights Watch (No. 22)

104. Robel (No. 68).

these two prisons, kept in a darkened room and beaten and tortured during the night.<sup>105</sup>

Bisrat Abera, a 32-year-old man from Addis Ababa, describes his time in Ziway:

“

“We were crammed in a small dark room called ‘Era Ero’ for six months. The room was too hot. They gave us water by pouring it underneath the closed doors. We would then eagerly fetch the water with our hands from the floor on which we used to sleep and walk. Sometimes, they took us outside and made us roll on the dusty ground, splashing water on us. Then they beat us with their sticks and boots. It was very painful, and we were hurt. One of the prisoners died from the beating in front of me.”<sup>106</sup>

”

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

“

“I was detained and harshly tortured for 74 days, in an unknown place in Addis Ababa, in a room full of rats and ants.”<sup>107</sup>

”

Ezra was detained in in Addis Ababa, but in a place other than Maekelawi or Kilinto. He says:

“

“I was detained at the back of the current Addis Ababa police commission office. Water passed under the room, and it was so cold I still feel serious back pain whenever it is cold. I cannot sleep at night during the cold season. They beat me almost every night. I could not hold my urine for 15 days. They also took off my fingernails and my toenails.”<sup>108</sup>

”

105. Abate (No. 61).  
106. AHRE (No. 94) 25.  
107. Taye (No. 66).  
108. Ezra (No. 65).

## 2.3. ROLE OF THE COURTS IN COMBATTING TORTURE: A FAILURE TO ENSURE ACCOUNTABILITY

During the last three decades, courts in Ethiopia have failed to fulfil their role in the prevention and repression of torture. The victims interviewed testified that their confessions —obtained through torture— were admitted before courts which failed to order the stoppage of any act of torture or to hold the torturers liable.

The interviewees said that whenever they appeared before a court of law, they pleaded for the court to pass an order to stop the torture. However, instead the court would request the cooperation of the prison administration to stop the torture. Some interviewees even declared that the judges told them they must accept the torture because they were criminals. On returning from court, they were tortured for complaining in court.

Aron describes how the court handled his complaint regarding the torture inflicted on him:

“

“I complained to the court about the torture that I had been subjected to, but the judge told me that I had to accept it, since I was there for committing a crime. After I got back, they tortured me for complaining to the court.”<sup>109</sup>

”

Furthermore, Tesfaye declared that although he took off his clothes and showed the bruises on his body to the judge, the judge simply advised him to admit everything before the torturers killed him and said he could later deny it and tell the court his confession was obtained through coercion when his case was officially opened.<sup>110</sup>

109. Aron (No. 78).  
110. AHRE (No. 94).

Seid stated that:

“

“Though I reported the torture to the court, the judge mocked me, saying that the inhumane treatment was part of the police’s interrogation methods.”<sup>111</sup>

”

Taye stated that the person who had tortured him in Maekelawi testified against him, and the court accepted his testimony.<sup>112</sup>

The court even admitted the confession secured through coercion as valid evidence. Caleb reveals that:

“

“I was convicted solely on the basis of the confession and admission obtained through coercion. Far from setting aside the admission obtained through torture, the court issued a final verdict based on that confession.”<sup>113</sup>

”

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

“

“We were not only forced to confess, but also to sign a confession document written by them, which was used as evidence against us in court.”<sup>114</sup>

”

Liku also stated that statements or confessions given under duress were used against him in court as evidence:

“

“The statements were fabricated by the security officers and presented in a court of law. I tried to argue that I didn’t make that confession and that it was fabricated. However, the court did not dismiss the confession.”<sup>115</sup>

”

111. Seid (No. 70).  
112. Taye (No. 66).  
113. Caleb (No. 62).  
114. Kiros (No. 69), Liku (No. 71) and Seifu (No. 67).  
115. Liku (No. 71).

Seifu suffered a similar experience. He stated:

“

“I was forced to make a confession under coercion and duress, which was presented as evidence against me in a court of law. I tried to object to it, but the court didn’t sustain my objection.”<sup>116</sup>

”

All of the above accounts illustrate how Ethiopian courts indirectly encouraged the commission of torture by security officers to secure confessions. This could be drawn from the fact that the courts admitted, and accepted evidence collected through coercion, thus disregarding their legal obligation to. Consequently, the courts failed to discourage security officers from torturing suspects.

