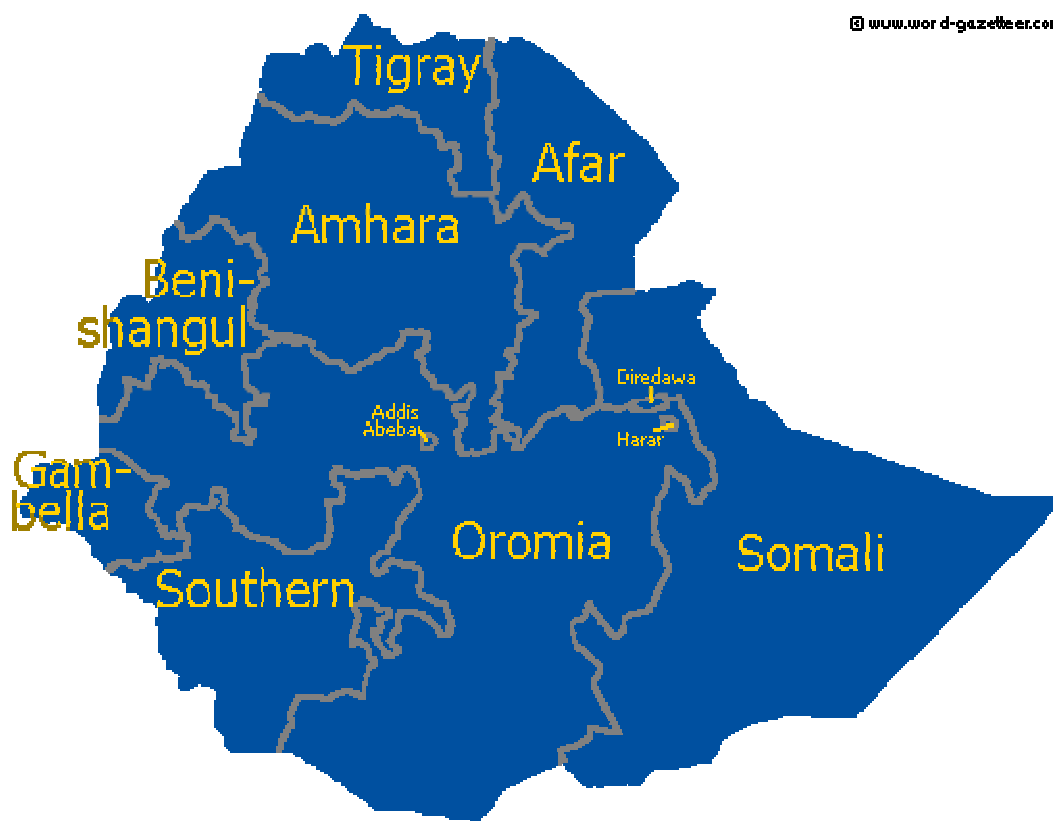


**Report of the Mission of the
Special Rapporteur on Prisons
and
Conditions of Detention in Africa
to the
Federal Democratic Republic of Ethiopia
15 – 29 March, 2004**

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Map of Ethiopia showing Administrative Regions



Acknowledgement

The African Commission on Human and Peoples' Rights (ACHPR) wishes to express its appreciation to the government of the Federal Democratic Republic of Ethiopia (FDRE) for extending an invitation to the Special Rapporteur on Prisons and Conditions of Detention in Africa to visit and inspect prisons and other places of detention in the country. The Special Rapporteur is grateful to the authorities for their hospitality, cooperation and support given during the duration of the mission.

A special note of appreciation also extended to the Ethiopian Human Rights Council (EHRCO) which assisted with some logistical preparations prior to the mission. The Special Rapporteur is particularly grateful to all the Non-Governmental Organisations (NGOs) that found time to meet with her, as well as those that could not meet with her but were willing to provide valuable information regarding the prison regime in Ethiopia through the telephone. The information provided by these NGOs proved invaluable during the inspection phase of the mission.

The Special Rapporteur would also like to acknowledge the contribution made by Human Rights Watch (HRW) and Penal Reform International (PRI) by providing relevant information about prison situations in Ethiopia prior to the mission.

It is also important to acknowledge the important contribution of Mr. Bareket Samuel who accompanied the delegation throughout the mission and assisted in some cases as an interpreter. The devotion of the drivers, especially Mr. Hebtamu Lema with whom we travelled hundreds of kilometres from one region of the country to another, sometimes into the early hours of the morning, is also acknowledged.

Most importantly, the Special Rapporteur would like to recognize the openness and frankness of the local prison authorities as well as the detainees. Together, they facilitated our work and we hope such openness will continue so as to enhance the condition of detention of persons deprived of their liberty.

Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
AIDS	Acquired Immune Deficiency Syndrome
AU	African Union
EHRCO	Ethiopian Human Rights Council
FDRE	Federal Democratic Republic of Ethiopia
FSCE	Forum on Street Children Ethiopia
HIV	Human Immunodeficiency Virus
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
NGOs	Non-Governmental Organisations
OLF	Oromo Liberation Front
PF	Prison Fellowship
PRI	Penal Reform International
SNNPR	Southern Nations, Nationalities and Peoples Region
SRP	Special Rapporteur on Prisons and Conditions of Detention in Africa
TB	Tuberculosis

I. Introduction

At the 33rd Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) held in Niamey, Niger, the Special Rapporteur on Prisons and Conditions of Detention in Africa, (SRP) Commissioner Dr. Vera Chirwa held discussions with the government delegates from the Federal Democratic Republic of Ethiopia (FDRE) to explore the possibility of a visit to the country. At the 34th Ordinary Session of the African Commission held in Banjul, The Gambia, the FDRE made an open invitation to the Special Rapporteur to visit Ethiopia at any time. In consultation with the government of Ethiopia, a mission was scheduled for 15 – 29 March 2004.

The mission falls within the mandate of the Special Rapporteur to monitor prisons and other places of detention in Member States of the African Union and make appropriate recommendations on how to enhance the rights of persons deprived of their liberty.

The Special Rapporteur was accompanied to the Mission by Mr. Robert Wundeh Eno, Assistant to the Special Rapporteur on Prisons and Conditions of Detention in Africa.

On Monday 15 March 2004, the Special Rapporteur held talks with government officials from the Ministries of Foreign Affairs, Justice and Information to brief them about the mission. On 16 March 2004, the Special Rapporteur held a Press Conference at the Siemen Hotel in Addis Ababa to inform the general public about the mission and urged individuals and institutions that had suggestions to make on how to ensure a successful mission, to come forward.

The Special Rapporteur visited and inspected nine prisons, two prison farms and two police stations in five regions of the country. These included –

- Addis Ababa Prison
- Kaliti Prison
- Ziway Prison
- Awasa Prison
- Arba Minch Prison
- Adama Prison
- Dippo Prison
- Dire Dawa Prison
- Harar Prison
- Ziway Prison Farm
- Arba Minch Prison Farm
- Awasa Woreda Police Station
- Adama Woreda I Police Station

II. Ethiopian Prison Structure

The Federal Democratic Republic of Ethiopia, as the name suggests, is a federation made up of semi-autonomous regions or states. The Regions are established on the basis of the settlement patterns, ethnic composition, language, identity and consent of the people in each locality. There are nine autonomous federated regions of the federation, while Addis Ababa and Dire-Dawa are federal administrative regions.

Each Region has its own basic laws and regulations, which has to conform to the Ethiopian Federal Constitution of 1995 – Regulation No 1 of 1995. Prison administration was also governed along federal lines, with federal prisons and regional prisons having autonomous regulations.

Prisons in Ethiopia have been inherited first, from the imperial era and later from the brief Italian administration. Prior to the Italian occupation from 1935 to 1943, there was only one prison in the country – in Addis Ababa – constructed by **Emperor Segnito** in the early 20th Century.

