



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

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**Consideration of reports submitted by States parties
under article 19 of the Convention**

**Replies of Ethiopia to the list of issues in relation
to its second periodic report^{*}, ^{**}**

[Date received: 15 February 2023]

* The present document is being issued without formal editing.

** The annexes to the present document may be accessed from the web page of the Committee.



Issues identified for follow-up in the previous concluding observations

1. The Government of Ethiopia (GOE) welcomes the distinguished Committee's follow-ups to the concluding observations (CAT/C/ETH/1) adopted by the Committee following its consideration of the initial report of Ethiopia.

2. Hence, while noting with regret about the delayed response, the GOE has the honor to present the distinguished Committee with some updates particular to the implementation status of the recommendations on fundamental legal safeguards, rape and other forms of sexual violence in the context of armed conflict, and coerced confessions (paras. 12, 16 and 31 of the COB) in the related topics below.

Article 1 and 4

3. In relation to the issues under CAT/C/ETH/Q/2 paragraph 2, recognizing the gap that the Criminal Code has in defining and adequately penalizing the crime of torture a team of independent experts has been assigned to come up with a proposal for a new legal regime to address the gap. In this regard, the team had come up with a comprehensive diagnostics study report that has sufficiently identified the gaps and indicated recommendations. Accordingly, it has been recommended that there should be a statute that defines torture at least similar to the definition provided to it under the Convention or broadly to address this crime from its root cause. Having received this report, the Ministry of Justice (MOJ), involving independent and relevant professionals, has commenced the preparation of a draft statute. Taking the arduous legislative process that requires extensive consultations with relevant stakeholders and the rigorous legislative adoption process into account, the statute is expected to come into force by the end of the calendar year.

Article 2

4. In relation to issues under CAT/C/ETH/Q/2 paragraph 3, the Government has taken an amendment initiative on the Criminal Procedure Code provisions that deal with fundamental safeguards. Furthermore, Detainees' treatment manual has been developed and providing intensive trainings on how to ensure fundamental legal safeguards to police officers have been provided. These new reform measures were also applied to those who are detained in terrorism-related offences.

5. With regards to persons detained during state of emergencies in the context of the conflict in the Tigray Region, the measures taken include giving a series of orientation and trainings to law enforcement officers to strictly observe fundamental legal safeguards of detainees, establishment of robust monitoring and complaint procedure, and a releasing mechanism before the expiry of the state of emergency (SOE).

6. In relation to the issue of detention registry, the default procedure mandatorily requires detention centers to keep their registers up to date.¹ Their record-keeping duty extends to building an up-to-date and modern system that enables to maintain full information of each prisoner. They are also expected to release a report with desegregated data of all the detainees at the end of every fiscal year. While this procedure constantly applies in cases of terrorism-related detainees, it was also applied for detainees of state of emergencies.

7. With regard to steps being taken to amend Article 59(3) of the Criminal Procedure Code (CrPC), Ethiopia is currently revising its CrPC. Specific to Article 59(3) of the CrPC, the draft amendment envisages requirements to be considered by the court to determine the length of time for the remand of an arrested person in custody. Therefore, the court may remand an arrested person in custody for up to 14 days on each occasion after giving due consideration to the gravity of the crime, the complexity of the investigation, and the nature and magnitude of the evidence to be collected. Moreover, the draft Code expressly limits in all cases the duration for remand in custody to a maximum of 4 months.

¹ Federal Prison Commission Proclamation No. 1174/2020, Article 27 and Federal Police Establishment Proclamation No. 720/2011, Article 6(14).

8. On the other hand, there has not been so far a proposed amendment to Article 19(3) of the Constitution. Under Article 19(3), it is obvious, as stated in the second State Party's report (CAT/C/ETH/2 paragraph 89), that the only time beyond the 48 hours is required for the journey from the place of arrest to the nearest court. The Government is, however exerting all possible efforts to practically enhance accessibility of courts so that the right of person arrested to be brought before a court of law strictly within 48 hours will be respected.

9. Court orders to release on bail are strictly enforced. The Federal Police has developed an Investigation Manual which clearly prohibits investigating officers from holding any person contrary to a court order issued for release on bail. Moreover, instances of breach of such orders have entailed accountability on responsible officials.

10. In relation to the issue under CAT/C/ETH/Q/2 paragraph 4, the State Party has taken significant legislative measures by adopting the new EHRC establishment (amendment) proclamation No. 1224/2020. The amendment, among other things, gave mandate to the EHRC to visit and monitor, without prior notice, any correction center or prison, police detention center or any place where people are held in custody or otherwise detained anywhere in the country as well as any public services institution such as school, hospitals, shelter camps, and market centers. Furthermore, the law affords EHRC investigators immunity which enables them to discharge their functions.

11. Under the revised Federal Prisons Proclamation No. 1174/2019, the EHRC has the power to visit prisons, speak to prisoners with complaints, examine prisoner registry as well as discuss with prison officials without prior notice and communicate their findings with recommendations to the relevant Government bodies and the public.

12. The Government has also taken administrative measures to ensure unrestricted access to the EHRC to visit all civilian and military detention centers. To this end, the Federal Police, Federal Prison Commission, as well as the National Defence Forces, have adopted a simplified working procedure to implement these changes. These new working procedures allow all human rights non-governmental organizations and institutions to request access to visit the detention centers. The only conditions such organizations need to meet are that the institution is duly constituted under Ethiopian law; that a formal request to conduct visits is presented and, their personnel present relevant documents such as identification cards upon arrival at the detention centers. So far, there are no requests presented by such non-governmental human rights institutions/organizations that are rejected.

13. About measures adopted to enhance compliance with the Commission's recommendations and enable the Commission to independently execute its mandate, the amendment has introduced changes in line with the Paris Principles. Under the new law, the EHRC is enabled to function with full independence and impartiality. As a manifestation to its legal autonomy, its Chief Commissioner is made accountable to the HPR. Operationally, the Commission is afforded the capability to operate its daily affairs without any intervention, including the ability to make decision, report, and draft its own internal rule and procedure. This ability goes to the extent to compel or require others' cooperation, specifically government agencies, to have necessary information and assistance in discharging its responsibilities. Moreover, under the new law, the Commission directly submit its budget request to HPR for approval. Once approved, it has full autonomy to administer its budget.

14. To make sure the appointment process of the Chief Commissioner is made more impartial and participatory, the composition of the nominating committee is changed to include representatives from civil society, opposition parties, religious groups, and other democratic institutions. The EHRC is now accredited with "A" Status by the Global Alliance of National Human Rights Institutions (GANHRI).

15. As of June 2022, the Commission has referred 26 incidents potentially related to torture and other cruel, inhuman, and degrading treatment and made recommendations to relevant authorities for further investigations. These cases were identified during the Commission's monitoring of human rights situations in prisons and police detention centers as well as individual complaints submitted to the Commission. Additionally, the Commission is currently conducting a national inquiry into the right of persons deprived of liberty, with a focus on unlawful/arbitrary arrest/detention.

16. In relation to issues under CAT/C/ETH/Q/2 paragraph 5, the State Party recognizes violence against women in domestic or otherwise settings as violations of basic human rights. To address the challenges of violence against women as well as to promote the rights of women and girls, effective legal, institutional and policy frameworks are put in place.

17. Special Child and Women Protection Units within the police and prosecution offices and special benches for violence against women cases within the federal and numerous regional courts are also established.

18. The GoE has been exerting various efforts to establish easily accessible effective mechanisms to report cases of sexual violence committed in domestic or other settings as well as harmful traditional practices and to put in place with legal, medical and psychosocial services for victims of such crimes. Moreover, when they are at risk or experiencing such crimes, there have been encouraging efforts to use the community policing structures for women, children or any other concerned person able to report the cases to the community police, which is easily accessible in a community setting.

19. One stop centers which provide integrated and multi-sectoral response to violence against children and women have been established and further expanded to provide psycho-social, medical and legal supports to victims of gender based violence including sexual and harmful traditional practices. Through coordinated work with the police, survivors in the centers are able to testify freely. The Government is working to expand their accessibility at every corner of the Country. Currently, there are 4 in Addis Ababa, 5 in Afar, 12 in Amhara, 10 in Oromia, 2 in Benishangul-Gumuz, 3 in South Nations and Nationalities, 1 in Harari, Gambela, Dire Dawa and South West each, and 2 in Somali Regional States. Generally, there are 43 one-stop centers which are set up and working throughout the Country.

20. Ethiopia has established four hotline services for women and children experiencing violence, through which children and women are able to report cases of abuse and violence. The hotline services provide easy to use and accessible reporting mechanisms whereby children and adults are able to report incidents of abuse and neglect, violence, exploitation. Moreover, there are currently 16 safe houses for children and 1 safe house for women which are established and serving victims of gender-based violence and children in Addis Ababa alone.

21. There are also other initiatives including National Free Legal Aid Strategy to ensure better coordination of the various stakeholders and to improve the availability and quality of legal assistance to women and children.

