

# **Testimony Before the US House of Representatives: Congressional Briefing on November 16, 2006**

## **Report of Inquiry Commission established to investigate the disturbance that occurred in Addis Ababa and in some parts of Ethiopia.**

Honorable Congressmen, honorable guests, ladies and gentlemen:

This moment has a special meaning for me, because I got opportunity to speak the truth. It is the truth that has been abandoned, the truth that is neglected, and the truth that is suppressed by government of Ethiopia. I am not here to accuse anybody, or to praise someone, but to speak the truth. Nothing more, nothing less. Only the truth to the extent that my knowledge goes, to the extent that I have gone through it. I feel and I am still impartial. And I will keep it up.

I would like to thank everybody who organized this moment and gave me opportunity. Allow me to present special thanks to the Honorable Congressman Donald Payne for his invaluable effort.

### **Background of the case**

In May 2005, about 26 million Ethiopians went out to election polls for third federal and regional parliamentary seats. The ruling party and opposition parties participated in this highly competitive election. The result of election is contested by the opposition parties and the public at large. There were demonstrations throughout the country to protest the result. During the protest there was clash between the government security force and civilian protesters in the capital, Addis Ababa and other towns in the country and there were losses of life and damage of property. In October 2005 Federal police commission presented to the parliament its reported about the case clash. After deliberation on the report of police, the parliament established an Inquiry Commission composed of 11 members by virtue of proclamation number 478/2005.

The objective of the proclamation was stated as follows: "... the on going system of the country is self corrective and governed by the rule of law, it is important to establish an independent inquiry commission, which investigate the disorder and report to the House so that to take the necessary measure and to further promote the peace and democratic process of the country."

Power and duties of the commission were described as below:

### **The Commission Shall investigate:**

- whether the force used by security force to control the disorder was excessive or not,
- Whether the handling of the human rights in matters related to the problem was conducted in accordance with the constitution and the rule of law or not.

## **Testimony Before the US House of Representatives: Congressional Briefing on November 16, 2006**

- The damage caused to life and property as the result of the incident.
- . Its Jurisdiction was to be:
  - June 8, 2005 (in Addis Ababa)
  - Nov.1-10, 2005 as well as between 14-16, 2005(in Addis Ababa and in some parts of the country- Oromia, SNNPR, Amhara regional States).

### **The following persons were named to the Commission**

1. Frehiwot Samuel (President of the SNNPR Supreme Court) *fled*
2. Shiferaw Jamo (private consultant), *resigned*
3. Abuna Elsa (Bishop, Ethiopian Orthodox Church), *declined*
4. Abel Musse (Catholic Church), *declined*
5. Hikmet Abedlla (Business woman), *declined*
6. Beluy Haddis (Business Man), *Resigned*
7. Mitiku Teshome (Catholic Church) *fled*
8. Tamrat Kebede (formerly African Development Bank Employee), *declined*
9. Wolde Michael Meshesa (Deputy President of the Federal First Instance Court), *fled*
10. Sheik Elias Redman (Deputy Chairman of the Ethiopian Islamic Council),
11. Dereje Jenberu (Deputy President of the Ethiopian Evangelical Mekane Eyesus Church),
12. Gemechu Megerssa (former official of Ministry of Education and AAU),
13. Abdu Seid (works for Pastoralist Concern Association of Ethiopia),
14. Dr. Mekonen Dissasa ( Vice President of continuing education AAU)
15. Haregewoyen Tassaw (Ministry of Finance),
16. Abba Ewostatewos G.Kristos (Bishop, Ethiopian Orthodox Church).