In modern Ethiopia, the prison regime has been shaped by three main legal instruments:

- Proclamation No. 44 of 1945
- The Imperial Penal Code of 1957
- Proclamation No. 365 of 2003 on the establishment of a Federal Prison Commission

The above instruments, together with Proclamation No. 1 of 1995 - the Federal Constitution of the FDRE, provide for the establishment and management of prisons including the treatment of prisoners. Prison administration is at two levels – the federal as well as the regional level.

The Federal Democratic Republic of Ethiopia with a land size of over 1,127,127 Sq Km and a population of over 72 million inhabitants has over 63,000 prisoners held in 171 prisons.

a) Federal Prison administration

As a federation of eleven regions, the government has given some measure of autonomy to the different regions to manage their own affairs, including the criminal justice system. Among the eleven regions, two – Addis Ababa and Dire Dawa – are federal regions, that have the jurisdiction to deal with federal matters. Like all other regions, they also manage prisons and prisoners. Certain crimes such as genocide, inciting ethnic conflicts and crimes committed by foreigners are tried in federal courts and convicted persons detained in federal prisons. There are also prisoners in federal prisons for alleged terrorism, especially persons purporting to be members of the Oromo Liberation Front (OLF), a group fighting for an independent Oromo State. It is also possible to transfer prisoners from federal prisons to regional prisons to serve their sentences there, if they so request.

The Federal prisons receive their funding directly from the federal government and after the adoption of Proclamation 365 of 2003; they are being managed by the Federal Prison Commission. The federal prisons are better in terms of infrastructure, budgetary allocations and management than regional prisons.

b) Regional Prison Administration

The regions represent the different ethnic groups that make up modern Ethiopia. Each region is dominated by a particular ethnic group and it seems those regions with no dominant ethnic group like Dire Dawa and Addis Ababa are made federal administrative regions. Thus, in the Oromia Region, the Oromos constitute the majority, and in Amhara, the Amharas.

Each region has its own prison laws or regulations which must not depart from Proclamation 365 of 2003 and the values of the 1995 Constitution. Each region provides for the welfare of its prisoners in accordance with its available resources. Thus, while some regions provide formal and vocational training to inmates, some regions could not afford. The Dippo Prison in the Oromia Region, for example, has wood and metal workshops while Arba Minch and Awasa prisons in the Southern Nations, Nationalities and Peoples' Region (SNNPR) has no schools for either formal or vocational education. While Arba Minch Prison has a large prison farm, the Harar Prison suffers from a serious shortage of water.

According to the administrative structure in Ethiopia, each region is divided into zones. The zones are further divided into either Special Woredas or Woredas, and the Woredas are also divided into Kebeles, the latter being the smallest administrative unit, at community level. Prisons are also classified into Zonal, Special Woreda and Woreda prisons – depending on the size of the prison. There are prisons in all the Zones and the Woredas and there is hardly any prison in the Kebeles.

Table 1 below shows the prison population distribution by region.

No.	Region	Population in 000	Area size in Sq Km.	Prison Population		Total
				Male	Female	
1	Tigray	4,206.5	50 286	3,761	113	3,874
2	Afar	1,483.9	96 708	223	15	238
3	Amhara✳	18,555.2	156 960	14,034	455	14,489
4	Oromia	25,125.0	353 632	21,927	689	22,616
5	Somali	4,537.7	279 252	248	5	253
6	Ben Shangul	617.6	50 248	1,159	27	1186
7	SNNPR	13,918.2	112 727	12,199	539	12,738
8	Gambela	243.9	25 369	431	11	442
9	Harar	175.9	374	1,325	84	1409
10	Dire Dawa	337.8	1 025	413	27	440
11	Addis Ababa☆	2,833.7	546	5,776	138	5914
	Total	72,035.4	1 127 127	61,696	2,093	63,792

✳ Including Robit Prison

☆ Including Kaliti Prison

III. Description of detention facilities visited

The Special Rapporteur visited nine prisons, two police stations and two prison farms in five regions of the country. This section gives a brief description of the detention facilities visited.

1. Addis Ababa Region

The Addis Ababa region is one of the two federal regions in the eleven region federation of Ethiopia. It comprises 6 zones and 28 Woredas. The city is divided into 328 dwelling associations (Kebeles) of which 305 are urban and 23 rural. Addis Ababa is located in the heart of the country surrounded by the Oromia region. It has a land area of about 540 Km² with a total population of almost three million inhabitants. As capital of the country, Addis Ababa is a city where, despite differences in number, almost all-ethnic groups live in. However, the major ethnic groups were the Amharas 48.3%, Oromos 19.2%, Guragies 17.5%, Tigrains 7.6%, and others all together 7.4%. Regarding religion, 82% of the populations were Orthodox Christians, 12.7% Muslims, 3.9% Protestants, 0.8% Catholics, and 0.6% followers of other religions (Hindus, Jews, Bauhaus, Jehovah, Witnesses, Agnostics).

The region has three prisons with a total of about 6,114 inmates – 5976 male and 138 female. The prisons include – Addis Ababa Prison, Kaliti Prison and Ziway Prison.

a) *The Addis Ababa Prison*

The Addis Ababa Prison is a Federal prison situated in the capital of the country (just a few meters from the African Union (AU) offices). It is the largest Federal prison and one of the largest prisons in the country with a prison population size of 4835 – 4673 male and 165 female.

The prison is divided into six sections called zones and the six zones are made up of 30 large cells called houses or blocks. The male prisoners occupy 25 of the cells while the female occupy the remaining five cells, also called villas. The cells are not of equal sizes and house inmates depending on their sizes. Thus, a cell of about 7m x 20m would have about 135 inmates, while another cell of 7m x 7m would take about 25 inmates.

The male section of the prison is separated from the female section using a fence. The female section is further divided into two – one section for nursing mothers and expectant women and another section for the other women. There are 11 children in the women's section aged between 3 months and 4 years old. There are also about 3 teenage girl prisoners in the women's section.

One of the six zones houses some officials of the Derg (former) regime of Mengistu Haile Mariam. This section, also referred to as *Alem bekagn* (end of the world, in Amharic) has its own library, a computer training centre and a volley ball court.

Each zone has a small clinic that provides first aid medical services. Serious ailments are referred to the Prison's main clinic run by four doctors (including one prisoner doctor) and twelve nurses. Cases that cannot be handled by the main clinic are referred to hospitals outside the prison.¹

The clinic has a well stocked drug store and dispensary. It also has a dental section, a Tuberculosis (TB) section, and a laboratory with modern equipment. According to the Chief Medical Doctor of the Prison, the most common diseases are TB, hypertension, diabetes and HIV/AIDS. There is a 7.9% HIV/AIDS prevalent rate in the prison.

¹ The clinic also serves the prison staff and their immediate families. It is not opened to the public.



The Special Rapporteur being shown the drug store of the Addis Ababa Prison

The prison infrastructure is relatively new and there is a lot of construction work going on. There are classrooms for formal education right up to grade 6 and the authorities are constructing another section to extend formal education to grade 10. There are also classrooms built within the prison for subjects such as accounting and mathematics. Vocational training is also part of the reformation process in the prison. The prison has a well established vocational training section educating inmates on several trades including – sewing, woodwork, metal work, weaving, computer training, hairdressing and home economics. The prison also has a bakery with a modern machine that produced about 180 loaves of bread in about five minutes. The bread is used to feed the prisoners for breakfast.



