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1. **Overview and History of the Region**

The region of Ogaden, sometimes referred to as the Somali Regional State of Ethiopia, is a region that constitutes the majority of eastern Ethiopia, and is intrinsically linked with the country of Somalia to the East. The historical links with Somalia are both ethnic and religious in nature with approximately 95% of the Ogaden population being of Somali ethnicity and 98% being Muslim. Since 1984, the Ogaden National Liberation Front (ONLF) has been the most widely supported group leading the self-determination initiatives of the Ogaden people.

Historically, the Ogaden were a distinct, independent people, but after “the scramble for Africa,” the Ethiopian Empire, then known as Abyssinia, took control over much of the region. From 1886 onwards, Abyssinia sporadically launched missions of conquest deeper into Somalian territory, eventually supported by the United Kingdom, until 1935, when Italy took control of Ethiopia along with Ogaden.

During post-war decolonization, Ogaden was incorporated into Ethiopia and has remained a part of the state ever since. There is a systemic belief in the area that the Ogaden region should be a part of Somalia rather than Ethiopia, and to regard the current Ethiopian rule as an occupation. This came to a head in the 1970s as the pro-Somalia ‘Western Somali Liberation Front’ took up the responsibility of attempting to break away from Ethiopian rule and establish a ‘Western Somali’ region. They argued that the ‘colonization’ of the region by Ethiopia had led to the unlawful confiscation of lands, and persecution based on ethnicity.

Attacks on Government outposts began in 1975, and by 1977, the conflict had erupted into widespread violence and open conflict. The war caught the attention of several international superpowers, including the USSR, whose support of the Marxist-Leninist Derg regime led to a large-scale increase in the military power of the Ethiopian forces. Against a resurgent Ethiopia, the WSLF and its supporting Somalia forces were forced to concede defeat by March 1978.

In 1992, the ONLF entered the regional elections in Ogaden and garnered enough votes to form the first democratically elected Government of the region during Ethiopia’s transitional period. During this time, the Ethiopian People’s Revolutionary Democratic Front (EPRDF) were promising democratic reform, including the legal right for minorities in Ethiopia to secede if they were convinced their rights were reduced or repealed, a promise which became a part of the Ethiopian
Armed clashes between members of the Ogaden ethnicity and the Ethiopian Government have occurred periodically since the 1980s.

The Ethiopian Government is reported to have been involved in large-scale abuses of power in the Ogaden region, particularly since the most recent sustained military crackdown on the region which started in 2007. Somalis in Ogaden claim that the Ethiopian military kills civilians, destroys the livelihood of many of the ethnic Somalis and commits crimes against the nomads in the region. According to Human Rights Watch, there have been violations of the ‘laws of war’, and the population is still suffering greatly at the hands of its ‘occupiers’. Issues in the region are based on the right to self-determination, access to land and amenities and mistreatment of the local population. In recent years, the discovery of natural resources in the area, most notably natural gas, has added further tension in the region.

Since the introduction of an Anti-terrorism Proclamation in 2009, the Ethiopian Government has been able to further legitimize the derogation of various human rights, particularly civil and political rights. The Ethiopian Government conflates the issue of self-determination with terrorism, often bringing the acts of the ONLF under the scope of harsh laws and using the threat of terrorism as an excuse to suppress the people of Ogaden. After the breakdown in negotiations between the ONLF and the Ethiopian Government in 2013, violence resumed in the region and the human rights abuses conducted by the Government against the Ogaden people have resumed. This has recently taken the form of extrajudicial killings, severe censorship, an absolute lack of any form of free speech, cruel and inhumane treatment of prisoners, as well as a widespread use of systematic sexual violence.

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2. **LEGAL BACKGROUND FOR OGADEN SELF-DETERMINATION**

*Article 39 of the Ethiopian Constitution* states that “every nation, nationality or people in Ethiopia shall have the unrestricted right to self-determination up to secession.”\(^2\) In practice however, it seems that this constitutional right is being systematically ignored.

