

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. What services does the Ethiopian government provide in the area of protection of women from harm and with regard to women in general?**
- 2. Are there effectively operating police and court services?**
- 3. Can it be said that “Arabs hold a great deal of influence” in Ethiopia?**
- 4. What is the situation for people of the Amharic tribal group?**
- 5. Anything else you feel might be relevant.**

RESPONSE

- 1. What services does the Ethiopian government provide in the area of protection of women from harm and with regard to women in general?**

Information provided in response to this question has been organised under the following three headings:

- [Protection of Women](#);
- [Trafficked Returnees](#); and
- [General](#).

Protection of Women

The US Department of State provides the following information on protection of women from harm in Ethiopia:

While women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. The government began to prosecute offenders on a limited scale (US Department of State 2006, *Country Reports on Human Rights Practices 2005 – Ethiopia*, 8 March, Section 5 Women – Attachment 1).

An example of a woman trying to access justice after being raped is included as Attachment 2 and Attachment 3. This example illustrates the difficulties women experience in accessing justice. Please note that this example is unusual in that the victim and her family not only attempted to access justice but followed the case through despite all the difficulties encountered.

In March 2001, 13 year old Woineshet Zebene Negash was abducted by four men and raped for two days in Abadjema. The police arrived and arrested the suspect. Her father decided the case would go to court. The accused was released on bail. That week, the accused abducted Woineshet again and raped her for 15 days. Woineshet was taken to a health centre where a nurse found “She is no longer a virgin. Not sure of date of penetration, could be recently...Many bruises and scratches around vagina.” Woineshet’s evidence was taken to court in Asela, where 4000 cases are handled a year by one computer, four judges and ten lawyers, “most of whom have had a few months of training after high school.” Judge Ukie said “I don’t think she was abducted or raped...The health report did not specify that she was a fresh virgin. No one wants to rape anyone who is not a virgin. Maybe they were just in love. This case has no evidence.” Woineshet’s state-appointed lawyer also expressed doubt, he said “I think Woineshet was like, ‘Please rape me.’ ...Culturally, no one rapes a non-virgin. So unless we can prove for sure she was a virgin until the time of the rape, there is reasonable doubt and the man should just be left alone.” Woineshet went to her grandmother’s house but the family of the accused came and beat her demanding she sign the marriage contract. They forced an indecipherable signature and left. Woineshet moved in briefly with a police officer and ended up begging shelter in the police station. In November 2003, the accused was convicted of rape and kidnapping and sentenced to 10 years in prison. One month later, the accused was released from prison. Judge Ukie said that there were not enough witnesses and that Woineshet’s family “is only out for revenge. ...Maybe they don’t want her to marry him. So they accuse him of rape.” Woineshet and her father, backed by the Ethiopian Women Lawyers Association (EWLA) and Equality Now appealed the case (Wax, Emily 2004, ‘Ethiopian Victim Pits Law Against Culture’, *Washington Post*, 7 June, allAfrica.com website <http://allafrica.com/> – Accessed 18 January 2007 – Attachment 2).

An appeal was heard and dismissed by the Oromia Supreme Court on 4 December 2004. A further appeal was to be held on 4 July 2005 by the Cessation Bench of the Oromia Supreme Court. No further information on the case was found amongst the sources consulted (Equality Now 2005, ‘Ethiopia: Abduction and Rape--Law Reform and the Case of Woineshet Zebene Negas’, Women’s Action 22.4, June http://www.equalitynow.org/english/actions/action_2204_en.html – Accessed 18 January 2007 – Attachment 3).

The EWLA provides training to prospective graduates of the police force on women’s rights including the amended family law, penal code and gender. The EWLA “provides free legal advice and counselling in civil and criminal cases to women who are victims of violence and those women facing other problems such as marital disputes, paternity issues, maintenance claims, succession rights, employment issues” in Addis Ababa, Nazareth, Diredawa, Awassa, Gamebela, Assosa and BahirDar. The EWLA drafts documents such as “petitions, court briefs, affidavits, and memorandum of appeals to courts.” The EWLA also monitors the progress of cases with the police, public prosecutors, courts and other relevant organisations (‘Legal Aid’ (undated), Ethiopian Women Lawyers Association website <http://www.etwla.org/legal-aid.html> – Accessed 18 January 2007 – Attachment 4; and Ena 2006, ‘EWLA Provides Training to Police Members on Women’s Rights’, *Ethiopian Herald*,

1 September, allAfrica.com website <http://allafrica.com/> – Accessed 18 January 2007 – Attachment 5).

Trafficked Returnees

A report dated October 2003 by the International Labour Organisation provides information on Ethiopian female labour migrants. The report found that the Ethiopian government “has not addressed the issues of social and economic reintegration” of returnees. The report also found that there is currently one NGO, Felege Wogen, who assist returnees who return home and have remittances to invest:

The issue of Ethiopian women who are trafficked to the Middle East has not been given the attention it deserves. Although some steps have been taken by the Government in order to prevent trafficking and assist victims, as discussed in previous sections, the Government has not addressed the issue of social and economic reintegration. Discussions with returnees confirm this fact. All the returnees who participated in the group discussions stated that they have received no support from the Government since their return. Most came back with little money to invest and they have not been assisted in finding employment and, as a result, some are considering going back to the Middle East. As private employment services are not widespread, they are contemplating using illegal agents again to facilitate their departure.