The Special Rapporteur inspects an Accounting class in the Addis Ababa Prison

b) The Kaliti Prison

The Kaliti Prison situated some 11 Kilometers from the capital Addis Ababa is also a federal prison with about 479 inmates, the majority of them top military officials of the former regime charged with genocide and crimes against humanity. Some of the prisoners have been in detention for more than 12 years and most have been convicted and sentenced to life imprisonment. In a closed meeting with the Special Rapporteur, they claim they are political prisoners and are being victimised by the new regime. They also claim the majority of those detained across the country are persons opposed to the new regime and range from peasant farmers to top politicians of the Derg regime. They requested the Special Rapporteur to intervene on their behalf to appeal for pardon from the state.

The prison has a total of 11 cells – 10 for the 471 men and 1 for the 8 women detain there. The average age of the prisoners is above 50. The oldest prisoner claims to be about 110 years. He is half blind and walks with the help of others.

There is a small clinic in the prison that administers first aid treatment. There is no resident doctor or nurse. There is also a computer training centre and a small metal workshop. There is no school for formal education. Since most of the prisoners are over fifty years they may not be interested in classroom activities or metal or woodwork training.

The Special Rapporteur was informed that the Kaliti prison compound is a makeshift structure put together after 1991 when the Mengistu regime was toppled. It is not meant for prison purposes. The prisoners informed the Special Rapporteur that most of the structures have been built by them through their own contributions and assistance from NGOs.

c) Ziway Prison

The Ziway Prison is another federal prison in the Addis Ababa region situated about 150 kilometres from the capital, Addis Ababa. It is made up of about 635 inmates – all male. The prison has about eleven large cells of different sizes. Some hold 35 inmates, some 104 inmates.

There is a small clinic and a poorly equipped laboratory. It also has a school and a media center where information and news is broadcasted to all the prisoners.

d) Ziway Prison Farm

The Ziway Federal Prison Farm is located a few meters away from the Ziway Prison and covers almost 90 hectares of land. Irrigation water is derived from the Ziway lake. The farm produces cash crops such as banana, pawpaw, pepper, orange, guava, mangoes and also rears cattle. It also produces food crops such as maize, Onion, tomatoes and cabbage.

The cultivation is done by the prisoners and this is done as part of the reformation and reintegration policy of the prison. Farming is not done as part of punishment. The prisoners are trained from soil preparation in the nursery to crop transplant in the main farm.

The prisoners are paid for the work they do in the farms and depending on the nature and duration of the work, they may be given 0.75 Birr, or 1 Birr or 1.5 Birr (\$ 1 = 8 Birr). They are paid a fraction of this money each month and the rest is kept by the administration and given to them when they are released.



The Special Rapporteur assists prisoners to harvest cabbage in the Ziway prison farm

2. Southern Nations, Nationalities and Peoples' Region (SNNPR)

The SNNPR as the name indicates is made up of over 50 different nations, nationalities and peoples living cohesively. These ethnic groups have their own languages, culture and history with which they identify themselves. It is the third largest region in Ethiopia with a population of about 14 million (21% of national population) and an area of about 112,537 (10% of national area). It is divided into the following administrative units - 13 zones, 8 Special Woredas, 104 Woredas and 3717 Kebeles, with the Zones being the largest administrative unit and the Kebeles the smallest.

The Region lies in the southern part of the country. It has common borders with Kenya to the South, the Republic of the Sudan to the South West, the Gambella Region to the North West, and the Oromia region to the North and East. The rural population of the region accounts for about 93.2% of the total population. North Omo, Sidama, and Guragie are the three zones with the highest population. The population is concentrated mostly in eastern, northern and central part of the Region while the western and southern parts are sparsely populated. The predominant languages spoken in the region include, Sidamigna, Gruagigna, Wolayitagna, Hadiyigna, Keffigna,, and Kembatigna. Other languages spoken in the region are, Gamoigna, Malo, Goffa and Gedeo. The working language of the region is Amharic.

Under the former regime, prisons in the region were grossly neglected – inadequate funding, no training facilities and no desire to reform and reintegrate prisoners. The SNNPR Prison Administration Office was reconstituted in 1993 after the overthrow of

the Mengistu regime in 1991. Today, the region has a total of 23 prisons – 13 zonal, 5 Special Woredas and 5 Woredas. The 23 prisons have a total of 12,738 inmates.

Table 2 shows the prisoners' classification in the SNNP Region.

No.	Category	Male	Female	Total
1	Death Sentence	11	-	11
2	Life Imprisonment	339	18	357
3	More than 4 years imprisonment	3,248	95	3,345
4	Awaiting Sentence	2,701	89	2,790
5	Awaiting trial	2,867	116	2,983
6	Children	84	74	158
	Total	12,199	539	12,738

Table 3 shows the human resources capacity in the prison sector in the SNNP Region.

	Military	Civilian	Total
Male	650	80	730
Female	87	44	131
Total	737	124	861

The Special Rapporteur visited two prisons, one police station and one prison farm in the region. These include the Awasa Prison, the Arba Minch Prison, the Awasa Woreda Police Station and the Arba Minch Prison Farm.

a) The Awasa Prison

The Awasa prison is a regional prison located on the outskirts of the capital of the SNNP Region – Awasa, some 400 kilometers from Addis Ababa. The original capacity of the prison is estimated at 450 but it is holding 979 inmates – more than double its capacity.

The prison has a small clinic with a non-resident nurse. There is also a small library which is almost empty save for newspapers and a few books, a small manual wood workshop and a weaving section. There are classrooms for formal education and most of the teachers are inmates themselves.

The prison has 12 cells, 9 for males and 3 for female inmates. The female section is completely separated from the male and is guarded by female guards. However, the female section does not have any recreational facilities like the male section which has a volley ball court and some indoor games. With support from the Catholic Mission in Awasa, there are plans to construct four new blocks of 5m x 7m in size.

The prison is managed by a staff of 67 whose average salary ranged from 420 to 600 Ethiopian Birr per month, that is, about 52 to 75 US Dollars a month. This is the salary for an average Ethiopian civil servant.



The Special Rapporteur addresses prisoners in the Awasa prison

Table 4 shows the prisoners' composition in the Awasa prison.

No.	Category	Male	Female	Total
1	Death Sentence	-	-	0
2	Life Imprisonment	10	-	10
3	More than 1 and up to 25 years	87	4	91
4	Up to 1 year	16	-	16
5	Awaiting sentence	552	20	572
6	Awaiting trial and trial	269	14	283
7	Children	2	5	7
	Total	936	43	979

b) The Arba Minch Prison

The Arba Minch Prison is a regional prison located about 300 kilometers from Awasa and 700 kilometers from Addis Ababa. It has an original inmate capacity of about 1100 but holds about 1605 inmates – 1536 male and 69 female. The prison has a small and poorly equipped clinic. There are no schools for either formal or vocational training. The prison has 11 cells – 8 for male and 3 for female inmates. The local government has approved a plan to build more cells.

c) The Arba Minch Prison Farm

Less than one kilometre from the Arba Minch Prison is the Arba Minch Prison Farm. The farm grows crops such as maize, coffee, mangos, bananas, sugar cane and guavas. Proceeds from the farm are sent to government. The authorities are negotiating with government to allow the proceeds to be used within the prison.



The Special Rapporteur visits a sugarcane plantation in the Arba Minch Prison Farm

d) Awasa Woreda Police Station

The police station is located a few kilometers from the Awasa prison. There are about 30 detainees in a two room block. The rooms are very dirty and produced very bad odour. The detainees themselves are stinking as they have not bathed for several days.

There is no where they can bath as there is no provision for a bathroom in the police stations. The toilet, a few meters from the cell, is very dirty and detainees are not allowed to go to the toilet at night. They are provided with a bucket where they urinate and empty the contents in the morning.

The detainees are provided with neither blankets nor food, because according to the authorities, the government does not provide any budget for persons detained in police stations. There is no medical facility and there are reports of police brutality.