In recent years, the constitutional right to self-determination has come into conflict with provisions made in 2003, through which the Ethiopian Government granted itself powers to interfere in ethnic regions in matters of public security. *Article 3 of the Anti-terrorism Proclamation 2009* increased the Government’s power even further. This article provides an extremely broad definition of terrorism and terrorist activities. These activities carry severe punishments, from 15 years to life imprisonment, or execution. *Article 5* of the same law provides 10-15

\(^2\) Constitution of the Federal Democratic Republic of Ethiopia, 21 August 1995, available at: [http://www.refworld.org/docid/3ae6b5a84.html](http://www.refworld.org/docid/3ae6b5a84.html) [last accessed 8 January 2015].
years imprisonment for those supporting terrorism. Again this article is vague and includes acts such as providing 'moral support' to terrorists.

3. DEMOCRATIC SITUATION IN ETHIOPIA

Ethiopia’s Parliament is made up of a 112-seat upper house, the House of Federation, and a 547-seat lower house, the House of People’s Representatives. The lower house is elected through popular elections, while those who serve in the upper chamber are appointed by the state legislatures; members of both houses serve five-year terms. The lower house selects the Prime Minister, who holds executive power, and the President, a largely ceremonial figure who serves up to two six-year terms. In October 2013, Mr. Mulatu Teshome, Ethiopia’s Ambassador to Turkey, was elected as Ethiopia’s new President.

The political landscape in Ethiopia is dominated by the EPRDF. The front consists of four political parties: the Oromo Peoples’ Democratic Organization (OPDO), the Amhara National Democratic Movement (ANDM), the South Ethiopian Peoples’ Democratic Front (SEPDF) and the Tigrayan Peoples’ Liberation Front (TPLF).

After the EPRDF, often criticized as being a guise for the domination of the TPLF, gained power in 1991, Ethiopia was reshaped into an ethnic federation composed of nine member states according to ethnic criteria. In its endeavour to find a sustainable governance solution and secure the peaceful coexistence of majority and minority groups, a new Constitution was created in 1994 guaranteeing every ethnic group in the country the right to self-determination, including secession from the new federal Ethiopian State.

In reality however, this constitutional right is not granted, particularly with respect to political freedom. The 2010 parliamentary and regional elections were tightly controlled by the EPRDF. Voters were threatened with losing their jobs, homes, or Government services if they did not support the ruling party. There are numerous reports of Ethiopian State suppression of political dissidents and opposition party members. Students, alleged ‘terrorists’, and supporters of self-determination groups including the ONLF and the Oromo Liberation Front (OLF) are targeted by campaigns of fear carried out by State security forces. In the 2010 elections, this resulted in opposition-aligned parties losing almost all of their 160-seat presence in Parliament, with the EPRDF and its allies taking 545 of the 547 seats in the lower house.

Mr. Hailemariam Desalegn was elected as the Prime Minister of Ethiopia.

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and will remain in the position until the elections in May 2015. With EPRDF domination over the lower house consolidated through the violent suppression of political opposition, the effective control of the upper house lies in the hands of this party. Following the introduction of the Anti-terrorism Proclamation in July of 2009, political activists, including members of the ONLF and the OLF, have been placed in an even more precarious situation. Discussing separation from the State in public can lead to severe punishment under this harsh law. There are many reports of incommunicado detention of these activists with limited access to both family members and lawyers during their incarceration.

Within the EPRDF, individuals of Tigrayan ethnicity are disproportionately represented in positions of power. Almost all significant party positions are occupied by people of Tigrayan backgrounds and this trend is also seen within members of State security; 95% of the Ethiopian military is comprised of Tigrayan members despite the fact that the Tigrayan ethnic group accounts for only 6% of the entire Ethiopian population.