### **Methodology and procedures of investigation**

- To avoid any sort of forgery, copies of registries of all patients who went to every health institutions at the time concerned, were collected at the very beginning ;
- Unless by the motion of witness himself for his/her safety, every testimony was given publicly
- Discussion was held with more than 1000 chairmen of “edder (traditional association for funerals) and they gave us list of their members who are killed
- Areas of the demonstrations were plotted on the official map of ADDIS ABABA
- All areas claimed to have Bomb explosions are visited, detail discussion held with those at the frontline and have first hand information
- Every evidences were arranged in logical sequence,

## **Testimony Before the US House of Representatives: Congressional Briefing on November 16, 2006**

- Our motto was “the means justifies the end”.
- Every witness was told about the rights and duties while testifying.
- Commission was supported by prominent police investigative experts
- We visited and discussed with officials of all Banks which are reported to be robbed
- We checked daily police report registry and files
- To value the property damage the cost of maintenance, or the reasonable cost with due care is taken in account, to avoid exaggeration or underestimation
- We had discussion with leaders of opposition parties, officials and ruling party officials including Prime Minister
- Discussion held with prisoners
- distributing questioners to get preliminary information
- Police remand and concentration centers were listed and visited (Dadesa, Kalitte, Shewa Robett, Karchelle, Zeway, Federal crime and forensic investigation Department ( Maeklawee)
- 122 Radio and TV announcements made to the public
- Local and international journalists and mass media agents invited to give information, if any
- Evidences are collected from Non governmental organizations.
- Documents collected from the Ethiopian Human Right council.
- Questionnaires and invitation letters are distributed to all members of the parliament to get relevant information.
- Photographs of every heavily injured civilian and security forces member taken.
- Photographs and finger prints and result of autopsy of civilians who passed through autopsy are collected.
- Detailed discussions were held with officials of ministry of defense and police commission.

## Testimony Before the US House of Representatives: Congressional Briefing on November 16, 2006

We examined 16,990 documents, and we received testimonies from more than 1300 persons.

### Capacity Building

Members;

- Got training on Ethiopian constitution and international human right instrument which Ethiopia ratified.
- Got training on UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- Got training on conflict resolution
- Discussed in detail theoretical documents about excessive force specially those standards in our national laws
- All relevant documents to this effect are examined through out the investigation.

### Major findings

#### 1. Weapons used

Demonstrators used:	Police used:
<ul style="list-style-type: none"> <li>•stones</li> <li>• Very few are observed to use natural fire and stick</li> <li>• No one used fire arms</li> </ul>	<ul style="list-style-type: none"> <li>•Firearms</li> <li>•Police sticks</li> <li>•Smoke (tear gas)</li> </ul>

#### 2. Bodily Injury

civilians	police	Military
<ul style="list-style-type: none"> <li>•Light 313</li> <li>•Heavy 450</li> <li>•Death 193</li> <li>•Total 956</li> </ul>	<ul style="list-style-type: none"> <li>•Light 63</li> <li>•Heavy 8</li> <li>•Death 6</li> <li>•Total 77</li> <li>•Military-no injury</li> </ul>	<ul style="list-style-type: none"> <li>•No injury</li> </ul>

## Testimony Before the US House of Representatives: Congressional Briefing on November 16, 2006

### 3. Cause of Injury

Civilians		Police	
Bullet	634	1. Bullet	8
Police Stick <i>and</i>		2. Stones and other	62
Other	322	3. Explosives	7

### 4. Summary of Casualties

Civilians		Police	
• Bodily injury	763	• Bodily injury	71
• Death	193	• Death	6
• Total	956	• Total	77

### 5. Property Damage

- 4,454,393 Birr, (512,588 USD) mostly caused to public transport buses

### 6. Human rights handling

- 30,000 civilians arrested remained in police custody A sample was taken to check the human right handling

*Conclusion: The irregularities most observed are as follows*

Most of the arrested are beaten by police; some of them already got bodily injury (eg. Parliamentarian Bedru Adem lost his one of front teeth when bitterly beaten)

- Search and arrest with out warrant
- Undue delay to take them to court
- Prohibited from family visit
- Prisoners in Kalitte are brutally shot and many of them were taken to mass-grave