22. Concrete steps have been taken to combat the prevalence of child marriage and FGM. To this effect, the GoE has adopted a National Roadmap to End Child Marriage and FGM (2019–2025) by 2025. The Roadmap is a multi-sectoral five years costed plan, clearly articulating the key role of major ministries and regional bureaus. It employs socio-ecological framework which gives comprehensive response to the drivers of child marriage and FGM by targeting girls, families and communities, service providers, law enforcement and policy makers.

23. A National Alliance to End Child Marriage and Committee on the Elimination of Harmful Traditional Practices co-chaired by the Ministry of Women and Social Affairs and an international non-governmental organization is set up to address the problem of harmful traditional practices and sexual violence. The Alliance prepared the National Costed Roadmap to End Child Marriage and FGM/C: 2020–2024 and is also implementing the national action plan to eliminate forced, arranged, and early marriages.

24. Promotional activities raising the public's awareness of the illegality and adverse impacts of harmful traditional practices, including forced, arranged and early marriages are carried out extensively. These include TV and radio broadcasts, community conversation/dialogue, and the organization of experience sharing forums.

25. The Government also employs a strategy of engaging women, tribal, religious and community leaders, as well as circumcisers in the effort to bring about changes in attitudes and practices. Currently clan and religious leaders are openly denouncing FGM and urging their communities to abandon the practice. They are also actively monitoring violations and

applying traditional sanctions against those who continued to perform FGM. Perpetrators have been brought to justice in different regional states.

26. Concerning criminalizing marital rape, under Ethiopian laws, all acts that amount to the crime of rape including acts of intimidation and violence are punishable offences. However, marital rape is considered as exception to the crime of rape due to the spouses' obligation of consummation in marriage. Nevertheless, a national study concerning the gaps in laws including issues of gender-based violence and marital rape has been conducted and consultations are still underway due to its sensitivity and possible impact on family relations.

27. In relation to Committee's request to provide statistical data on a number of prosecutions on perpetrators of crimes related with harmful traditional practices and other forms of violence against women since the last report, although a comprehensive data is not available, please see Annex IV.

28. In relation to issues under CAT/C/ETH/RQ/2 paragraph 6, multiple investigations have been conducted by the Ministry of Defense in response to allegations of the commission of various crimes in the context of the conflict in Tigray. To date, the investigation established the commission of 29 incidences of sexual violence crimes by members of the military. Among these, 13 were found guilty with Rape and other SGBV crimes while 16 cases are pending.

29. The Investigation and Prosecution Committee (IPC), established under the Inter-Ministerial Task Force (IMTF), designed an investigations strategy which focused on three tracks and timeframes. These are: Track-1 investigations in Amhara and Afar regions; Track-2 investigations in Wolqayit-Tsegede-Humera areas; and Track-3 investigations focusing on violations allegedly committed by members of the national defense forces and regional forces in Afar, Amhara and Tigray regions.

30. The IPC carried out Track-I criminal investigation in Amhara and Afar regions and publicized its findings in September 2022. Track-I investigation was conducted across nine carefully clustered areas of the Afar and Amhara regions. These areas were: North Shewa zone, Oromo nationality zone, Kombolcha city and its environs, Dessie city and its environs, Jamma-Were'ilu and its environs, North Wollo Zone, Lalibela town and its environs, WagHimra Zone, and Afar Region. Under Track-III, the security situation in Tigray prevented the IPC from conducting any investigation to date. Under Track-I, the IPC investigation documented gruesome incidences of gang rape, rape, sexual slavery, and intentional communication of sexually transmittable diseases (STD), including HIV/AIDS. In lieu of this, the IPC gathered data demonstrating that at least 2,212 women, girls, boys, and men were subjected to these crimes.

31. The IPC collected 10,069 witness testimonies; of this, 9,552 witnesses, including victim testimonials, were received in the Amhara region and 517 in the Afar region. Further, the IPC was able to gather an overwhelming volume of documentary, videographic and photographic evidence including 3,087 written documents and 2,599 videographic and photographic records - showing or corroborating the commission of the alleged crimes, or presenting medical testimonials, proof of deaths, and proof of public and private property damages and valuations.

32. Furthermore, The GOE is undertaking investigations on suspected cases of torture and other serious crimes that had occurred in the context of an armed conflict that occurred in the Somali Regional State. This includes cases of rape and other forms of sexual violence against women and girls. To this end, a committee of experts composed of senior prosecutors from the Ministry of Justice and Somali Regional State Attorney General, and investigation officers from the Federal Police Crime Investigation Bureau and the Somali regional state police commission was created. The committee conducted investigation in five different areas of the Somali Regional State² and produced five investigation files by collecting witness testimonies and documentary evidences. Moreover, a number of suspects have been arrested and charged for crimes of murder, causing bodily injury, rape, torture, inhuman and

² The five areas are the Ogaden prison also named Jail Ogaden situated in the town of Jigjiga, in Fafen zone, Jerer zone, Dolo zone and Shebelle zone.

degrading treatment. Moreover, at regional level, the Government of the Somali Regional State has been taking special measures regarding the resettlement of civilians who had been forced to flee their neighborhood; to provide medical supports to those who have been injured; to financially support those whose properties were damaged or destroyed and to bring perpetrators to justice through investigation and prosecution.

33. In collaboration with partners, the Government has taken measures to compensate and rehabilitate SGBV victims, prevent recurrence, and facilitate humanitarian access. In this respect, the Ministry of Women and Social Affairs (MoWSA) in collaboration with the Ministry of Health, coordinated the provision of psychosocial and medical support to victims of SGBV; engaged in community sensitization and referral of survivors to sectoral services, and offered training to SGBV front-line service providers. Emergency-phase expansion of facilities were also carried out in the conflict affected regions – mainly coordinated by regional bureaus. In the initial stages of the conflict, 54 psycho-social experts were deployed in high-SGBV prevalence woredas located in Amhara and Afar regions. 24 medical experts were also deployed, and 951 persons were trained on basic psycho-social service provision. A special project has been designed in collaboration with partners to redress and economically rehabilitate about 770 victims of gender-based violence across the conflict-affected areas. With tentatively earmarked budget of USD 1.1 million, the rehabilitative program focusing on *economic rehabilitation* of SGBV victims was initiated against the background of multifaceted sufferings, stigma, communal discriminations, and disruption of livelihoods encountered by the SGBVs victims identified during the investigations. On the other hand, the IMTF's Committee on Sex and Gender-based Violence has engaged in several activities to address the immediate and medium-term challenges of health facilities in conflict zones. In this tune, the IMTF's resource Mobilization Committee allocated 74 million Birr to address the needs of SGBV survivors in Afar and Amhara regions – mainly focusing on rehabilitating or establishing one stop centers and related facilities. The Semera Rehabilitation Center has since been reconstructed and inaugurated in January 2023. A similar initiative is already underway in the Amhara region to build a rehabilitation center. Furthermore, the Ministry of Health is engaged in massive re-construction of damaged medical facilities. The Ministry has also signed a grant agreement of 31.5 Million USD with the European Union for the rehabilitation of health facilities damaged by conflict in five regions: Tigray, Afar, Amhara, Oromia and SNNPR.

34. Since the cessation of active hostilities, the IMTF, through the Ministry of Health and the Ethiopian Disaster Risk Management Commission, has partnered with humanitarian agencies to implement a program on 'Tigray Region Emergency Health Response and Reinitiating of Essential Health Services'. The effort resulted in the provision of needed humanitarian aid, nutritional supports, lifesaving drugs and essential medical supplies and replacements of medical equipment damaged or looted during the conflict. (See Annex II)

35. These measures are supplemented by separate initiatives of the Ministry of Finance which signed a grant Agreement with the World Bank for the amount of \$300 million (ETB 15.6 billion) in support of the "reconstruction and recovery of conflict affected areas of the country". The project is designed to reinstate, re-build and improve access to the social services damaged by the conflict including education, health, water supply and other essential community infrastructure.

36. In the immediate aftermath of the conflict, the GOE has embarked on various measures to ensure non-recurrence of grave violations both in respect of SGBV as well as other fundamental rights protected under international and national laws. The initiatives are cross cutting and include measures that facilitate institutional reforms, strengthen greater accountability for crimes committed, or lay foundations for reparations, truth finding and confession, amnesty, memorization, and reconciliation.

37. In line with this, legal gaps with regards to incorporating torture and crimes against humanity as punishable offences in the Ethiopian legal system have been identified. Triggered by this, various initiatives to take legislative measures in this respect are being implemented. In addition to this, a draft legislation in line with the Kampala Convention has been finalized, waiting for a final review by the IMTF. The Government is in the process of adopting a transitional justice policy framework. These legislative and administrative

measures are taken with a strong conviction so as to contribute to preventing the occurrence these heinous crimes.

38. In relation to issues under CAT/C/ETH/Q/2 paragraph 7, during the period from 2016 to 2022, 2,421 individuals have been prosecuted, found guilty and sentenced to punishments ranging from three years to death penalty for crimes of Trafficking in Person and Smuggling of Migrants.

