



**Ethiopia's Compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment  
Suggested List of Issues Relating to the Death Penalty**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996  
and

**The World Coalition Against the Death Penalty**

**75th Session of the Committee Against Torture  
31 Oct 2022–25 Nov 2022**

**Submitted 13 June 2022**

**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty** is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

## EXECUTIVE SUMMARY

1. This report addresses Ethiopia's compliance with its human rights obligations with regard to the death penalty. Although there are currently at least 147 people on death row in Ethiopia, the country has not carried out any executions during the reporting period and has also pardoned and released 41 additional death row inmates since that time.<sup>1</sup> The Federal Supreme Court of Ethiopia has also issued sentencing guidelines that purport to further reduce the likelihood of persons being sentenced to death as a punishment for their crimes.<sup>2</sup> Nonetheless, Ethiopia has not taken concrete steps to reduce the number of crimes eligible for the death penalty, and the use of torture and other due process violations related to judicial proceedings render all death sentences arbitrary.

### **Ethiopia fails to uphold its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

#### **I. Authorities subject suspects and potential witnesses to torture in order to obtain evidence, and such evidence is used to obtain convictions and sentence people to death (Concluding Observations paragraph 10 and 11).**

2. In its Concluding Observations, the Committee noted concern about the widespread use of torture, including by prison officers and police,<sup>3</sup> and about impunity for acts of torture and ill-treatment.<sup>4</sup>
3. Amnesty International has reported that, while the principal aim of torture during interrogation was to extract "confessions" from alleged suspects, torture was also used to force people to testify falsely against others. Noted locations of torture included the Federal Police Central Investigation and Forensic Directorate in Addis Ababa, more commonly known as *Maekelawi*, military bases and jails in different cities of Oromia (Shashemane, Borana, Neqemte, Dembi Dolo), the Amhara region (Gondor, Bahir Dar, Shewa Robit), the Tigray region (Humera, Mekele), and the Somali Region (Jigjiga).<sup>5</sup>
4. Amnesty International further noted that allegations of torture and other ill-treatment by defendants are rarely investigated and that judges have mostly rejected any arguments that forced confessions should not be presented as evidence by the prosecution, instead accepting evidence regardless of how it was obtained.<sup>6</sup>
5. In 2017, the Ethiopian Federal High Court ordered an investigation into allegations of torture and other ill-treatment in trials related to a fire that took place in the Qilinto Federal Remand Center in Addis Ababa by the Ethiopian Human Rights Commission. Prisoners reported having undergone torture in the Shewa Robit Federal Prison (also in Addis Ababa) after being

---

<sup>1</sup> Committee against Torture, *Second periodic report submitted by Ethiopia under article 19 of the Convention, due in 2014*, (26 May 2020), ¶112.

<sup>2</sup> Ibid.

<sup>3</sup> Committee Against Torture, *Concluding observations: Ethiopia* (20 Jan. 2011), U.N. Doc. CAT/C/ETH/CO/1, ¶10.

<sup>4</sup> Committee Against Torture, *Concluding observations: Ethiopia* (20 Jan. 2011), U.N. Doc. CAT/C/ETH/CO/1, ¶11.

<sup>5</sup> Amnesty International, *Submission for the Universal Periodic Review of Ethiopia 33rd Session of the UPR Working Group, 6-17 May 2019*, 4.

<sup>6</sup> Ibid.

transferred from the Qilinto Federal Remand Centre following the fire. Although the EHRC investigated these allegations, their report neither confirmed nor denied the allegations of torture, and there have been no formal remedies for any victims.<sup>7</sup>

## **II. People at risk of being sentenced to death often lack adequate representation by qualified legal counsel (Concluding Observations paragraph 12).**

6. According to the Cornell Center on the Death Penalty Worldwide, the Constitution recognizes that indigent defendants have a right to legal representation provided by the State. But even though there is a federal public defender's office, "state and local courts often lack public defender offices. When legal aid is provided through a public defender's office, it is often rendered by non-lawyers or inexperienced lawyers."<sup>8</sup> Moreover, attorneys are often unprepared for trial in part because defendants reportedly are not informed of the specific charges against them until trial.<sup>9</sup> Authorities commonly restrict or prohibit contact between defendants and their attorneys before trial, and some people charged under the Anti-Terrorism Law are held incommunicado.<sup>10</sup>

## **III. Ethiopian courts continue to sentence people to death and Ethiopian law does not limit the death penalty to the "most serious" crimes (Concluding Observations Paragraph 24).**

7. In the 2011 Concluding Observations, the Committee expressed concern about a recent increase in the number of death sentences pronounced and recommended that Ethiopia consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, extend its de facto moratorium on executions, commute death sentences for people on death row, and ensure protection under the Convention for all persons on death row.<sup>11</sup>
8. The Committee also expressed concern about the "Ginbot 7" case in which the Federal High Court sentenced five opposition leaders to death in absentia and sentenced another opposition leader to death after allegedly having subjected him to torture.<sup>12</sup>
9. The Committee requested that the Government of Ethiopia "indicate the current number of persons on death row, disaggregated by sex, age, ethnicity and offence."<sup>13</sup>
10. In response to the Committee's concerns and questions, the Second Periodic Report provides a brief and incomplete response:

---

<sup>7</sup> Ibid.