## 2.4. SURVIVING TORTURE: LIVING WITH LIMITED SUPPORT

Whereas some victims were released following the change in government in 2018, others served their entire prison sentence or more.

As a result of the torture, almost all the interviewees are still suffering mental, physical, social and economic injury. Mentally, they are suffering from PTSD and loneliness (socialisation problems), depression, anxiety, sleep walking and restlessness. To date, none have received any counselling or psychological treatment. Some tried to obtain medication privately but have found it inadequate.

According to Alemu:

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“In 2008, right after I was released, I exposed the torture that had occurred in the prisons I was in to the media. When they tried to arrest me again, I fled to Egypt where I stayed for a year and got psychological treatment for my trauma. But I still suffer from psychological harm, I am not stable, I have become suspicious, I doubt everyone, including

116. Seifu (No. 67).

my family, I am easily disappointed even by silly things, I have lost my patience, I don't sleep well, I am usually depressed and have lost my love for reading books."<sup>117</sup>

Habtamu is experiencing persisting psychological harm and has lacked any support from the government:

"I can't be the happy, cheerful, warm and sociable person that I used to be. I am struggling to get my old personality back. I have become a totally different person. I am depressed, cannot socialise with the community and usually prefer to be alone. So, I go straight home from work, and don't sleep properly. I have joined theology class in hoping that it will help me to overcome this whole psychological mess.

I tried to set up an association with a friend of mine, which might facilitate the rehabilitation of torture victims like me. I hoped that my friends and I could get psychological treatment and get back to our normal, healthy lives. But the registration was refused so we could not proceed. The government does nothing, so we are forced to live with the never-ending trauma."<sup>118</sup>

Ezra spoke of the psychological harm that he has experienced and the unwillingness of the government to support victims of torture:

"I have experienced a lot of serious psychological harm. However, of all the things I have experienced, what hurts me most is my mother's illness which was caused by my detention. I am her only child and when I was detained, she lost consciousness and could not even recognise me when I returned. She died without knowing who I was. This is something that I can't get out of my mind, and it really hurts me. We are still considered a threat and no governmental body is willing to help us in any way. Most of us are living a degrading life and still suffer psychological harm."<sup>119</sup>

117. Alemu (No. 64).  
118. Habtamu (No. 83).  
119. Ezra (n 65)

Geta Asrade notes the psychological harm that victims have experienced since their release:

"Most victims have suffered more psychologically since their release than they did in prison. For most, life has continued to be miserable. Many victims had their house confiscated and sold at auction, were not reinstated at work, or had their business go bankrupt, and have received no support. Most victims are men and were the breadwinners for their family. Being unable to achieve what they expect for themselves, and their family has also caused them to suffer.

For instance, Aron lost his house while he was in prison. It was sold at a low price. Now he lives with his six children in a rented house and is unemployed. This has caused him great suffering. He can sometimes be found pacing around, talking to himself, and he feels he has no peace of mind.

One victim, who was shot by a government security force in a peaceful demonstration held around Bahir Dar town in 2016, is bed-bound with serious spinal nerve damage. He can no longer sit, eat or use the toilet by himself, and his condition is serious. He needs to travel abroad in order to receive better medical treatment.

Another torture victim with serious ensuing health problems committed suicide last year.

There is likewise a great deal of individuals who were taken by security forces, whose whereabouts are still unknown and whose family and children are still suffering as a result. We showed a photo of one missing person on TV at his family's request to aid the search for him. His daughter passed out on seeing his picture was subsequently admitted to hospital."<sup>120</sup>

In physical terms, most interviewees sustained injuries to their spinal cords, their legs, and some have diminished hearing capacity.

Some victims described how these injuries have affected their lives:

120. Geta Asrade, Association for Human Rights in Ethiopia interviews #16, October 2019, location Gondar (translation from Amharic into English).  
121. Habtamu (No. 83).