39. Ethiopia has adopted most of the international and regional legal instruments related to refugee, labor, internal displacement, and other migrants' rights. For instance, The Kampala Convention for the Protection of Internally Displaced Persons was ratified and the domestication process is underway.

40. On the other hand, Labor Proclamation No. 1156 of 2019 has repealed and replaced the previous law. One of the major developments the new law introduced is setting minimum working conditions to avoid forced labor and labor exploitation in the country.

41. With a view to protect citizens who are interested in working abroad and to prevent human trafficking, Ethiopia has signed bilateral agreements with host countries. In order to determine the participation of the private sector in the provision of overseas employment services and to increase the monitoring role of the Government in the implementation of such employment, the Overseas Employment Proclamation No. 923/2015 and the amendment Proclamation No. 1246/2021 as well as relevant directives have been issued and implemented. Due to these, over the last six months more than 38,000 individuals have benefited from legal and safe overseas employment opportunities.

42. The pre-existing proclamation No. 909/2015 is also replaced by a new legislation; a Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No. 1178/2020 aiming to fill gaps in the former proclamation. The new proclamation has provided salient provisions dealing with measures that have to be taken to prevent and control crimes and to assist and rehabilitate victims. Ensuring criminal liability of the perpetrators is also a core objective of the law.

43. Ethiopia has, in addition to the Criminal Justice Policy, adopted the National Integrated Crime Prevention Strategy, and Strategy to prevent and repress crimes of trafficking in person and Smuggling of Persons. The National Migration policy has been drafted and submitted to the council of Ministers for approval in 2022.

44. Regarding the measures taken to ensure the effective implementation of Proclamation No. 1178/2020, a National Partnership Coalition at the federal level and task forces in the regions were established for the prevention of human trafficking. Moreover, a National Council led by the Deputy Prime Minister has been re-established under the new law.

45. A directive has been issued to operationalize the coalition and determine its responsibilities. A guideline to establish a referral mechanism between members of the National Cooperation Coalition was also issued in 2020.

46. Regarding measures taken to enable victims of human trafficking access for effective remedy and compensation, and benefit under the victim and witness protection program, the directive No. 65/2019 for the rehabilitation of the victims has been approved and implemented. According to this, various economic and social supports are being provided to victims with special focus to vulnerable groups. Regarding compensation, the Proclamation has also provided a scheme that allows victims to seek compensation by themselves or through the public prosecutors from perpetrators of crime. A preparation of draft regulation is underway for the effective implementation of Victims' Fund.

47. A directory containing a list of institutions that provide services to victims has been published. A Standard of Procedure (SOP) has been prepared by the Victim Protection and Rehabilitation Working Group of the Coalition to facilitate efforts to rehabilitate returnees. An SOP has also been developed and implemented to assist in the process of locating, reuniting and registering migrant children separated from their families. With regard to the provision of non-custodial accommodations, Article 24 of the Proclamation stipulates that in no circumstances victims should be kept under custody, in police stations or prisons. In this respect, five Migrant Response Centers (MRCs) have been established at exit points and

borders³ to ensure non-custodial accommodation. In these centers, victims receive the necessary medical, psychological and legal support. Furthermore, to ensure non-custodial accommodation, the Government is working together with humanitarian organizations that provide shelter services. To this end, memoranda of understanding have been prepared.

48. A Victims' Referral Directive No. 562/2021 has been issued to regulate the manner in which services are provided to victims and the responsibilities of relevant institutions.

49. In addition, 15 rounds of capacity building trainings have been provided to those working at the federal and regional levels in the field of protection and rehabilitation of victims. Also, to make sure the implementation of training packages, a training manual for law enforcement agencies was prepared and distributed; training was provided to various federal and regional law enforcement agencies and various community members.

Article 3

50. In relation to issues under CAT/C/ETH/Q/2 paragraph 8, a national legal and regulatory framework has been put in place to facilitate work and out of camp residence permits. In this regard directives to determine the procedure for refugees right to work (No. 2/2019), out of camp residence (No. 1/2019) and, complaint handling procedure (No. 3/2019) are issued.

51. Standard Operating Procedures (SOPs) for RSD case processing as well as the development of nationality screening forms for group recognition of refugee status and internal guiding procedure for appeal hearing council are meant to strengthen and enhance the asylum process and strengthen accountability line with the refugee proclamation and related regulations.

52. The refugee Proclamation prohibits any person from being forced to return to a country where he is persecuted or tortured or oppressed on the basis of his race, religion, nationality, membership of a social group or political belief. For the realization of this fundamental principle of *non-refoulement* and upholding the right of for asylum as well as protection of recognized refugees, the Government has been diligently providing tailored awareness and trainings for relevant government institutions officers who are engaged in the work of refugee protection and managing RSD cases, among others. Such trainings often targeted those who are at the forefront of refugee registration and asylum-processing including officers working at border control posts such as immigration and security officers deployed at border check and entry points. Refugees and asylum seekers have similarly benefited from such trainings with a focus on the rights granted to them by the law including the right to stay in Ethiopia and prohibition of expulsion as well as the duties imposed on them.

53. Any person who fears that he will face real or actual persecution, danger, abuse or suffering because of his race, religion, nationality, membership of a social group, political opinion or other similar grounds has the right to seek asylum in Ethiopia including individuals facing expulsion, return or extraditions. If a person is applying for a refugee status in Ethiopia, his application is examined in accordance with international and national refugee laws and the procedures put in place to determine refugee status. In the course of placing asylum application the asylum seeker has all the right to seek and receive all relevant information in a language he understands, in particular relating to the procedures for refugee status determination including the right to appeal. In the case of a negative decision and if the asylum seeker files for an appeal (where he/she files for appeal to the Appeal hearing Council established by the refugee proclamation), he/she will have the same rights as any recognized refugee until the final decision of the Federal Supreme court. Until final decision on the RSD is given by the court the appeal has suspensive effect. During the report period, due to legislative safeguards, no person is returned to a country where he/she is at risk of being tortured.

54. The Government, in close coordination and collaboration with relevant humanitarian stakeholders working on refugee protection, has put in place different mechanisms to identify

³ These five MRCs are located in Moyale, Togochale, Dredawa, Semera and Metema.

and respond to vulnerable refugees' protection needs. This includes adoption and implementation of procedures to identify at-risk children and women survivors of violence at the reception and registration center; on the identification of unaccompanied and separated children for family tracing and unification and, alternative care arrangements. Furthermore, a Referral mechanism between service providers (MPHSS, health, legal, and protection) for survivors of trafficking, GBV, abuse, and exploited children are put in place. Standard operating procedures (SOPs) which indicate the roles and responsibilities of relevant actors working on child protection and gender-based violence and MPHSS are put in place. Moreover, One-Stop-Shops (OSSs) are established in 12 refugee camps to provide registration, documentation, and protection services in one center. Additional 14 OSSs are under construction.

55. In relation to issues under CAT/C/ETH/Q/2 paragraph 9, Ethiopia is one of the largest refugee-hosting countries in the world. Currently, it hosts 884,140 refugees and asylum seekers from 26 different countries as of January 28, 2023. 98% of these refugees are from South Sudan (410,507), Somalia (252,017), Eritrea (163,308) and Sudan (48,799) while the remaining 2 % (9509) come from Kenya, Yemen, Syria, Great Lakes Region, and others. The majority live in 22 refugee camps established across five regional states. Over 70,000 others also reside in the capital Addis Ababa as urban refugees. 47% of the refugees are women and girls, while 59% are children. (See Annex III for data disaggregated by sex for the period 2011 to 2022).

56. In extraditing individuals, requesting states are required to provide assurances that the rights of extradited persons would be respected. The content of these assurances include that he/she shall not be prosecuted or sentenced for any offence other than that for which he/she was extradited; nor shall he/she be re-extradited to any third state for an offence committed before his/her surrender without the consent of the GOE; and he/she shall not be subjected to torture or cruel, inhuman or degrading treatment or punishment and that he/she will receive at least the minimum guarantees in criminal proceedings as contained in international human rights conventions.

57. Over the last 9 years, a total of 9 extradition requests have been granted by Ethiopia to other countries. Ethiopia has received 8 persons in extradition from Djibouti (3), Kenya (4) and Saudi Arabia (1) during the same period.

Articles 5 to 9

58. In relation to issues under CAT/C/ETH/Q/2 paragraph 10, the draft Criminal Procedure and Evidence Code, specifically prohibits any international cooperation in criminal matters, including extradition, where there is a reason to believe that such cooperation would result in violations of fundamental rights and freedoms such as the protection against torture, inhumane, cruel and degrading treatment and punishment.

59. Ethiopia is a party to a number of international conventions/treaties which has international cooperation elements. For instance, the United Nations Convention against Transnational Organized Crimes, the United Nations Convention against Corruption and at regional level the Inter-Governmental Authority on Development (IGAD) Conventions on Extradition are just to mention few.