3.1 Ginbot 7

Over the past several years, Ginbot 7 has emerged as a significant political opposition group to EPRDF. It was founded by U.S.-based Dr. Berhanu Nega, also the founding Chairman of Rainbow Ethiopia: Movement for Democracy and Social Justice and a deputy Chairman of Coalition for Unity and Democracy (CUD). The party was named after the date (15 March 2005) on which the brutal repression of opposition supporters occurred following the 2005 general elections.

Their mission statement outlines their goal of creating “a nation wherein each and every Ethiopian enjoys the full respect of its democratic and human rights, achieves economic prosperity and social justice, and the respect of the citizen’s life, safety and human dignity”. Ginbot 7 advocates strictly non-violent, democratic methods of selecting a governing authority that is more representative of the Ethiopian people than the current regime.

In June 2011, the Ethiopian Government labelled Ginbot 7, the ONLF and OLF as terrorist groups under the Anti-terrorism Proclamation. This has inevitably led to suppression of Ginbot 7 activities and has also severely restricted media coverage of the party by the Ethiopian State.4

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On 24 June 2014, Mr. Andargachew Tsege, the current Secretary General of Ginbot 7, disappeared from Yemen while he was travelling to Eritrea. In 2009, he had been convicted in absentia and sentenced to death for allegedly planning the assassination of Ethiopian Government officials – allegations which he always firmly denied. Mr. Tsege, who is a UK national, was said to have been kidnapped by Ethiopian State security representatives. He has not been seen since, except for a brief appearance on Ethiopian television in July 2014, whereby he confessed to ‘crimes’.

Many groups are concerned that Mr. Tsege might be exposed to torture as he is being held in incommunicado detention since Ginbot 7 became an official terrorist group in Ethiopia. These fears were substantiated during his television appearance during which, according to human rights organization Reprieve, screaming can be heard in the background of the video. Correspondents also said that Mr. Tsege sounded hoarse and was incoherent during his appearance. BBC news reported that he had accepted his arrest as “a blessing in disguise” and said “I just want to rest because I was really, really exhausted.” The UK Foreign Office has been accused of not doing enough to help Mr. Tsege by denouncing his draconian sentence with Ethiopia.5

3.2 Medrek

The Forum for Democratic Dialogue in Ethiopia (known as Medrek) was founded in 2008 and openly contested the 2010 general election.

It was formed by two leading politicians and four political parties: Dr. Negasso Gidada MP, former President of Ethiopia; Mr. Siye Abraha, former Defense Minister; United Ethiopian Democratic Forces, led by Merera Gudina and Beyene Petros; Oromo Federalist Democratic Movement, led by Bulcha Demeksa; Somali Democratic Alliance Forces, and the Union of Tigrians for Democracy and Sovereignty (also known as ARENA). Due to a lack of transparency in the Ethiopian elections and a first-past-the-post electoral system, Medrek secured only a single seat in the lower house of Parliament despite winning around 30% of the overall popular vote.

Medrek considers many of the democratic issues in Ethiopia to be of international concern and openly calls for U.S. and other international actors to contribute to the resolution of the current issues. Furthermore, Medrek believes that the multitude of human rights issues, failure of the rule of law and further economic development all hinge on the premise

of a true representative democracy with a fair and open electoral process.\(^6\)

4. **Humanitarian Blockade and Trade Embargo**

On 2 October 2014, the ONLF published a press release to raise awareness about the developing humanitarian crisis in the Ogaden region of Ethiopia, caused by a devastating drought combined with the Government embargo on trade and food aid. This latest report follows years of sustained embargos often accused of targeting the Ogaden people directly. This targeting is seen as further evidence that the Ethiopian State is conducting ethnically-driven persecution in the area. Moreover, the Ethiopian Government has been accused of directly funding its mission of ethnic suppression with humanitarian aid that it receives from other States. In 2011, the BBC conducted an investigation of the extent of the humanitarian blockade in Ogaden and concluded that many Western donors including Britain - which is the third largest donor to Ethiopia - stand accused of turning a blind eye by continuing to provide aid money despite being warned about the abuses.\(^7\)

The Ogaden diaspora in Europe has also been vocal on the situation, criticizing the EU’s decision to allocate aid money to Ethiopia while violations of basic human rights are rife. In particular, the diaspora communities are concerned about the effect that a humanitarian blockade can have on the people in conjunction with restrictions that are being imposed over journalists and opposition parties with regards to the freedom of association.

