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*Federal Democratic Republic of Ethiopia
Permanent Mission to the United Nations
Geneva*

113/2014-A

11 November 2014

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office at Geneva and other International Organisations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to the latter's Note, No. ETH/6/2014, dated 11 July 2014, concerning the joint urgent appeal from Special Procedures on the case of Mr. Ali Adorus, has the honour to enclose herewith the reply from the Government of the Federal Democratic Republic of Ethiopia to the aforementioned case.

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office at Geneva and other International Organisations in Switzerland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure

The Office of the United Nations High
Commissioner for Human Rights
Geneva



Reply to the Joint urgent appeal from Special Procedures on the case of Mr. Ali Adorus by the Government of the Federal Democratic Republic of Ethiopia

This reply covers the allegations concerning Mr. Ali Adorus, as contained in the summery attached to the letter by Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of human rights while countering terrorism and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment dated 11 July 2014.

Ethiopia is a country governed by rule of law. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law guarantees to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status. No one will be deprived of his/her liberty or subjected to ill treatment in prison. All persons under protection by law to be treated humanely. Protection from any form of ill treatment and torture, access to medical care, family visit and other rights have been observed by the Government of Ethiopia before/during and after detention of the suspect Mr. Ali Adorus.

As clearly stipulated in the Constitution of Federal Democratic Republic of Ethiopia with regard to the rights of persons detained, Article 21 sub article 1, stipulates that “all persons held and persons imprisoned upon conviction and sentencing have the right to treatments respecting their human dignity” and sub article 2 explains, that “all persons have the opportunity to communicate with, and to be visited by, their spouses, close relatives, friends, religious counsellors, medical doctors and legal counselor”. This has been observed before/during and after detention of Mr. Ali Adorus.

The Prison Administration fulfils its responsibility by giving equal service to all under its custody without any discrimination of sex, color, race, ethnicity, clan, citizen or any other ground. Mr. Ali Adorus has never been discriminated because of his nationality.

The Charge Brought Against the Defendants

The defendants Ali Adorus Mohamed code name (Abdutelim Ab-Amin), Mohamed Sherife Ahmed code name (Mohamed-Ahmed) and Ahmed Mohamed Almi, intending for commission of the crime of terrorism as principal criminal by establishing a clandestine and terrorist group called “JEMATE MUSLIM” and by recruiting members of the Group, facilitating military training to their members, establishing an organogram of the group by infiltrating members of the group from Yemen and Somalia to achieve their objectives and advance religious or ideological Islam State administered by Sharia Law by declaring Jihad War in Ethiopia.

Since 2006, the accused individuals have established with their accomplices a secret channel of communication with other clandestine terrorist group in exile called “JEMA MUSLIM JEHAD”. The accused have established an organogram to implement their objectives. The accused travelled to Yemen to meet with leaders of a branch of clandestine terrorist organization called Oromo Liberation Front (OLF) called “ORMOMO NETSANET HAYLOCH HEBRET”, and have agreed to work with the terrorist group and they were caught while working to infiltrate members of the terrorist groups trained to conduct Jihad War in Ethiopia.

Charges brought against Ali Adorus *et al*

Ali Adorus was recruited as a member of a clandestine terrorist group called “JEMATE MUSLIM” in London. Then, Ali Adorus recruited Mohamed Sherife Ahmed code name (Mohamed Ahmed) and Ahmed Mohamed Almi for membership of the terrorist group with an objective to establish “World Islamic State”, by declaring Jihad war to establish Islamic State ruled by Quran, he came to Ethiopia in June 2011 to join a clandestine group called ” JEMATE MUSLIM GROUP” in Ethiopia. The other two members of the clandestine organization (Mohamed Sherife Ahmed code name (Mohamed Ahmed) and Ahmed Mohamed Almi entered Ethiopia through Hargessa, Somalia (Somaliland) on November 2011 as per the instruction and planned route of Ali Adorus. He has prepared a place for the two members of the terrorist organization in Nazareth, Ethiopia. He was working on facilitation for military training in Kenya.

In December 2011 Ali Adorus, travelled to Yemen and met with leaders of a

clandestine terrorist group wing called “ORMOMO NETSANET HAYLOCH HEBRET” a branch of terrorist organization called “Oromo Liberation Front” designated by the House of Peoples’ Representatives of Ethiopia as a terrorist organization. He agreed to work with these two entities in order to advance their common agenda. He came back to Ethiopia and established a communication channel with the terrorist group called “JEMATE MUSLIM”. He communicated with the terrorist group on their programs and the implementation of their agenda in Ethiopia.

The accused individuals, principal criminals, were arrested and charged for planning, preparing, conspiring, inciting, and attempting to commit criminal terrorist acts by fully associating themselves with and becoming members of a clandestine terrorist group, recruiting individuals and preparing them for military trainings abroad, and as an end goal to establish Islamic State administered by Sharia Law through Jihad War in Ethiopia.

