

**218: Resolution on the Human Rights Situation in the Democratic Republic of Ethiopia
The African Commission on Human and Peoples' Rights (the African Commission),
meeting at its 51st ordinary Session held in Banjul, The Gambia from 18 April to 2 May
2012**

Recalling its mandate to promote and protect human and peoples' rights in Africa pursuant to the African Charter on Human and Peoples' Rights (the African Charter);

Considering Article 1 of the African Charter which calls on Member States to adopt legislative or other measures to give effect to the rights and freedoms enshrined therein;

Recalling the obligations of States Parties to the African Charter under Articles 5, 6, 7, and 9 of the African Charter as elaborated by the African Commission's *Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (The Robben Island Guidelines)*; *Declaration of Principles on Freedom of Expression in Africa*; and *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa*;

Deeply Concerned at the frequent allegations of the use of torture in pre-trial detention in Ethiopia, particularly in the Federal Police Crime Investigation and Forensic Department of Maikelawi in Addis Ababa, where political prisoners are detained, interrogated and frequently subjected to torture or other forms of cruel, inhuman or degrading treatment or punishment;

Further Concerned with the difficulties encountered by independent monitors, legal representatives and family members to visit prisoners and to access places of detention in Ethiopia, which increases the risk of being subjected to torture and other forms of ill-treatment;

Deeply concerned at the reported use of unofficial and ungazetted places of detention in Ethiopia, including military camps and private buildings, wherein torture is reported to take place, and the unofficial nature of which also increases the risk that detainees will be subjected to torture or other forms of ill-treatment;

Gravely alarmed by the arrests and prosecutions of journalists and political opposition members, charged with terrorism and other offences including treason, for exercising their peaceful and legitimate rights to freedom of expression and freedom of association;

Condemning the excessive restrictions placed on human rights work by the Charities and Societies Proclamation, denying human rights organizations access to essential funding, endowing the Charities and Societies Agency with excessive powers of interference in human rights organizations, further endangering victims of human rights violations by contravening principles of confidentiality;

CALLS ON the Government of Ethiopia to:

i. Allow access to prisons and other places of detention to independent monitors, and grant all detainees and prisoners access to their families and legal counsel, and provide any medical treatment they may require, in accordance with Article 16 of the Charter;

ii. Immediately move any detainees currently held in unofficial places of detention to a recognized detention center; and charge all of them with a recognizable criminal offence, and try them in a timely manner in trials which meet international standards of fair trial, or immediately and unconditionally release them;

iii. Adopt strategies with a view to providing continuous training for the judiciary and prison administration on regional and international instruments for the promotion and protection of human rights, with particular focus on the rights to fair trial and the human rights of detainees, including the Robben Island Guidelines;

iv. Amend the Charities and Civil Societies Proclamation in accordance with the UN Declaration on Human Rights Defenders;

Remove restrictions on freedom of expression imposed on the Mass Media by the Access to Information Proclamation (2008) and the Anti-terrorism Proclamation (2009) that do not conform to rights of freedom of expression provided in international human rights law.

Done in Banjul, The Gambia, 2 May 2012