The Ethiopian State has also conducted localized embargo on particular communities and villages. For example, one village in southern Ethiopia with a population of about 1,700 adults that was visited by BBC investigative journalists was completely cut off from the surrounding communities by the Ethiopian State.\(^8\) They claimed that this had been done in retribution for the village not having supported the EPRDF in the general elections. No food or aid was allowed to enter the village under this embargo that resulted in the starvation and death of many people, particularly children.

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5. Human Rights

Ethiopia is party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the UN Convention against Torture. However, it has not signed the Optional Protocols of the ICCPR or the CAT meaning that the judicial and quasi-judicial organs of these instruments do not have jurisdiction in Ethiopia.

Freedom House has ranked Ethiopia as a nation that is ‘Not Free’ in terms of the civil and political rights (CPRs) of its population. Its governance structure has been ranked 32nd out of 52 African nations and it scores consistently poorly in terms of civil liberties and political rights.

Among the major issues of governance and CPRs is the dominance of the EPRDF at all levels of Government and their restrictions on freedom of expression, association and free media. Suppression of these rights is often achieved through arbitrary arrests and detention, harassment and intimidation of opposition supporters and politically motivated show trials. Harsh punishments for those who try to alert the outside world to their grievances deter many who could provide further information on a wide variety of human rights abuses.

Other serious breaches of CPRs directed towards the Ogaden people include extra-judicial and arbitrary killings, and breaches of the freedom against torture. These breaches are usually conducted by the security forces of the Ethiopian Government and local militias loyal to the EPRDF. Recently, attacks against the Ogaden have also happened extra-territorially, with refugees in Kenya being targeted by kidnappings and extra-judicial killings.

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5.1 Extra-Judicial Killings and Torture

Article 15 of the Ethiopian Constitution protects the right to life and states that “no person may be deprived of his life except as a punishment for a serious criminal offence determined by law.” As a signatory to the CAT, Ethiopia has also embraced the concept of absolute freedom from torture. However, despite this domestic protection, there have been numerous incidents of torture and indiscriminate and extra-judicial killings amongst Ethiopia’s non-Tigrayan ethnic groups.

The Ethiopian police and military forces, dominated by members of the Tigrayan ethnic group, have a long standing reputation of using systematic violence in order to suppress members of the other ethnic groups of Ethiopia. Much of this violence is directed at the Somali ethnic group, which forms the majority of the Ogaden population. The Ogaden Human Rights Committee claims that the Ethiopian military are engaged in daily atrocities against civilian members of the Ogaden in an attempt to crackdown harshly on dissent in the region.

One such case was the Qabri Dahar Massacre on 15 November 2005, in which the Ethiopian armed forces indiscriminately opened fire on Ogaden civilians following a prison escape of several Ogaden prisoners. The prison escape itself was sparked after the lethal suppression of a peaceful protest within the prison about living standards within the facility and the brutal torture of many leaders of the protest. Around 20 innocent civilians were killed in the massacre following the prison break, including rescuers who were trying to help the wounded to shelter.

There have been numerous such instances of extra-judicial killings committed by the Ethiopian State and militia loyal to EPRDF. An Ethiopian Government-backed paramilitary force killed 10 men who were in their custody and killed 9 other villagers in the Ogaden on 16 and 17 March 2011 following a confrontation over an incident in the village of Raqda.