### **Challenges**

- Police was not cooperative in giving evidences

## **Testimony Before the US House of Representatives: Congressional Briefing on November 16, 2006**

- Prison administration was not cooperative to give as evidence
- Police hospital gave as forged documents about civilians. For civilians wounded by bullet, they produced certificate of headache where as for security force they produced documents of heavily bodily injury even in cases where the alleged member had never gone to hospital)
- Security forces which are alleged to be killed by demonstrators were not taken to autopsy, even there is no any evidence of either photograph or death certificate showing the reason of death couldn't be produced for police as opposed to that of civilians
- Fake and exaggerated version of the police report ( there is fake report that shows demonstrators were to commit robbery on banks, they used fire arms, they threw bombs
- Public was so suspicious about our impartiality

### **Major findings**

- There was no attempt of robbery of Banks
- There was no civilian with any fire arm
- Mass killing of prisoners at Kalitti prison with the pretext of "escape"
- No Bomb was proved to be thrown by demonstrators.
- Actually there was pressure on the part of security

### **Major specific facts**

- At kalitt prison on Nov. 3 2005 there was disorder that lasted 15 minutes, when and where more than 1500 bullets fired that caused 53 bodily injury and 17 left dead (this is only what was admitted). The main shooter security guard accompanied us at the time of our visit to the prison with all his pride of what he did. No one was held accountable. On that occasion one of the security chopped pointing finger of prisoner Dawit Abebe (he was initially arrested from A.A. Olympia) after he was shot twice and heavily wounded.
- Wro Etenesh was shot dead when she pursued her arrested husband. The chief of the command post of the security at that location was mocking commission by saying she might have heart failure. In fact, she was killed in front of the public.
- The parliamentarian Bedru Adem is beaten in front of his wife and he lost one of his front teeth.

## **Testimony Before the US House of Representatives: Congressional Briefing on November 16, 2006**

- Prisoner Muluneh Eyoel ( secretary of CUD) is separately imprisoned in a dark room for weeks
- W/ro Elefenash Tekle, Husen Hassen, and Hassen Dula shot dead in Arba Minch town while they are within their Home, no one is held accountable.

### **Decision of the Commission**

Decision of the commission was made after long deliberation from June 23-July 3 2006. Final voting was made on Monday July 3, 2006, eight against two; Eight of us including chair person said- the measure taken by Government is excessive, two said – not excessive. We all agree -human rights handling is unconstitutional.

### **Pressure and intimidation**

During discussion for the decision;

- There was daily phone call and face to face discussion to influence
- As a Chair person I was personally told to do all my best to reconsider the figure of the deceased
- There was personal promises
- Chair person was requested by government to tell inclination of the commission before we voted.

### **After Decision**

Chair person was told to request for extra time. After I refused, I was told to reconsider the decision. There was threat to life. Electricity was cut off to obstruct the report from being typed. There was continuous phone call from Prime Ministers office. We became under clear surveillance of security force. On July 5,2006 morning, I was told by the advisor of the Prime Minster who came all the way to my home to talk to me that I have to call emergency meeting of the members to ask them to change their mind.

Initially our report was scheduled for presentation on July 7, but the Parliament was closed on July 6, 2006 before lunch. In the mean time we were called to have meeting with PM. and he told as to reconsider our conclusion based on definitions and explanations he gave as. He told us how the excessive force should be defined and how the proclamation should be interpreted. He also told as that we have to follow the same pattern and share the experience of the commission of the Gambella case. He told as to come up next Ethiopian. Year with the result according to the direction he gave us. At the time we finish our meeting with him( PM) the parliament in the next building was already dismissed.

No time extension was requested.

## **Testimony Before the US House of Representatives: Congressional Briefing on November 16, 2006**

### **Meetings after decision**

The first meeting after the decision was made on July 18, 2006.

From some members of the commission a strong precondition was set due to high pressure from the Government. That precondition was destroying the whole document that shows that we have already decided about excessiveness of the measure take by security force. I left the country. Vice chairperson also left. The other member (one who dissented) was assigned by the speaker of the house as chair person with out knowledge of the parliament.

Finally government forced the rest of the members to change the decision. The methodology was revised to tone down the conclusion and our conclusion was totally changed. What you heard reported to the Ethiopian parliament is fake.

Respectfully submitted,

Frehiywot Samuel