... Currently, there is one private initiative that aims to assist migrants to return to their country and reintegrate into the society. Felege Wogen is a local NGO established by Ethiopians to repatriate and reintegrate Ethiopian migrants. This organization focuses on three types of migrants. The first group consists of those migrant workers who are disadvantaged in their country of destination, as in the case of Ethiopian migrant workers in the Gulf States. The second group consists of those migrants who want to come home but are afraid to do so because they have no savings to invest to create employment for themselves. This, to a certain extent, includes Ethiopian migrant women in the Gulf States. The third group includes those migrants who want to come home and have remittances they want to invest.

Felege Wogen has begun by assisting migrants in the third category and is still in the process of raising funds to help migrants in the other two categories.

...No private initiatives provide counselling to returning victims of exploitation. Victims who have been traumatized are assisted by their families to seek professional help if they can afford it or else they are left with no assistance whatsoever, which is the mostly the case (Kebede, Emebet 2003, *Ethiopia: An Assessment of the International Labour Migration Situation – The case of female labour migrants*, International Labour Organisation, October, pp.37-40 <http://www.ilo.org/public/english/employment/gems/report/swmeth.pdf> – Accessed 19 January 2007 – Attachment 6).

An article dated 29 June 2004 by *IRIN* reports that the first ever centre to help victims of trafficking has opened in Addis Ababa. The centre can accommodate up to 12 victims of trafficking at a time and will offer women shelter, medical assistance and psychological counselling. According to Rakeb Messele of the International Organisation for Migration very few organisations offer support to victims of trafficking in Ethiopia despite the large number of women involved (‘Ethiopia: Centre for Helping Victims of Trafficking in Addis Ababa’ 2004, *IRIN*, 239 June, allAfrica.com website <http://allafrica.com/> – Accessed 18 January 2007 – Attachment 7).

General

For general information on women in Ethiopia please see Section 24.01 to Section 24.59 of the UK Home Office's *Country of Origin Information Report – Ethiopia* dated 6 November 2006 which refers to political and legal rights, social and economic rights, labour rights, marriage, domestic violence, pregnancy, abortion, family planning, violence, rape and female genital mutilation amongst others (UK Home Office 2006, *Country of Origin Information Report – Ethiopia*, 6 November – Attachment 8). A report by the UN Committee on the Elimination of Discrimination against Women dated 30 January 2004 provides information on Ethiopia's progress on implementing the UN Convention on the Elimination of All Forms of Discrimination against Women (UN Committee on the Elimination of Discrimination against Women 2004, *Concluding Comments: Ethiopia*, 30 January, CEDAW/C/2004/I/CRP.3/Add.7/Rev.1 <http://www.un.org/womenwatch/daw/cedaw/cedaw30/EthiopiaCC.PDF> – Accessed 18 January 2007 – Attachment 9).

A report dated April 2005 by the Ethiopian Women Lawyers Association provides information on the political participation of women in Ethiopia. A summary of the main findings of the study follows:

Women's representation in the former regimes had been insignificant and it continued to be limited after EPRDF [Ethiopian Peoples' Revolutionary Democratic Front] came to power. Currently, women represent a mere 7.7% of members of the national parliament, and the overall number of elected members of State Councils is just 13%.

...Obviously, women are as capable of running for elected posts as men are. It can safely be concluded that women's limited political participation is a result of the numerous challenges that women face. The challenges can be summarized as follows:

1. Traditions, cultures and societal attitudes that force women into roles that lead to their exclusion from participating in the political process.
2. Women's largely unshared domestic responsibilities that leave them overworked, economically dependent and unlikely to compete in equality with men.
3. Illiteracy or low level of education of women that contributes significantly to their low political understanding, unfamiliarity with basic democratic concepts such as political rights as well as anti-discriminatory laws, and limited opportunities for employment.
4. Limited opportunities particularly for key employment positions make visibility in the community practically difficult to attain and increases their economic dependence on men. Limited employment opportunities or lower paying jobs for women are likely to make it difficult for them to finance their campaigns to political elections. Arguably married women are the most affected as, in addition to the challenges that affect other women, they may face the problem of not being able to manage their own income or use their income for election purposes.
5. Poverty leaves women with insufficient time to be interested in politics as they would be concerned with earning a daily living for their families than following any specific political agenda. Poverty often results in women's financial dependence on men, which is a condition that forces many women to be submissive and easy to influence, where, as often is the case, husbands or other family members do not want them to be involved in politics.
6. The failure of political parties to view women as desirable candidates and thereby not easily accepting or promoting them.
7. Male dominance of political structures that leads not only to politics being considered not 'women's place' but also to the dominance being perceived as natural. The situation is

uninviting or even hostile to women. The lack or shortage of women political representatives that can serve as role models is another weak point that reinforces the stereotypes.

8. The lack of strong women's organizations (in addition to EWLA) that realize the challenges that women face because of their gender and that can support women candidates to overcome these obstacles particularly in their campaigns.

9. The plurality of votes electoral system that is favorable to community leaders and other visible individuals, who are disproportionately male, to the exclusion of women, who are traditionally invisible (Zelege, Tigist 2005, *The Political Participation of Women in Ethiopia: Challenges and Prospects*, Ethiopian Women Lawyers Association, April, pp.48-49 <http://www.etwla.org/papers/PoliticalParticipation.pdf> – Accessed 18 January 2007 – Attachment 10).

