

Mandates of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions

Ref.: AL ETH 1/2025
(Please use this reference in your reply)

11 February 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 53/12 and 53/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged arrest and detention of 35 trial judges and 14 public prosecutors by the government security forces since 29 September 2024 as part of ongoing arbitrary arrests in the Amhara region.**

We wish to recall the recent communication [ETH 1/2024](#) sent by Special Procedures Mandate Holders to your Excellency's Government on the killing of civilians by members of the Ethiopian National Defence Forces on 29 January 2024 in the Amhara region, and the lack of accountability for those responsible. We regret the lack of response and urge your Excellency's Government to take measures to ensure prompt, impartial, thorough, and transparent investigations into the alleged violations addressed in the previous communication and to bring perpetrators to justice.

According to the information received:

Since 28 September 2024, ongoing arbitrary arrests have been reported in major towns across the Amhara region.

As part of this campaign, between 29 September and 5 January 2025, 35 trial judges and 14 public prosecutors serving in different towns and jurisdictions in the Amhara region were reportedly arbitrarily arrested and detained by the Ethiopian National Defence Force (ENDF) and regional police.

On 18 October 2024, the Amhara Region's Judges Association issued a statement condemning the arrests of the judges.

Judges and prosecutors were reportedly detained without an arrest warrant and under unclear circumstances. Further information suggests that they were transferred to different places of deprivation of liberty and may not have had adequate access to legal counsel of their choice.

The detained judges and prosecutors have reportedly not been subjected to any judicial process. They are being held in various locations across the Amhara region, and there is no information regarding the reasons for their detention. However, reports suggest that they were detained for reasons connected to their

judicial work. The information further suggests that at least half of the judges have been arrested and detained after having granted bail to suspected Fano militias due to lack of evidence justifying their detentions.

To date, of the 35 judges and 14 public prosecutors arbitrarily arrested and detained by the police, on the instructions of ENDF, 27 judges and 2 prosecutors have been released while 7 judges and 10 prosecutors are still detained.

Those released have been released without the authorities having provided any justification for their arrest and detention. Some of the detained judges and prosecutors have been released after completing a “rehabilitative training” program. On 4 January 2025, one of the judges and one of the public prosecutors were released following a 12-day “rehabilitative training” program that started on 6 November 2024.

Families of the detainees have not been provided with information about the conditions or exact locations of their relatives detained and since the bank accounts of the individuals’ detained have being frozen they are directly affected by the detentions.

Since 2023, it has been reported that the arbitrary detention and harassment of judges in Amhara region has led to cases of death. In addition, three other judges have been killed in targeted attacks towards their houses or while travelling home by government security forces or with complicity or acquiescence.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our serious concern about the alleged arrest and detention of 35 judges and 14 public prosecutors in the Amhara region by the government security forces since 29 September 2024. We are deeply concerned that these arrests and the continuing detention ordered by the Ethiopian National Defence Force are a serious threat to the exercise of the judicial authority. In particular, we are concerned that the series of actions seems to have been taken to undermine and weaken the judiciary in the Amhara region. We remind your Excellency’s Government that the arbitrary arrest and detention of judges and prosecutors would constitute a violation of international human rights norms on the right to a fair trial and the independence of the judiciary.

We are further concerned about reported killings of judges in targeted attacks since 2023 with alleged government direct involvement or through their acquiescence. We insist that the arbitrary deprivation of life through targeted killings is prohibited under international law and has attained the status of *jus cogens* from which there could be no derogation, including situations of security threats and/or national emergencies.

We recall that the right to a fair and public trial before an independent and impartial court is guaranteed by international human rights norms and that a competent and independent court is one of the guarantees of a fair trial.

We are also very concerned that the reported arbitrary arrests and detentions may constitute retaliation against the judicial actors for exercising independent judicial authority. We are deeply troubled by the potential impact of such actions, which would jeopardize the safety of judges and prosecutors, undermine judicial independence,

create a chilling effect for the rest of the judiciary, and compromise the effective administration of justice.

The principle of independence of the judiciary demands that judges are not arbitrarily dismissed and ensures that their decisions, made independently, will be respected. In this regard, we express serious concern regarding information indicating that some judges and prosecutors have been subjected to “rehabilitative training” programs prior to their release, as such practices would aim to directly jeopardize their independence and impartiality.

We note with deep concern that the arrest and detention of judges and prosecutors can have an impact on the right to a fair trial of all the people living in the Amhara region in Ethiopia. We urge your Excellency’s Government to ensure that the detained judges and prosecutors are promptly brought before a judge, and that they are released if legal grounds for their detention do not exist.