3. Oromia Region

The Oromia Region covers the largest part of the country. The Region borders the Afar, Amhara and Benshangul/Gumuz regions to the north, Kenya to the South, the Somali Region to the East, the Republic of the Sudan and the Benishangul/gumuz Region to the West, the Southern Nations, Nationalities and Peoples' Region and the Gambella Region to the South.

With a population of over 25 million and a land size of about 353,632 km², the Oromia Region is the largest region in Ethiopia both in terms of population and land area. The major ethnic groups within the Region included 85% Oromo, 9.1% Amhara and 1.3% Gurage. The remaining 4.6% constituted other ethnic groups. The religious composition of the population of the region indicated that 44.3% were Muslims, 41.3% Orthodox Christians, 8.6% Protestants, and 4.2% followers of traditional religions. The remaining 1.6% constituted other religious groups. In urban Oromia, Orthodox Christians constituted 67.8% of the population, followed by Muslims 24.0% and Protestants 7%. Oromifa (Oromigna) is the official language. It constituted 83.5% of the spoken language. Other major languages are Amharic 11%, Guragigna, 0.98%, Gedeogna 0.98% and Tigrigna 0.25%.

The Region has a total of 33 prisons - 15 Zonal and 18 Woredas with an overall prison population of 22,616. The Special Rapporteur visited and inspected prisons in the East Shoa Zone. The East Shoa Zone has three prisons - Adama (Nazret) Prison, Dippo Prison and the Ziway Prisons with a total prison population of 2,199. The Special Rapporteur visited the Adama and Dippo prisons.

a) The Adama Prison

The Adama (Nazret) Prison is located on the outskirts of the capital city of the Oromia Region – Nazret.² The prison with its 7 cells – 6 for men and 1 for women – has an original holding capacity of about 150 prisoners but has 300 inmates – 273 male and 27 female, including 5 children and one expectant mother. The female cell is completely separated from the male cells and guarded by female guards. The age range of the prisoners is from 16 to 82 years for men and 14 to 65 years for women.

There is a small clinic with a resident nurse and one health assistant. There is no doctor. Serious health cases are referred to hospital. The prison has a small library with very few books; it also has a mini-media where information and news is disseminated to the prisoners. The mini-media also serves as entertainment for the prisoners. There is no classroom for formal education but some inmates have been arranging make-shift classes to teach others. They follow the national curriculum and teach up to grade 5 level. With the support of the prison authorities these classes will be recognised and accredited by the regional government next year.

There are very few vocational activities, especially in the female section. As a matter of fact, the female section has neither a school, a recreational facility nor a vocational training facility. The argument advanced by the authorities for this absence is that male and female inmates, as per prison regulations, cannot be put together and the authorities do not have the resources or the space to establish separate facilities.

b) The Dippo Prison

The Dippo Prison is also located in the East Shoa Zone of the Oromia Region just a few kilometers from the Adama Prison. It has a total prison population of 325 inmates. It has a reasonably equipped vocational training facility that offers training in wood work, metal work and weaving. There is limited space for other recreational facilities – there is however, a volleyball court used almost exclusively by the male inmates.

With support from the Prison Fellowship Ethiopia, the authorities have constructed three new large modern cells equipped with flushing toilets. The cells also have beds, mattresses, bed sheets and towels for each inmate. Each cell has an area of about 7m x 12m with a capacity of 36 prisoners. The authorities plan to move some inmates into the new cells by the end of April 2004.

² It is also called and pronounced Nazareth. The name was changed from Adama to Nazret but the local authorities still use the name Adama.



The new wing of the Diplo Prison built by Prisons Fellowship Ethiopia

c) Adama Woreda I Police Station

The Adama Woreda I Police Station is located in the capital of the Oromia Region – Nazret. It had a total of 85 inmates in three cells. The largest of the three cells is 4m x 7m with 40 detainees.

The cells are poorly ventilated and overcrowded. There are no mattresses or blankets for detainees to use. There is no water for bathing. The detainees have not bath since they were detained, some for more than 25 days. Detainees also complain of police brutality. Some showed the Special Rapporteur scars and wounds on their bodies allegedly caused by police beatings.

They are fed only once a day with two loaves of bread each. They complain that the food is usually not enough for all the detainees, so the authorities choose randomly, first from those whose relatives were far away, and if there is food left, from the rest of the detainees.

There is another make shift detention room for women, and at the time of the visit, there were two female detainees aged 16 and 18. The room is built with zinc and the floor was not cemented

The authorities complain that the government does not provide any budget for detainees in police stations.

4. Dire Dawa Region

The Dire Dawa Region is one of the two Federal Administrative Regions. The region consists of the city of Dire Dawa and the surrounding rural areas. It has no administrative zones but one woreda – the Gurgura Woreda. There are 24 urban Kebeles and 28 rural peasants associations. Dire Dawa is the capital city of the administrative council.

The Region is located in the eastern part of the country enclosed by the Somali Region and the Oromia region. It is about 515 Kilometers from Addis Ababa with a total land area of about 1,025 Km² and a population size of about 337.800 inhabitants. The region has only one prison – the Dire Dawa Prison, with a total of 440 inmates – 413 male and 27 female.

The prison has a total of 22 cells, 20 for men, some as large as 6m x 11m with 26 inmates, others 7m x 7m with 16 inmates. The other two cells house the 27 female inmates with 1 kid. There is no school for either formal or vocational education. There is a small clinic that attends to 15 – 20 inmates a day. There is no resident doctor but a health assistant.

The regional government has allocated the sum of 127,108 Birr for vocational training including 250,000 Birr to buy material and some 600,000 Birr for classrooms. The prison has a total of 83 staff – 74 male and 9 female.

Table 5 shows the prisoners' composition in the Dire Dawa Prison

No.	Category	Male	Female	Total
1	Death Sentence	0	0	0
2	Life Imprisonment	14	0	14
3	6 – 25 years imprisonment	64	4	68
4	5 years and below	61	2	63
5	Awaiting Sentence	129	11	140
6	Awaiting Trial	118	10	128
7	Prisoners from Somali Region	26	0	26
8	Children (with their mothers)	1	0	1
	Total	413	27	440

5. Harari Region

The Harari Region is the smallest of the 11 regions in Ethiopia with a population of only 175,900 inhabitants and a land area of 374 Km². The capital of the region, Harar is one of the most popular historical towns in the Eastern part of Ethiopia. The State has no administrative zones or Woredas. It has about 19 Kebeles. The Region has located in the Eastern part of Ethiopia, surrounded by the Oromia Region.

The ethnic composition includes Oromo 52.3%, Amhara 32.6%, Harari 7.1%, and Guragies 3.2%. Harari language is the official language of the State. The religious composition of the population indicates that 60.3% are Muslims, 38.2% Orthodox Christian, 0.9% Protestants, 0.55 Catholics, and 0.1% followers of other religious groups.

The region has only one prison with an inmate capacity of 1000 but holds about 1370 prisoners – 1296 male and 74 female. It must be noted here that more than half of the inmates in this prison are from the Oromia Region detained in the Harar prison because the Oromia regional government does not have enough prisons to keep them in. While in the Harar prison, the Oromia regional government provides money for their daily upkeep and transportation to court for those whose cases have not been disposed.

The prison has a small clinic with no resident doctor but has three nurses - 2 assistant nurses and a sanitation officer. The male section is separated from the female section. A juvenile cell of 4m x 7m with 12 inmates is not completely separated from the adult section as there is free movement of adults in and out of the juvenile block.

The prison had 31 cells of different sizes – some 4m x 5m with 10 inmates, some 6m x 7m for 29 inmates, some 5m x 7m for 14 inmates and others 6m x 15m for 55 inmates. The 84 female prisoners are living in only 4 cells some of them with very rough and dirty walls. The walls, as well as the floors are not cemented. The area is very small and has no space for recreational and other activities.