According to Habtamu:

“I have serious back pain. Especially at night when it is cold; I suffer a lot and I cannot sleep.”<sup>121</sup>

Ezra says:

“I have back pain and became diabetic in prison. We do not have any free access to medical care, and we are seen as enemies by officials. I was not reinstated by my previous employer and cannot work as a labourer. I still have to buy medicine for my diabetes and maintain a balanced diet to control the disease. I live in my mother’s house and most of us work as laborers.”<sup>122</sup>

Taye explains:

“I cannot stand up or sit down for a long time because my leg hurts. I also have to sleep on my back and cannot sleep on my side since I feel extreme pain when I try to sleep on my side. I am unemployed and cannot afford better medical treatment. I have tried to get medication with the help of my friends and family but since my disease is complicated, the treatment costs more and I cannot afford it. So, I am living with the pain and praying for God’s mercy. I also suffer from sight problems and cannot read as my eyes fill with tears when I try to read.”<sup>123</sup>

Aman says:

“I have back pain and I was affected by hypertension while in prison. Additionally, I cannot read for long as my eyes hurt.”<sup>124</sup>

122. Ezra (No. 65).  
123. Taye (No. 66).  
124. Aman (No. 63).

Aron stated:

“My hand is shorter as I was hung up for many hours as a result of which I cannot lift heavy things. My house was sold at auction, and I live in a rented house with my six children. Two of my children also had to drop out of school when I was detained.”<sup>125</sup>

In addition to the above-mentioned direct consequences of torture, victims are also exposed to consequential damage. Due to their imprisonment and torture, some interviewees from the Amhara and SNNP regions claimed they have not been reinstated in their former jobs. Others who were reinstated, were not paid the salary they would have earned had they not been detained. Most have been unable to work in the same employment they used to have prior to their detention. Their detention is perceived as political; therefore, employers hesitate to hire them due to fear of association and not wanting to become involved in politics, which they consider a dirty game.

Geta Asrade explains the general situation of torture victims in the Amhara region as follows:

“Most victims have back pain or suffer from other forms of physical harm and are not in a position to work even as labourers. Some victims were disabled while in prison and have continued to be after their release. Many lost their eyes, legs or hands. Some victims are also bed-bound with serious illnesses. They and their families now lead miserable lives; they cannot return to their former way of life. The regional government has not made the required support available. Four of our members have died due to lack of medical treatment. Some victims have committed suicide after losing hope for their future. Furthermore, very few of them have been reinstated in their jobs.

Although, at one point, the regional government launched an initiative to have victims who were former local government employees reinstated at work without back pay, their decision was not properly implemented as their reinstatement was dependent on the willingness of the regional offices to take them back. Moreover, the measure failed

125. Aron (No. 78)

to consider victims who had been working in federal government offices or private organisations, who were not reinstated.

Victims who exposed their torture in a documentary broadcast via the media were subjected to further threats by their torturers. They received no protection from the government. They also received threats from those in power that they would be subjected to more torture. The victims believe that they have been used as instruments of propaganda to deter political opponents and eradicate of the previously dominant party TPLF.”<sup>126</sup>



Victims are also faced with the ongoing lack of justice and accountability with respect to the perpetrators of their torture. As a result of the reforms, some arrests were made of those involved in torture. However, certain victims claim that these arrests were selective and politically motivated. Nonetheless, in some cases arrests were of senior officials were made, including the former President of Somalia regional state, Abdi Illey. Yet, interviewees claim that many of those who were directly involved in the torture are still walking free. They said it really hurts them to see people who regularly beat and tortured them walking free on the streets and this prevents them feeling a sense of justice.

### 3. MISSING PIECES OF THE TRANSITION: THE UNFINISHED BUSINESS OF REHABILITATION

After taking power, one of the major steps taken by the current government was to release political prisoners, closing down notorious torture centres and exposing the torture that had been committed in them.

Accounts of heinous torture in documentaries broadcast via different media, including on national television caught the public’s attention. It fuelled hope and created the impression that, apart from revealing the truth, the victims would receive justice and compensation. However, the State’s efforts to hold the perpetrators of torture accountable, and restore the livelihoods, health and mental wellbeing of victims, did not live up to expectations. Despite some efforts being made by certain regional states to restore victims’ health and livelihoods.

The victims we interviewed from the Oromia region revealed they were reinstated to their previous employment and paid the full salary they did not receive during their detention. For instance, Aman describes his and others’ current status:



“Now things are changing and getting better. I am hired and working in my area of interest. Every governmental office is cooperative and prepared to help us in every aspect. I am no longer considered a threat. Officials treat us as citizens, and I can freely participate in opposition

126. Geta Asrade (No. 131).

parties. There are many victims who were released on amnesty and reinstated to their previous job and given back pay. The regional government also gave them special support.”<sup>127</sup>



Similarly, a good initiative was taken in the Somali regional state, where victims of torture under the previous regime received medical treatment at home and abroad, as well as compensation for the injuries they sustained, and were reinstated in their public sector employment. Some have even taken on roles in the new leadership. Other victims that gained financial compensation for their losses.