A report dated October 2004 by Daniel Haile, Dean and Associate Professor at Unity University, provides information on the legal status of Ethiopian women in the workplace. A summary of the constraints on women's opportunities for entry into the labour market in Ethiopia follows:

Ethiopia is a predominantly agricultural country and this sector engages 84.3% of its total labour force. Industrialization is not only a recent phenomenon, but even at present it is still at the infancy stage and is limited only to few urban centers.

...But despite their numerical dominance the participation rate for women in the formal sector employment is much lower than that of men. Women constitute a mere 34% of those employed in the formal sector.⁹

This disadvantaged position of women in formal labor market relative to men is the result of constraints on women's opportunities for entry into the market. The first set of constraints, such as:

- a) Time constraints stemming from child bearing, rearing and household management,
- b) Lack of access to labor market information and
- c) Unequal access to vocational training and apprenticeship affect the availability of women for employment or the supply side of the labor market.

The second set of constraints, which emanate from the attitudes and practices of employers and unions and includes matters such as unequal hiring practices, unequal pay for work of equal value, occupational segregation, unequal promotion opportunities unequal vulnerability to retrenchment and unequal access to worker's organizations, have an impact on the demand of the labor power of women (Haile, Daniel 2004, *The Legal Status of Ethiopian Women at the Workplace*, Ethiopian Women Lawyers Association, October, pp.2-3 <http://www.etwla.org/papers/LegalStatus.pdf> – Accessed 19 January 2007 – Attachment 11).

2. Are there effectively operating police and court services?

Sources report that the image of the police force in Ethiopia is very poor with the mentality of police officers still not entirely demilitarised. The ratio of police density is unsatisfactory and police mobility limited. Sources report that the Ethiopian judiciary is subject to political interference, inaccessible and unresponsive to the poor and inefficient.

Information provided in response to this question has been organised under the following two headings:

- [Police](#); and
- [Judiciary](#).

Police

In March 2003, the Centre for International Legal Cooperation was contracted by the Justice System Reform Program Office to undertake a baseline study of the Ethiopian justice system and make recommendations for its reform. In February 2005, the Centre for International Legal Cooperation published its baseline study report. The Centre for International Legal Cooperation provides the following summary on the police force in Ethiopia:

The Ethiopian police system consists of a Federal Police Service, nine Regional Police forces and the police forces of Addis Ababa and Dire Dawa, which have a special position. The Federal Police Commissioner is accountable to the Minister of Federal Affairs. The Regional States are free to organise their police as they see fit. Nevertheless, all State police forces have a structure similar to that of the Federal Police. They are accountable to the Minister of State Affairs of their respective State. The Commissioners of Addis Ababa and Dire Dawa are accountable to the Governors of these cities and to the Minister of Federal Affairs. Police training takes place at the Training Centre for Federal Police, at the Police College and at regional training centres. A start has been made in improving conduct and integrity. Police strength is much higher in Addis Ababa than in the regions. The militia is a voluntary organisation. It is run by professional and paid executives. Ethiopia has one forensic laboratory. Police resources are limited, vehicles are scarce. The managers of the Federal Police Service have formulated a plan to meet these limitations.

The image of the police is very poor. The mentality of police officers is still not entirely demilitarised despite the efforts made to introduce the concept of police by consent. The housing and working conditions of regional training centres are very poor. The training methods at the Police College are traditional, drilling, as practice is hardly compatible with the objectives of community policing. The ratio of police density in comparison with population is not satisfactory, especially if the recent decision on entrusting police with guarding the national borders is implemented. The resources available to the police are inadequate. There is little use of Information and Communication Technology (ICT). As a result it is impossible to establish a strategic prevention strategy. Police mobility is far too limited. Police officers frequently disregard forensic evidence because the only forensic laboratory cannot cope with the potential demand. The fact that the militia operates with a large measure of autonomy is potentially dangerous as they receive no training and are not controlled by the central government. The relations between the PPS [Public Prosecution Service] and the police are poor. All too often the PPS is unable to control police activities (Centre for International Legal Cooperation 2005, *Federal Democratic Republic of Ethiopia Comprehensive Justice System Reform Program Baseline Study Report*, February, pp.15-16 – Attachment 12).

According to a Writenet report dated January 2004, “the police remain effectively a paramilitary force in parts of” Ethiopia. The report provides the following information on capacity, role and reform of the police force in Ethiopia:

Most observers, including some in government, agree that the police remain effectively a paramilitary force in parts of the country, reflecting Ethiopia’s political history, and the lack of investment. This is a deep-seated problem which judicial reform and police development initiatives seek to address over the longer term. Federal police forces have already been reorganized, and a five-year development plan formulated, in order to improve professional standards and training, and introduce new ethical policing practices. Current federal reforms focus on the training of senior officers and new rapid response units to replace State forces. Under federalism, State police forces have gained operational independence and responsibility. Most are manned by former fighters or soldiers, with military rather than police training. At times of tension or public disorder, this has often resulted in the use of

excessive force, with a corresponding erosion of public confidence and respect for human rights.

Particular challenges, which reform will face, include:

- lack of consistency of roles and responsibilities, performance standards, and working practices at different levels of government;
- lack of understanding of the implications of reform – for instance, that community policing in a democratic context will require the devolution of decision-making, enshrining human rights in all activities, and taking account of the local political and cultural context;
- confusion between the roles of the police and the military;
- the need to improve relations with civil society to restore public confidence in police discipline;
- the need for stability and job security to recruit and retain better and better trained officers (Vaughan, Sarah 2004, *Ethiopia: A Situation Analysis and Trend Assessment*, Writenet, January, UNHCR website, p.9 – Attachment 13).

