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EHRCO

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ETHIOPIAN HUMAN RIGHTS COUNCIL

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EHRCO stands for democracy, the rule of law and the respect of human rights.

Torture of Detainees should Stop!

99th Special Report

March 30, 2007

The Universal Declaration of Human Rights, which Ethiopia has adopted, prohibits cruel, inhuman and degrading treatment and punishment under article 5. The International Covenant on Civil and Political Rights to which Ethiopia is a party, affirming the right under Article 7, further provides that this right is inalienable and inviolable (Article 4 (2)). The FDRE Constitution on its part under Article 18 (1) provides that everyone has the right to protection against cruel, inhumane and degrading treatment. While Article 15 provides that no person may be deprived of his life save as a punishment for a serious criminal offence determined by law, Article 14 provides that these rights are inviolable and inalienable. Contrary to these Constitutional and treaty provisions, however, Tsegaye Ayele Yigzaw (Mr.) has been tortured to death.

Tsegaye Ayele Yigzaw, 34, was married, head of a family of three and member of Ethiopian Democratic Party (EDP). He was a radiologist in Gondar Hospital. Because of persecution by the police, he moved to Debre Markos town where he was employed as a radiologist in a private clinic.

He was arrested by the police without court warrant on December 18, 2006 at 8:45 a.m. on his way to office. After detained for eight days in Debre Markos and Bahr Dar towns, he was transferred to Addis Ababa Crime Investigation Department where he was interrogated whether he was member of a front called Patriotic Front and whether he knows a particular (named) person.

In the process of the interrogation, according to his written statement dated February 28, 2007 sent to Ethiopian Human Rights Council (EHRCO) via his family supported by picture of his own, he was severely tortured, particularly from January 10-19, 2007, in a very cold room handcuffed without food and drink. He is beaten by lumber on his back and on his seat and when he gets weak, the police left him off in the room as a consequence of which he was taken to Ras Desta Damtew Memorial Hospital for treatment. After 16 hours of treatment when he became conscious, he was brought back to the Addis Ababa Crime Investigation Department and was subjected to further interrogation while forcefully video taped to confess what he already allegedly said earlier.

Because of the severe torture he received:

- both of his arms were lose not responsive;
- his left ear was not able to hear;
- a nail was removed from his left feet; and
- his eyes were not able to see in bright light and he was traumatized

Other individuals who were detained in the same circumstance, describing the situation of the deceased told EHRCO, his right hand and his legs had scars from handcuffs and chain, respectively, as a result of which his body was lose; he could not hear and had spots all over his body. They also stated that he told them the suffering he received before he died and they opined he died of the bitter torture he received.

Meanwhile, during the investigation period, the police requested for remand for not less than seven times to complete the investigation each of which were granted by the court. At the last adjournment on March 5, 2007, the Court closed the investigation file refusing further remand. As the Court did not rule whether the detainee should be released from police custody, the police kept Tsegaye in custody because of which his family filed petition of Habeas Corpus before the Federal First Instance Court. The Court ruled on the petition, along with other petitioners, that he be released from detention. Tsegaye, however, passed away in Ras Desta Damtew Memorial Hospital while under detention on that same date at 10:30 a.m. a moment before the Court handed down its ruling.

The body of the deceased was taken to Menelik II Hospital for post mortem examination. The hospital gave a letter to the family of the deceased that the body is examined along with a receipt of payment and EHRCO ascertained that the autopsy result has not been given to the family up until the completion of this report. On the same day the family took the body of the deceased to this birth place where he lied in peace.

Conclusion

The Ethiopian Human Rights Council thoroughly investigated the matter beginning from the written petition of the deceased sent to EHRCO, by taking testimony of persons who were detained with the deceased up until the family took the body from the hospital.

EHRCO, therefore, demands the government to:

- properly investigates the death of Tsegaye and bring the perpetrators to justice;
- make the autopsy result available to the family of the deceased; and
- order the immediate cessation of torture and other cruel acts against persons in detention.

EHRCO also calls upon all national and international organizations as well as government organs who stand for protection human rights and the prevalence of the rule of law to put pressure on concerned government authorities so that the government respect and protect rights enshrined in the FDRE Constitution and international covenants to which Ethiopia is a party. Please express your concerns to government bodies and officials listed below:

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