According to Ahmed Ar, Director of the Regional Conflict Resolution Sector of the Somali Regional State:



“The regional government is committed to the rehabilitation of victims. Currently, we are on the verge of setting up a reconciliation commission with the aim of rehabilitating and providing all the necessary support for torture victims in collaboration with all the relevant bodies. We have submitted a bill and are awaiting parliamentary approval to start the operation. The commission will be an independent body. The regional government supports and has facilitated its creation.”<sup>128</sup>



In contrast, the situation of victims in Amhara and Southern Nations, Nationalities and Peoples’ (SNNP) regions has been much worse following their release, as the respective regional governments failed to make a satisfactory attempt to restore victims’ previous social, health and economic positions. For example, Ezra, from SNNP, says:



“Torture victims in SNNP are not still welcome by the regional government. We are still considered opponents. I haven’t been reinstated to my job yet and I am unemployed. Living in my mother’s house makes me feel like a burden and hopeless. I haven’t been treated for my back pain and I am struggling to afford treatment for my diabetes. Many of the victims here are also leading miserable lives. Recently they promised to give us land for housing, but we haven’t received anything yet. There is no satisfactory support from the government.”<sup>129</sup>



127. Aman (No. 63)

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

Moreover, Habtamu who is originally from SNNP and currently based in Addis Ababa, says:



“We are considered terrorists, so government officials are not cooperative and do not want to listen to our problems. I have returned to my job, but I have not received the back pay that I lost due to my imprisonment. Our friends from the Oromia region have received better treatment and they are in good condition.”<sup>130</sup>



Likewise, victims from the Amhara region, have similar stories to that of Ezra regarding the State’s response. According to Geta Asrade, Director of Cooperation for Rehabilitation of Victims in (CRV) Charity Association, from the Amhara region:



“We approached the regional government as an organisation to design a mechanism to restore victims’ health and livelihoods and psychologically rehabilitate them. With that aim, the regional government took steps to set up an ad hoc committee to handle the matter, but it didn’t take any further action. We proposed eleven types of support that victims need; they tried to respond to six of them including medical treatment and loans for victims. However, their decision was unclear, and has not been implemented yet. We also wrote a letter to the Ethiopian Human Rights Commission and the Federal Government, requesting their intervention.

Officials (the committee members) even began to threaten us and other victims. They don’t want to see us. Some officials even warned us ‘not to knock on their doors’ again.”<sup>131</sup>



On the other hand, according to Ato Tilahun Mekuanint, Vice Chair of the Bureau of Labour and Social Affairs of Amhara regional state, among the 11 types of support requested by the victims through their association, the regional government tried to provide responses to at least six. The respective regional offices were also ordered to implement the decisions passed by senior officials. But for various reasons, including COVID-19 and budget constraints, these decisions were not implemented.

129. Ezra (n 65)

130. Habtamu (n 83)

131. Geta Asrade (No. 131).



Accordingly, the cabinet passed the following decisions in favour of victims:

- To cover all necessary costs for those who have to travel abroad for medical treatment and grant victims access to free local medical treatment in public hospitals.
- To establish rehabilitation centres (In this regard, our office tried to open a rehabilitation centre in collaboration with hospitals in Gondar and Bahir Dar city. As a result, the Taytu Rehabilitation Centre was opened at Tibebe Goin Referral Hospital (located in Bahir Dar). A few victims received the treatment they needed here and recovered. However, the centre is not currently operational).
- To enable them to access loans. It was decided to allow victims to borrow 60,000 birr each from the Amhara Credit and Saving Institution (ACSI). However, for different reasons this did not work out, either.
- To return lands, houses and businesses confiscated without sufficient reason;
- To facilitate and find sponsors for those who wish to continue their education;
- To reinstate victims in their former jobs.<sup>132</sup>

In addition, according to Ato Tilahun, while those who had been working for civil service institutions have returned to their jobs. However, they have not been awarded back pay for the salary payable during their imprisonment. Furthermore, because of limited capacity, the regional government has not responded to the other requests for support for victims, such as for housing.<sup>133</sup>

The above victims' testimonies demonstrate that despite initiatives by some regional governments to support and compensate torture victims, there is no national system or central initiative for the rehabilitation of torture victims in Ethiopia. The regional variations in medical care and welfare stem from the absence of a national policy or strategy to resettle and rehabilitate victims in Ethiopia, which has caused victims to feel desperation and suffer discriminatory treatment in different regions.