Judiciary

On 6 October 2006, Justice Minister Assefa Kesito reported that the following problems with the judiciary need to be addressed urgently: “shortage of skilled and efficient manpower, lack of adequate and effective equipment in legal institutions, inability of law schools to provide ample professionals, the prevalence of outdated working procedure and lack of coordination among legal institutions as well as inaccessibility of up-to-date information”. On 6 March 2006, Justice Minister Aseffa Kesito “said judicial bodies are not rendering efficient services to the public due to procedural, structural, manpower and attitudinal problems” (‘Ethiopia: Judiciary bodies not rendering efficient services, says Justice Minister’ 2006, *US Fed News*, 7 March – Attachment 14; and Amare, Mengesha 2006, ‘Justice Ministry Prepares Four-Year Strategic Plan’, *Ethiopian Herald*, 6 October, allAfrica.com website <http://allafrica.com/> – Accessed 16 January 2007 – Attachment 15).

An April 2005 report by the International Federation for Human Rights and the World Organisation Against Torture provides the following information on the weaknesses of the judiciary in Ethiopia:

Article 37(1) of the FDRE Constitution stipulates: “everyone shall have the right to submit his justiciable grievances to and obtain a decree or judgment from a court of law or any other tribunal given by law the power of adjudication”.

Human rights defenders interviewed during the mission, however, severely criticised the administration of justice in the country and underlined the threat posed by long-term provisional imprisonments and other abuses of the right to due process of law. ...Several human rights defenders, as well as lawyers and members of the Ethiopian Bar Association (EBA), also strongly asserted that the judiciary, as weak and easily influenced as it is, is not truly independent.

The appointment of judges is of first concern: human rights defenders and lawyers interviewed by the delegation considered that the process is far from being transparent and is largely marred by the interests and influence of the executive, who in fact detains a strong discretionary power over judges’ appointment, although the whole process is theoretically fulfilled by the Judicial Administration Council (JAC). It is to be noted that the independent EBA has no representative within the JAC, which is composed of members of Parliament and senior judges, and that neither lawyers nor civil society representatives are consulted or

involved in the appointment process, the criteria of which remain largely unknown. Moreover, the executive often discretionarily dismisses judges. These dismissals, which are “never challenged nor questioned”, take the form of forced resignations or renewed political appointments. The latter method consists in appointing judges on ethnic grounds according to a quota system. Concordant testimonies stated that numbers of judges quit their position because of the lack of freedom of work, thus participating in the judiciary’s under-staffing.

Nevertheless, lawyers and NGO members unanimously agreed that there is a very high turnover rate among judges, who are often appointed very young by the executive: most of them have just graduated from a civil service college where they have been trained along ethnic and political lines, with poor academic record to fulfil their function and no human rights training. ...Such low quality appointments, which result in a poor level of justice practiced by incompetent judges who hold government-oriented decisions, seriously tarnishes the reputation of the judicial system in the country and does not comply with fundamental principles of impartiality and independence.

...This situation is all the more problematic that lawyers’ independence is far from being guaranteed by this judicial system. When meeting with the Observatory’s delegation, members of the EBA explained that lawyers have to be registered with the Ministry of Justice to be authorised to work. In compliance with its mandate, the Ministry has therefore set up a Committee composed of five people tasked with checking the eligibility of lawyers before granting them a licence to practice law. This Committee is also mandated to deal with discipline or misconduct cases involving lawyers. As it is also able to make recommendations to the Minister of Justice about lawyers’ registration or disciplinary measures, the legal profession is in fact placed under the direct authority of the Minister of Justice. The status of the Minister is very revealing of the dependence and links between the judiciary and the executive: indeed, the Minister of Justice is also the Chief Prosecutor (Attorney General), and thus not only decides whom to prosecute, but also pursues the prosecution whilst overseeing judges’ appointment and lawyers’ registration.

As this registration system thus does not make it compulsory for lawyers to belong to the Ethiopian Bar Association (EBA), the EBA gathers less than 50% of the lawyers in the country and has no regulatory authority. The Association, which was created forty years ago, has been lobbying the government in order to allow legal professionals to be self-regulated in terms of registration, discipline and ethics of the profession, this self-regulation being a prerequisite for the independence of the legal profession: several lawyers denounced that the overwhelming power of the Minister of Justice, which has authority for granting or withdrawing lawyers’ licence, subjects the latter to manipulation by the executive branch.

In this context, human rights lawyers who support defenders or oppose the State in courtrooms remain at a constant risk of being subjected to spurious disciplinary charges or withdrawal of their licence by the Ministry of Justice, as in Mr. Abebe Wolde Worke Yohannes’ case. It is to be noted that several cases of harassment and professional reprisals against human rights lawyers were reported to the Observatory’s delegation. However, most of the lawyers concerned preferred their identity and cases not to be mentioned for fear of retaliation. Consequently, urgent reforms are required so that the legal profession will eventually be an effective actor in the building and strengthening of democracy in Ethiopia.

However, some improvements are to be noted, notably compared to the mid-1990s when the judiciary was clearly the ruling power’s tool to silence defenders. ...These positive steps, however, remain fragile as these decisions have been challenged by the executive – and notably by the Ministry of Justice: State agents and representatives may simply ignore courts’ rulings, or in some cases instrumentalise the legislature’s majority to foster the adoption of new laws retrospectively applicable when they dislike a judicial order.