The Trial

The trial of Mr. Ali Adorus was held in his presence, with due respect and observance of the Constitution of the Federal Democratic Republic of Ethiopia and the relevant provisions of the Criminal Code and Criminal Procedure Law. He was informed of the nature of the charge brought against him and was given the same in writing, in accordance with the Criminal Code and Criminal Procedure Code of Ethiopia. The Government appointed English language translators at all times of the trial. The accused was represented by two lawyers throughout the proceedings. The defendant pleaded not guilty. Upon the fulfillment of the requirements stipulated under the Criminal Code and Criminal Procedure Code, the Court then ordered the prosecutor to produce evidence.

The Federal Prosecutor summoned documentary and other demonstrative evidences before the Criminal Bench of Federal High Court 19th Bench. It has also produced additional exhibits including witnesses, testimonies of the suspects and written evidences which shows that the defendant declared war on Ethiopia and the communications between the defendant and “OLF” and “JEMATE MUSLIM” the outlawed terrorist organizations. The evidence submitted before the court established facts that the defendant, as a principal offender, from the beginning planned, organized and

cooperated with full intent to align himself with terrorist organization in planning, preparing, conspiring, inciting, attempting to establish Islamic State administered by Sharia Law by declaring Jihad War in Ethiopia.

The Federal High Court 19th Criminal Bench after meticulously examined the sufficiency of the various facets of prosecution evidence ruled the accused to defend. The defendant made a statement in reply to the charges and produced defense witnesses and furnished additional demonstrative evidences to defend himself in accordance with Article 142 (1) of the Criminal Procedure Code of Ethiopia. He was able to examine all the human and documentary evidences brought against him in accordance with article 14(e) of the International Covenant on Civil and Political Rights and Article 20(4) of the FDRE Constitution. In addition, he fully exercised his rights to defend himself on all the charges and evidences brought against him without any hindrance and was supported by two defense attorneys of his choice.

The attorney general and the defense attorneys presented their final statements to the court. The case is adjourned for decision.

Protection of the Rights of the Accused under Prison Administration.

The Right to Be Visited by Members of his Family

The detainee has been regularly visited by people from Ethiopia and abroad according to his preference. In accordance with the Prison's Administration Service delivery standards, time of visit by spouses or partners, relatives and friends, religious counselors, legal counselor and medical doctors is scheduled from Monday to Sunday throughout. The record of Prison's Administration shows that Mr. Ali Adorus prefers being visited by foreigners. Hence, priority is given to foreign visitors in order to be responsive to the needs of the prisoner. Any visitor with required document is allowed to visit Mr. Ali Adorus if not objected by the detainee or considered a risk for his wellbeing.

Procedure Followed by the Prison Administration on the Visit of Detainees

The prisoner is regularly visited by his two attorneys. The only requirement followed by legal counsels is to have power of attorney. The Prison Administration assigned a secure place for lawyer-client conversation and Mr. Ali Adorus meets his lawyer in the place where it is reserved and suitable for free consultation bilaterally. This is the

procedure followed by the Prison Administration and has been observed in the case of Mr. Ali Adorus. The Prison Administration has never received any complaint by the detainee on the violation of these rights. The Prison Administration will continue respecting the detainee's rights in this regard.

On Provision of an Adequate Medical Service

All prisoners have the right to equal access to medical treatment without discrimination. The Government of Ethiopia fully respects these rights. Mr. Ali Adorus has received medical treatments more than 15 times in the Prison Administration, General Hospital, the Federal Police Hospital, and the Private Diagnostic Clinics since his arrival in the prison center in accordance with his request, referral by medical doctors and medical professionals.

Prison Facilities

The room in which Mr. Ali Adorus is detained is equipped with standard bed, mattress, ventilation, with enough light and is not congested. Mr. Ali Adorus is living with other prisoners safely. He has never been detained incommunicado.

Food Supply

The Government provides Mr. Ali Adorus meals in equal manner as other prisoners. Prisoners, including foreigners, may prepare their own supplementary food at their own expense and based on their choices. In this case, the Prison Administration arranges cooking places favorable to prisoners and provides them with the necessary supports within available resources. Prison Administration Officers are always supporting Mr. Ali Adorus whenever he has requested to cook his choice of food.

The prisoner's human dignity is always protected. Mr. Ali Adorus is observant of the rules and procedures of Prison Administration. The Prison Administration is committed to fulfill its obligation under the rules, regulations and procedures of the prison. Mr. Ali Adorus's spouse or partner, relatives and friends, religious counselors, legal counselors are always welcome to visit him in accordance with the rule and procedures of Prison Administration.

Conclusion

Mr. Ali Adorus is charged with crimes of terrorism in violation of Ethiopian laws and international conventions against terrorism. He has been treated humanely. He has never filed any complaint against any person or the Prison Administration for violation of his rights. The trial process of Mr. Ali Adorus demonstrates that due process guarantees were ensured in keeping with domestic legislations and international standards as enshrined in the ICCPR and other relevant human rights instruments to which Ethiopia is a party.