60. During the reporting period, Ethiopia has also concluded bilateral treaties on extradition with the Republic of China, Djibouti, the Sudan, Rwanda, Uganda, Turkey, and the United Arab Emirates.

61. Concerning the obligation to extradite or prosecute (*aut dedere aut judicare*), Article 21 sub-article 2 of the Criminal Code states that no Ethiopian national having that status at the time of the commission of the crime or at the time of the request for his extradition may be handed over to a foreign country. Similarly, Article 15 of the Ethiopian Nationality Proclamation No. 378/2003 provides that no Ethiopian national may be extradited to another state. Moreover, the treaties that Ethiopia has entered into provide similar provisions prohibiting the extradition of Ethiopian national to requesting countries.

62. However, to end impunity, and in line with the principle of extradition to another state or prosecute before the courts of the state (*aut dedere aut judicare*), Article 21 (2) of the

Criminal Code provides that the person who is a national of Ethiopia and, because of that, who cannot be extradited to a foreign state shall be tried by Ethiopian courts under Ethiopian law. The draft Criminal Procedure and Evidence Code also provides for the same in cases where extradition of aliens is not granted.

63. Ethiopia has been receiving several extradition requests from various countries. These include a request from the Kingdom of Netherlands for the extradition of an individual wanted for the crimes of acts against humanity, smuggling of persons, manslaughter and rape; a request from the Republic of Italy for the extradition of an individual wanted for crimes of transnational criminal association aimed at facilitating illegal immigration and unauthorized financial activities; request from the Republic of Djibouti for the extradition of three individuals who are wanted for crimes related to terrorism.

64. On the other hand, requests for extradition have been sent to three countries on cases related to terrorism charges. One of the countries have accepted the request and sent three individuals wanted for investigation and prosecution in the Country.

Article 10

65. In relation to the issues under CAT/C/ETH/Q/2 paragraphs 11 and 12, between 2010 and 2022, a total of 22,251 Federal and 4,799 regional prison police officers were given trainings on handling prisoners in line with the Revised Istanbul Protocol. Including on the protection of prisoners' human rights, professional ethics in service delivery and the implementation of the provisions of the Prison Commission Establishment Proclamation 1174/2020, on complaint handling mechanism and on guidelines for prisoner administration.

66. In the past three years, more than 90 trainings have been delivered to investigators. As a result, most government officials and staff members that work with prisoners have taken and completed the training.

67. Personnel and staff members of both Commissions are subjected to a weekly performance evaluation. In addition to this, a regular monthly, quarterly and annual performance evaluation of the Departments' and the Commissions are conducted. The evaluation results attest that the trainings provided had enhanced the officers' performance and reduced allegations of human rights violations, including incidences of torture and ill-treatment.

68. In 2021, Ethiopian Police University adopted new curriculum that deals with methods of delivering education and training for police officers. The curriculum includes measures to be taken to respect the human rights of suspected persons and prisoners, including their right to be protected from torture and inhuman treatment. A system to evaluate the impact of the trainings has been also designed.

69. Several trainings have been provided to judges, prosecutors and medical professionals on human rights including issues related to cases of torture and inhuman treatment. This is in addition to the regular pre-service and on-job trainings to prosecutors and judges by Justice and Legal Research and Training Institute and regional justice organs professionals' training centers.

Article 11

70. In relation to issues under CAT/C/ETH/Q/2 paragraph 13, since the initial report, the GoE has taken important and transformative steps including the adoption of different directives and manuals regarding methods and procedures of criminal investigations, treatment of detained and arrested persons, and treatment of prisoners.

71. In this regard, the Federal Police has developed a Criminal Investigation Manual in 2019. This manual takes the protection of rights and respect for the dignity of criminal suspects and detainees at its core. Accordingly, the Manual imposes duties on investigating officers to make sure, before admission to a detention facility, physical as well as medical examination of the detainee is conducted and that the report is kept at the registry. This same manual also imposes responsibility on the Commander of the relevant police precinct to receive complaints and grievances related to the treatment of detainees and take appropriate corrective measures.

72. In the Ethiopian legal system, a person may be arrested or detained only for criminal wrongdoings; in exceptional cases of civil proceedings, and at times of SOE. Government institutions and agencies with the mandate of executing arrest or detain a person are Federal and Regional Police, Military Police, and Military Prisons for crimes falling under the jurisdiction of Military Court and Federal and Regional Prison Administrations in accordance with a court order. Federal and Regional Police may detain or arrest a person for purposes of a criminal investigation that fall under the respective jurisdiction of federal or regional courts with, or in exceptional conditions, without an arrest warrant from a court. Besides these agencies, there is no informal detention facility run by militia groups contrary to allegations.

73. In relation to issues under CAT/C/ETH/Q/2 paragraph 14, pretrial detainees, detainees on remand and convicted prisoners are held separately in all detention facilities. Pre-trial detainees in particular are held under police custody. There is a separate prison facility, *Kilinto* Prison, under the Federal Prison Commission dedicated only to detainees on remand and four other penitentiaries serving only convicted prisoners. There is also a separate prison facility dedicated to women prisoners under the Federal Prison Commission. At prison facilities under the Federal Prison Commission, minors are also held in a separate zone from adult prisoners. (See Annex V for desegregated data including the number of prisoners, occupancy capacity of the prison facilities, and occupancy rate for the period 2010–2022.)

74. The Juvenile Rehabilitation Center with a capacity of holding 700 children in conflict with the law has been re-built at a cost of four hundred fifty million birr and inaugurated in September 2022 in Addis Ababa.⁴ This Center is expected to serve children between the age of 9 to 15. The center has 17 blocks with rooms, workshops for vocational training, classrooms, meeting halls, a library, rooms for psycho-social support, and sports facilities.

75. The Criminal Code of 2005 prescribes punishments other than imprisonment for most non-serious offenses and courts resort to these punishments frequently. These punishments include suspension of penalties, fines, and compulsory labor. In this regard, taking only three years' statistics,⁵ federal courts have passed sentences in 41,355 files of which 9,484 were sentences of fine. Moreover, in 11,080 files, the courts suspended the punishment while in 365 files, compulsory labor was imposed. These alternatives to imprisonment punishments account to 50.6% of the total sentences pronounced by courts. Furthermore, the draft criminal procedure and evidence law recognizes penalties alternative to imprisonment.

76. With regards to corrective measures taken to ensure that detainees do not remain in pretrial detention for longer than the maximum period prescribed in law, more than thirty Federal Police officers have been made accountable for disciplinary and legal punishments. In addition to this, due to the coming into force of the new Anti-Terrorism Proclamation, courts are taking complaints for compensation from those who were held for more than the maximum period for pretrial detention. In this regard, the Federal High Court found the Public Prosecutor liable for holding a suspect for the crime of terrorism for more than nine months without pressing charges and awarded the victim thirty thousand birr in compensation.

77. In relation to issues under CAT/C/ETH/Q/2 paragraph 15, the Federal Police, Federal Prison Commission, and regional police commissions have taken extensive measures to improve the conditions of detention at police stations and prison facilities.

78. New detention facilities have been built to address congestions in detention and prison facilities. In this regard, the Federal and regional police commissions including the Addis Ababa Police Commission have built new and up-to-standard detention facilities. For instance, ten new pre-trial detention facilities in ten different police stations have been built in Addis Ababa at a cost of more than twenty million Birr. These detention facilities are equipped with the necessary sanitary amenities. The Federal Prison Commission has also built four prison facilities: *Aba Samuel*, *Ziway*, *Shewarobit*, and *Diredawa*. All the facilities have 19 zones with the capacity of serving 950 prisoners in each zone. The new facilities have a total capacity of admitting 18,050 prisoners at a time and compared to the highest number of prisoners since the initial report, which is 15,756 in 2014/15, one can see the

⁴ <https://www.fanabc.com/english/the-capital-inaugurates-rehabilitation-center-for-children-involved-in-crime/>.

⁵ Fiscal year of 2016/17, 2017/18 and 2020/21.

progress made in terms of enhancing the capacity of prison facilities. These facilities have been constructed giving due attention to international standards of prisons. Each facility has adequate sanitary and shower installations, workshops for vocational training, visitation rooms, and health facilities.

79. Since the submission of the second periodic report, the Government has raised the daily budget for food and drinks allocated per prisoner by 60 percent. Furthermore, besides health facilities located in each detention facility, a referral hospital is under construction by the Federal Prison Commission to provide healthcare services to prisoners. These measures help address concerns associated with the provision of basic needs of prisoners.

80. Important measures have been taken to address the special needs of vulnerable prisoners. In this respect, a special arrangement has been established by the Commission that allows foster care institutions that took responsibility to look after minors whose mothers are in prison to bring the children once in two weeks period to the prison facility for visitation. Besides this, a special budget is allocated by the Commission to pregnant prisoners and women prisoners with an infant.

