

The Safety of Citizens Under Police Custody Should Be Ensured!

62nd Special Report

June 23, 2003

Introduction

This report describes EHRCO's investigation and findings regarding the illegal detention and death of Ato Abera Hey while under the custody of the Addis Ababa police criminal investigation.



Ato Abera Hey was a married man of 40 and head of a family of seven. He resided in Wereda 19, Qebele 55 (b), House No. 631. Having worked for sixteen years at the Nefas Selk Thread Factory, he was laid off in 1998. Since then, he had been working as a labourer in order to support his family of seven.

On April 26, 2003 (on Saturday, the eve of Ethiopian Easter), at about 12:00 noon, two men in civilian cloth and two uniformed policemen from Wereda 19 came to Ato Abera Hey's residence. Upon their arrival, Ato Yohannes Abay, who lived in the same compound as Ato Abera, opened the gate for them. One of the men in plain cloth pointed a gun at Ato Yohannes. Frightened by this, Ato Yohannes shouted and the policemen overpowered, handcuffed, and beat him. He sustained injuries on his lips and nose from the beating. While two of the four security officers were watching over Ato Yohannes, the other two rushed into Ato Abera Hey's house and into his bedroom and, waking and informing Ato Abera that he was "wanted", took him to Wereda 19 Police Station while still dressed in his night cloths. The security officers released Ato Yohannes informing him that he was not "wanted".

The detainee's wife took food and clothing to Wereda 19 Police Station, but the police refused her permission to give the food and clothing she had taken for her husband. As the detainee's family members were waiting around the Wereda 19 Police Station, the police took Teodros Girma, a child that Ato Abera was bringing up, but released him after having kept him for about 15 minutes. Some twenty minutes after

Ato Abera had been detained and as members of his family were assembled in front of the police station, the police took Ato Abera in double cabin pickup car (plate number not known) to an unknown place. Two armed persons in civilian cloths also accompanied Ato Abera.

Following information they had received, members of Ato Abera's family had gone to Addis Ababa Criminal Investigation Department looking for Ato Abera, but the policeman on duty informed them that "there was no one here with the name of Ato Abera". Suspicious of the policeman's response, they patiently waited for further information. In the mean time, they saw one of the policemen and the driver of the car that had arrested Ato Abera. These two informed them that Ato Abera was undergoing investigation and told them to wait. After waiting for a long time, the policeman on duty told them that Ato Abera was at the Department and that they should bring him some bread. Ato Abera and his family members were able to see each other from a distance. His family members then left home.

The following day, on April 27, 2003, (on Ethiopian Easter Day) at about 9:30 in the morning, when Ato Abera's family went to the Criminal Investigation Department and enquired into Ato Abera's situation, the policeman on duty asked them, "Give me your telephone so that when the investigators come, we could call and let you know". They did as they were told and returned home. Confused by the whole situation, Ato Abera's wife took Ato Abera's uncle and brother-in-law and went to the Addis Ababa Criminal Investigation Department on April 28, 2003 and requested the policeman on duty for information about Ato Abera Hey. The policeman took Ato Abera's wife, uncle, and brother-in-law aside and informed them that Ato Abera had committed suicide for unknown reasons. When the brother-in-law asked how Ato Abera committed suicide, the policeman informed them that Ato Abera had hanged himself. He further advised them, "What you have to do now is to tell the deceased's wife that Ato Abera has been taken to Qaliti Prison and escort her home. You should then go to Minilik II Hospital, pay Birr 47 and take Ato Abera's body".

In accordance with the instructions of the policeman, they went to Minilik Hospital, paid Birr 47 and took the body. Ato Abera's funeral was held at St. Joseph Church on April 29, 2003 at about 4:00 p.m. On the basis of information it received, EHRCO dispatched its investigators to Abera Hey's residence and took pictures of Ato Abera's body. While taking those pictures, EHRCO's investigators were able to notice that Ato Abera's body showed a broken chin as well as injuries on the left ribs and testicle.

By a letter dated April 29, 2003 and numbered ER#-190/1/3/03, EHRCO had requested Minilik Hospital for an autopsy report. The Hospital replied that it would give such a report only to the Police and not to EHRCO. The deceased's family were able to obtain the said autopsy report from the Police Criminal Investigation Department. The autopsy report issued by the Hospital's specialists is presented below:

Deceased: <u>Ato Abera Hey</u>	Age: <u>40</u>	Sex: <u>M</u>	Body No. <u>3743</u>
Citizenship: <u>Ethiopian</u>	Address: <u>A. A.</u>		
Short History: <u>Reported by Police to have hanged himself to death.</u>			
State of External Physical Examination: <u>Well built male body. Deep sign of hanging on the neck. No other sign of injury.</u>			
State of Internal Physical Examination: _____			
General Cause of Death: <u>Hanging.</u>			
Signatures of two specialists			

EHRCO obtained the above autopsy report from the deceased's family. Moreover, EHRCO had also tried to get additional information about Ato Abera's death from the Addis Ababa Criminal Investigation Department. EHRCO had contacted by telephone Lieutenant Belayneh Debosh, the officer in charge of Ato Abera's arrest and investigation. In

accordance with the officer's advice EHRCO contacted the Public Relations Office of the Addis Ababa Criminal Investigation Department. However, the latter informed EHRCO that since the office did not have anything to say on the matter it would contact the investigating officer and provide EHRCO with the needed information. However, no information was received until this report was issued.