When meeting with the Observatory's delegation, the Minister of Information Mr. Bereket Simon acknowledged that the Ethiopian judicial system suffered from an efficiency problem and asserted that reforms were underway to modernise the judiciary and increase the judges' efficiency. However, when asked for details about these reforms, the Minister was unable to provide any further explanations (International Federation for Human Rights and World Organisation Against Torture 2005, *International Fact-Finding Mission – Ethiopia: Human rights defenders under pressure*, April, pp.16-18 – Attachment 16).

In March 2003, the Centre for International Legal Cooperation was contracted by the Justice System Reform Program Office to undertake a baseline study of the Ethiopian justice system and make recommendations for its reform. In February 2005, the Centre for International Legal Cooperation published its baseline study report. The Centre for International Legal Cooperation provides the following summary on the judiciary and public prosecution service (PPS) in Ethiopia:

Chapter nine of the Constitution describes the structure of the courts and distinguishes between the Federal and the State Courts' system. Beside the "regular" courts, the Constitution recognises Religious Courts and Customary Courts. Though not mentioned in the Constitution, so-called "Social Courts" exist in five States. An appellate procedure allows appeals from the Social Courts to be heard by State High Courts. The Federal Judicial Administration Commission selects persons qualifying for judgeship and deals with conditions of service and disciplinary measures. State Judicial Administration Commissions fulfil the same functions at state level.

The Ethiopian justice system has three core problems. Firstly, it is neither accessible nor responsive to the needs of the poor. Secondly, serious steps to tackle corruption, abuse of power and political interference in the administration of justice have yet to be taken. Thirdly, inadequate funding of the justice institutions aggravates most deficiencies of the administration of justice. The perception of the independence of the Judiciary is very low. The operation of the courts is managed and supervised by the court presidents who therefore act both as judges and administration officials accountable to the President of the Supreme Court. Potentially this compromises their independence. Besides, the process of selection and promotion of judges is insufficiently transparent and lacks inputs from other legal professions. The same can be said of performance evaluation. The lack of training of judges remains one of the most important problems of the Ethiopian Judiciary. Court administration and case management are weak. The caseload of the average judge appears to have substantially increased over the last years. Access to all kinds of legal information is limited: courts are not automatically sent the *Gazeta*, which publishes new laws, libraries are poorly equipped or non-existent and most court decisions are not published. Although the general public understands that the courts are the appropriate organs for dispute resolution, it is only those who have a case before the court who can gain some understanding of elementary procedures. Lastly, the judges' poor working conditions threaten their independence, reduce their efficiency and constitute incentives for corruption.

...The PPS is formally part of the executive branch of government. The authority of federal prosecution is vested on the Ministry of Justice. However other government offices also have prosecutorial authority. On state level, the Head of the Justice Bureau's functions and authority are similar to those of the Federal Minister of Justice. The latter appoints Federal Prosecutors, either directly or through a commission, which he appoints. Candidate prosecutors at federal level must have a degree or a diploma in law. The public prosecutor is in charge of criminal investigation and has authority over the police. There is no formal link between the PPS and the prison administration. The bases for the PPS's authority – the Criminal Code (1957) and the Criminal Procedure Code (1961) – are obsolete. Drafts of new codes have been submitted to the House of Peoples' Representatives.

The Federal Minister of Justice and the Head of Justice Bureau combine judicial and executive powers. This may be detrimental to the independence of the PPS. The fragmentation of public prosecution weakens the institution, especially as different prosecution authorities are accountable to different ministries. The procedure for the selection and appointment of prosecutors is not open to outside expertise and there is a general shortage of prosecutors. Training is insufficient. Despite the authority given to it by law the PPS, in practice, does not exercise its power. As a matter of fact, the PPS has a minimal role in the investigation performed by the police. The shortage of staff and very poor working conditions lead to a very heavy and increasing backlog of cases. Relations with the Judiciary, the police and the prison administration are poor (Centre for International Legal Cooperation 2005, *Federal Democratic Republic of Ethiopia Comprehensive Justice System Reform Program Baseline Study Report*, February, pp.14-15 – Attachment 12).

According to a Writenet report dated January 2004, “the judiciary does not yet represent a reliable recourse for those whose legal rights have been infringed...by government or private sector actors.” The report provides the following information on judicial capacity and independence in Ethiopia:

The judiciary is constitutionally independent of both legislature and executive, but that independence remains functionally constrained. Given the overwhelming dominance of the ruling party, the judiciary operates in an atmosphere where political influence is unmistakable, uni-directional and, in rural areas, often backed by the threat of force. Significant problems are compounded by the widespread lack of awareness of the principles of judicial independence amongst people and administrators alike. Bottlenecks and incompetence in the court system have been a focus of criticism throughout the decade. Despite such pressures, a number of court decisions counter to the interest of the government have been handed down, particularly at federal level. Despite important moves in this direction, the judiciary does not yet represent a reliable recourse for those whose legal rights have been infringed, whether by government or private sector actors. This inhibits the growth of pluralism, both in the political sphere, where there are relatively few effective means of legal protection of opposition or minority views, and in the economic sphere, where investments are unprotected by legal safeguards. The challenges facing the justice sector are complex and deep-rooted. Reform efforts have recently been intensified, to bring reality closer to constitutional requirements (Vaughan, Sarah 2004, *Ethiopia: A Situation Analysis and Trend Assessment*, Writenet, January, UNHCR website p.8 – Attachment 13).