132. Tilahun Mekuanint, Association for Human Rights in Ethiopia interviews B, February, location Bahir Dar (translation from Amharic into English).

133. Ibid.

## 4. RESPONDING TO VICTIMS' NEEDS

Rehabilitation helps victims rebuild their lives after torture, through a combination of services including medical, psychological, legal and social support. Victims have experienced different forms of harm which require multi-faceted support and treatment. As a priority, they are seeking the following services and support.

### Redress and justice

The victims interviewed express their desperate need for justice. They need to see those involved in and responsible for the torture to be held accountable for their wrongful, inhuman deeds. They claim this will provide them with some relief and help them cope with their trauma resulting from the torture.

For example, Caleb says:

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“Seeing someone who tortured us walking freely on the streets hurts us a lot. And it makes us afraid for our lives. We are afraid that they will hurt us because they think we will expose them or testify against them if they are arrested. But if they were arrested, we would feel better since justice would be served and we would be able to live peacefully without fear.”<sup>134</sup>

”

### Medical care to restore victims' health

Many victims suffer from serious physical illnesses as a result of the torture that they endured. But because they spent so many years in prison, they cannot afford the medication they need.

134. Caleb (No. 62).

Geta Asrade says:



“Most victims suffer from back pain, headaches and other serious physical illnesses. As they were not given enough drinking water, most suffer from kidney problems. They are also affected by non-transmissible diseases like diabetes and hypertension. They cannot afford the medicines they need to take without support. They have become a burden on their families due to their illnesses and are in bad need of medical support.”<sup>135</sup>



Other interviewees also mentioned that they needed access to free medical care due to the diseases they contracted during their time in prison.

## Psychological support

Torturers cause depression in their victims one way or another, as they employ methods which severely affect their personal integrity and psychology. Almost all the interviewees claim that they suffer from various forms of mental illness, which seriously affects their entire life. Consequently, they need psychological treatment in order to be able to return to their normal lives and become productive citizens.

According to Geta Asrade:



“Above all, most victims need psychological therapy or treatment. In addition to the torture trauma, leading a life full of misery has damaged them psychologically. They have become despairing and few of them are stable. The problem is invisible and cannot be seen with the eyes, but the association enables us to communicate with the victims and their families and we know what most victims have been going through in this regard. It cannot be expressed in words.”<sup>136</sup>



Among others, Habtamu stated that he has suffered psychologically due to the torture he experienced in prison. He has tried to establish an association to enable torture victims to get psychological treatment. He notes:

135. Geta Asrade (No. 131).

136. Geta Asrade (No. 131).



I am in need of psychological treatment to be able to return to my previous peaceful life. Most victims are also experiencing serious psychological problems, like me. We need help to learn how to socialise with the community again, and to live a normal life. It affects our overall wellbeing and productivity.<sup>137</sup>



## Economic support

The majority of victims lost their jobs after spending years in prison and therefore want to return to work and receive back payment and related benefits. Some cannot work in their previous jobs due to illness resulting from the torture.

Specifically, victims from the Amhara and SNNP regions are seeking economic support to survive and scholarships to continue their education.

According to Geta Asrade:



“In the Amhara region victims have not been paid the salary they lost due to their imprisonment. There are also plenty of victims that have not returned to their jobs. Most have become dependent on their families and are working as labourers. They are fleeing to neighbouring countries. Most are in severe financial difficulty.”<sup>138</sup>



Alemu and Abate, from the Amhara region, and Habtamu, who is originally from SNNP, are also calling for back pay. On the other hand, Ezra, from SNNP, wishes to be reinstated in his former job.<sup>139</sup> Moreover, interviewees from the Amhara and SNNP regions are calling for access to loans, work and support for themselves and their families.

## Access to land and adequate housing

Interviewees are also calling for access to land on which they can build a house.

137. Habtamu (No. 83).

138. Geta Asrade (No. 131).

139. Alemu (No. 64), Abate (No. 61) and Habtamu (No. 83).

“

According to Geta Asrade, although they are still awaiting a response, his association has applied to the relevant government bodies for land on which to build houses. Mentioning his strong relationship with victims from the Oromia region, he goes on to say: “Our friends in Oromia have been given condominium apartments in Addis Ababa, and other mechanisms have also been used to secure them accommodation.”<sup>140</sup>

”

## Scholarships and access to education

Victims argue that had they not been detained for crimes they did not commit, they would have received government scholarships or been able to afford private education. As a result, they are calling for scholarships at public universities.