The prison has a volleyball court and offers vocational training – woodwork, metal work, and brick laying only to male inmates. The authorities plan to introduce sewing for female inmates. There is a school that offers classes up to grade 6. The school is accredited by the regional ministry of national education. There is an acute shortage of water in the prison. This is as a result of water shortage in the region as a whole.

Table 6 shows the prisoner composition in the Harari Region.

No.	Category	Male	Female	Total
1	Death Sentence	2	0	2
2	Life Imprisonment	20	0	20
3	4 – 25 years imprisonment	88	3	91
4	3 years and below	76	6	82
5	Awaiting Sentence	134	6	140
6	Awaiting Trial	103	10	113
	Total	423	25	448
7	Prisoners from Oromia Region	873	49	922
	Grand Total	1296	74	1370

IV. Observations and Findings

This section of the report provides the general observations and findings of the Special Rapporteur regarding the prison regime in Ethiopia. This includes findings and observations on issues ranging from prison population, building structures and accommodation, categories of prisoners, sanitation, discipline, etc. Under each aspect, the Special Rapporteur will report on the observations and findings generally, making references to specific examples where necessary.

1. Prison population and categories of prisoners

Ethiopia has a total prison population of 63,792 detained in 171 prisons. Apart from the Dire Dawa Prison, all the other detention facilities visited, including the police stations, are overcrowded, some holding inmates more than twice their capacity.³ The problem of overcrowding is more severe in the regional prisons than at federal level. In the Awasa Prison for example, the original capacity is 450 inmates, but it is holding more than 979 prisoners, more than 200% overcrowding. In Arba Minch, a prison meant for 1100 inmates is holding 1605.

The overcrowding is as a result of the large number of un-sentenced prisoners. In almost all the prisons, a large proportion of the detainees are still awaiting trial or awaiting sentence. In the Addis Ababa Prison for example, more than 3242 out of the 4835 inmates, about 68% of the total inmate population have not been sentenced. In the Awasa prison, out of a total population of 979 inmates, 855 of them, that is, 87% of them are either awaiting trial or sentence.⁴ In the Harar Prison, 56% of inmates have not been sentenced and in Dire Dawa, in spite not being overcrowded, 67% of the inmates are yet to be sentenced.

Another possible reason for the overcrowding in prisons has to do with the Ethiopian criminal procedure process. In Ethiopia, a prisoner is defined as anyone in custody – convicted as well as suspects (awaiting trialists). According to the criminal procedure process, when a suspect is arrested, he/she is detained by the arresting police officer at the police station for investigation. The law requires that the suspect be brought before the courts within 48 hours to be charged. However, if the police officer has not completed investigation, he/she may request the judge for more time. Under Ethiopian law, there seems to be no limit to the number of times a police officer can request for additional time in order to complete investigation. Thus, there are persons in police custody in Adama Woreda I Police Station for more than a month who have not been charged.

³ It should be noted here that most of the detention facilities visited were not originally meant to be prisons and as such it was difficult to determine their original capacities.

⁴ However, in the SNNPR as a whole, the percentage of those awaiting trial and sentence was 45%.

After completing his/her investigation, the police officer hands over the file of the suspect to the State Prosecutor who then charges the suspect.⁵ When the police investigation is completed, the suspect is immediately removed from the police station and sent to a prison. He/she is taken from prison each time his/her case comes before the court for hearing. The suspect ceases to be called a suspect and is now called a prisoner and the duty of the police with regard to that *prisoner* is completed. While in prison, there is no differentiation between suspects and convicted prisoners. They are all mixed and treated the same way.

In all the prisons, there is a “holding cell” for new-comers, where those who have been transferred to prison spent about fifteen days before being allocated cells. These “holding cells” are usually the most crowded and dirty. Most of the “newcomers” do not have blankets or mattresses as the government does not provide them. So, some of them sleep on very thin foams or sheets on bare floor.

(a) Female inmates

All the detention centres visited, except Ziway Prison and the Awasa Woreda I Police Station, have female inmates. Unlike the male sections, the female sections of the prisons are cleaner and less crowded. In the Kaliti prison, there are only 8 women occupying 1 large cell, in the Adama Woreda I Police Station, there are only 2 teenage girls and in Adama Prison, there are 27 women, and the same number in Dire Dawa Prison.

In the Addis Ababa prison, the female cells are called villas. Even though the cells are well kept, some of the “villas” are overcrowded. There is a separate section for nursing mothers and expectant mothers. The toilets are not very clean and the section for nursing mothers a bit untidy. The female sections of the Awasa, Arba Minch and Harar prisons are also crowded and the spaces very small for any outdoor activities.

In the Harar prison for example, there are 74 women sharing about 4 small cells. They complain about overcrowding in the cells and outside the cells as they do not even have space to engage in recreational services.

A remarkable feature of all the prisons is the fact that the female sections are well separated from the male section and guarded by female guards.

In all the prisons with female inmates, there are also children detained with their mothers. According to Ethiopian prison regulations, these children are supposed to remain with their mothers until they reach the age of 18 months. Thereafter, the authorities, in collaboration with their mothers and their families would release the children if their families are prepared to accept them, or to a charitable organisation, if they are willing to adopt the children. However, in most cases, the families of the mothers are not prepared to accept the children and there are few charitable organisations willing to shoulder

⁵ It was also noted that the police officer also sends a report of his/her investigation to the court. The Special Rapporteur was informed that this is to enable the courts to call up the matter should the suspect not be brought to court by the Prosecutor within reasonable time.

responsibility as well. Thus, children remain in prison with their mothers for as long as their mothers are detained or they (the children) are able to fend for themselves. There are children in prison aged up to 8 years. Most of the children are not going to school and have no toys or other entertaining facilities for children.

(b) Juveniles

The prison structure does not adequately take care of juveniles. There is only one juvenile court in the whole country and this was based in the capital, Addis Ababa. There are no juvenile facilities in the regions – reformation centers or courts. Thus, juveniles are put together with adults in all the prisons. In the Harar Prison, the authorities have allocated a cell for juveniles but at the time of the visit, adults were found going in and out of the cell and it is not completely separated from the adult section.

(c) Foreigners

There are about 54 foreigners in the Addis Ababa prison. Foreigners are not imprisoned in regional prisons, so most of them are sent to Addis Ababa. Most of them are detained for drug trafficking. The Special Rapporteur met with the three female foreign prisoners detained in the Addis Ababa Prison and discussed their condition of detention. Their major complaint is insufficient access to their relatives. They are allowed to call only once in two weeks – thus, twice a month. They also complain about the heavy fine given by the court and said it would be difficult for them to pay as they have no relatives in Ethiopia.

(d) Persons with disabilities

There are very few inmates with disabilities. There are about three blind inmates in the Addis Ababa prison and one blind female prisoner in the Adama Prison. There are no inmates with mental disabilities. The Special Rapporteur was informed that such inmates are referred to the Immanuel Mental Hospital for treatment.

(e) Prisoners on death row

There is a small number of prisoners on death row. Most of those on death row are those charged for serious offences such as murder, genocide and crimes against humanity. Very few executions have taken place since 1991 when the Mengistu regime was toppled. The majority of the Derg officials are sentenced to life imprisonment or higher prison terms. Death row prisoners are not separated from the others and are not treated any differently as well.

2 Buildings and accommodation

(a) Cells

The prisons are made up of very large halls also called houses or blocks or cells. The cells are of varying sizes. There are no cells for individual inmates. In the Addis Ababa Prison however, there is an inmate isolated from the others in a separate room (not a cell) because he has a chronic case of TB (*see - section on Special complaints*). There are no disciplinary cells as discipline, the authorities claim, is handled by the prisoners themselves (*see section on prison committees*).