The questions for which EHRCO has been unable to get answers to and for which answers should be provided either by the Addis Ababa Criminal Investigation Department or any other responsible government official are the following:

1. When a person is being detained and jailed, he/she has to surrender shoelaces and belts. This fact is known to all prison officials as well as anyone who has been so detained and released. If we believe that Ato Abera's detention procedures did not differ from this, how was he able to hang and kill himself? Was he not detained/jailed along with others?
2. When a person under detention is found dead either by hanging or other means, some of the steps that the police take include taking careful records of finger/hand or other prints, taking pictures of the body while still hanging, and inviting the concerned police official for the necessary examination. Has this kind of investigation been carried in connection with Ato Abera Hey's body?
3. If the police have taken pictures of Ato Abera's body while hanging, have these pictures been given to the deceased's family? Or have his family members been invited to see Ato Abera hanging?

If the police have carried out their duties and responsibilities in accordance with the law, it should not be difficult to provide answers to these questions. Failure to provide answers to questions raised in this connection is bound to lead to suspicion. In the case of Ato Abera Hey, his death leads to the suspicion that it may have been caused by the illegal investigative procedures employed by the police. A few of the factors that further strengthen this suspicion are the following:

- Other than informing the deceased's family that Ato Abera hanged himself to death, the police failed to provide them with any evidence about the circumstances of his death nor did the police bring Ato Abera's body down in the presence of witnesses (members of his family),
- The fact that the autopsy report issued by the hospital indicated that
 - a) the police reported that Ato Abera Hey had hanged himself to death
 - b) no other injury was found on the body
- The observations of EHRCO's investigators as well as the pictures they were able to take of the body clearly show the presence of signs of
 - a) a broken chin
 - b) missing teeth
 - c) injury on the left ribs
 - d) bleeding on the nose and mouth, and
 - e) swollen testicles.

While these signs of injury were observed and pictured by EHRCO's investigators, the hospital's autopsy report appears to suggest that all of these signs of injury were inflicted after the body was taken out of the hospital and after it had been taken to the deceased's house. If this were in any way plausible, it would raise such questions as the following: Did the deceased's family members break his chin? Did they, by some miracle, cause a day-old body bleed? Did they cause his testicles and left ribs to swell?

Conclusion

Ato Abera lost his life as a result of police actions, which contravened Articles 17(2), 18 (1), and 21 (1) of the FDRE Constitution, which state, respectively, “No one may subjected to arbitrary arrest, and no person may be detained without charge or conviction against him”; “Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment”; and “All persons held in custody and persons imprisoned upon conviction and sentencing have the right to treatments respecting their human dignity” as well as Articles 5 and 9 of the Universal Declaration of Human Rights.

EHRCO has been following up the circumstances surrounding the death of Ato Abera as described above. It has collected the doctor’s autopsy report, pictures of the body, and other necessary information. Pictures of the body have been attached to this report. As can be inferred from the information so gathered, it is clear that, in the first place, the police arrested and detained Ato Abera illegally. Since arresting and detaining him, the police have violated the provisions of the Constitution and beaten and tortured the deceased. The fact that the police refused to provide clear information on the death of Ato Abera to both the deceased’s family and EHRCO as well as the autopsy report failed to mention the injury signs on the body of the deceased all arouse considerable suspicions.

When a person is reported to have hanged himself to death, there are certain things that doctors (pathologists) indicate in their findings. The autopsy report would be expected to describe whether or not there was any bleeding around the neck where the rope used for hanging had rested, breakages of the throat, the neck bone, the tongue bone, deep mark and swelling on the neck, black and spotted sign of bleeding. Medical doctors are requested to carry out the necessary internal and external physical examinations and provide professional advice regarding the cause(s) of death. The certificate issued in connection with Ato Abera Hey’s body does not do this. In addition to undermining the confidence and trust of the public on medical professionals, this kind of testimony will also help in covering up for criminals, and pose a serious obstacle to the work of the judiciary. Consequently, we would like to appeal to officials and professionals of the hospital to be cautious and provide clear and professional testimonies.

The government on its part has the responsibility and duty of ensuring that all human rights provisions contained in the country’s laws as well as those international provisions adopted and ratified by it are respected and protected. EHRCO demands that the concerned government bodies should see to it that a full and proper investigation be carried out in the circumstances of Ato Abera Hey’s death, that those policemen who, having illegally arrested and detained Ato Abera, beat and tortured him be brought to justice, and that the findings of the investigation and steps taken be made public. EHRCO requests citizens, governmental and non-governmental, international organisations, and heads of diplomatic missions to write to the following officials of the Ethiopian Government requesting them to ensure the respect and protection of citizens’ human and democratic rights and the rule of law in the country.

Copy to:

- Council of Peoples Representatives
P. O. Box 80001; Fax: (251-1) 55 09 00; Addis Ababa, Ethiopia
- House of the Federation
P. O. Box 80001; Fax: (251-1) 55 07 22; Addis Ababa, Ethiopia
- H. E. Lt. Girma W/Giorgis, FDRE President
P. O. Box 1031; Fax: (251-1) 55 20 20; Addis Ababa, Ethiopia
- H. E. Ato Meles Zenawi, FDRE Prime Minister
P. O. Box 1031; Fax: (251-1) 55 20 20; Addis Ababa, Ethiopia
- H. E. Ato Harqa Hareyo, FDRE Justice Minister
P. O. Box 1370; Fax: (251-1) 52 08 74; Addis Ababa, Ethiopia
- Commissioner of the Addis Ababa Police
P. O. Box 5647; Fax: 56 01 12; Addis Ababa, Ethiopia