



ETH 070109
Arbitrary arrest/ Fear for safety

The International Secretariat of the World Organisation Against Torture (OMCT) requests your **URGENT** intervention in the following situation in **Ethiopia**.

Brief Description of the Situation

The International Secretariat of OMCT has been informed by a reliable source and Antenna International, a member organisation of OMCT SOS-Torture Network, about the arbitrary detention and risk of torture and other forms of ill-treatment of Ms. **Birtukan Mideksa** (34 years), leader of opposition Unity for Democracy and Justice Party.

According to the information received, on 29 December 2008, Ms. Birtukan Mideksa was arrested by several security forces and has been detained since then without charges in Qaliti prison, located outside Addis Ababa, in solitary confinement. She was reportedly allowed a visit from her close family but she has had no access to legal representation or medical treatment. It is further reported that she has refused any kind of food, drinking liquids only to protest against her detention.

During the arrest, Professor **Mesfin Weldemariam**, who was along with Ms. Birtukan Mideksa, was severely beaten by one security force with the butt of a rifle when trying to intervene. He has sustained injuries on his leg.

According to the same information received, Ms. Birtukan Mideksa was rearrested following a trip she made in Europe in November 2008, where allegedly she had discussed the terms of her previous release from prison. Government media reported that she had denied apologizing for the alleged crimes committed and that she was given three days to recant her statement. Later, the Pardons Board reportedly decided to revoke her pardon and reimposing her original life sentence passed in 2007.

Ms. Birtukan Mideksa had been arrested in 2005 following demonstrations against the results of elections held in May 2005. Thousands of individuals were arrested, including opposition parliamentarians, opposition party leaders, journalists and human rights defenders. In 2006, Ms. Birtukan Mideksa was charged with treason, tried and sentenced to life imprisonment. The majority of those found guilty were released after they negotiated an agreement with the government, signed letters of apology, and the government issued pardons in 2007. The exact conditions of pardon remain unclear.

The International Secretariat of OMCT is gravely concerned for the safety of Ms. Birtukan Mideksa, being at particular risk of torture and other forms of ill-treatment due to her conditions of detention. OMCT is further concerned with regard to her detention, which, according to the information received, seemed to be based solely for the peaceful exercise of her rights to freedom of expression, association and assembly.

OMCT recalls that Ethiopia is a State party to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (ICCPR). Both the Torture Convention and the ICCPR prohibit torture and cruel, inhuman or degrading treatment. OMCT recalls Article 11 of the Torture Convention which stipulates that “*Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture*”.

Actions requested

Please write a letter to the authorities in Ethiopia urging them to:

- i. Guarantee, in all circumstances, the physical and psychological integrity of Ms. Birtukan Mideksa;
- ii. Guarantee immediate and unconditional access to a lawyer, her family and any appropriate medical treatment she may require;
- iii. Order her immediate release in the absence of valid legal charges that are consistent with international law and standards, and if such charges exist, bring her before an impartial, independent, competent and fair tribunal and guarantee her procedural rights at all times;
- iv. Order a thorough and impartial investigation into these events, in order to identify all those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law;
- v. Guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards

Addresses

- Minister of Justice, Berhan Hailu, PO Box 1370, Addis Ababa, Ethiopia, Email: justice@telecom.net.et, ministry-justice@telecom.net.et; Fax: +251 11 5517775 or +251 11 5520874
- Ambassador Dr Kassa Gebreheywot, Chief Commissioner, Ethiopian Human Rights Commission, PO Box 1165, Addis Ababa, Ethiopia, Fax: +251 11 2511 1618 0041, E-mail: hrcm@ethionet.et
- Permanent Mission of Ethiopia to the United Nations in Geneva, Rue Moillebeau 56, 1211 Geneva 19, fax: +41 22 919 70 29, Email: mission.ethiopia@ties.itu.int

Please also write to the embassies of Ethiopia in your respective country.

Geneva, 7 January 2009.

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.