

**Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 the rights of indigenous peoples; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
UA ETH 5/2016

7 October 2016

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 the rights of indigenous peoples; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 24/7, 27/1, 26/12, 25/2, 24/5, 25/18, 24/9 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 repression of protests in Ethiopia that has been ongoing **since November 2015, especially in the Oromia and Amhara regions. In particular, we have received information about a recent episode of excessive use of force in the context of protests in Bishoftu City on 2 October 2016, and on 3 October, mainly in Ambo, Arisi, Sendafa, Shashemene, Guder, Bule Hora, Denbi Dollo, as well as ongoing repression of protests against Konso people, in the Southern region Konso Wereda, since December 2015.**

Allegations about violent repression of protests and the enforcement of the Anti-Terrorism Proclamation 652/2009 were the subject of previous communications to your Excellency's Government: ETH 4/2011, sent on 4 October 2011 (see A/HRC/19/44), ETH 7/2011, sent on 19 December 2011 (see A/HRC/20/30), ETH 5/2015 sent on 28 December 2015 (see A/HRC/32/53) and ETH 2/2016 sent on 2 September 2016. We thank your Excellency's Government for the substantial response to our communication ETH 4/2011, received on 17 February 2012. We reiterate our regret that no response has been received to date to communications ETH 7/2011, ETH 5/2015 and ETH 2/2016.

According to the information received:

Since November 2015, over 600 people have been killed, thousands injured, tens of thousands arrested, and hundreds have been victims of enforced disappearances in Ethiopia. Since November 2015, security forces have allegedly arrested hundreds of protestors and community leaders in their homes. Moreover, acts of torture and ill-treatment have been reported in detention centers. To date, hundreds of protestors are allegedly still being held in various military centers, and are detained in degrading conditions, often subjected to ill-treatment and torture. Moreover, it has been reported that several nationwide internet shutdowns were implemented during waves of peaceful demonstrations (see in particular UA ETH 2/2016).

*Concerning protests of 2 and 3 October 2016 in the Oromia region*

Since the protests started in November 2015, the Oromia region has been particularly marked by excessive use of force in the context of protests, in majority peaceful. In August 2016, the protests spread to the Amhara region.

On 2 October 2016, approximately 2 million people gathered in Bishoftu, a town located in the southeast of Addis Ababa to celebrate the annual Irrecha thanksgiving festival. Anti-government protests started to erupt across the festival, while people were chanting “we need justice”, “we need freedom” crossing their hands above their head. Protestors started to throw missiles including bottles and rocks towards the stage where the religious leaders, deemed pro Government, were speaking, and preventing the religious leaders from delivering their speech. Security forces allegedly fired live ammunitions, teargas and rubber bullets into the crowd, to disperse protestors. Military helicopters were also seen hovering over the area. The confrontation led to the death of at least 54 persons, also confirmed by the Government. According to some reports, the number of actual casualties would be between 100 and 200. Most of the victims died of suffocation after falling into ditches during the stampede resulting from the confrontation.

On 3 October 2016, several other protests broke out in other cities of the Oromia region, mainly in Ambo, Arisi, Sendafa, Shashemene, Guder, Bule Hora, Denbi Dollo. It has been reported that at least five protestors were shot and killed by security forces in Denbi Dollo.

*Concerning protests in the Konso Wereda region*

In August 2015, the Committee member of the Konso People sent an official letter to the regional and federal government notifying them of the people’s grievance following the 2012 annexation of Konso by the Ethiopian authorities into the Segen Area Peoples Zone leading to a change of the administrative structure of what was previously known as the Konso Special Wereda.

In December 2015, tens of thousands of Konso people gathered in Karat to protest against the regional government. The protests have been ongoing since then, leading to numerous arrests, interrogations and assault of members of the community by security forces. In March 2016, more than 200 members of the Konso community, including elders and elected people representatives were arrested by local security forces.

Since April 2016, the Konso people have reportedly been denied a wide range of public services, including access to health centres and other administrative public services.

On 27 June 2016, the Regional Council formally rejected the appeal of the Konso people to establish a Konso's own Zonal administration or to maintain its former structure.

From the beginning of August 2016, a large number of security and military forces have been deployed in the area. On 6 August 2016, at least 3 protestors were killed by security forces and many others injured. The protests then focused on the claim to dismantle all military and security forces deployed in different part of the Wereda. They claim military and security forces were both using lethal and excessive force against the peaceful protestors.

