

DECISION No. 45/1992 (ETHIOPIA)

Communication addressed to the Government of Ethiopia on 8 April 1992.

Concerning: Haile-Mariam Dagne, Tiruworq Wakayu and Kidane-Mariam Tadesse, on the one hand, and Ethiopia, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it, and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of each of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same text as paragraph 3 of Decision No. 43/1992).

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Ethiopia. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. It appears from the facts as reported that Haile-Mariam Dagne, former Minister of Education and Ambassador to the German Democratic Republic, Vice-President of Addis Ababa University and Chairman of the Ethiopian Teachers Associations, Tiruworq Wakayu, Head of the Women's Section of the Workers Party of Ethiopia until May 1991 and the wife of former Deputy Prime Minister Teferra Wonde, and Kidane-Mariam Tadesse, Minister of Urban Development and Housing, were arrested in June 1991, following an order issued by the Provisional Government of Ethiopia which, after having taken power in May 1991, told former high Government officials to report to the new authorities. When they did so, they were reportedly arrested and detained. No specific reasons were given, then or since, either to the detainees or to their relatives who asked the authorities. Haile-Mariam Dagne, Tiruworq Wakayu and Kidane-Mariam Tadesse were said to be held by the security forces of the Ethiopian People's Revolutionary Democratic Front (EPRDF), together with over 200 other former party or local administrative officials arrested in mid-1991, in Sendafa Police College near Addis Ababa. Reportedly, the authorities stated that the detained officials were held on account of war crimes or human rights violations, and that they would receive fair trials in accordance with international standards. Some had reportedly been released in both Ethiopia and Eritrea, but no one has yet been formally charged with any offence. According to the source, there is no legal basis for these detentions. No formal state of emergency exists, yet the security forces of the EPRDF are able to arrest and detain people indefinitely without charge and

without the detainee having the right to challenge the detention through any judicial or administrative procedure. The criminal courts are reported to be inoperative since May 1991. The source further reported that most of the former officials were arrested on account of their position under the former government, and thus rather on account of collective responsibility for policies or abuses by the former government than on account of individual responsibility for particular criminal offences. In February 1992, a Special Prosecutor's Office was set up to deal with the cases as the first step to the opening of judicial proceedings against detainees, and legislation was being drafted regarding the judicial proceedings themselves.

6. It appears from the facts described above that Haile-Mariam Dagne, Tiruworq Wakayu and Kidane-Mariam Tadesse have been held in detention since June 1991 without being charged. They have been deprived of their right to use the judicial procedure for appealing against their detention and of their right to a fair trial, as guaranteed by articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights. In view of the allegations made by the source, and particularly those regarding the detention of 200 other representatives of the former regime, which have not been disputed by the Ethiopian Government, the Working Group considers that the non-observance of international provisions concerning the right to a fair trial is such as to justify this decision.

7. In the light of the foregoing, the Working Group decides as follows:

The detention of Haile-Mariam Dagne, Tiruworq Wakayu and Kidane-Mariam Tadesse since June 1991 is declared to be arbitrary, being in contravention of articles 9 and 10 of the Universal Declaration of Human Rights, articles 9 and 14 of the International Covenant on Civil and Political Rights and Principles 2, 4, 9, 10, 11, 12, 32, 37 and 38 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and falling within category III of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon the decision of the Working Group declaring the detention of Haile-Mariam Dagne, Tiruworq Wakayu and Kidane-Mariam Tadesse to be arbitrary, the Working Group requests the Government of Ethiopia to take the necessary steps to remedy the situation, so as to comply with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 8 December 1992