Torture is more difficult to fully investigate due to its inherent secrecy. Interviews with 60 Oromo and Ogaden refugees conducted by the Oromo Relief Association UK in 2012 revealed that nearly half of the interviewees had been tortured and all had been severely beaten, which

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could also amount to torture. The interviewees reported atrocious conditions in Ethiopian detention facilities where torture was a routine practice. Torture methods included: “arm-tying, flaying of the soles of the feet, whipping, immersion of the head in water and other forms of asphyxiation, walking and running on gravel, suspension by the wrists or ankles, stress positions, sleep deprivation by overcrowding cells, electrocution, suspension of weights from genitalia, and castration”.

Justifications for such actions are often weak, and naturally do not comply with standards of international humanitarian law and international human rights law, which provide rigorous criteria for the derogation of the right to life and outright ban the use of torture. Extra-judicial killings have been perpetrated against those listening to ONLF interviews on BBC World Service Radio and pastoral farmers herding camels. Often, the Ethiopian military uses the excuse that armed ONLF members have been sighted in an area as an excuse to open fire on innocent civilians such as in the public killing of Mr. Abdirahman Sheikh Khalif, Mayor of Jeerin.

It is particularly hard to assess the scale of torture and extra-judicial killings in the Ogaden region due to the lack of transparency afforded by the Ethiopian Government to the outside world.

### 5.2 Sexual Violence

Women and children are the most vulnerable groups to suffer abuse and violence in the Ogaden. Many women have been detained, tortured, raped, and maltreated for being members of the Ogaden Women’s Democratic Association or relatives of ONLF members. Additionally, a number of children were detained, tortured or molested by Ethiopian security forces.

Ethiopian Government forces have also been accused of systematic rape and sexual violence in their continued suppression of the Ogaden people. The scale and pattern of the cases of rape have led to the Ogaden Women Relief Association labelling the sexual violence as ‘a weapon of war.’ The targeting of various groups of women, for

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example those involved in trading, has led to a situation in which
women are significantly deterred from fully participating in society and
are constantly constrained by fear. Ogaden Online reported that “the
rape of young girls has now reached epidemic proportions in Ogaden
and is becoming the most potent weapon used by the Ethiopian military
against the Ogaden civilians.”

In the wake of extra-judicial killings and rape cases, local authorities
loyal to the Ethiopian Government also employ strategies of fear
mongering among the local population in order to prevent news
spreading to the outside world. An example of this was reported in
October 2014 when the rotting bones of two women, suspected of
being kidnapped and held by the authorities, were found near Gari-
Go’an. The two women had been repeatedly raped by militia loyal to the
Ethiopian State. The militia then threatened the women’s community
with severe punishment if the news of the rape and killing reached the
outside world.

The systematical use of rape as a weapon is often combined with other
forms of torture. The use of bayonets and other tools has been
described in interviews with refugees, leading to permanent physical
damage and often loss of life in addition to the severe psychological
trauma. There are also several cases of the Ethiopian military either
raping women in front of their families and neighbors or forcing men at
gunpoint to rape their own family members. In some cases, women who
have been subjected to rape become pregnant and cannot remain in
their society due to social stigma.

Restrictions imposed by the Ethiopian Government on humanitarian aid
to the Ogaden region significantly impact upon the survivors of rape
and sexual violence. The lack of health services and support networks
that could be supplied by humanitarian groups means that victims often
have to travel through war torn areas in the Horn of Africa in order to
reach Kenyan refugee camps and receive aid.

It is incredibly difficult to estimate the amount of women having been
subjected to rape. New rapes are committed on a daily basis by
Government forces and militias as few are willing to talk about it. The
fear of reprisals as well as the cultural taboo that is connected to rape
prevents the vast majority from acknowledging it ever happened.
Estimations vary, with some going as far as saying that, including
unreported cases, almost one third of all Ogaden women have been

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15 Ogaden Online, “9 year old girl and 7 year old boy gang raped,” available at
www.ogaden.com/hornnews/ogaden/1731-9-year-old-and-gilr-and-7-year-old-
boy-gang-raped.html [last accessed 15/12/2014].