From 5 to 9 September 2016, at least 30 people were killed by security forces. Hundreds were arbitrarily arrested and are being held in different detention locations in Konso and neighbouring Weredas. On 12 September, around one hundred protestors were arrested. It is reported that 1500 houses were burned down by a raging fire that was ignited by security officials leading to the eviction of thousands of individuals from their villages.

We continue to express grave concern about the allegations of violent repression of the exercise of the right to peaceful assembly and freedom of expression through the excessive use of force, especially the use of lethal force by law enforcement officials in responding to protests, many of which were initially peaceful, leading to the killings of over 552 persons since November 2015 and injuring thousands of individuals, in particular in the Oromia, Ahmara and Konso regions. We express concern at the allegations about the high number of enforced disappearances, and acts of torture and ill-treatment of persons in detention centres.

We would like to draw your attention to the right of every individual to life and security and not to be arbitrarily deprived of his life, as set forth in articles 3 of the Universal Declaration of Human Rights (UDHR) and 6(1) of the International Covenant on Civil and Political Rights (ICCPR), acceded by Ethiopia on 11 June 1993, as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 14 of the ICCPR and article 10 of the UDHR.

Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

We would like to remind your Excellency's Government of the absolute prohibition of torture and other forms of ill-treatment as codified in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Ethiopia ratified on 14 March 1994, and its article 12 which requires the competent authorities to undertake a prompt and impartial investigation whenever there are reasonable grounds to believe that torture has been committed, and its article 7 which requires States parties to prosecute suspected perpetrators of torture.

In addition, we would like to draw the attention of your Excellency's Government to Principle 4 of the UN Basic Principles on the Use of Force and Firearms by Law Officials, which provides that, law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the above-mentioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

Moreover, we would like to refer your Excellency's Government to articles 19 and 21 of the ICCPR, guaranteeing the rights to freedom of expression and peaceful assembly, and articles 9 and 11 of the African Charter on Human and People's Rights (ACHPR), which Ethiopia ratified on 15 June 1998.

We would further like to refer to the joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies that provide practical recommendations for the proper management of assemblies (A/HRC/31/66).

With regard to the allegations concerning internet disruptions, we would like to refer to the 2016 resolution of the Human Rights Council, which "condemned unequivocally measures to intentionally prevent or disrupt access to or dissemination of

information online in violation of international human rights law”, calling on all States to refrain from and cease such measures (A/HRC/RES/32/13). We also refer to the reports of the Special Rapporteur on freedom of expression, concluding that permissible restrictions on the Internet are governed by the same human rights criteria as those offline (A/HRC/117/27), and that “service shutdowns and associated restrictions are a particularly pernicious means of enforcing content regulations” (A/HRC/32/38).

We would also like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2 and 5 and refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.

In relation to the allegations according to which hundreds of individuals would have disappeared, we would like to recall the prohibition to practice, permit or tolerate enforced disappearance enshrined in the United Nations Declaration on the Protection of All Persons from Enforced Disappearances (article 2); the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3); that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7); the right to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention and the obligation to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10); and the obligation to maintain in every place of detention an official up-to-date register of detained persons (article 12).

We would finally like to refer your Excellency’s Government to the article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) acceded by Ethiopia on 23 June 1976 which “guarantees the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law”, including in the areas of the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or 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 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 information on any measures taken to ensure the physical and psychological integrity of all protesters and detainees. Please also provide information on the legal grounds for the arrests and detention of the above-mentioned persons and how these measures are compatible with international norms and standards.
3. Has a complaint been lodged on behalf of the victims?
4. Please provide the details, and where available, the results of any investigation and judicial or other inquiry undertaken in relation to these allegations, especially in relations to allegations of extra-judiciary killings, torture and ill-treatments, enforced disappearances, arrests and detentions of civilians. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide information about the directives issued by the Government to law-enforcement personnel concerning the precise circumstances in which the use of lethal force is authorized, and indicate how these directives comply with the international human rights obligations of Ethiopia under the ICCPR, as well as the requirements of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
6. Please provide information about the legal basis and justification for the Internet shutdowns, and how these actions comply with Ethiopia's obligations under international human rights law, in particular article 19 of the ICCPR.
7. Please explain what measures have been taken to ensure that peaceful protestors and human rights defenders in Ethiopia can carry out their peaceful and legitimate activities and express and protest freely without fear of harassment, stigmatization or criminalization of any kind.

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.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals — which are of a purely humanitarian nature — in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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

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