

DECISION No. 23/1993 (ETHIOPIA)

Communication addressed to the Government of Ethiopia on 1 July 1992.

Concerning: Mr. Yohannes Gurmessa Sufae, 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 in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned 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 to date no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of more than 90 days from 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 the case of alleged arbitrary detention brought to its knowledge.
3. (Same text as paragraph 3 of Decision No. 43/1992).
4. According to the communication, a summary of which has been transmitted to the Government of Ethiopia, Yohannes Gurmessa Sufae, a former military officer, aged 54, was arrested at a friend's home in Addis Ababa on 27 March 1992, by some 20 armed soldiers without any warrant. He was currently said to be detained at Sandaffa Police College, 40 kilometres from Addis Ababa. The reasons given by the authorities for Colonel Yohannes' detention were reportedly his failure to comply with the demobilization process by escaping from a demobilization camp, when the screening of ex-officers suspected of war crimes and embezzlement under the former regime was going on, and the training of soldiers of the Oromo Liberation Front (OLF). According to the source, Colonel Yohannes had valid medical papers attesting his inability to remain at the demobilization camp due to health reasons, and there is no law against the "non-completion" of rehabilitation formalities. As to the second reason invoked for the detention, the source denied the accusation that Colonel Yohannes was involved in training of soldiers of the OLF and affirmed that the OLF was a legal political party in the Transitional Government of Ethiopia, and membership thereof cannot be considered an illegal act.
5. The source later informed the Working Group that the Ethiopian authorities had acknowledged the escape from the demobilization camp and the training of OLF soldiers as grounds for Yohannes Gurmessa Sufae's arrest and detention. Nevertheless, the authorities did not indicate the legislation under which that decision was taken and did not give any specific details concerning the charges against him or the proceedings for a judicial inquiry, or the reasons for his continued detention. According to the source, the Ethiopian authorities declared that the acts with which Yohannes Gurmessa Sufae was charged were illegal, but did not indicate the

charge which was the subject of the judicial inquiry or whether the inquiry had been opened, or even whether the two acts with which he was charged constituted criminal offences.

6. 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 case, especially since the facts and allegations contained in the communication have not been challenged by the Government.

7. It is apparent from the facts as described above that Yohannes Gurmessa Sufae has been held in detention for more than 13 months now without charge or trial - in violation of his rights as guaranteed by 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 and 38 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The non-observance of the above-mentioned articles and principles relating to a fair trial is sufficiently serious to warrant the following decision.

8. In the light of the above, the Working Group decides:

The detention of Yohannes Gurmessa Sufae is declared to be arbitrary, being in contravention of 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, and falling within category III of the principles applicable in the consideration of the cases submitted to the Working Group.

9. Consequent upon the decision of the Working Group declaring the detention of Yohannes Gurmessa Sufae to be arbitrary, the Working Group requests the Government of Ethiopia to take the necessary steps to remedy the situation in order to bring it into conformity 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 30 April 1993