16 Human Rights Watch, “Army Commits Executions, Torture, and Rape in
Ogaden”, available at: http://www.hrw.org/news/2008/06/12/ethiopia-army-
commits-executions-torture-and-rape-ogaden [last accessed 15/12/2014].
subject to sexual violence by the armed forces.\textsuperscript{17}

5.3 Freedom of Expression and Freedom of Press

Article 29 of the Ethiopian Constitution protects the freedom of expression. It states specifically: “Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds.”\textsuperscript{18}

Yet, unfortunately, it is the due to their open imparting of information that both foreign and native journalists have fallen victim to arrests by the Ethiopian Government. The Ethiopian State-owned media dominates the country’s media landscape with a few independent media outlets coming under fierce scrutiny. In 2009, one of the few remaining independent newspapers in the capital, Addis Neger, ceased operations, citing significant and sustained harassment as the cause. Significantly, the 2008 media laws make defamation illegal and allow the State to censor materials \textit{before} publication, a much more serious qualification of the freedom of expression than resolving an issue \textit{after} publication. The punishment of imprisonment for defamation of the State is harsh by international standards and the Committee for the Protection of Journalists (CPJ) reports that Ethiopia has the second highest number of imprisoned journalists in Africa after Eritrea.

The suppression of the free media has escalated since the 2009 \textit{Anti-Terrorism Proclamation} with many media outlets and journalists sympathetic to opposition movements being branded as terrorists. In June 2011, journalists Woubshet Taye of Awramba Times and Reeyot Alemu of Feteh, two newspapers which are often critical of the Government, were arrested and accused of conspiring to commit terrorist acts. After almost three months of detention, during which they

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\begin{tabular}{|l|}
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\textbf{The Silencing of the Media} \\
- January 31, 2012 \\
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\textbf{Media Regulation Violations} \\
Condemned - March 23, 2012 \\
\hline
\textbf{Freedom of the Press Deteriorating} \\
- July 2, 2012 \\
\hline
\textbf{Swedish Journalists Face Terrorism} \\
Trial - October 19, 2011 \\
\hline
\textbf{Swedish Journalists Arrested Plead} \\
\textbf{Not Guilty to Terrorism} - October 25, 2011 \\
\hline
\textbf{World Watches As Trial of Journalists} \\
\textbf{Continues} - November 1, 2011 \\
\hline
\textbf{Foreign Journalists’ Arrest Sheds} \\
\textbf{Light On Plight Of Ethiopian Press} \\
- November 11, 2011 \\
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had no access to their lawyers, the two were charged of several counts of terrorism.

The harsh conditions for domestic journalists opposing the EPRDF mean that many journalists operate in exile from abroad, which hinders their effectiveness to report on the situation from within the country. The task of disseminating news by the Ethiopian journalists in exile is made even harder because, according to Human Rights Watch (HRW), since 2010, the Ethiopian Government has developed a robust and sophisticated internet and mobile framework to monitor journalists and opposition groups.\(^\text{19}\) They block access to unwanted websites and neglect evidence for prosecutions in terrorism and other trials.

Freedom of expression is not only an issue for domestic journalists but also any foreign actors operating in Ethiopia. In June 2011, Swedish journalists Martin Schibbye and Johan Persson were arrested alongside Ogaden human rights activists.\(^\text{20}\) They were found guilty of supporting a rebel group with alleged reports that the Ethiopian authorities falsified evidence against them and were sentenced to 11 years in prison.\(^\text{21}\)

Despite the gross disregard for due process and fair trials, the pair was found guilty as they posed a threat to the State. The Ethiopian State also has a reputation for applying new classifications and laws retroactively. This means that any journalist who has previously published an article covering a group or issue that is later labelled as ‘terrorist’ (such as Ginbot 7, ONLF or OLF), faces unpredictable and draconian punishments sometimes years after the original publication.