Some victims had to discontinue their higher education due to financial difficulties. For instance, Taye mentions:

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“I was a college student but now I cannot continue my education because I cannot afford it. I have become dependent on my family due to my illness caused by the torture.”<sup>141</sup>

”

## Rehabilitation centre

To get back to normal, lead a normal life and join the general public, victims need to be set free from the trauma of torture. Most importantly, as victims came from prominent positions, their victimisation to torture could have a negative impact on the current nation-building and democratisation process the country is undergoing. This may in turn put the country and its people's interests at stake. Rehabilitation centres are therefore essential for victims' recovery.

Although some regions have taken different measures to support victims, no region has yet set up a rehabilitation centre. All our interviewees called for a fully-fledged rehabilitation centre for their comprehensive rehabilitation. Geta Asrade says:

140. Geta Asrade (n 131)  
141. Taye (n 66)

“

“The association has tried to enable a few victims to get medical care and has provided food and shelter for those who cannot work due to their injuries, who have no relatives. But this is the tip of the iceberg given the number of victims and the support they are seeking. Their condition is deteriorating over time. They need comprehensive rehabilitation. What is worse, COVID-19 has made their lives more miserable than ever, and this has fallen on deaf ears in the government.”<sup>142</sup>

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142. Geta Asrade (No. 131).

# 5. CONCLUSION

Ethiopia has taken a range of legislative measures to prevent torture. The country has ratified international human rights instruments including the CAT. In the FDRE Constitution, Ethiopia has recognised individuals' rights to be free of torture and inhuman treatment, as well as the inadmissibility of confessions obtained through such methods. It has also tacitly and to a limited extent made torture a punishable crime under criminal law.

Nonetheless, a critical evaluation of Ethiopian law reveals that these legislative measures are not adequate for preventing and combatting torture. In particular, the failure to explicitly criminalise torture under any circumstances, the absence of a requirement for the State to provide rehabilitation or security protection to the victims of torture, and the lack of any legislative provision limiting the prolonged pre-trial detention period are shortcomings worth highlighting.

Yet, irrespectively of existing legislative measures, the government used to engage in torture to suppress political oppositions and criticism. This fact has been admitted by the government itself. The system of torture took the form of false and fabricated charges, prolonged detention of suspects without bringing them before a court of law, the detention of victims in notorious torture centres (such as Maekelawi, Jail Ogaden, Ziway, Kilinto and Shewa Robit prison centres), the subjection of victims to almost all types of torture causing them both psychological and physical harm, and their conviction with confessions obtained during torture.

The 'reform' government, led by Prime Minister Abiy Ahmed, has taken different measures to redress torture victims and prevent torture. Among these, key measures include acquitting and releasing political prisoners and torture victims, closing notorious torture centres and converting them into museums, and charging some of the torturers.

However, the early dynamics of the reforms have not been followed by concrete and adequate measures which enable victims to return the lives they lost as result of the torture and detention. Moreover, the war that erupted during these reforms has tempted the new government into using the old recipe of torture in an attempt to restore peace and security. The reflex to deny and turn a blind eye to torture allegations is a clear sign of a return to former malpractice.

While an important number of torture cases committed during the armed conflict were committed by soldiers of the Tigray People's Liberation Front (TPLF), the federal government has failed to take allegations of torture committed by its own soldiers or those of its Eritrean ally into account.

In this context, the victims of torture continue to suffer psychological, physical, and economic injury. They suffer psychologically from post-torture trauma, psychological instability, anxiety, insomnia, depression, and the inability to socialise. Victims live with physical suffering caused by short- and long-term injuries. Three years after their release, most of the victims still live in severe poverty without adequate housing or means of subsistence.

Furthermore, the provision of rehabilitation and support for victims appears to have been left to regional governments. As a result, there is no coherent national system. Therefore, while some measures have been taken by the Oromia and Somali regions, conversely no assistance deemed satisfactory has been provided by the Amhara or SNNP regional governments.

In the absence of investigations and prosecutions, victims claim that they are still perceived as criminals and terrorists. The failure to hold those responsible to account for the most serious crimes and provide rehabilitation measures for victims further victimises them and denies their suffering. Furthermore, the absence of repressive measures to combat torture the new authorities could give the wrong signal to law enforcement officials, who might resume the use of torture when faced with dissidents.



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