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## U.S. Department of State

### Ethiopia Country Report on Human Rights Practices for 1996

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#### ETHIOPIA

Ethiopia continued its transition from a unitary to a federal system of government. Prime Minister Meles Zenawi leads the Government of the Federal Democratic Republic of Ethiopia, which was elected in 1995 to replace a transitional government that was established following a long and brutal civil war. Most opposition groups boycotted the elections, and candidates affiliated with the dominant party within the transitional government, the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) won a landslide victory in national and regional contests. The EPRDF is in turn dominated by the Tigray Peoples' Liberation Front (TPLF). The judiciary is weak and overburdened, but showed increased signs of independence.

New federal regions, organized along ethnic lines, are increasingly autonomous, with greater local control over both fiscal and political issues. A history of highly centralized authority, great poverty, the recent civil conflict, and unfamiliarity with democratic culture all combine to complicate the implementation of federalism. The federal Government can not yet protect constitutional rights at the regional level, especially when local authorities are unwilling or unable to do so. Local administrative, police, and judicial systems remain weak in many regions.

Responsibility for internal security continued to shift from the military forces to the police in most regions. Throughout the year, military forces conducted low level operations against the Oromo Liberation Front (OLF) in parts of the Oromo regional state. The national police organization is subordinate to the Ministry of Justice. Some local officials and members of the security forces committed human rights abuses.

The economy is based on smallholder agriculture, with more than 85 percent of the population living in rural areas under very poor conditions. Per capita gross national product is estimated at \$120 per year. Real economic growth in 1996 was 7 percent. Coffee accounts for about 60 percent of export revenues. The Government continued to implement an internationally supported economic reform program designed to liberalize the economy and bring state expenditures into balance with revenues.

The Government took a number of steps to improve its human rights practices, but serious problems remain. Security forces sometimes beat or mistreated detainees, and arbitrarily arrested and detained citizens. Prolonged pretrial detention is a problem. The judiciary lacks sufficient staff and funds, and consequently most citizens are denied the full protections provided for in the Constitution. The Government restricts freedom of the press and detained or imprisoned 14 journalists. At year's end, most were accused or convicted of inciting ethnic hatred or publishing false information in violation of the 1992 Press Law. The Government limits freedom of association and refused to register several nongovernmental organizations (NGO's), but otherwise did not prevent them from operating. Societal discrimination and violence against women and abuse of children remain problems; female genital mutilation is nearly universal. Societal discrimination against disabled persons is a problem.

The Government intensified measures to create a national, apolitical army by replacing thousands of demobilized Tigrayan soldiers with recruits from other ethnic groups. It implemented a training program in military justice and undertook programs to enhance the professional capacity and improve the performance of military personnel. It sought to strengthen the judiciary; additional civil and criminal judges were trained and assigned to regional courts, while efforts to eliminate judicial malfeasance resulted in the dismissal of many others. The Government sought to enhance transparency and accountability by publishing in state media several detailed reports of officials who were jailed or dismissed for abuse of authority, corruption, and violations of human rights. Governmental transparency, however, remains a problem. In October the Deputy Prime Minister and Minister of Defense was dismissed from all official posts for corruption.

The trial of the first group of defendants accused of war crimes under the brutal Marxist regime of Colonel Mengistu Haile Mariam (1974-1991), which began in December 1994, continued through the year. In December approximately 1,200 additional detainees were charged with war crimes.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Political and Other Extrajudicial Killing**

There were no confirmed reports of extrajudicial killings by government security forces. However, unconfirmed reports alleged that the Government was responsible for extrajudicial killings in parts of Oromiya regional state related to actions directed against the OLF.

In September a court convicted in absentia and sentenced to death three Egyptian Islamic militants for the attempted assassination of Egyptian President Hosni Mubarak in June 1995. Mubarak was unhurt, but two policemen were killed.

The Islamic extremist group Al'Ittihad Al'Islami claimed responsibility for three hotel bombings in which several people were killed, as well as for an attempt on the life of Minister of Transport and Communications Abdulmejid Hussein. The Minister was wounded and two bodyguards were killed. In November the Al'ittihad terrorist cells believed responsible for these actions were uncovered. The trial

of those arrested continued at year's end.

The execution style killing in October of two foreigners in separate incidents in Dire Dawa is still under investigation. Banditry remained a serious problem in some parts of the country. Bandits, often heavily armed, killed civilians, police, and soldiers during robbery attempts. While government critics frequently ascribe political motives to bandit activity, most evidence suggests that these activities are primarily economically motivated.