81. Furthermore, pregnant prisoners, women prisoners with an infant, elderly prisoners, prisoners with grave health condition, and foreigners are given priority in grants of pardon. In this regard, 144 prisoners who fell under this category were pardoned in 2017/18. Over the same period, psycho-social support was provided for 602 prisoners with special needs including prisoners with disabilities.

82. Before the coming into force of the Federal Prison Proclamation, solitary confinement of prisoners was taken as a disciplinary measure against prisoners as well as a way of rehabilitative measure against a prisoner even without disciplinary breach. Such practice of solitary confinement also had no time limitation. However, the adoption of the Federal Prison Proclamation has brought temporal as well as substantive limitations against the use of solitary confinement. The Proclamation under Article 50 has made solitary confinement only possible when a prisoner commits a serious breach of law or disciplinary code or when there is a reason to believe that a prisoner may cause grave harm against oneself due to his/her medical condition. However, such solitary confinement may not last longer than fifteen days. Moreover, it is prohibited by the law from keeping a prisoner in a dark room, denying a prisoner from going out of the room for at least three hours a day, keeping a prisoner in a room with no sufficient space and without a window large enough to allow natural light, denying prisoner from being visited by close relatives and attorney. According to this law, women, juvenile offenders, and prisoners who could be exposed to serious harm due to their health condition could not be subjected to solitary confinement.

83. Solitary confinement is subject to internal oversight and external supervision. Internally, the treatment of prisoners and detainees generally and prisoners in solitary confinement in particular is subject to oversight by the warden of the prison, the prison official in charge of the prison zone, and the medical doctor of the prison. On the other hand, by virtue of Article 62 of the Proclamation, independent institutions like the EHRC, Ombudsperson, and the relevant Standing Committee of the House of Peoples Representatives may conduct unannounced visits and supervision at any time to ensure that the treatment of prisoners including those who are in solitary confinement is in accordance with the law.

84. In relation to issues under CAT/C/ETH/Q/2 paragraph 16, there is no consensus about what should be the most appropriate age of criminal responsibility. The Criminal Code of Ethiopia sets the minimum age of criminal responsibility to nine years. Therefore, children below the age of nine years are not criminally responsible. This has been decided by taking into consideration of Ethiopian society. It is believed that a child who attains the age of nine has the moral and psychological maturity to understand the consequences of his/her actions.

85. In relation to issues under CAT/C/ETH/Q/2 paragraph 17, there is an established working procedure at the Federal Prison Commission that requires forensic medical assessment including autopsy in each case of death in custody and the report of the assessment will be attached to the deceased prisoner's file. See Annex I for detail data on deaths in prison facilities.

86. Different measures have been taken by the Federal Prison Commission to prevent the incidence of inter-prisoner violence in detention facilities. In this respect, a three-to-four-month training on anti-riot and counter-riot measures have been given to thirty to fifty members of prison police in each prison facility. Furthermore, a Rapid Response Prison Police Unit has been formed, with one hundred thirty members that can be deployed to control any riot that may be out of the particular prison facility's capacity. Moreover, in the last five years alone 377 regular and unannounced searches have been conducted in all prison cells of Federal Prison facilities to control illegal substances and harmful materials that may contribute to the incidence of inter-prisoner violence. In addition to these, 4496 and 2314 prisoners have been charged with minor and grave disciplinary breaches respectively, including participating in acts of violence in prison facilities.

87. In relation to issues under CAT/C/ETH/RQ/2 paragraph 18, as it has been clearly stated in paragraph 54 of the State Party's report, all unofficial detention facilities have been closed and a criminal investigation has been done against those who used to run such facilities. In connection to this, senior ex-officials of the NISS were found guilty of gross human rights abuses and sentenced from three years to eighteen years of imprisonment.

88. With regards to detentions of persons in connection with the conflict in the northern part of Ethiopia, as it has been indicated in the list of issues, most of the arrests and detention were made while the SOE was declared. These arrests and detentions were carried out upon reasonable suspicion that the detainee cooperates with TPLF or *Shene* designated terrorists. However, the Government takes any claims of arbitrary detention seriously and had established a complaint mechanism through which any person could challenge the legality of his or her detention. This mechanism was established, under the SoE proclamation, both at federal and regional levels. Furthermore, the SoE provides for individualized review of cases. The SoE Operation Command at each level of the federal and regional administration reviews each case and decides whether the person should be released, prosecuted or, in exceptional cases, remain in detention for the period prescribed by SoE. Accordingly, thousands of detainees were released through the above review mechanism. As it has been noted in the list of issues, the GoE lifted the SoE in February 2022 hence all persons detained due to the SoE are released. Furthermore, the Investigation and Prosecution Committee under the IMTF has investigated cases of arbitrary detentions and enforced disappearance in relation to the conflict and made its report public awaiting accountability proceedings.

89. In general, the Federal and regional police forces and, in matters under its jurisdiction, the National Defence Forces are the only state organs that have the authority to arrest and detain suspects under Ethiopian law. In all cases of detention or arrest, arresting authorities are required by law to report the arrest and detain the suspect in an official place of detention. In addition to the administrative measures taken by the Government to close unofficial detention centers run by former NISS officials, the Prevention and Suppression of Terrorism Crimes, Proclamation No. 1176/2020 provides that NISS no longer has the authority to arrest or detain suspects. These measures, in addition to complementing already existing safeguards for the protection of the rights of persons deprived of their liberty, play a significant role in preventing detention in unofficial detention centers. In relation to the issues raised concerning the SOE declared on 2 November 2021, TPLF (which is proscribed by the Legislative Organ of the FDRE as a terrorist group) bases in Tigray region and many of the supporters of this terrorist group are Tigrayans, the number of Tigrayans who are arrested may be higher in number. However, it cannot be considered as the measure has been taken because of their ethnicity. The legal measures are taken only on those suspected persons who have contributed to the success of the terrorist group's objectives, encouraged the activities of the terrorist group, or terrorize the civilian population. Similarly, the allegation that human rights defenders, dissenting journalists and protesters have been targeted during the SOE ignores the reality that those persons affiliated with these groups were detained as a result of their support to the terrorist groups.

90. However, the Government is also cognizant that some of the measures taken by the police on arresting some individuals were not proper. In such cases, the Government has investigated and prosecuted those responsible for the violation.

91. Regarding measures taken to hold perpetrators accountable in cases of arbitrary arrest, please see paragraphs 88 and 90 above.

Articles 12 and 13

92. In relation to issues under CAT/C/ETH/Q/2 paragraph 19, the Federal Police, the Federal Prison Commission, MOJ and the Ministry of Defense are the competent authorities to initiate and carry out investigation at a disciplinary level when police officer, prison personnel, public prosecutors or members of the military respectively are suspected of committing an act of torture or ill-treatment.

93. In exercising his/her police functions, a police officer is strictly prohibited from committing any inhuman or degrading treatment or act.⁶ As it is mentioned in the second periodic report, an act, by a police officer, of human rights contravention which includes committing an act of torture is regarded as a grave disciplinary offence under Article 54(20) of Regulation No. 268/2012. In such case, the Police Commission has the duty to initiate and carry out a disciplinary investigation and, if the officer is found guilty, he shall be dismissed and his service will be terminated.⁷ Charges of serious disciplinary offences are to be examined by the disciplinary committee established at the level of each sector of the Federal Police Commission.⁸ The committee provides recommendation regarding the penalty to be imposed on the police officer. Moreover, the Commission's Disciplinary Appeal Committee, mandated to examine and decide on appeals against rigorous disciplinary penalties, is established.⁹ Here, it should be noted that any concerned police officer is liable if he fails to institute or take disciplinary measures against a grave disciplinary offence.¹⁰

94. Similarly, a rigorous disciplinary penalty will be imposed on a prison warden who is found guilty of violating human and democratic rights stipulated in the Constitution.¹¹ At the federal level, Federal Prison Commission is competent to initiate and carry out disciplinary investigations against a prison warden who is suspected of an act of torture or other ill-treatments. The Prison Commission investigates such serious disciplinary offences through its disciplinary committee which is responsible for providing recommendation to the concerned higher officials.¹² Concerned officials of the Prison Commission who fail to institute or take disciplinary measures are also held liable for failure to take disciplinary measures or to institute investigation.¹³

95. As it was also stated in the second periodic report (para, 61), public prosecutors are required to respect and uphold human dignity while carrying out their duties. And the violation of this responsibility by a public prosecutor entails disciplinary measures against him/her. Disciplinary investigations against a public prosecutor are to be initiated and carried out by MOJ mainly through its Public Prosecutors Administration Council.

96. There are also legally established mechanisms to conduct investigation at disciplinary level where a member of the defense force is suspected of committing disciplinary offence. Accordingly, Regulation No. 385/2016 states that a disciplinary offence investigation committee that investigates rigorous disciplinary offence committed by members of the defense force shall be established at a company, regiment or other military units of equivalent level.¹⁴ On the other hand, an ad hoc disciplinary investigation committee shall be established at military units higher in level than a regiment. The committees are responsible to provide recommendation to the official of the concerned military office on the penalty to be imposed.¹⁵ The disciplinary penalty to be imposed on a member of the defense force could be dismissal from his service. Any member of the defense force who is responsible for executing a disciplinary penalty has liability if he fails to execute the penalty timely.

