

ACHPR/Res. 356(LIX) 2016: Resolution on the Human Rights Situation in the Federal Democratic Republic of Ethiopia

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, Islamic Republic of the Gambia;

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

Mindful of the obligations of the Federal Democratic Republic of Ethiopia as a Member State of the African Union, and State Party to the African Charter and the African Charter on Democracy, Elections and Governance as well as other regional human rights instruments;

Recalling that one of the objectives of the African Union is to promote and protect human and peoples' rights in accordance with the African Charter, and to promote democratic principles and institutions, popular participation and good governance;

Reaffirming the provisions of Articles 2, 3, 4, 5, 6, 7, 9, 11, 13 and 19 of the African Charter which guarantee the right to be protected from discrimination, the right to equal protection of the law, the right to life, the right not to be subjected to torture and other ill-treatment, the right to personal liberty and protection from arbitrary arrest, the right to a fair trial, the right to receive information and to freedom of expression, the right of assembly, the right to participate freely in government and the right to equality of all peoples;

Further reaffirming the standards and principles stipulated in the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa, the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, General Comment No. 3 on the African Charter on Human and Peoples' Rights on the Right to Life, the Declaration of Principles on Freedom of Expression in Africa, and the Report of the African Commission on Human and Peoples' Rights Study Group on Freedom of Association and Assembly in Africa;

Deeply concerned by the deterioration of the human rights situation in the Federal Democratic Republic of Ethiopia following the protests which began in November 2015;

Concerned by the use of excessive and disproportionate force to disperse protests, resulting in the deaths and injuries of several protesters, as well as the arbitrary arrest and detention of many others;

Alarmed by reports of a fire outbreak in Qilinto Prison in Addis Ababa, on 4 September 2016, leading to the deaths and injuries of a number of inmates, including detainees;

Deeply concerned by reports that more than fifty-five people were killed and several hundreds injured in a stampede, following police attempt to disperse the crowd in a break-out protest, at a religious festival on 2 October 2016;

Concerned by allegations relating to the arbitrary arrest and detention of members of opposition parties and human rights defenders;

Alarmed by the loss of lives and the destruction of property resulting from violence perpetrated by some protestors;

Concerned by the declaration of a state of emergency on 9 October 2016, which restricts fundamental human rights and freedoms;

Further concerned by restrictions on movement, assembly, media access, internet services as well as the arbitrary arrest and detention of many people following the state of emergency declaration;

Noting reports of the release of 2, 000 persons who were detained on suspicion of engaging in protests;

The Commission:

1. *Condemns* the deteriorating human rights situation in the Federal Democratic Republic of Ethiopia, in particular the undue restrictions on fundamental human rights and freedoms resulting from the state of emergency.
2. *Calls* on the Government of the Federal Democratic Republic of Ethiopia to:
 - i. ensure that fundamental human rights and freedoms are respected and upheld during the state of emergency;
 - ii. lift the ban on movement, assembly, media access, and internet services;
 - iii. ensure due process of law for persons arrested and detained in connection with protests, in accordance with regional and international standards, and release persons arrested and detained without charge;
 - iv. refrain from the use of excessive and disproportionate force against protestors and, more generally, take the necessary measures to guarantee the security and safety of its population;

- v. initiate prompt and impartial investigations into these alleged human rights violations and ensure that the perpetrators of these violations are held accountable and subjected to appropriate sanctions reflecting the gravity of the offences, in accordance with relevant international and regional standards;
 - vi. comply with the letter and spirit of the African Charter and other regional and international human rights instruments to which it is a party and, more particularly, the instruments referred to in this Resolution;
 - vii. ensure that victims of the above violations and their families obtain full and adequate redress, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition; and
 - viii. authorise the Commission to undertake a fact-finding mission to Ethiopia.
3. *Calls* on protestors to exercise their rights with due regard to the law and the rights of others;
4. *Calls* on all actors, particularly leaders and members of opposition parties, other stakeholders and the population in general, to refrain from any form of incitement and all other acts of violence.

Done in Banjul, Islamic Republic of the Gambia, on 4 November 2016