#### b. Disappearance

There were no confirmed reports, but numerous unconfirmed reports, of alleged disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits the use of torture and mistreatment of prisoners. Nevertheless, there were numerous credible reports that security officials sometimes beat or mistreated detainees. Government media published occasional reports of officials who were jailed or dismissed for abuse of authority and violations of human rights.

Prison conditions are not generally life threatening and meet minimal international standards. Overcrowding, however, remains a serious problem. Prisoners are often allocated less than 2 square meters of sleeping space in a room that may contain up to 200 people. Prison food is adequate. Prisoners are typically permitted daily access to prison yards. Visitors are permitted, and many prisoners receive regular deliveries of food and other supplies from family members. Female prisoners are housed separately from men, and rape does not appear to be a problem.

There were credible reports that the army sometimes used military camps for the temporary detention and interrogation of OLF fighters and alleged supporters.

The Government permits independent monitoring of prison conditions, military camps, and police stations by the International Committee of the Red Cross (ICRC) and often by diplomatic missions. However, the ICRC does not have immediate access to government facilities and must either request permission or notify the government each time it wants to visit. Granting prison access is now the responsibility of regional governments. In most regions, permission to visit detention facilities is routinely granted.

There were several diplomatic visits to prominent detainees accused of war crimes who were held by the Special Prosecutor's Office (SPO), including Abera Yemane-ab, Mamo Wolde, and Mekonnen Dori, who bore no signs of mistreatment by prison authorities.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution and both the Criminal and Civil Codes prohibit arbitrary arrest and detention, but the Government does not always respect these rights in practice.

Under the Criminal Procedure Code, any person detained must be charged and informed of the charges within 48 hours and, in most cases, be offered release on bail. Those persons believed to have committed serious offenses may be detained for 15 days while police conduct an investigation, and for additional 15-day periods while the investigation continues. Some offenses, such as murder and treason, are not bailable. In practice, and especially in the regions, people are often detained without warrant, frequently

not charged within 48 hours, and--if released on bail--never recalled to court. Nationwide, thousands of criminal suspects remained in detention without charge or trial at year's end. Most often these detentions resulted from the severe shortage and limited training of judges, prosecutors, and attorneys.

Federal and regional authorities arrested and detained hundreds of persons without charge or trial for activities allegedly in support of armed opposition groups. The vast majority of these took place in the Oromo regional state. In typical cases, security forces arrested and held these persons incommunicado for several days or weeks before eventually releasing them. Most detainees were accused of participating in armed actions by the OLF. Some 93 persons who were among a large group of OLF fighters detained in 1994 continued to be held.

In December the SPO filed charges against approximately 1,200 of the 2,000 persons jailed and accused of war crimes under the previous regime. Some of the defendants have been in pretrial detention for 5 years.

Exile is illegal and is not used.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the federal courts showed increased signs of judicial independence.

Consistent with the 1994 Constitution, the Government continued to restructure the judiciary toward a decentralized federal system comprised of courts at the district and regional levels. In May the Government appointed 56 federal court justices. A judicial administrative commission was established to oversee the performance of the federal judiciary. The Federal High Court and Federal Supreme Court adjudicate cases involving federal law, transregional issues and national security and hear both original and appeal cases. The regional judiciary is increasingly autonomous. District (woreda), higher and supreme courts have been established, mirroring the structure of the federal judiciary. Regional supreme courts may be delegated authority by the federal courts to hear some federal cases. The Government may delegate some of the war crimes trials to supreme courts in the regions where the crimes were allegedly committed.

The military services have undertaken a sweeping overhaul of the military justice system. Foreign assistance is being used to train soldiers in topics which include judicial and nonjudicial punishment and the conduct of soldiers during military operations.

The Government's goal is a decentralized system that brings justice closer to the people; in practice, however, severe shortages of adequately trained personnel in many regions, as well as serious financial constraints, combine to keep the judiciary weak and overburdened and to deny most citizens the full protections provided for in the Constitution. Hundreds of individuals were detained, especially in the Oromo and Somali regions, without charge. Many were ultimately released without explanation or appearance before a judge. Such cases at times may reflect arbitrary actions on the part of heavy handed local officials, but also result from a shortage of trained and competent prosecutors and judges. The Government established regional offices of the Ministry of Justice to monitor local judicial developments, but the federal presence in the regions remains limited. Anecdotal evidence suggests that some local officials interpret decentralization to mean that they are no longer accountable to any higher authority, even within their own regions.

