

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA
ETH 6/2014:

11 July 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 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 and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 24/6, 17/2, 26/12, 22/8, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary detention, torture, ill-treatment and unfair trial of Mr. Ali Adorus, a British citizen. We wish to inform your Excellency's Government that a copy of this communication is shared with the Government of the United Kingdom of Great Britain and Northern Ireland.

According to information received:

On 7 February 2012, Mr. Ali Adorus, a British national, came to Ethiopia to visit his father and aunt and to seek business opportunities. He spent four months in Ethiopia. In June 2012, he travelled from Ethiopia to Yemen to attend his grandmother who was in poor conditions due to her old age. He stayed with his grandmother in Yemen until September 2012, after which he reportedly returned to Ethiopia. After returning to Ethiopia, he lived in Addis with his aunt.

On 25 January 2013, Mr. Adorus was arrested in Maekelwai (also known as Makelawi) in Ethiopia and taken to the Maekelwai Detention Centre. The Ethiopian authorities did not inform the British Embassy nor Mr. Adorus' family about the arrest. Mr. Adorus was denied access to a lawyer. He was not informed of the nature of the charges against him.

According to the information received, Mr. Adorus was severely tortured at the Maekelwai Detention Centre for four days. He was hooded, beaten on his hands, and handcuffed behind his back for extended periods of time. Due to the injuries sustained to his hands, Mr. Adorus was unable to wash himself and was, in addition, denied access to toilet.

Despite the severe injuries sustained, Mr. Adorus was denied access to medical care. He was forced to sign a confession statement which was written in Amharic, which he could not read. Mr. Adorus did not understand the interpreter that was provided by the police. He only agreed to sign the confession to stop the torture.

Mr. Adorus was detained at Maekelwai Detention Centre until around 20-24 May 2013, when he was transferred to Kaliti Prison in Addis Ababa. He was denied family visits until the first week of May 2013. On 15 May 2013, he was allowed to speak briefly with his lawyer, but was denied a full legal visit until 29 May 2013, more than four months after his arrest and only once the police investigation was completed. The British Embassy was granted first consular access on 3 June 2013.

The prosecution opened the case against Mr. Adorus on 27 October 2013 before the Lideta Higher Court in Addis Ababa. The trial is due to close in the next few months.

Mr. Adorus is reportedly accused of being an active member of the Muslim Jum'at terrorist group, conspiring to commit the crime of terrorism, organizing Muslim Jum'at and waging a jihadist war since 2006. Furthermore, he is accused of recruiting others to the Muslim Jum'at group, of preparing them to take jihadist military trainings. He is also accused of entering Ethiopia in June 2012 to join the Muslim Jum'at group and of concluding an agreement in Yemen in December 2012 with leaders of the "Unity of the Liberation Forces of Oromia" regarding activities to be carried out jointly with the Muslim Jum'at terrorist group. He is charged under articles 32/1/b, 38/1/ of the 2004 Criminal Code and articles 4 (Planning, Preparing, Conspiracy, Incitement and Attempt of Terrorist Act) and 7 (Participation in a Terrorist Organization) of the Anti-Terrorism Proclamation number 652/2009 which carry penalties of imprisonment ranging from 15 years to life or death.

Witnesses of the prosecution were tortured and bribed by the police to give evidence against Mr. Adorus. Mr. Adorus was allegedly not permitted to challenge the evidence against him or call evidence of his own under the same conditions vis-à-vis the prosecution. He was reportedly not granted privileged communication with his legal representative.

Mr. Adorus has a history of cancer since 2007 and needs to be medically monitored regularly. After seeing a doctor in December 2012, he was advised to return to London for specialized consultation. A medical appointment was scheduled in January and again in June 2013 but he was not able to go because of his detention. It is feared that Mr. Adorus risks developing life-threatening complications.

We express serious concern at the allegations that Mr. Adorus was held in incommunicado detention for over three months from the time of his arrest on 25 January 2013 until May 2013 without any charges or being brought before a judge, and that he was tortured during interrogation and forced to confess his guilt. Concern is also expressed about the alleged use by the courts of evidence obtained under torture during his trial. Concern is also expressed that Mr. Adorus had no full and privileged access to his legal representative and to an interpreter that he could understand. We further express serious concern at the allegation that the ongoing trial of Mr. Adorus does not meet the international standards relating to the right to a fair trial, that Mr. Adorus is at risk to receive the death penalty and that he is being denied the medical care he needs.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion yet, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of his life and liberty, as set forth in articles 3 and 9 of the Universal Declaration of Human Rights (UDHR) and articles 6 (1) and 9 of the International Covenant on Civil and Political Rights (ICCPR), which Ethiopia has acceded to on 11 June 1993. They also appear to be in violations of due process and fair trial guarantees before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR, as well as the Basic Principles on the Role of Lawyers Guidelines on the Role of Prosecutors. In this latter regard, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Egypt acceded on 14 March 1994, prohibits torture absolutely (article 1), without exception (article 2(2)) and the use of any evidence in any proceedings obtained under torture (article 15).

We are further drawing your attention to article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty that states that capital punishment may only be carried out pursuant to all possible safeguards to ensure a fair trial. Furthermore, the allegations of the denial of medical treatment appear to be in

contravention with your Excellency's Government's responsibility to respect and fulfil Mr. Adorus' right to the enjoyment of the right to the highest attainable standard of physical and mental health, including access to medical care while in detention, as enunciated in article 12 of the International Covenant on Economic, Social and Cultural Rights (accession on 11 June 1993).

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

In view of the urgency of the matter, we would appreciate a response as soon as possible on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Adorus in compliance with 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 are soliciting your cooperation to provide us with any information and observations concerning the proceedings against Mr. Adorus including:

1. The details of the judicial proceedings that might lead to the imposition of the death penalty on Mr. Adorus, how they comply with the international standards for fair trial ratified by Ethiopia;

2. The details of any investigation, judicial or otherwise, carried out in relation to the allegations that Mr. Adorus was tortured during interrogation and forced to confess against his will; if no inquiries have taken place, or if they have been inconclusive, please explain why.

3. In the event that the investigations confirm that the allegations are correct, the details of any accountability measure taken against any officer found to be responsible for the alleged violations.

4. The details of any measures taken by your Excellency's Government to ensure that Mr. Adorus receives the medical treatment he requires for his medical condition while in detention.

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.

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

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

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

Anand Grover
Special Rapporteur on the right of everyone to the enjoyment of the
highest attainable standard of physical and mental health

Gabriela Knaul
Special Rapporteur on the independence of judges and lawyers

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Ben Emmerson
Special Rapporteur on the promotion and protection of human rights
and fundamental freedoms while countering terrorism

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
treatment or punishment