



Téléfax: (41-22) 917 90 08
Téléphone: (41-22) 917 91.02
Internet www.ohchr.org
Email: jnataf@ohchr.org



Adresse:
Palais des Nations
CH-1211 GENEVE 10

REFERENCE: co/jmnf/jli/follow-up/CAT

1 December 2011

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the initial report of Ethiopia (CAT/C/ETH/1) by this Committee, at its 45th session, held from 1 to 19 November 2010. At the end of that session, the Committee's Concluding Observations (CAT/C/ETH/CO/1) were transmitted to your Permanent Mission. In paragraph 42 of those Concluding Observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year (by November 2011) further information regarding areas of particular concern identified by the Committee in paragraphs 12, 16 and 31 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Concluding Observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Ethiopia on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Handwritten signature of Felice D. Gaer in black ink.

Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations
Committee against Torture

H.E. Mr. Minelik Alemu GETAHUN
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Ethiopia
to the United Nations Office at Geneva
Fax: +41 22 919 70 29

COMMITTEE AGAINST TORTURE
 Forty-fifth session
 1-19 November 2010

**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.

(...)