⁶ Federal Police Commission Establishment Proclamation 720/2007, Article 24(1).

⁷ Federal Police Officers Administration Regulation No. 268/2012, Article 67.

⁸ Ibid, Article 63 (1).

⁹ Ibid, Article 63(2).

¹⁰ Ibid, Article 61(4).

¹¹ Federal Prisons Wardens Administration Council of Ministers Regulations No. 137/2007, Article 57(1 & 18).

¹² Ibid, Article 58(2).

¹³ Ibid, Article 61(3).

¹⁴ Defense Forces Administration Council of Ministers Regulation No. 385/2016, Article 73.

¹⁵ Ibid, Article 85.

97. At a criminal level, as it has also been mentioned in the second periodic report (para 59), the power and duty of conducting criminal investigations is conferred upon police institutions. In Article 6 of the Ethiopian Federal Police Commission Establishment Proclamation No 720/2011, the power and duties to investigate, *inter alia*, any crime against the Constitution, the constitutional order and human rights is given to the Federal Police Commission. As a result, police have the duty to commence and carry out investigation whenever they know or suspect an offence is committed. However, it is notable that the Federal Attorney General Establishment Proclamation No. 943/2016 (and further affirmed under Proclamation No 1263/2021) empowers MOJ to oversee, follow up and coordinate the criminal investigation function of the Federal Police Commission. In particular, MOJ has the power to require the Commission to submit a report regarding an ongoing criminal investigation. The Criminal Justice Policy of Ethiopia, under its Section 3.5, also provides that the police and prosecutors jointly undertake criminal investigations while the responsibility for leading and following up the criminal investigation remains with MoJ. Thus, MoJ is responsible for giving necessary orders regarding a criminal investigation to ensure the legality and success/completion of an investigation. Therefore, there are clear legal and policy basis that requires crime investigating authorities to interact with the MoJ.

98. In relation to military offences, as provided under the Defense Forces Proclamation No. 1100/2019, the military police and military prosecutor have the power and duty of conducting investigation regarding military offences.¹⁶ An offence falling under the jurisdiction of the military court is required to be investigated by military crimes investigations departments or by a specially organized military team.¹⁷ However, the military prosecutor has the power to direct criminal investigations.

99. It was noted in the second periodic report (para. 57), the Criminal Justice Policy of Ethiopia provides the basic principles for criminal investigation. Under section 3.8, the Policy also requires for establishment of strong internal and external control mechanisms to ensure that functions of investigators of offences and of public prosecutors are carried out in transparent, accountable, fair and efficient manner. This would be actually possible if there is no inappropriate link between perpetrators and persons conducting the investigation.

100. Moreover, any interference by any person against public prosecutors not to perform their duties independently entail a criminal responsibility and punishment.¹⁸

101. As it is expressly provided under Article 6(3)(a) of Proclamation No 943/2016, MoJ has the duty to cause criminal investigations to be started. The Criminal Justice Policy also states that an investigator or public prosecutor should start any criminal investigation when it is of the opinion that there is sufficient cause to initiate investigation. Therefore, MoJ has the power to initiate and guide criminal investigation if it believes a certain crime such as torture or ill-treatment has been committed.

102. There are instances whereby an investigation was carried out against investigation officers who are suspected of committing torture and ill treatments. Among others, the criminal investigation and prosecution against senior officials and members of the National Intelligence and Security Service (NISS), the National Defense Forces, Police and Prison institutions for their involvement on the human rights violation including torture is notable.

103. With regard to the issue as to whether the alleged perpetrator is automatically relieved from duties while investigation is being conducted, the laws stipulate for the suspension of the alleged perpetrator. Both Regulations No. 268/2012 and Regulations No. 137/2007 provide for suspension from duty of an officer who is suspected of committing a disciplinary offence. Under Article 57 of Regulations No. 268/2012, a police officer may be suspended if, among others; he could obstruct the investigation by interfering with evidences; or the offence he is suspected of could lead to dismissal. Similarly, Article 59 of Regulation No. 137/2007 states that a prison police shall be suspended from duty if he is charged with a criminal or disciplinary offence which may lead to his dismissal. In fact, the suspension of

¹⁶ Defense Forces Proclamation No. 1100/2019, Art 29(4) and 34.

¹⁷ Ibid, Art 32(5).

¹⁸ The Federal Attorney General Establishment Proclamation No. 943/2016, Art 23.

police officers or prison police officers would last for a period not exceeding two months which assures the timely investigation of the alleged violation.

104. Likewise, any public prosecutor will be suspended from duty when, for instance, it is presumed that he may obstruct the investigation by interfering with evidence or the alleged disciplinary offence may lead to dismissal.¹⁹ The period of suspension would be up to a maximum of 45 days during the disciplinary investigation. There is also a possibility for suspension, up to a maximum of two months, of any member of the defense force where it is suspected that he may impede the investigation by hiding or tempering evidences.²⁰ The above mechanism of suspension is devised to also prohibit the alleged perpetrators from making any further contact with the concerned victims of torture or ill-treatment.

105. The Federal Courts Establishment Proclamation No. 1234/2021 stipulates that violations to justiciable human rights specified under the FDRE Constitution can be entertained before the Federal High Court.²¹ Following the coming into force of this proclamation, the judiciary has constituted a special bench within the Federal High Court which is named as Fundamental Rights Bench with the mandate, and entertaining human rights violations. This opened the door for victims of torture and inhuman treatment to lodge a suit for compensation against institutions and individual perpetrators. In a recent case instituted before Federal High Court for an alleged torture, the court has summoned five government institutions including the Office of the Prime Minister.²²

106. As opposed to the previous legal regime, under which budget was allotted by the executive, the judiciary has been directly presenting its budgets to the House of Peoples Representatives since 2019/2020.

107. In relation to issues under CAT/C/ETH/Q/2 paragraph 21, complaints and investigation of alleged acts of torture, cruel, inhuman, and degrading treatment follows the formal rules prescribed under the Criminal Procedure Code of the Country. Complaints can be filed by the victims or any other concerned citizens. The police and public prosecutors' offices are the principal organs where complaints are lodged. The police are duty bound to make investigation into the facts once a complaint is submitted. Where necessary, protective measures towards the victim or other witnesses are provided. If there is fear of retaliation, mechanisms are put in place to provide protection for victims, their families and witnesses. In cases where the police refuse to investigate a complaint, the victim or the person who raised the alarm has the right to complain to higher authorities in the police. Likewise, the victim may petition to officials at different levels of prosecution offices including to the higher officials if a prosecutor fails to institute a legal action after having obtained the necessary evidence.

108. Besides the above-mentioned complaint mechanisms, NHRIs such as the Ethiopian Human Rights Commission (EHRC) and local CSOs serve as a complaint outlet for victims of torture or ill-treatment so as to correct the wrongs done and to help in affording redress. The EHRC, in this regard, has a special desk with the power to receive complaints from the victims of torture or ill-treatments. This desk is also empowered to conduct investigation following the complaints and forward corrective measures.

109. In relation to issues under CAT/C/ETH/Q/2 paragraph 22, the Government has tirelessly been undertaking a comprehensive criminal investigation and prosecution on all alleged incidences of serious and widespread human rights violations and abuses committed by all parties in the context of and in connection with the conflict in Tigray, Afar and Amhara regions.

110. The investigation conducted on allegations of serious violations committed by TPLF forces and its affiliates established the commission of 2,831 cases of extra-judicial killing of

¹⁹ Public Prosecutors Administration Regulations No. 443/2018, Article 89(2).

²⁰ Regulations 385/2016, Article 27.

²¹ Federal Courts Proclamation No. 1234/2021 Article 11(3).

²² Yonas Gashaw v. Office of the Prime Minister (*et al*), Federal High Court File No. 262451. The suit was instituted against the Office of the Prime Minister, the Federal Police Commission, the Federal Prison Commission, the Federal Attorney General (now Ministry of Justice) and the Federal Courts Administration Council.

civilians; 1,315 cases of serious bodily injuries; 2,219 cases of torture, inhuman and degrading treatment and punishment; 2,212 rapes and various forms of sexual violence; and 36 cases of enforced disappearance.

111. On the other hand, multiple investigations have also been conducted by the investigation team of the Federal Ministry of Defense in response to allegations of the commission of various crimes in the context of the conflict in Tigray. To date, the investigations confirmed the commission of 60 crime incidences. As of August 2022, the Military Court rendered 27 convictions involving rigorous imprisonment up to 25 years, including one life sentence, and 2 acquittals. The remaining 33 cases involving rape (16), extrajudicial killings (9), bodily injury (7) and assault (1) are still pending.