The Government is making concerted efforts to identify and train replacements for many lower court

judges. Many judges were hastily appointed in 1991 and were subsequently dismissed for corruption, incompetence, or abuse of authority. The Government, aware of the severe lack of trained staff in the judicial system, began in 1995 to place greater emphasis on training new judges and prosecutors. Senior government officials charged with judicial oversight estimate that the creation of a truly independent and skilled judicial apparatus will take several decades. The Government has welcomed foreign financial and technical assistance.

Pending passage by regional legislatures of laws particular to their region, all judges are guided exclusively by the Federal procedural and substantive codes. Trials are public, and defendants have the right to a defense attorney. The Government established a public defender's office to provide legal counsel to indigent defendants, although its scope remains severely limited. The law does not allow the defense access to prosecutorial evidence before the trial.

The Constitution provides legal standing to some preexisting religious and customary courts and gives federal and regional legislatures the authority to recognize other courts. By law, both parties to a dispute must agree before a case may be heard by a customary or religious court. Shari'a (Islamic) courts hear religious and family cases involving Muslims. In addition, some traditional courts still function. Though not sanctioned by law, these courts resolve legal disputes for the majority of citizens who live in rural areas and who generally have little access to formal judicial systems.

The SPO was established in 1992 to create an historical record of the abuses during the Mengistu government and to bring to justice those criminally responsible for human rights violations. The trial of the first group of defendants charged with crimes against humanity during the former regime began in 1994 and continued intermittently through the year. Court appointed attorneys represent many of the defendants, following claims that they could not afford an adequate defense. Of the 73 defendants, the Government is trying 21 in absentia, including Colonel Mengistu Haile Mariam, the former dictator now in self-exile in Zimbabwe. In December approximately 1,200 additional detainees were charged with war crimes. Senior government officials expressed growing frustration with the slow pace of the work of the SPO. Local court observers believe that the remaining trials, once they begin, may last several years. Legal observers expect relatively few additional cases to be brought, with many defendants charged and tried collectively in each instance.

All Amhara People's Organization (AAPO) Chairman Professor Asrat Woldeyes and four other AAPO leaders were convicted in 1994 of planning armed action against the Government at a 1993 meeting. Asrat was also convicted of "incitement to war" in connection with a speech he made in 1992. He was sentenced to a total of 5 years' imprisonment. He currently faces charges stemming from a May 1994 prison escape in Debre Berhan in which several guards were killed. Asrat is reportedly in good health.

Authorities arrested Dr. Taye Wolde Semayat, chairman of the Ethiopian Teacher's Association (ETA), in August upon his return from a trip abroad. Taye has been formally charged with leading an Amhara extremist organization that planned and carried out attacks against foreigners, including the attempted murder of a diplomat and a grenade attack on a diplomatic compound in Addis Ababa. The Government's case against Taye is not linked to his activities on behalf of the ETA. Taye's trial continued at year's end.

Opposition groups and the Ethiopian Human Rights Council allege that some of the persons detained by the SPO, as well as some other detainees, are held for political reasons. The Government denies that it holds political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires judicial search warrants, but in practice they are seldom obtained outside Addis Ababa, as local governments vary in their understanding and practice of democratic norms. In Dire Dawa, for example, there were credible reports that some neighborhood officials searched residences without possessing warrants.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

While the Constitution and the 1992 Press Law provide for the right to free speech and press, the Government often used legal mechanisms to restrict press rights in practice.

Journalists may fall victim to vague provisions of the Press Law concerning publishing false information or inciting ethnic hatred, and some journalists practice self-censorship. There were 14 journalists under government detention at year's end; most were accused or convicted of inciting ethnic hatred or publishing false information in violation of the Press Law.

The editor of a private newspaper received a 6-month suspended sentence for not delivering two copies of the newspaper to the Ministry of Information, as specified by the Press Law, even though the breach had occurred a year earlier. In a similar case, the editor of a government magazine was fined about \$80 for the same offense. According to a number of sources, the whereabouts of one independent editor have been unknown since March; a second allegedly missing editor later turned up in Germany.

At year's end, four journalists were serving sentences of from 6 months to 2 years. Four journalists were fined for their offenses, most for being unable to produce guarantors for bail. Ten journalists remained in detention without charge; six journalists were released after completing jail terms; and 13 others were free on bail. Bail for journalists is sometimes set at unreasonably high levels, often much more than their annual salaries.

The private press, which is often irresponsible, frequently reports that government forces or regional officials commit human rights abuses. Most private press accounts, however, are too imprecise to verify.

In general, the Government continued to deny access by private journalists to government