Many of the buildings are in relatively good conditions. With the exception of Awasa, Harar and Arba Minch prisons, the other detention facilities are relatively clean and well maintained. In the Awasa prison, the rooms are congested, not only with prisoners but also with their belongings found hanging all over the walls. As a result the room is very dark and less ventilated. The room is also poorly lit. In the Harar prison, the space is too small for the number of prisoners. Cells are generally overcrowded, especially in the female section. The cells in the male section are untidy as inmates chew and throw leaves of *chard* (local herb believe to give body stimulation) on the floor.

In the Addis Ababa prison, there is construction work going on to improve the housing units. Modern structures are being built for vocational training and formal education. The prison walls are clean and well cemented. This is in contrast with the Harar and Awasa prisons. In the Harar prison for example, the muddy walls, especially in the female section are very rough and dirty. There are holes on the walls and the floors are very rough and un-cemented. These prisons have very poor ventilation as the windows are usually on only one side of the buildings thus preventing air from going across.

In all the prisons, there are no separate areas for inmates to store their belongings. Prisoners have therefore resorted to making holes on the walls to hang their things. This makes most of the cells very crowded, dark and less airy.

Most of the prisons are accessible and located at the outskirts of town. The Addis Ababa Prison is however located in a densely populated part of the capital city – a few metres from the African Union office. The prisons are however, inaccessible to persons with physical disability such as those on wheel chair or the blind people.

(b) Kitchen

The kitchens are relatively clean. The Addis Ababa Prison has outsourced the cooking of food to an outside company that prepares food for the inmates. In the regions however, food is prepared in the prisons. Most of the prisons use gas for cooking.

(c) Religious facilities

Inmates are allowed to practice their religions. In all the prisons visited, there are mosques for Muslims and churches for Orthodox Christians. In the Addis Ababa prison there are two well constructed buildings for Muslims and Orthodox Christians. There is however, no building for Protestants. Clergymen come from outside the prison to preach on specific days. On other days, lay preachers from amongst prisoners themselves are allowed to preach.

3) Health and Hygiene

(a) Medical care

In terms of article 27 of Proclamation No. 365 of 2003, the government is to take care of the welfare and health of the prisoners. Even though this is a Proclamation that applies to federal prisons, it is a practice in both domestic and international law. All the detention centers, except the police stations have clinics that offer first aid treatment to prisoners. Medical problems that cannot be handled by the clinics are referred to nearby hospitals.

In the Addis Ababa Prison, there is a clinic in each of the six zones of the prison and another bigger clinic for more serious problems. Complaints that cannot be handled by the latter are referred to the hospital. Apart from the Addis Ababa Prison, all the other prisons have very few medical facilities. None of the regional prisons visited has an equipped laboratory. There are very few medicines in the dispensaries and none has a resident doctor or even a visiting doctor.

In the Arba Minch Prison, there is a quota of 8 inmates that can be sent to hospital each day. This means if this number is attained, no other prisoner can be taken to hospital. The authorities argue that this quota has been imposed on them by the hospital authorities as there is also a quota on the number of patients each doctor can attend to, and secondly, that the government does not provide the hospital with a separate budget for the treatment of prisoners.

Apart from the Addis Ababa prison, all the other prisons are poorly staffed in the health sector. In the Awasa prison, there is only one non-resident nurse, in the Arba Minch prison, there is one resident nurse. The Adama prison has a health assistant and a sanitation officer.

Generally, the most common diseases in the prisons are TB and HIV/AIDS. However, there are other diseases peculiar in specific regions. For example, in the Harari Region, the most common disease is malaria, in the Oromia Region, it was TB. Apart from sensitisation, especially on HIV/AIDS, there is no risk prevention programme in any of the prisons. However, it must be noted that prisoners with contagious diseases such as TB are separated from the others.

(b) Women's health

Matters peculiar to women inmates are not properly taken care of by the authorities. Women are not provided with, among other things, sanitary pads. In the Addis Ababa prison, the ICRC is providing women with some cloth which they use and wash to reuse. The Special Rapporteur raised serious concern about this practice and drew the attention of the women and the prison authorities to the health risks involved.

(c) Sanitation

In all the prisons, prisoners are not provided with either mattresses or blankets. They are required to provide for themselves. Other basic items such as soap, sheets, and detergents for clothes are equally not provided. Such items are either provided by NGOs or the Prisoners Committees.

One of the biggest problems in all the prisons is the shortage of water. The problem is severe in the Harar Prison. The entire Harar Region has a perennial water problem. Water is distributed to the inhabitants of the region in trucks. In the Arba Minch prison, there is also a serious problem of water. However, in Arba Minch, the International Committee of the Red Cross is working on bringing water to the prison from a nearby river using a generator. Because of the poor water supply in most prisons, the toilets are not very clean.

In the police stations, there is no water available to the detainees. They urinate in buckets and empty the content the next morning. Detainees in police cells do not bath, and as a result, they have rashes and very bad skin odour. The toilet in the Awasa Woreda Police Station is very dirty with faeces on the floor. The cells are very dirty and smelling of stale water and urine.

(d) Food

The main dish in all the prisons is *injera* – the local bread – and stew, which most of the time is made with beans, usually with no meat. Prisoners are fed three times a day with the same meal. In the Addis Ababa prison however, prisoners are provided with bread and tea for breakfast, vegetables twice a week, and meat twice a month. In Dire Dawa, and Adama prisons, expectant mothers, nursing mothers, children and sick prisoners are given special meals – meat, vegetables, milk, eggs, etc. Foreigners are provided with porridge and rice, if they do not want *injera*. The quantity of food is usually much but some prisoners complain about the quality, especially the stew.

The process of preparing the *injera* seems to be hygienic – from the preparation of the turf (the raw material for the *injera*) through fermentation, to when the *injera* is made. The containers used for fermenting the turf are well covered and stored in a separate room. In the Adama Prison, there is a big store room for turf and soghorn. The room is also clean, safe for some turf flour and soghorn on the floor.



A woman preparing *injera* at the Adama Prison

The budget allocation for food depends on the region but the minimum is 2 Birr per prisoner per day. In Federal prisons, the budget allocated for each prisoner per day is 3.5 Birr. In most of the regional prisons, the allocation is 2.0 Birr. However, the Harar, Adama and Dippo regional prisons allocated 3.5 Birr per prisoner per day.

(e) **Clothing**

Prisoners in Ethiopia are not provided with uniforms. They wear uniforms only when they go out to work in the farms or in the workshops. They provide their own clothing while in detention. Most of them are relatively neat but some are dressed in torn and very dirty clothes. In the Harar prison, some prisoners complain that they have to borrow clothes from others to put on when going to court.

4 Contact with the outside world

(a) **Visits**

Prison regulations allow for family visits. In most prisons, this is limited to twice a week, usually on Saturdays and Sundays. Prisoners however, complain that the two days a week is not enough as some of their family members come from far away and can only visit on week days (Mondays to Fridays). Those who visit on week days are usually not allowed to see their relations in prison but can leave behind whatever they have brought. Prison authorities however, argue that the two days per week is enough and necessary to maintain order. They also argue that, there is flexibility in the execution of the regulations

as visitors who can proof that they come from another region or from a distant area are usually always allowed to see their relations even during week days. The visiting hours are usually 30 minutes per visit – thus, one hour per week.

In all the prisons, there are waiting areas where visitors wait until the visiting time is announced to them. In the Addis Ababa Prison, there is a visiting room where inmates and prisoners can meet and discuss. In other prisons, such as Awasa Prison, there is simply a wooden fence built to separate the prisoners from the visitors. Both prisoner and visitor can see, hear and shake hands with each other.

Prisoners complain about the lack of physical contact with visitors. The women in particular, argue that they would like to hug their children when they visit but this is not permitted. Prison authorities argue that allowing physical contact might lead to disorder as visitors can pass forbidden objects to prisoners.