112. The Government has received reports from different actors about possible attacks on the camps hosting refugees and IDPs. The security situation in Tigray, where the refugee camps are located, has prevented the government from conducting any investigation to date. With full control and after the reinstatement of basic services and infrastructures, the Government will rigorously engage in investigating on the alleged attacks, identifying the perpetrators and bringing them to justice.

113. In relation to effective redress to victims of attacks on refugee camps, a relocation task force comprised of the government and humanitarian organization was established as part of life-saving response. The task force carried out the transporting of refugees with the help of security agencies, and succeeded in relocating 22,035 refugees and 700 asylum seekers to newly established refugee site in North Gondar Zone, Dabat Woreda Alem-Wach. Moreover, 16,500 refugees were granted self-assisted Out of Camp Permit (OCP) in Addis Ababa.

Article 14

114. In relation to issues under CAT/C/ETH/Q/2 paragraph 25, the State Party has already presented support provided by the state to the victims in its second periodic report.

115. The State has taken legislative and administrative measures to ensure victims of torture and ill-treatment have access to effective remedies and obtain redress. As presented in para 38 above, several studies aimed at introducing legislative reforms are being conducted under the framework of the IMTF. Measures taken by the State to strengthen the judiciary are presented under paragraphs 105 and 106 above.

116. In 2020, MOJ embarked on a comprehensive study which examined the need for the adoption of a transitional justice policy framework and institutional arrangement in Ethiopia. The study was completed in 2022, and a smaller version, the “Policy Options for Transitional Justice” is now prepared as a basis for nation-wide consultations to be held for three months starting from March 2023. Once completed, the consultation process will inform the essence and form Ethiopia’s transitional justice policy which is expected to be adopted in September 2023. The policy will be critical in addressing several of the violations and grievances of the past through an approach that combines criminal accountability, reconciliation, amnesty, truth, reparation, and institutional reforms.

Article 15

117. In relation to matters under CAT/C/ETH/Q/2 paragraph 24, reports from the Ethiopian courts show that several such claims were presented by suspects/defendants, especially in the period prior to the change in administration 2018 and in particular with corruption and terrorism charges. The courts have decided, in cases where the claim has been upheld, the evidence obtained in such a manner is inadmissible. In many such cases, the court had also ordered an investigation by the police, Ministry of Justice or EHRC of such claims to hold perpetrators accountable. Administrative and criminal measures will be taken against any officer or investigator responsible for committing such violations. The draft criminal procedure and evidence code has also reinforced the exclusionary rule in a manner consistent with the Convention.

Article 16

118. In relation to issues under CAT/C/ETH/RQ/2 paragraph 25, the GOE, especially following the reform in 2018, has taken important measures with the view to end impunity, to ensure the prevalence of rule of law and to realize accountability for violations of human rights.

119. Regarding the incident in *Wolayita Zone*, an investigation task force comprised of members from the MOJ, Federal Police Commission, Southern Nations, Nationalities and Peoples Region (SNNPR) Attorney General and SNNPR Police Commission was established immediately after the situation happened on 9th and 10th of August 2020 in *Wolayita Zone*. Although there were complaints of excessive use of force by the law enforcement officers and, hence, investigations to that effect, there was no sufficient evidence establishing the allegations.

120. With regard to the cases related to June 2020 protests in Addis Ababa and Oromia Regional State, following the killing of popular Oromo singer *Hachalu Hundessa*, violences occurred which resulted in 180 civilian deaths, bodily injury to hundreds more, and destruction of civilian and public property estimated to close to hundred million dollars. The protests were neither peaceful nor against the GOE as such. Rather, these were religious and ethnic violences instigated and incited by certain political leaders. In the face of such violence and widespread unrest, the GOE had taken lawful measures per its constitutional power and duty to ensure law and order and protect the safety and property of its people. This includes the use and deployment of its security forces, including the Ethiopian National Defense Forces, following the rules and procedures prescribed by law.

121. In this regard, close to 3,560 individuals suspected of having participated in the violent unrest were charged with various offenses commensurate with the level of their participation. Out of these, 2,552 individuals were arrested and prosecuted while the rest were tried in absentia. So far, a total of 799 of the charged have been found guilty by the courts and sentenced per their respective offenses while 628 individuals were acquitted.

122. The October 2019 incident in the Oromia Region was related with Mr. Jawar Mohammed's (a political activist) complaint against the administrative decision calling off the guards assigned to protect Mr. Jawar, which was live streamed in social media. This social media stream has triggered a protest in some parts of Oromia Region and resulted in the death of dozens of civilians and destruction of property. An investigation was conducted by Oromia Region Attorney General and Police Commission with the support of the then Federal Attorney General. As the result of the investigation, several individuals, including police officers, who have been suspected of involving themselves in the killings and destruction of properties faced prosecutions with most of them being found guilty by the competent courts.

123. The July 2019 incident in the then SNNPR's *Sidama Zone*, now the *Sidama Regional State*, occurred after mass demonstration by activists and leaders of *Ejjetto*, a Sidama youth group spreading the protest, for unilateral declaration of the *Sidama* statehood. The protest resulted with casualties which were largely attributed to the protestors, allegations against security forces in using excessive force was made. However, due to lack of evidence, charges have not been pressed.

124. The 17 September 2018 occurrence was the result of a protest which broke out in Addis Ababa denouncing inter-communal violence in some parts of Oromia Region. Some youths alleged to be members of the Oromo Liberation Front carried out attacks in the localities of Burayu and its surrounding areas resulting in the deaths of people and destruction of properties. The security forces who engaged in peacekeeping and maintenance of order were confronted with the protestors allegedly killing and wounding some of the protestors. Following the incident, investigations were conducted and, as a result, several individuals including police officers have been prosecuted with some of them being already convicted.

125. Between the period from November 2015 to October 2016, Ethiopia was under a SOE of emergency declared in response to the growing protests especially in the Amhara and Oromia regions. After the reform took place in 2018, investigation was conducted so as to identify and bring to justice those members of security forces who allegedly used excessive forces. However, with lack and distortion of information by the past administration, bringing

those law enforcement and security forces who were accused of excessive use of force to justice was not effective.

126. In relation to issues under CAT/C/ETH/Q/2 paragraph 26, Ethiopia's Constitution, criminal law and the Sentencing Manual issued by the Federal Supreme Court ensure that death penalty is imposed only on the most serious criminal offences and in the absence of any extenuating circumstances.

127. As a result, death sentences are imposed in cases of grave crimes and on exceptionally dangerous criminals by the competent courts of law in Ethiopia in accordance with the laws of the land. Currently, as of November 2022, there are 124 convicts (122 men and 2 women) on death row. All the convicts have been found guilty and sentenced to the death penalty, inter alia, for aggravated homicide. The courts which have rendered the decisions are competent higher and supreme courts with jurisdiction to try serious crime cases. (Please see Annex VI for the statistics of convicts of death penalty).

128. Convicts on death row are held in maximum security facilities and are provided with the same humane treatment as other prisoners.

129. There has not been any shift with respect to Ethiopia's position to abolish the death penalty and accede to the Second Optional Protocol of the ICCPR. It is believed that the general consensus of the public at this moment is not towards abolishing the sentence of death penalty particularly for serious criminal offences. However, the draft criminal procedure and evidence code provides for death sentence to be commuted to life imprisonment if not effected within two years since rendition of final judgment.

130. In relation to issues under CAT/C/ETH/Q/2 paragraph 27, the GOE is committed to protecting the human rights of every individual including groups of individuals such as political opponents, human rights defenders, civil society activists and journalists.

131. However, through the regular law enforcement measures some journalists, bloggers, political activists, leaders and members of some political groups have been arrested and prosecuted with due process for their criminal activities. There were, in fact, allegations as to the violation of their human rights of these journalists and politicians arrested. These issues and challenges have continuously been brought to the Government's attention by various entities particularly by EHRC and the Government has been taking remedial measures continuously. However, although it is undeniable that there might be some shortcomings and challenges throughout the process of investigation, there were not major challenges and cannot be characterized as systemic.

132. As far as the nature of the charges are concerned, some of the suspects/accused/ claim that they are being held or charged for their political view or activity and that because they criticized the Government. Contrary to these allegations, the investigations reveal that there were thousands of people who are directly affected by the violence that these individuals instigated and incited. There might be a correlation between their conduct or political activity and the crimes they have committed, but a clear line should be drawn to distinguish between correlation and causation. Some of the suspects/accused/ are politicians, but they are not being charged for their political activity rather they are being charged for their act or their conduct that has resulted in the death of hundreds of citizens. This is not something that the Government should refrain from taking action, rather it is its prime responsibility to investigate and hold those involved accountable to the extent of their participation in the commission of the crime. There is no doubt that the individuals, the youngsters and those who directly participated in the mob attacks should be held accountable. But those who have instigated them, who have incited them, and organized them, should also equally be held accountable. Whether they are journalists, activists or politicians that shouldn't matter. Therefore, the investigations and prosecutions of this group of individuals have been done not for their political activities, rather they have been charged for their conduct that has resulted in the injury and death of citizens and destruction of public as well as private property.