On September 10, 2012, Schibbye and Persson were pardoned by the Ethiopian Government and left the country. In the ensuing press conference, Schibbye stated that:

“After 438 days of not being able to speak our minds, think or feel, the strongest feeling today and since our release is not the physical freedom from chains but the less tangible freedom of expression”.

In 2013, Abdulahi Hussein, an advisor to the regional President and manager of the State-controlled Ogaden TV-channel, fled Ethiopia. For several years he had been copying secret video files to document the assaults on the civilian population. In the files there are videos of police


officers and soldiers testifying to arbitrary arrests, torture, murder, blackmail and rape. Abdulahi and Swedish director Andreas Rocksén created the documentary “Dikaturens Fängar” (“The Prisoners of the Dictatorship”) the edited footage, depicting a frightening image of what everyday life for the people in Ogaden is like.\(^{22}\)

5.4 Freedom of Assembly

Article 30 of the Federal Democratic Republic of Ethiopia’s Constitution provides that “everybody has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition.”\(^{23}\) This right has not been respected in the case of the Ogaden minorities, who are severely punished and arbitrarily arrested during peaceful protests.

Even though the freedom of assembly is a constitutional right, it is often interfered with covertly by the Ethiopian State, or in some instances, simply denied. Indirect interference is common and achieved through other regulations. An example is the regulation that all municipal halls are controlled by local officials who are almost all members of the EPRDF. These officials are in charge of access to the municipal halls, and there have been many complaints from opposition parties that officials denied or obstructed the scheduling of opposition parties’ use of halls for political rallies.

Since December 2011, a number of peaceful demonstrations have been held by members of the Muslim community, often met with violent responses from Ethiopian security forces. In August 2013, tens of thousands participated in demonstrations following Eid holiday prayers. The protestors were met with a brutal police response in which hundreds of arrests were made and an unconfirmed number of deaths occurred. Justifications of ‘State security’ were once again used by the Government and twenty-nine demonstration leaders were charged under the antiterrorism law with conspiracy and attempting to establish an Islamic state.


5.5 Arbitrary Detention

Arbitrary detention is the method most often used to silence dissenting voices, particularly from opposition supporters among ethnic groups such as the Ogaden. Despite a number of articles in the Constitution legally protecting Ethiopian individuals from arbitrary detention, it is still a wide-spread practice.

Due to the lack of transparency within the Ethiopian security services and the atrocious conditions of detention facilities, individuals who are subject to arrest are particularly vulnerable. The Government rarely publicly discloses the results of investigations into abuses by local security forces, such as arbitrary detention, and this means that victims often have little opportunity for recourse after suffering injustices.

Although Ethiopian laws require that detainees be brought promptly before a court and have access to a lawyer, the Anti-Terrorism Proclamation 2009 gives the police force the power to detain individuals for up to 28 days without charge. In practice however, this stipulation is rarely complied with and people accused of terrorism can find themselves being held indefinitely and incommunicado on trumped up charges. This is a particular concern for groups, such as the Ogaden, who oppose the Ethiopian Government, as any opposition to the EPRDF can be branded as ‘terrorism’.\(^\text{24}\)

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6. **Ethiopia-EU Relations**

**EU Aid and Cooperation Policies**

The European External Action Service (EEAS) states that “the EU is seeking to develop a relationship with Ethiopia that is based on the principles of peace, prosperity and partnership, and that supports Ethiopia's economic and political reforms.”\(^{25}\) The EU seeks to improve the political and social situation in Ethiopia and usually seeks certain reforms in conjunction with the provisions of the Cotonou Agreement. The agreement, signed by the EU and the ACP nations, is aimed at the elimination of poverty through sustainable development and cooperation between all ACP nations and the EU.