(b) Correspondence

Prisoners are allowed to write and receive letters. They are also allowed to make telephone calls in exceptional cases. For instance, the three female foreign inmates in the Addis Ababa Prison had been allowed to call their relatives in their country of origin and to call their Ambassador who visited them in detention. Relevant Embassies are always notified if their nationals are detained.

5 Work, Exercise and Education

(a) Work

Most of the prisons have plans to develop prison farms. However, due to lack of space or farm land, only a few have prison farms. Work in the farms is done by prisoners and they are paid 0.75, 1.0 up to 1.5 Birr depending on the nature of the work. Prisoners in the Ziway prison complain that the pay they receive is not commensurate to the work they do.

The Special Rapporteur was informed that there is no forced labour in the prisons. No work is meted out to any prisoner as a form of punishment; rather farm work and other manual work are geared towards rehabilitation and eventual reintegration of the prisoners. In the Arba Minch Prison, prisoners were found digging sewage and holes to enable the ICRC connect water to the prison. The Special Rapporteur was informed that they would be paid for their services by the ICRC. The prison authorities usually pay the prisoners a fraction of their earnings and keep the rest to be given to them upon their release.

(b) Formal and vocational education

Apart from the Addis Ababa, Kaliti and Dippo prisons, the other prisons have very few facilities for vocational training. The Addis Ababa prison provides training in wood work, metal work, sewing, weaving, welding, computer training and home economics. The Kaliti prison also provides metal work and computer training to some prisoners. The Dippo Prison has a well equipped woodwork, metalwork and weaving section where inmates (male) are taught different skills.



The Special Rapporteur poses for a photo in the show room of the Dippo Prison skills training workshop

In the Arba Minch and Awasa prisons, there were no tools. In most of the prisons, vocational training such as woodwork, metal work, weaving and sewing was given only to male inmates.

In all the prisons the Special Rapporteur didn't see female inmates taking part in any vocational skill development activity. In the Addis Ababa prison however, there were three female inmates learning home economics. The authorities argued that because of inadequate resources and manpower availability, they could not provide training for both sexes at the same time.

Most of the prisons have schools that provide formal education up to grade six. In the Addis Ababa prison, the authorities are constructing a school to extend education to grade 10. The Dire Dawa, prison has no schools for formal education and no facilities for vocational training.

(c) Exercise

Recreational facilities are very inadequate in all the prisons. Most of the prisons have only a volleyball court which is sometimes used for football. Apart from the Addis Ababa prison, there are no outdoor recreational facilities for female inmates. This can be attributed to the small space allocated to female inmates in all the prisons. In the Addis Ababa prison, the female section has a volley ball court and some in-door games. The prisoners however, complain that they do not know how to use the in-door games as no one has taught them.

In the Harar prison, the female section is so overcrowded that they do not have space even for the indoor games. They complain that they do not even have space to dress up and comb their hair. At first, they said, they were using the toilet or the bathroom for dressing up but it has become impossible as these places are always occupied.

In all the prisons, prisoners spend the whole day outside the cells – from 8:00 am to 6:00 pm. At night, the cells are locked and opened only for emergencies.

6 Prison Rules and Discipline

The rights and duties of prisoners are spelled out in basic documents such as Proclamation 365 of 2003, including the supreme law of the land – the Federal Constitution, which provides for the basic rights of every individual. Prisoners are informed of their rights when admitted into prison. The basic rules and regulations and basic rights of the prisoners are pasted in the cells of most of the prisons. In the Adama Prison, the rights and duties are pasted at the entrance to the men section of the prison.

When prisoners are admitted into a prison, they spend about 15 days in a holding cell, a cell for new comers. The prisoners' Reception and Cell Allocation Committee would then address the newcomers, giving them details about the prison before allocating cells to them. The Justice Committee would also inform them about their rights and duties as prisoners.

It is not clear however, whether the inmates are familiar with the prison rules including their rights as prisoners. Many of them claim they do not know the procedures for applying for pardon or clemency. Some argue that even though the law requires that after serving $\frac{3}{4}$ of one's sentence, a prisoner can be released, they are never released. Some prisoners complain about the appeals process, indicating that they would like to appeal against the decision of the court but do not know how.

The authorities argue that the law regarding pardon is not clear and a new simplified version is being debated in Parliament. On the issue of parole, the authorities state that parole is not automatic to all prisoners who have served $\frac{3}{4}$ of their sentences. Other issues such as behaviour, possibility of integrating into society etc are taken into account. It

seemed however, that prisoners are not properly informed about their rights regarding these matters.

While all the rules and regulations must conform to the constitution, each region adopts its own rules to maintain law and order in the prisons. Most of the rules and regulations are consistent with international human rights norms on the treatment of persons deprived of their liberty.

It is interesting to note that prison authorities do not enforce the rules and regulations of the prison. Discipline is “self-administered”. The prisoners discipline themselves through the Prisoners’ Committee.

In each prison, there is a Discipline Committee made up of prisoners themselves, with members elected by their peers. If a prisoner breaks any of the rules of the prison, the Prisoners’ Justice Committee would try him or her, and if found guilty, the Prisoners’ Discipline Committee metes out the punishment (such as cleaning the floor, the toilet etc).

The authorities are not directly involved in discipline. Serious offences like homosexuality, assault occasioning bodily harm, theft etc are reported to the authorities who would contact the police to institute an investigation. The accused (the prisoner) is investigated by the police while in custody and can be taken to court and tried.

If a prisoner is not happy with the decision of the Discipline Committee, he/she can then bring the matter to the attention of the authorities, the Chief Administrator. This is when the authorities intervene in the process – to render advice but not to mete out sanctions. It is however, also possible for a prisoner to by-pass the Committees and report a matter directly to the authorities. In most cases, the authorities would refer the matter to the competent Committee.

V. Special Complaints

On 16 March 2004, the Special Rapporteur held a Press Conference at the Semien Hotel in Addis Ababa to inform the general public about the mission and to solicit information from anyone regarding prison conditions in Ethiopia. After the Press Conference, the Special Rapporteur was approached with the following complaints –

- Mr. Solomon Gabre Kidan
- The Gambela detainees presumed disappeared
- The existence of secret prisons
- The Derg Officials

(a) The case of Mr. Solomon Gabre Kidan

The case of Mr. Kidan was brought to the attention of the Special Rapporteur by his elder sister. Mr. Kidan, aged about 28 was an inmate in the Addis Ababa prison serving a five years sentence. He has TB in prison and for some unexplained reason did not take complete treatment during the initial stages of the disease. As a result, the TB has become resistant to drugs. Doctors examined him in prison and prescribed drugs that could not be found in the country. The five drugs prescribed cost more than 50,000 Birr, about US \$ 6,250.

The prison authorities at the Addis Ababa prison claim they do not have that amount of money to spend on an individual prisoner as the budget allocated per prisoner per day is only 3.5 Birr, that is 105 Birr per month or 1260 Birr per year. This money is allocated for food only and there is no separate allocation for medication since there is a clinic for medical services. Meantime, Mr. Kidan is still in detention, not receiving any treatment. Mr. Kidan has been isolated from all the other inmates because of his illness.

The Special Rapporteur met with Mr. Kidan for about an hour and discussed his condition with him. The Special Rapporteur also met with Mr. Kidan's family including his mother. Mr. Kidan's case was raised with the prison authorities at all levels including the Vice Minister of Justice. The Special Rapporteur was assured that steps were underway to provide a comprehensive treatment package for Mr. Kidan and that he would not be released without being treated.

(b) The Gambela Detainees

The case of the Gambella detainees was brought to the attention of the Special Rapporteur by a local human rights NGO. It is alleged by the NGO that the detainees, arrested more than two years ago following ethnic conflicts in the Gambela Region, have disappeared, that there is no news from them and that they are not in contact with their families. The Special Rapporteur raised the matter with government authorities and it turned out that they were being held in the Addis Ababa prison. During the Special Rapporteur's inspection of the Addis Ababa prison, she had a closed door meeting with 20 of the 38 Gambela detainees.