<sup>8</sup> Cornell Center on the Death Penalty Worldwide, *Ethiopia*, available at <https://deathpenaltyworldwide.org/database/#/results/country?id=25>, last visited June 3, 2022.

<sup>9</sup> Cornell Center on the Death Penalty Worldwide, *Ethiopia*, available at <https://deathpenaltyworldwide.org/database/#/results/country?id=25>, last visited June 3, 2022.

<sup>10</sup> Cornell Center on the Death Penalty Worldwide, *Ethiopia*, available at <https://deathpenaltyworldwide.org/database/#/results/country?id=25>, last visited June 3, 2022.

<sup>11</sup> Committee Against Torture, *Concluding observations: Ethiopia* (20 Jan. 2011), U.N. Doc. CAT/C/ETH/CO/1, ¶ 24.

<sup>12</sup> Committee Against Torture, *Concluding observations: Ethiopia* (20 Jan. 2011), U.N. Doc. CAT/C/ETH/CO/1, ¶ 24.

<sup>13</sup> Committee Against Torture, *Concluding observations: Ethiopia* (20 Jan. 2011), U.N. Doc. CAT/C/ETH/CO/1, ¶ 24.

Concerning the Committees' recommendation pertaining to imposition of death penalty (CAT/C/ETH/CO/1 paragraph 24), further to what the Committee noted in the [Concluding Observations] the Federal Supreme Court of Ethiopia during this reporting period has issued sentencing guideline, which even further narrowed the likelihood of imposition of the death penalty. Thus, although as of April 2019, there have been 147 death row inmates (143 male and 4 female) no one has been executed since the last report. Furthermore, 41 death row inmates have been pardoned and released from prison during the reporting period.<sup>14</sup>

11. Ethiopia had no known death sentences issued in 2019 or 2020<sup>15</sup> and is not reported to have carried out any executions since 2007.<sup>16</sup> Ethiopian courts sentenced at least two people to death in 2021. According to Amnesty International, in April 2021, a court in Oromia sentenced a man to death for murder.<sup>17</sup> Amnesty International further reports that on August 6, 2021, “the Western Command First Instance Military Court convicted an undisclosed number of members of the Ethiopian National Defence Force (ENDF) of treason for conspiring with the Tigrayan People’s Liberation Front (TPLF) to launch an attack on the military in the context of the armed conflict in Tigray. Those convicted were sentenced to death or to life imprisonment.”<sup>18</sup>
12. The Constitution of Ethiopia provides a framework for the protection of human rights.<sup>19</sup> Article 14 guarantees every person the inviolable and inalienable right to life and the security of person; Article 15 guarantees that every person has the right to life and no person may be deprived of their life except as a punishment for a serious criminal offence determined by law; and Article 18 states that everyone has the right to protection against cruel, inhuman or degrading treatment or punishment. The Constitution of Ethiopia gives the President of the Federal Government the power to decide whether capital punishment should be carried out, by approving the judicial conviction or commuting the punishment to life imprisonment.<sup>20</sup>
13. Under Ethiopian law, a person may be sentenced to death for aggravated murder, robbery causing the death of the victim, failure to give proper medical treatment that causes the death of a wounded combatant on the battlefield, as well as certain vaguely defined terrorism-related

---

<sup>14</sup> Committee against Torture, *Second periodic report submitted by Ethiopia under article 19 of the Convention, due in 2014*, (26 May 2020), ¶112.

<sup>15</sup> Amnesty International, *Death Sentences and Executions 2021* (2022), at 13, available at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>; Amnesty International, *Death Sentences and Executions 2019* (2020), at 44, available at <https://www.amnesty.org/en/documents/act50/1847/2020/en/>.

<sup>16</sup> Cornell Center on the Death Penalty Worldwide, *Ethiopia*, available at <https://deathpenaltyworldwide.org/database/#/results/country?id=25>, last visited June 3, 2022; Amnesty International, *Death Sentences and Executions 2021* (2022), at 13, available at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>; Amnesty International, *Death Sentences and Executions 2019* (2020), at 44, available at <https://www.amnesty.org/en/documents/act50/1847/2020/en/>.

<sup>17</sup> Amnesty International, *Death Sentences and Executions 2021* (2022), at 55, available at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

<sup>18</sup> Amnesty International, *Death Sentences and Executions 2021* (2022), at 55, available at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

<sup>19</sup> 1995 CONSTITUTION [Federal Democratic Republic of Ethiopia], available online at <http://www.wipo.int/edocs/lexdocs/laws/en/et/et007en.pdf>.