3. Can it be said that “Arabs hold a great deal of influence” in Ethiopia?

No information to suggest that “Arabs hold a great deal of influence” in Ethiopia was found amongst the sources consulted.

According to Freedom House, Arabs live in the south of Ethiopia. A 2003 profile on ethnic groups in Ethiopia reports that Arabs do not live in Ethiopia in “any significant numbers.” The Imperial Ethiopia website reports that the Arab population in Ethiopia “has never been large” (‘And Ethiopia shall reach her hand unto God’ (undated), Imperial Ethiopia website <http://www.imperialethiopia.org/religions.htm> – Accessed 16 January 2007 – Attachment 17; Somaligalbeed, Codka 2003, ‘Arabs’, *The Short Profile Notes on Ethnic Groups of Ethiopia*, The Ethiopian Ethnic Manuscript Library Outreach Pages http://www.angelfire.com/bc/snrs/ethnic_profile.html – Attachment 18; and Freedom House 2006, *Freedom in the World 2006 – Ethiopia*, 28 September – Attachment 19).

The Ethiopian Ministry of Foreign Affairs and Trade reports that of all the countries in the Arabian Peninsula, Ethiopia has the closest relations with Yemen then Saudi Arabia. Nothing to suggest that the Arab countries in the region “hold a great deal of influence” in Ethiopia was found amongst the sources consulted (‘The Federal Democratic Republic of Ethiopia Foreign Affairs and National Security Policy and Strategy Relations with the Arabian Peninsula Countries’ (undated), Ministry of Foreign Affairs and Trade of Ethiopia website http://www.mfa.gov.et/Foreign_Policy_And_Relation/Relations_With_Countries_Middle_East_Peninsula.php – Accessed 16 January 2007 – Attachment 20).

4. What is the situation for people of the Amharic tribal group?

Amharic is the language of the Amhara people of Ethiopia (Jenkins, Orville Boyd & Lundquist, Robert 2006, ‘The Amhara People of Ethiopia’, Dr Orville Jenkins website, 6 November <http://orvillejenkins.com/profiles/amhara.html> – Accessed 15 January 2007 – Attachment 21).

For more information please see the following:

- Amharic (Gordon, Raymond G Jr (ed) 2005, ‘Amharic – A language of Ethiopia’, *Ethnologue: Languages of the World*, 15th ed, SIL International, Dallas http://www.ethnologue.com/show_language.asp?code=amh – Accessed 15 January 2007 – Attachment 22);
- Amhara people (Jenkins, Orville Boyd & Lundquist, Robert 2006, ‘The Amhara People of Ethiopia’, Dr Orville Jenkins website, 6 November <http://orvillejenkins.com/profiles/amhara.html> – Accessed 15 January 2007 – Attachment 21; and US Department of State 2006, *Background Note: Ethiopia*, December <http://www.state.gov/r/pa/ei/bgn/2859.htm> – Accessed 22 January 2007 – Attachment 23);
- Amhara state (‘The State of Amhara’ (undated), Ethiopian Embassy UK website <http://www.ethioembassy.org.uk/fact%20file/a-z/Regional%20States/The%20State%20of%20Amhara.htm> – Accessed 15 January 2007 – Attachment 24); and
- Map of Ethiopia (Tronvoll, Kjetil 2000, *Ethiopia: A New Start*, Minority Rights Group International, April <http://www.minorityrights.org/admin/Report/Pdf/EthiopiaReport.pdf> – Accessed 15 January 2007, p.4 – Attachment 25).

Information on the situation of the Amhara in Ethiopia is scarce amongst the sources consulted. According to a report by Minorities at Risk dated 31 December 2003, “the Amhara have no explicit political, economic, or cultural restrictions places upon them by the EPRDF government” (Minorities at Risk 2003, *Assessment for Amhara in Ethiopia*, 31 December <http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=53007> – Accessed 15 January 2007 – Attachment 26).

Information provided in response to this question has been organised under the following three headings:

- [Clashes](#);
- [Tigrayans](#);
- [15 May 2005 Elections](#).

Clashes

The US Department of State reports that interethnic clashes in Ethiopia during 2005 resulted in hundreds of deaths:

On October 20, local media reported that two thousand farmers abandoned their homes in Gida-Kiramu village, East Wellega Zone, Oromiya Region and moved to nearby towns following beatings, arrests, and intimidation by local officials, reportedly for supporting the opposition CUD party. The population of Gida-Kiramu is primarily Amhara, while local officials are primarily Oromo, and the village had been the site of ethnic clashes in previous years. Following intervention by the regional government, most farmers returned to their homes (US Department of State 2006, *Country Reports on Human Rights Practices 2005 – Ethiopia*, 8 March, Section 5 National/Racial/Ethnic Minorities – Attachment 1).

