

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/ETH/CO/1)

ETHIOPIA

(...)

C. Main subjects of concern and recommendations

(...)

Fundamental legal safeguards

12. The Committee is seriously concerned about information on the State party's failure in practice to afford all detainees with all fundamental legal safeguards from the very outset of their detention. Such safeguards comprise the right of detainees: to be informed of the reasons for their arrest, including of any charges against them; to have prompt access to a lawyer and, when needed, legal aid and an independent medical examination, if possible by a doctor of their choice; to notify a relative; to be brought promptly before a judge; and to have the lawfulness of their detention reviewed by a court, in accordance with international standards. In this respect, the Committee is concerned that, under article 19 (3) of the State party's Constitution, the maximum period of 48 hours within which anyone arrested or detained on a criminal charge must be brought before a judge "shall not include a reasonable time taken in the journey to a court of law" and that, under article 59 (3) of the Criminal Procedure Code, remand in custody may be repeatedly prolonged for periods of 14 days each time. The Committee also notes with concern reports about the inadequacy of legal aid services provided by the Public Defenders Office and about frequent non-compliance by police officers with court orders to release suspects on bail (arts. 2, 12, 13, 15 and 16).

The State party should take prompt and effective measures to ensure that all detainees are, in practice, afforded all fundamental legal safeguards from the very outset of their detention. These include, in particular, the rights of detainees: to be informed of the reasons for their arrest, including of any charges against them; to have prompt access to a lawyer and, when needed, legal aid and an independent medical examination, if possible by a doctor of their choice; to notify a relative; to be brought promptly before a judge; and to have the lawfulness of their detention reviewed by a court, in accordance with international standards. The State party should also consider amending article 19 (3) of its Constitution and article 59 (3) of its Criminal Procedure Code, with a view to ensuring that anyone arrested or detained on a criminal charge is

brought promptly before a judge and preventing prolonged remand in custody, respectively.

The Committee recommends that the State party provide mandatory training to police officers on the rights of detainees, ensure that court orders to release suspects on bail are strictly enforced, and strengthen the capacity of the Public Defenders Office to provide legal aid services, as well as the quality of such services.

(...)

Rape and other forms of sexual violence in the context of armed conflict

16. The Committee is concerned about reports of rape and other forms of sexual violence against women and girls allegedly committed by members of the security forces and ENDF in the context of armed conflict, in particular in the Somali Regional State (arts. 2, 12, 13 and 14).

The Committee calls on the State party to investigate, prosecute and punish members of the security forces and ENDF responsible for rape and other forms of sexual violence in the context of armed conflict. The State party should take immediate steps to adequately compensate and rehabilitate the victims of such violence.

(...)

Coerced confessions

31. While noting that constitutional guarantees and provisions of the Criminal Procedure Code prohibit the admissibility of evidence obtained through torture, the Committee is concerned at reports of cases of confessions obtained through torture and the lack of information on any officials who may have been prosecuted and punished for extracting such confessions (arts. 2 and 15).

The State party should take the steps necessary to ensure that, in practice, confessions obtained under torture are not admitted in court proceedings, including in cases falling under the Anti-terrorism Proclamation, in line with relevant domestic legislation and the provisions of article 15 of the Convention. The Committee requests the State party to submit information on the application of the provisions prohibiting admissibility of evidence obtained through torture, and to indicate whether any officials have been prosecuted and punished for extracting such confessions.

(...)

42. **The Committee requests the State party to provide, within one year, follow-up information in response to the Committee's recommendations contained in paragraphs 12, 16 and 31 of the present document.**

(...)