Ethiopia is the fourth largest recipient of EU aid finance in the world, reaching a total of $161 million in between 2011-2013, and almost $2.8 billion in the last 20 years. The EU also represents approximately 40% of Ethiopian global exports, making up the single most important trade partner that Ethiopia has with imports almost reaching $550 million in 2013.\(^{26}\) In return for the aid and extensive trade, the EU is trying to encourage the Government to be more accountable, promote freedom of speech, develop democratic institutions and a vibrant civil society, and respect human rights and the rule of law. The EU believes these are not only desirable characteristics of modern governance structures, but are also crucial for the stability and security in Ethiopia and the surrounding region. Since the emergence of China as an alternative provider of funds to Ethiopia - a provider that does not attach political or social provisions to its investment - the conditional aid policy employed by the EU has been increasingly challenged.

**Continued Grievances**

Despite the attempts to streamline aid channels to Ethiopia through the adoption of the EU-Africa joint strategic partnership, aid policy from the EU remains fragmented. Foreign and security policy, trade, and development policy still constitute separate policy fields with different actors, interests and decision-making structures. After the suppression of political opposition that occurred after the 2005 general election, EU members were compelled to change the methods of their aid supply to the Ethiopian state. The “Protection of Essential Services” approach was adopted and aimed to have a stricter monitoring structure and provide aid that was targeted at specific objects. However, many European

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NGOs have noted that this approach has done little to curb political suppression and human rights violations in Ethiopia, and in some instances has even allowed the State to increase its efforts of political domination and marginalization of opposition groups.

Initiatives proposed in order to curb the detrimental effects of the current aid policy towards the Ogaden have called for giving aid directly to the Ogaden people and pressure Ethiopia to allow independent agencies to manage aid in Ogaden. There have also been calls made by members of the Ogaden community for aid funding to be completely withheld from Ethiopia as long as it continues to use it to fund ethnic oppression. The ONLF recently published a press release in order to highlight the escalating humanitarian crisis in the Ogaden region. This press release also appealed to countries contributing aid to Ethiopia “to take practical steps to ensure that aid reaches the intended recipients”.

7. CROSS-BORDER PERSECUTION OF REFUGEES IN KENYA

Many Ogaden refugees have fled to Kenya over the past several years in order to free themselves from the threat of torture and extra-judicial killings. Yet, even in Kenya, many refugees find that they are not completely safe from the reach of the Ethiopian Government. The Liyu militia, loyal to the EPRDF, is known to operate across the border and spread their mission of Ogaden persecution into the refugee camps in Kenya. Kidnapping and extra-judicial killings in these camps have recently increased and are often targeted at people known to be members or supporters of the ONLF.

Since Ethiopia’s invasion of Mogadishu in 2006, Kenya is now the only neighboring country to which the Ogaden people feel they can flee. However, due to Kenya’s relatively open border, Ethiopian “refugee hunters” have been able to easily gain access to refugee camps across the border and often carry out day-light murders, assassinations and kidnappings.

The number of incidents has been increasing since 2010 and they have been occurring deeper and deeper into Kenyan territory. Recent security issues and the relatively friendly relationship between the Kenyan and Ethiopian States have allowed for easy access to refugee targets and sometimes alleged cooperation from Kenyan security forces themselves. On 26 January 2014, it was reported that Ethiopian security forces, in coordination with Kenyan Police officers, abducted two members of an ONLF peace negotiation delegation – Mr. Sulub Abdi

Ahmed and Mr. Ali Ahmed Hussein. It is reported that men claiming to be members of the Kenyan Anti-Terrorism Police Unit abducted the two men, and took them to a border town between Kenya and Ethiopia. Their whereabouts are unknown; however the Liyu militia claims to be detaining them.

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ABOUT UNPO

The UNPO is an international, nonviolent, and democratic membership organization established in 1991. Its members are indigenous peoples, minorities, and territories who have joined to protect and promote their human rights through nonviolent solutions.