133. In relation to issues under CAT/C/ETH/Q/2 paragraph 28, any corporal or physical punishment is illegal and punishable under the laws of Ethiopia. However, the Criminal Code under Article 68 and 576 (3) provides that acts reasonably done in exercising the right of

correction or discipline required or authorized by law do not constitute a crime and, thus, are not punishable.

134. The GOE has been exerting efforts to eliminate corporal punishment in all settings including family scenarios as well as in schools and other institutions through both legal and non-legal measures, which includes adopting a manual on child positive disciplining.

135. Positive child discipline is promoted through educational broadcasts, brochures and posters within the school system. Targeting the wider society, brochures, posters, billboards, community radio and electronic mass media broadcast programs are regularly employed to create community wide awareness on violence against children. Continuous awareness creation and mobilization using role models from communities, including religious and clan leaders, are employed to prevent violence through depicting the bad effects of corporal punishment and the benefits of alternative forms of child discipline.

136. Different mechanisms have also been put in place for children and others to report cases of violence and abuse including corporal punishment committed at home, in schools or care institutions. There have been efforts to use the community policing structures to protect children from corporal punishment. When children are at risk or experience such punishments, the children themselves or any other concerned person can report such incidents to the community police as they can easily be located and accessed from schools and community settings. Additionally, special investigation and prosecution units are operational to investigate crimes committed against children, including those committed in the context of corporal punishment.

137. Nevertheless, although assessments and consultations have been undertaken regarding issues, including corporal punishment, related to children, it further requires successive consultations with the public to prohibit through legislative measures disciplinary actions in family settings.

Other issues

138. In relation to issues under CAT/C/ETH/Q/2 paragraph 29, Ethiopia, among other things, has adopted a new law for the prevention and suppression of terrorism crimes – Proclamation No. 1176/2020. The Proclamation requires carrying out strong preventive and oversight measures and establishing a healthy legal framework that imposes penalties on perpetrators. It is intended to provide the Government with the necessary legislative and administrative framework geared towards preventing and controlling terrorism. For instance, it provides for preventive and special investigative techniques along with adequate safeguards for the protection of the rights of suspects; protection of witnesses; proscription of a terrorist organization; compensation to victims of terrorism, and also establishes coordinated institutional operations.

139. Maximum care has been made to make sure the new law is compatible with international human rights standards and rectifies the shortcomings of the previous law. Substantively, the law is in alignment with international good practices. Provisions of the previous law that are vague and broad in nature are replaced with a more restricted and internationally accepted norms. The law also stipulates the duties and responsibilities of each state organ and provides for criminal and civil liabilities in case of violations of the human rights of suspects. Article 36-38 of the new law stipulates that investigative police officers, National Intelligence and Security Service officers, and prosecutors who are engaged in the investigation of terrorist crimes must be trained in human rights protection and must have good ethical behavior. Furthermore, the law imposes duty on the Ministry of justice to follow up and monitor the human rights condition of persons detained under the anti-terrorism proclamation. Unlike the old law, NISS is no longer authorized to arrest and detain suspects. Detention of suspects in unofficial detention centers is prohibited. It can be understood from this and other similar provisions of the new law that in the preparation of the proclamation, the State has made extreme care to ensure better protection of human rights and to make it compatible with international human rights standards.

140. Several trainings on the contents of the new anti-terrorism law are provided to investigators, police officers and commanders. The trainings aim enhancing the capacity of law enforcement officials to discharge their responsibilities under the law and enhance protection of the fundamental human rights of suspects held under the proclamation. Furthermore, to ensure the proclamation is implemented in compliance with the State's obligation under the CAT and other human rights treaties ratified by the State, strict follow up of the investigation and prosecution of cases under the law is being exercised. The federal police commission's compliance handling manual of 2018 enables detainees who are subjected to human rights violations including torture and ill-treatment to bring complaint. The introduction of the manual has played a crucial role in ensuring investigators and police officers do not violate detainees' fundamental rights.

141. As of December 2022, 30 individuals have been prosecuted and convicted under the new legislation adopted to combat terrorism.

142. The new proclamation also provides for legal remedies and safeguards to persons subjected to antiterrorism measures. For instance, courts are required under article 39 to give priority to complaints brought by a person detained/charged under the anti-terrorism law and investigate and issue the appropriate order for correction. Furthermore, the detainee's right to bring a claim for compensation for the damage he has sustained, including moral damage is also recognized. Even though there aren't many complaints of the non-observance of international standards in applying measures adopted to combat terrorism so far, a defendant in one case has brought a complaint against the Ministry of Justice for failing to bring a charge against him within a reasonable time of receiving the police investigation report. The Federal High Court found the detention of the suspect during the period the prosecutor failed to bring a charge as an arbitrary arrest and awarded the defendant a sum of 30,000 Ethiopian Birr²³ as moral damage (Gebregiyorgis Gidey v. Federal Prosecutor, Federal High Court Case No. 292170).

143. In relation to issues under CAT/C/ETH/Q/2 paragraph 30, Ethiopia has been taking various measures to prevent the pandemic and mitigate the damage it could cause. While strict health monitoring and control were applied in detention facilities in accordance with the guidelines issued by the Ministry of Health, a number of works have been done to ensure that measures taken to prevent the Covid-19 pandemic do not violate the human rights of the detainees. In particular, a regular health monitoring is conducted in respect to the rights of the detainees consistent with the Convention on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

144. The State has adopted Emergency proclamation No. 3/2020 in order to respond to the threat of Covid-19 and prevent its spread. Based on the proclamation, a SOE Implementation Board is established, with the responsibility to control and monitor that the measures taken during a SOE are not inhumane in any respect, and to take corrective action when the SOE measures are believed to be inhumane. The board had a responsibility to give suggestions and bring all those who have committed inhuman acts to court under the Emergency Proclamation. Based on this, the board has been monitoring the implementation of the emergency proclamation and taking appropriate measures as required.

145. Another legal framework issued to prevent the spread of Covid-19 is the Executive Regulation No. 466/2020. This law is issued for the implementation of the SOE proclamation and specifically confirms that a person suspected of depriving the rights of a suspect during the emergency response to Covid-19 faces criminal liability. This is an indication that the emergency response to Covid-19 recognizes the obligation set by human rights law to realize suspects' fair treatment.

146. In addition to the emergency proclamation and regulations, various guidelines have been prepared and implemented. Accordingly, Directives No. 01/2020, 02/2020, 03/2020, 04/2020, 30/2021, 803/2021, 882/2022, 933/2023 and others have been issued and

²³ The maximum moral damage under Ethiopian Civil Code is 1000 Birr. However, the prevention and suppression of terrorism crimes proclamation, under article 41 provides for moral damages from Birr ten thousand to hundred thousand birr.

implemented. All legislative measures were developed in line with international standards and WHO guidelines in consultation with the Ministry of Health.

147. In addition to the Board, the EHRC has been given the responsibility to monitor the handling of human rights in cases of emergency in accordance to Article 2 of the Commission's establishment Proclamation (No. 1224/2020).

148. The State has taken due care, in line with international standards, to make sure persons in mandatory quarantine are not deprived of their fundamental rights. The State provided meal (three times a day), mattress, bed sheet, towels etc.; essential medical care, ambulance services and referral to dedicated hospitals, group and individual counselling and the likes. To prevent prolonged quarantine and isolation timely testing strategy was implemented. Isolation and treatment areas were also equipped in similar fashion in order to make sure patients in isolation are not treated in a manner that violates their basic human rights. Trainings on compassionate and respectful patient care were cascaded to national and regional hotline call centers and call handlers; health care providers and, supportive staffs. Protection section was instituted nationally and regionally to mitigate challenges of discrimination against vulnerable groups including women, children, people with disability, and persons deprived of their liberty. Mental health and psychosocial support (MHPSS) were provided through nationally and regionally organized MHPSS taskforces. Moreover, MHPSS trainings were provided for law enforcement and prison staffs.

149. In order to reduce prison congestion and prevent the spread of covid-19, the State has released through amnesty and parole about 7000 prisoners. Awareness raising trainings and treatment of prisoners in the context of the Covid-19 pandemic were also provided for prison officers and prisoners. Testing and quarantining of incoming inmates were implemented to prevent the spread of Covid-19 to the prison's population. According to the latest data, the State has provided Covid-19 vaccination to a total of 11,539 prisoners (male 9,763; female 570).

150. The Government understands the necessity of building a system to collect and organize desegregated data. However, it regrets to inform the Committee that, among other things, due to resource and skilled man power limitations, a modern and up to date statistical data collection systems on some areas are not yet in place. For this reason, Ethiopia is not in position to provide all of the disaggregated data the Committee requested in the list of issues. However, the Government would like to assure the Committee that, to the extent possible, the State has made the at most effort to include as much of the data as can be gathered. Moreover, to address the challenge, the Government is taking a serious measure to develop an organized and integrated data collection, storage and dissemination system in the Country.
