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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences.

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) Minorities (2005-4) G/SO 214 (33-27) G/SO 214 (53-24) G/SO 214 (89-15)
ETH 5/2014

22 May 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 25/18, 25/5, 17/5, 25/13, and 23/25.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning **the violent handling of peaceful protests in opposition to the "Integrated Development Master Plan" in the regional state of Oromia, and mass arrests and arbitrary detentions of peaceful protestors and bystanders.**

The Integrated Development Master Plan reportedly foresees the extension of Addis Ababa city administration to 36 surroundings towns of Oromia. People against this project reportedly fear that the expansion of Addis Ababa will harm the cultural, political and linguistic development of Oromia, and hurt Oromo farmers.

According to the information received:

Between 28 April and 1 May 2014, a series of peaceful demonstrations against the Integrated Development Master Plan were held in the regional state of Oromia. Peaceful protestors were mostly students identifying themselves as Oromo people.

Security forces and military special forces known as Agazi reportedly violently repressed the peaceful protests, including in the high schools and universities in central, eastern and western parts of the Oromia regional state. The forces reportedly used live ammunitions and hand grenades against the peaceful protestors and bystanders, beat protestors during and after protests, and conducted house to house searches and mass arrests.

During the aforementioned period, it is reported that security forces and Agazi military special forces killed at least 35 peaceful protestors, including at least eight children from nine years old and one woman, in various cities of the Oromia regional state. They also reportedly injured at least 18 peaceful protestors, including at least five children from 10 or 11 years old.

Furthermore, from 28 April to 16 May 2014, sources indicate that at least 143 peaceful protestors and bystanders, including at least 20 children from 12 years old and three women, were reportedly beaten and detained by security forces and Agazi military special forces in various cities of the Oromia regional state. Many arrests reportedly took place at Midaa Quanyii high school and Adama and Wallaggaa Universities. In addition, two members of the political organization Oromo Federalist Congress (OFC) were reportedly arrested in the city of Ambo, for having spoken to the press about the protests-related events. Arrested individuals were reportedly taken to different detention centres, including police training camps and military bases. Most of them are reportedly held in incommunicado detention and have been subjected to torture. To date, the charges against them and their locations of detention are unknown.

Sources indicate that the death toll and number of people injured and detained could be much higher. Since the protests began, the presence of security forces has reportedly increased in towns across the region. Sources also indicate that security forces threatened parents to prevent their children from participating in demonstrations.

We express grave concern at the reported excessive and indiscriminate use of force used against peaceful protestors, including children and women. We express similar concern about the alleged arrest and incommunicado detention of protestors, their physical and psychological integrity, the lack of information regarding the nature of the charges reportedly brought against them, and the reports of torture in detention.

We would like to refer your Excellency's Government to articles 6, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) acceded by Ethiopia on 11 June 1993, which guarantee respectively the rights of every individual to life, to

freedom of opinion and expression and to freedom of peaceful assembly and of association.

We would also like to bring to your Excellency's attention the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and in particular article 2.3, which states the right of persons belonging to minorities to participate effectively in decisions on the national and regional level concerning the minority to which they belong or the regions in which they live, in a manner compatible with national legislation.

While we do not wish to express an opinion on whether or not the detention of the individuals in the present case is arbitrary, we would like to remind the obligations of your Excellency's Government to respect their right not to be deprived arbitrarily of their liberty, as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and the ICCPR respectively, as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR.

Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). We would also like to remind your Excellency's Government, that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture or other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment. In addition, we would like to remind your Excellency's Government of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990).

Furthermore, these allegations appear to contravene the prime responsibility and duty of the State to protect, promote and implement all human rights and fundamental freedoms set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, in particular articles 1, 2 and 12.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org /can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inclusive, please explain why.
3. Please provide the full details of any prosecutions which have taken place. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please provide information concerning the legal grounds for the arrest and detention of the aforementioned peaceful protestors, including the detention of the minors and two members of the Oromo Federalist Congress. Please indicate how these measures are compatible with the aforementioned international human rights norms and standards.
5. Please indicate if any of the individuals detained in relation to the recent peaceful protests in the Oromo regional state have been released. Please provide information on individuals who still remain in detention, including their full identities, the date of their arrest and the location of their detention.
6. Please provide information on whether individuals detained in relation to the recent peaceful protests in the Oromo regional state have access to legal counsel, family members, and medical personnel.
7. Please provide information on the regulations and standard operational procedures for law enforcement agents governing the use of force in the context of protests, and how such provisions are compatible with the aforementioned international standards on the use of force and firearms by law enforcement agents.
8. Please provide information on the measures taken to facilitate peaceful protests and ensure the safety of peaceful protestors in Ethiopia.
9. Please explain what measures Ethiopia has taken to establish and maintain an enabling environment to exercise the right to associate freely without fear
10. Please clarify what remedies, including any compensation, have been made available to the victims or their families.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Frank La Rue
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opinion and expression

Maina Kiai
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