The US Committee for Refugees and Immigrants reports that between January and March 2001, land disputes between Oromos and Amharas in Oromiya escalated to violence killing some 100 people and displacing 10,000:

An additional 10,000 persons in western Ethiopia fled their homes to escape clashes between local government forces and ethnic Amhara militias in early 2001. From January to March, land disputes escalated into violence between ethnic Oromos and ethnic Amharas in western Oromiya region, where former military dictator Mengistu Haile Mariam forcibly resettled thousands of Amharas after Ethiopia's 1984 famine. Fighting killed some 100 people and displaced more than 10,000 mostly Amhara civilians north across the Blue Nile River (US Committee for Refugees and Immigrants 2002, *World Refugee Survey 2002 Country Report – Ethiopia*, June

http://www.refugees.org/countryreports.aspx?__VIEWSTATE=dDwxMTA1OTA4MTYwOztsPENvdW50cnlERDpHb0JldHRvbjs%2BPrImhOOqDI29eBMz8b04PTi8xjW2&cid=469&subm=&ssm=&map=&ctl0%3ASearchInput=+KEYWORD+SEARCH&CountryDD%3ALocationList – Accessed 15 January 2007 – Attachment 27).

Tigrayans

According to the US Department of State, there were more than 80 ethnic groups in Ethiopia with Amharas and Tigrayans playing a “dominant role”. According to the International Federation for Human Rights and the World Organisation Against Torture, “diplomatic missions confirmed that there is supremacy of Tigrayans in official organs.” Freedom House reports that the Ethiopian government “tended to favour Tigrayan interests in economic and political terms.” The US Department of State reports that the military remained an ethnically diverse organisation however, “members of the Tigrayan ethnic group dominated the senior officer corps.” *The Indian Ocean Newsletter* reports that Tigrayans “have the lion's share of the key posts in the government, the army and the security organs” (International Federation for Human Rights and World Organisation Against Torture 2005, *International Fact-Finding Mission – Ethiopia: Human rights defenders under pressure*, April, p.11 – Attachment 16; US Department of State 2006, *Country Reports on Human Rights Practices 2005 – Ethiopia*, 8 March, Section 5 National/Racial/Ethnic Minorities – Attachment 1; and ‘The Tigrayans still sew up the key posts’ 2006, *The Indian Ocean Newsletter*, 8 July – Attachment 28; and Freedom House 2006, *Freedom in the World 2006 – Ethiopia*, 28 September – Attachment 19).

15 May 2005 Elections

Sources report that Amharas are involved in the government and opposition of Ethiopia. Sources also report that thousands of opposition supporters were arrested, 111 people charged, 193 killed and 763 injured during the post-election period.

On 10 August 2005, the National Electoral Board of Ethiopia announced that the EPRDF won the majority of votes in the 15 May 2005 election and would therefore form the federal government of Ethiopia for the next five years. The EPRDF also won the majority of votes in the state assemblies of Amhara, Oromia, Tigray and Southern Nations, Nationalities and Peoples. The EPRDF is made up of the Tigrayan People's Liberation Front, Oromo People's Democratic Organisations, Amhara National Democratic Movement and Southern Ethiopian People's Democratic Movement. Opposition parties won 174 seats or 32% of the vote in the House of People's Representatives. The Coalition for Unity and Democracy (CUD) made up of the Ethiopian Democratic League, All Ethiopian Unity Party, United Ethiopian Democratic Party – Medhin Party and Rainbow Ethiopia: Movement for Democracy and Social Justice won 109 seats or 20% of the vote. The United Ethiopian Democratic Forces (UEDF) made up of Oromo National Congress, Ethiopian Social Democratic Federal Party, Southern Ethiopia People's Democratic Coalition, All-Amhara People's Organisation and the Ethiopian Democratic Unity Party won 52 seats. For information on the CUD and UEDF please see Section 5.1.1-5.1.2 of Attachment 31. For information on the 15 May 2005 elections please see Section 2.1-3.2 of Attachment 31 (Biazen, Dagne 2005, 'Electoral Board Declares EPRDF May 15 Elections Winner', *Ethiopian Herald*, 10 August, allAfrica.com website <http://allafrica.com/> – Accessed 15 January 2007 – Attachment 29; Wikipedia 2006, 'Ethiopian general election, 2005', 11 December http://en.wikipedia.org/wiki/Ethiopian_general_elections,_2005 – Accessed 15 January 2007 – Attachment 30: Users should be aware that Wikipedia is a Web-based free-content encyclopaedia which is written collaboratively by volunteers; and Barnes, Cedric 2006, *Ethiopia: A Socialpolitical Assessment*, Writenet, May, UNHCR website, Section 2.1-3.2 <http://www.unhcr.org/home/RSDCOI/44f29d704.pdf> – Accessed 15 January 2007 – Attachment 31).

Thousands of opposition supporters, students, journalists, prominent members of NGOs and most of the CUD leadership were arrested during demonstrations, strikes, boycotts and protests during the post-electoral period. For more information please see Section 5.1.1-5.1.2 of Attachment 31. The US Department of State reports that during the May 2005 election and subsequent demonstrations, "there were reports of Tigrayan or Gambellan troops being used in Addis Ababa and other urban centers where the opposition was strong, and where officials did not consider Amhara members of the armed forces sufficiently reliable" (US Department of State 2006, *Country Reports on Human Rights Practices 2005 – Ethiopia*, 8 March, Section 5 National/Racial/Ethnic Minorities – Attachment 1; and Barnes, Cedric 2006, *Ethiopia: A Socialpolitical Assessment*, Writenet, May, UNHCR website <http://www.unhcr.org/home/RSDCOI/44f29d704.pdf> – Accessed 15 January 2007 – Attachment 31).

