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ኢሰመጉ
EHRCO

ኢሰመጉ የቆመው ለዲሞክራሲ፣ ለሕግ ልዕልናና ለሰብአዊ መብቶች መከበር ነው።
EHRCO stands for democracy, the rule of law and the respect of human rights.

103rd Special Report

Respect the Rule of Law

31 October 2007

Introduction

Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR), which is ratified by Ethiopia provides that everyone has an inalienable right to life, liberty and personal security. This provision also states that a person should not be arrested and detained without due process of law. Sub article 3 of the same provision states that a person accused has the right to be brought to a court of law, or otherwise to be released.

Article 17(2) of the Constitution of the Federal Democratic Republic of Ethiopia (FDRE) clearly provides that no person may be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him.

Nevertheless, according to complaints EHRCO received from families, in violation of these constitutional provisions and international human rights standards, several people are being kept in custody in different jails and at the Central Crime Investigation Department (*Maikelawi*) after having been arrested without due process of law and without being formally charged.

In this 103rd Special Report, EHRCO has compiled complaints received from families of victims on the situation of detainees who were arrested without a court warrant from different areas of the Oromia region and Addis Ababa on suspicion of having links with the Oromo Liberation Front (OLF). According to the complaints, once appearing before a judge, the detainees have been remanded in custody on several adjournments with the request of police for additional time to conduct investigation. Some of the detainees have had their files closed by courts for police could not come up with sufficient evidence to warrant their continued detention and some of them were allowed bail. However, in defiance of these court orders, police continued detaining the individuals by the time this report was being compiled.

Details

Bilsuma Shugi (18). He is a resident of Addis Ababa Bole sub-city. He is an athlete with the Ethiopian Athletics Federation. On 4 August 2007, at around 9:00 a.m., he was arrested without a court warrant by members of the federal police who went to the training field around Yeka locality where he was practicing with other athletes.

He was then taken to the Yabelo zone, Moyale (on the Ethio-Kenya border), where he was made to stay for a week in a desert area. His family reported to EHRCO that Bilisuma has sustained injuries as he was beaten in the ear and leg. Not knowing his whereabouts, the family had looked for him for a month before they found out that he was detained in the Central Crime Investigation Department (*Maikelawi*). Bilsuma appeared before a judge at the Arada bench of the Federal First Instance Court on eight adjournments. On 14 October 2007, the court closed the file as police could not provide sufficient evidence for his detention. However, his family told EHRCO that police continued holding him by the time this report was being compiled.

Similarly, in a letter dated on 15 October 2007, No. O.F.D.M/100/617, the Oromo Federalist Democratic Movement (OFDM) filed a complaint with EHRCO stating that several of its members and supporters have been arrested without a warrant on suspicion of having links with the OLF and are being held in defiance of a court order which declared the closing of the files for lack of sufficient evidence to warrant their detention. According to the letter, the following individuals are being held in *Maikelawi* in spite of appearing before a court on several adjournments and the courts ordered for their files to be closed for police could not justify their continued detention with sufficient evidence.

Table 1

S/N	Name	Place of arrest	Date court ordered file to be closed
1	Jiad Seid	Metu	4 Sept. 2007
2	Wondimu Fikre	Bedelle	7 Sept. 2007
3	Kassahun Assefa	Metu	4 Sept. 2007
4	Teshome Abate	Metu	4 Sept. 2007
5	Mikael Emiru	Addis Ababa	4 Oct.2007
6	Woldie Tolosa	Addis Ababa	18 Oct.2007

7	Muzeyin Mizana	Addis Ababa	18 Oct. 2007
8	Tamirat Demissie	Bedelle	18 Oct.2007
9	Kelifa Abafogi	Jimma	18 Oct. 2007
10	Ethiopia Temesgen	Jimma	18 Oct. 2007
11	Tola Merdasa	Bedelle	18 Oct. 2007
12	Shibru Tassisa	Chewaka	18 Oct. 2007
13	Salsim Aynalem	Bedele	11 Oct. 2007
14	Meseret Binor	Bedele	11 Oct. 2007
15	Muzeyin Gudeta	Bedele	7 Sept. 2007
16	Jirata Debela	Metu	7 Sept. 2007
17	Moges Kebede	Addis Ababa	7 Sept. 2007

In its letter, OFDM further stated that individuals whose names are listed below have been arrested in similar conditions as those listed in *Table 1*. The court ordered their release on bail in July 2007. However, in defiance of the court order, police continued holding them in *Maikelawi* by the time this report was being compiled.

Table 2

S/N	Name	Place of arrest	Time court granted bail
1	Sherif Ibrahim	Jimma	July 2007
2	Fekadu Bulti	"	"
3	Adugna Balcha	"	"
4	Girma Tesfaye	"	"
5	Dawit Kenea	"	"
6	Mohamedi Abanega	"	"
7	Mohamed Siraj	"	"
8	Tola Chalina	Addis Ababa	"

Conclusion

- As stated above, police do not seem to be willing to release those detainees whose files were closed due to lack of sufficient evidence and those whose applications for bail were granted by courts. As a result, the detainees are being held in violation their rights prescribed by law.

- This state of affairs is a matter of deep concern for EHRCO as it shows an utter disregard to the principle of the rule of law which is enshrined in the country's Constitution.
- Moreover, EHRCO is deeply concerned about the safety of the detainees as they are being held at the Central Crime Investigation Department (Maikelawi) where there is limited access for visit by families, relatives and friends.
- Thus, EHRCO urges the government to ensure the release of those detainees who have already been acquitted by the courts and also those whose applications for bail have been granted as it is its responsibility to make sure that the rights of citizens recognized by the Constitution are respected.

In addition, EHRCO calls on citizens, national and international organizations, representatives of government and non-governmental organizations that stand for the respect and protection of human rights and the rule of law, to put pressure on the Ethiopian Government to respect the rights of citizens enshrined in the country's Constitution, and to immediately release those individuals who have been arrested without warrant and are being held at the Central Crime Investigation Department (*Maikelawi*) without charges.

CC.

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