We are further deeply concerned about the situation in the Amhara region, particularly in light of cases previously raised with the Government regarding the killings of civilians, as well as reports indicating the killing of three judges since 2023.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the facts that led to the arrest and detention of the judges and prosecutors.
3. Please provide information on the substance of the judicial proceedings brought against the judges and prosecutors, and the charges on which they are in detention. If the detained judges and prosecutors have not yet been subjected to judicial proceedings and no charges have been brought, as the information suggests, please explain the reason(s) for their continued detention.
4. Please provide information about the “rehabilitative training” program to which some judges and prosecutors have been subjected before being released.
5. Please indicate what measures have been taken by Your Excellency’s Government to ensure that judicial authorities in the Amhara region are able to carry out their legitimate work without fear of threats or acts of intimidation, pressure and harassment of any sort.

6. Please provide detailed information about measures taken or envisaged to ensure proper investigations into the killings of judges, in compliance with international standards as outlined in the Minnesota Protocol (2016). If there has been no investigation, please explain why.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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(s) responsible for the alleged violations.

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

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the norms contained in the International Covenant on Civil and Political Rights (ICCPR), acceded by Ethiopia on 11 June 1993. In particular, we would like to refer your Excellency's Government to articles 9 and 14 of the ICCPR, which provide for the rights to liberty and security of the person, not to be subjected to arbitrary arrest or detention, to be promptly informed of the reasons for the arrest and of any charges against him or her, to be brought promptly before a judge for a fair trial which respect due process guarantees and fair trial standards.

We would like to refer to article 9 of the ICCPR, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedures as are established by law. As interpreted by the Human Rights Committee in general comment No. 35 ([CCPR/C/GC/35](#)), the notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same General Comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR is arbitrary. We would also like to remind your Excellency's Government that incommunicado detention that prevents prompt presentation before a judge inherently violates paragraph 3. In addition, incommunicado detention may also violate other rights under the Covenant, including articles 6, 7, 10 and 14 ([CCPR/C/GC/35](#), para. 35).

In regard to the right to a fair trial, article 14(1) of the International Covenant on Civil and Political Rights sets out the guarantee of the right to a fair trial, equality before courts and tribunals, and the right to a fair and public hearing by a competent, independent and impartial tribunal established by law. In addition, article 14 encompasses the right of access to the courts in the determination of criminal charges, and the rights and obligations in legal proceedings. Access to the administration of justice must be effectively guaranteed in all of the cases, to ensure that no individual is deprived of his or her procedural right to seek justice; it provides procedural guarantees that must be available to all persons, including the right of accused persons to have access to and communicate with counsel of their choice.

The independence of the judiciary is an essential condition for the democratic principle of separation of powers, which provides that executive, legislative and judiciary are three different and independent branches of the government. The principle of the separation of powers is the cornerstone of an independent and impartial justice. According to this principle, the Constitution, the law, and the politic of the state must guarantee that the judicial system is genuinely independent from the other branches of the State. Within the judicial system, judges, lawyers and prosecutors must be free to exercise their professional functions without any political interference and must be protected, in law and in practice, against attacks, harassment and persecution within the exercise of their professional functions.

The principle of the independence of the judiciary has also been enshrined in a large number of United Nations legal instruments, including the basic Principles on the Independence of the Judiciary. The Principles provide, inter alia, that it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary (principle 1); that judges shall decide matters before them impartially (...) without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason (principle 2); and that there shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision (principle 4).

In this connection, we wish to draw your Excellency's Government's attention to articles 3 of the Universal Declaration of Human Rights and 6(1) of the International Covenant on Civil and Political Rights, which respectively guarantee the right of every individual to life and security and provide that these rights shall be protected by law and that no one shall be arbitrarily deprived of his life.

According to the Human Rights Committee's general comment 36, para. 13, States parties should take measures to prevent and punish deprivation of life by criminal acts, and to prevent arbitrary killing by their own security forces. In addition, in its general comment No. 31, the Committee stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by its agents and by private persons, or entities. 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. When committed as part of a widespread or systematic attack on a civilian population, these violations of the Covenant are crimes against humanity (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18)

Investigations should comply with international standards, outlines in the Minnesota Protocol on the Investigation of Potentially Unlawful Death. This latter states that "Investigations must, at a minimum, take all reasonable steps to: [... (e)] Determine who was involved in the death and their individual responsibility for the death" and "The investigation must determine whether or not there was a breach of the right to life. Investigations must seek to identify not only direct perpetrators but also all others who were responsible for the death, including, for example, officials in the chain of command who were complicit in the death."