According to Wolde-Michael Meshesha, a judge and ex-vice chair of a parliamentary inquiry into the unrest, at least 193 people were killed and 763 injured by police during the post-election violence in 2005. The figures are higher than the government's official death toll of 54. Wolde-Michael accused the government of trying to cover up the report and is now in hiding after allegedly receiving death threats. Prime Ministry Melse Zenami laid the blame

for the unrest on the CUD. The Federal High Court trial of 111 individuals accused of various charges including conspiracy, committing outrage against the constitution, high treason and genocide in connection with the post-election violence began in May 2006. The 111 defendants, 25 of which are being tried in absentia, include 101 individuals including 29 CUD leaders, four political parties and six newspapers. The trial resumed on 5 October 2006 after a two month adjournment only to be suspended again on procedural grounds. No further information on the trial was found amongst the sources consulted ('Prosecution opens case in Ethiopian opposition coup plot trial' 2006, *Middle East Times*, source: *Agence France Presse*, 9 May <http://www.metimes.com/print.php?StoryID=20060509-031551-2056r> – Accessed 15 May 2007 – Attachment 32; 'Ethiopia conspiracy trial adjourned' 2006, *Middle East Times*, source: *Agence France Presse*, 6 October <http://www.metimes.com/print.php?StoryID=20061006-042642-6601r> – Accessed 15 January 2007 – Attachment 33; and 'Death toll in Ethiopia post-poll violence triple the official figure: report' 2006, *Agence France Presse*, 23 October, ReliefWeb website <http://www.reliefweb.int/rw/RWB.NSF/db900SID/KKEE-6UUPJB?OpenDocument> – Accessed 15 January 2007 – Attachment 34).

5. Anything else you feel might be relevant.

The International Federation for Human Rights and the World Organisation Against Torture provide the following information on ethnic federalism in Ethiopia:

In 1991, a coalition of regional and ethnic liberation movements overthrew the regime of Mengistu Haile Mariam. When the current government, led by the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), thereafter came to power, the recognition of Ethiopian ethnic diversity became one of the core principles of the new regime's policy. This ethnicity-centred vision of State formation led to the establishment of a federation composed of two self-governing administrations (Addis Ababa and Dire Dawa) and nine regional, ethnically-based States, namely: Afar, Amhara, Benishangul Gumuz, Gambella, Harari, Oromia, Somali, Tigray and the Southern Nations, Nationalities and People Regional State (SNNPRS).

According to Article 46(2) of the federal Constitution, "States shall be determined on the basis of the settlement patterns, language, identity and consent of the people concerned". The rationale for this type of "ethnic federalism" was to offer an opportunity to promote the rights and benefits of ethnic groups in Ethiopia by allowing the locals to determine their own destiny, to learn in their local language, and to homogeneously work for the interests of their group so as to preserve their own culture and history. Several officials met by the delegation, and notably the Ministers of Education and Information, argued that ethnic federalism was the only alternative to civil war in the country and that it prevented one group from dominating the other.

Equality between States is also theoretically guaranteed by the secession clause enshrined in Article 39 of the FDRE Constitution, which provides that "every Nation, Nationality and People of Ethiopia has an unconditional right to self determination, including the right to secession". At the time, this provision was presented as the solution to the problems posed by multi-ethnicity in Ethiopia, as well as a constitutional guarantee of the States' autonomy towards the central government.

Although several provisions of the Constitution pose severe procedural obstacles to the realisation of this secession clause, numerous human rights defenders interviewed by the delegation asserted that it tended to be divisive and to encourage ethnic tensions and conflicts. Indeed, important socio-economic disparity among the States engendered increasing ethnic-

based fights for resources such as land and pastures, all the more that none of the regions is totally ethnically homogenous (the SNNPRS, for instance, counts over 45 different ethnic groups).

Moreover, while the delegation could observe that the country remains under tight federal government control, several civil society representatives underlined the core political dimension of ethnic federalism, mainly set forth by the EPRDF government – dominated by Prime Minister Meles Zenawi’s Tigrayan People’s Liberation Front (TPLF) -, which obviously takes advantage of this system to perpetuate its position as a dominant party by dividing other ethnic groups. Indeed, all nine Ethiopian States are ruled by EPRDF member or affiliate parties, and regional political life seems to be highly manipulated by the federal government through the “ethnic argument” which prevents viable trans-ethnic parties from emerging. Although the TPLF only represents a minority of the Ethiopian population, it is predominant in governmental bodies. The Minister of Information, while meeting with the Observatory’s delegation, formally denied that ethnic groups are not equally considered and represented, and argued that Tigrayans are a minority out of the 548 seats in the Parliament. However, diplomatic missions confirmed that there is supremacy of Tigrayans in official organs.

Ethnic hatreds spawned by this scheme are the source of most human rights abuses in Ethiopia, and defenders reported grave violations – including alleged ethnic cleansing in some States – as a result of the government’s ethnic policy. Marginalized and non-indigenous groups, who face an increased xenophobia in certain regions, remain largely excluded from regional civil and political life, which sometimes leads to the rise of resistance movements: it is notably the case of Mena, Menja and Gafat communities in the SNNPRS and of Falasha or Bete-Israel groups in the Amhara region.

...It is therefore quite clear that the ethnic federalism policy of the Ethiopian government not only gives rise to ethnic conflicts and serious human rights violations, but it also creates dangerous conditions for the work of human rights defenders (International Federation for Human Rights and the World Organisation Against Torture 2005, *International Fact-Finding Mission – Ethiopia: Human rights defenders under pressure*, April, pp.10-11 – Attachment 16).

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