<sup>20</sup> 1995 CONSTITUTION [Federal Democratic Republic of Ethiopia], art. 28. See Suryaraju Mattimalla, *Compatibility of Death Penalty with the Purpose of Criminal Punishment in Ethiopia*, 11 *The Age of Human Rights Journal* 91, 102-103 (2018).

offenses, including offenses not resulting in death.<sup>21</sup> The Criminal Code also authorizes the death penalty for certain other crimes not resulting in death, such as robbery as a member of a gang, certain economic crimes, treason, espionage, and certain military offenses.<sup>22</sup> Moreover, attempted crimes are punishable by the same punishment as the attempted offense, and crimes that are not expressly eligible for the death penalty may nonetheless be so punished if the offense is aggravated under the Criminal Code.<sup>23</sup>

#### **IV. People under sentence of death continue to experience torture and cruel, inhuman, and degrading conditions of detention (Concluding Observations Paragraph 24).**

14. The Committee in 2011 also emphasized “that the conditions of detention of convicted prisoners on death row may amount to cruel, inhuman or degrading treatment, in particular owing to the excessive length of time on death row.”<sup>24</sup> The Committee recommended that Ethiopia ensure humane treatment for all persons on death row.<sup>25</sup>
15. According to the Cornell Center on the Death Penalty Worldwide, people under sentence of death “may be kept in punishment cells known as dark rooms, which are small, dark, and damp and cold for part of the year. There is limited access to food and water, sanitation, and visits from relatives. Medical treatment is inadequate and sometimes withheld from prisoners. . . . Torture and violence [are] rampant in Ethiopian prisons.”<sup>26</sup>

#### **V. Suggested Questions for the Government of Ethiopia:**

16. The coauthors of this report suggest the following questions for the Government of Ethiopia:
  - Please provide updated data about all people currently under sentence of death within Ethiopia, disaggregated by sex, age, ethnicity, offense, status as a civilian or member of the armed forces, date the death sentence was pronounced, and jurisdiction pronouncing the death sentence.
  - Please provide additional detail about the sentencing guidelines issued by the Federal Supreme Court of Ethiopia that reportedly narrow the likelihood of imposition of the death penalty and describe whether these or similar guidelines apply to military or state-level courts.
  - Please provide data about all complaints received alleging torture or other ill-treatment with respect to evidence that prosecutors attempted to introduce at trial, including the nature of the complaint, the authority receiving the complaint, investigative measures

---

<sup>21</sup> Cornell Center on the Death Penalty Worldwide, *Ethiopia*, available at <https://deathpenaltyworldwide.org/database/#/results/country?id=25>, last visited June 3, 2022.

<sup>22</sup> Cornell Center on the Death Penalty Worldwide, *Ethiopia*, available at <https://deathpenaltyworldwide.org/database/#/results/country?id=25>, last visited June 3, 2022.

<sup>23</sup> Cornell Center on the Death Penalty Worldwide, *Ethiopia*, available at <https://deathpenaltyworldwide.org/database/#/results/country?id=25>, last visited June 3, 2022.

<sup>24</sup> Committee Against Torture, *Concluding observations: Ethiopia* (20 Jan. 2011), U.N. Doc. CAT/C/ETH/CO/1, ¶ 24.

<sup>25</sup> Committee Against Torture, *Concluding observations: Ethiopia* (20 Jan. 2011), U.N. Doc. CAT/C/ETH/CO/1, ¶ 24.

<sup>26</sup> Cornell Center on the Death Penalty Worldwide, *Ethiopia*, available at <https://deathpenaltyworldwide.org/database/#/results/country?id=25>, last visited June 3, 2022.

taken, results of the investigation, whether evidence was ultimately introduced at trial, accountability measures pursued, and remedies, if any, provided to the victim.

- Please provide data about all complaints received alleging torture or other ill-treatment against persons under sentence of death, including the nature of the complaint, the authority receiving the complaint, investigative measures taken, results of the investigation, accountability measures pursued, and remedies, if any, provided to the victim.
- What steps has Ethiopia taken to convert its de facto moratorium on executions into a de jure moratorium?
- What steps has Ethiopia taken to ensure impartial, thorough, and transparent investigations into cases of torture perpetrated by state actors?
- What procedures are in place to reform the judicial system to ensure that courts do not consider evidence obtained through torture, except when individuals are tried for committing acts of torture?
- Please provide information about all cases in which officials have been criminally prosecuted for committing acts of torture against suspects or defendants in criminal proceedings, including the outcomes of those cases.
- What concrete measures is Ethiopia taking to regulate interrogation methods and their procedures, duration, and location?
- Please describe the laws and policies in place to ensure that any person at risk of being sentenced to death is afforded qualified legal counsel, including in proceedings at the state and local level.
- What provisions are in place to ensure that any person at risk of being sentenced to death is able to consult with legal counsel before trial to prepare a meaningful defense?
- What steps has the State Party taken to improve the quality of legal representation for people at risk of being sentenced to death?
- What training does the State Party provide to public defenders and other attorneys who represent people charged with crimes that may be subject to the death penalty, and what financial resources does the State Party provide to the defense team to ensure they are able to conduct a thorough investigation to mount an adequate defense?
- What measures are authorities taking to ensure that detention conditions comply with the Nelson Mandela Rules?