It was revealed that the detainees had not disappeared but had irregular contacts with their families since the latter are very far from Addis Ababa. It was also revealed that their case have been heard by both the Federal High Court and the Federal Supreme Court in Addis Ababa. Both courts claim they do not have jurisdiction to hear the matter and referred the matter to the Gambela Regional Court. However, the government continues to detain them in Addis Ababa claiming they have to be tried by a Federal Court since their offence – inciting ethnic violence - is a federal offence.

During a session with the Vice Minister of Justice, the Special Rapporteur was informed that there is a Circuit Court with federal jurisdiction that sits in all the regions and when this court will sit in the Gambela region, the matter will be heard and dealt with.

(c) The existence of secret prisons

The Special Rapporteur was also informed by an NGO about the existence of secret or underground prisons in Ethiopia. The NGO itself is not certain about the claim. When the Special Rapporteur asked the NGO to be more specific and provide concrete information where these secret prisons could be found, the NGO only said they could be found any where. Without any details, the NGO said they are usually government buildings portrayed as government offices which, according to the NGO, are actually secret prisons where opponents of the regime are kept. When asked whether they could identify anyone who had been detained in such prisons, the NGO accepted but said the victims are too afraid to come forward for fear of reprisals.

The Special Rapporteur however, raised the matter with government authorities who refuted the allegations and added that there are only three official places where people could be detained in Ethiopia – the civilian prison, the military prison and the police stations. Any other detention facility outside these three is illegal.

The Special Rapporteur however urged the authorities to investigate the allegations as some overzealous politicians may be detaining innocent civilians for personal reasons.

(d) The detained Derg⁶ Officials

The Derg officials are officials of the regime of the former dictator, Mengistu Haile Mariam. When the latter's regime was toppled in 1991, many of his supporters and government employees were arrested and detained. Most of them have been charged with genocide and crimes against humanity. Many of them have been in detention for over ten years, some up to thirteen years. They are found in almost all the prisons across the country but concentrated in two main prisons – the Addis Abba Prison (for top government officials) and the Kaliti prison (for top military officials).

⁶ Derg means Council or Committee in Amharic and is usually associated with the Mengistu regime.

The Special Rapporteur held a closed door meeting with the Committee Members of the Derg officials in the *Alem bekagn* section of the Addis Ababa Prison, and another meeting with all the officials in the Kaliti prison.

They complain that their trial has been unduly prolonged and say this prolongation is a deliberate attempt by the government to punish them unnecessarily because, they argue, the government has no case against them. They note that justice delayed is justice denied. They also claim that by charging them with genocide, the government is merely trying to victimise them for political reasons. They argue that there has never been any genocide in Ethiopia in terms of the UN Genocide Convention.

Government officials claim on their part that the delay in the trial is not deliberate but rather as a result of the absence of functioning institutions – police, courts, prosecutors, investigators, judges, etc immediately after the overthrow of Mengistu.

The new regime had no confidence in the institutions of the old regime and so had to disband every institution to start anew. Thus, to train new judges, police men, prosecutors, etc took time. Secondly, the prosecutor assembled more than 3000 witnesses and insisted on cross-examining all of them to prove his case.

The President of the Supreme Court informed the Special Rapporteur that the prosecution has rested its case and it is the turn of the defence. The authorities assured the Special Rapporteur that everything is being done to ensure a fair and speedy trial.

The Special Rapporteur made an appeal to the authorities to expedite the process and ensure its fairness and also to consider the release of some of the officials especially those that are seriously sick and those that are above 70 years.

VI. Good Practices

Generally, prisons in Ethiopia are in good conditions. The relationship between the prisoners and the prison authorities is good. There is an impression that prisoners believe that the conditions under which they are living is the best the government can offer and as such are contented with their conditions. Maybe this belief is informed by the general level of poverty in the country. Prisoners are also under the impression that whatever improvements that can be made to their living condition is not within the competence of the local prison administration but rather the government.

Thus, in all the prisons visited, during the close door meetings with the prisoners, there were very little complaints about the prison administration. The majority of the complaints – delays in trial, pardon, clemency, no mattresses etc were directed against government.

In the midst of all these complaints, the prisoners are generally happy with the way they are being treated. One reason for this it would seem, is the fact that the prisoners are virtually responsible for their wellbeing while in prison. This is done through the *Prisoner's Committees*.

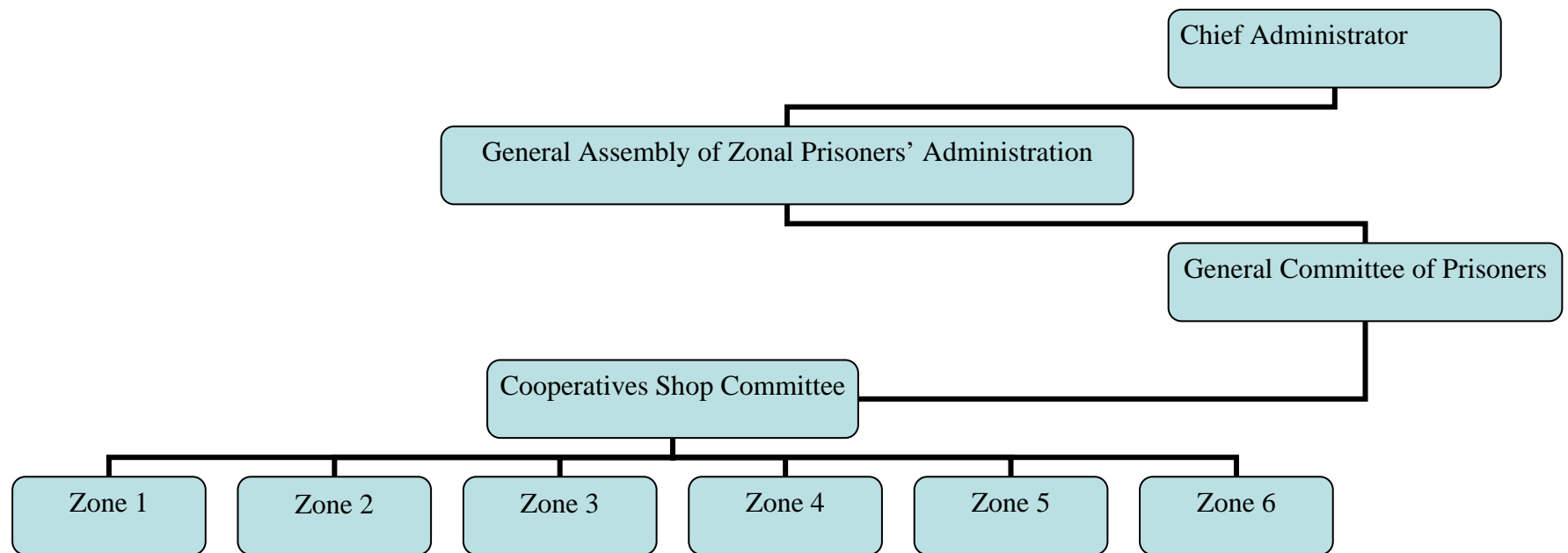
(a) The Prisoners' Committees

In all the prisons in Ethiopia, there are *Prisoners' Committees*. The Committees are established at all three levels of the prison structure – Cells, Zones and Compounds. At each level, prisoners elect representatives for each committee. Taking the Addis Ababa prison for illustration, the prison has a *main committee* structure for the whole prison (compound). The prison is divided into six Zones. Each Zone has various committees. The zones are further divided into cells and each cell has its own committees.

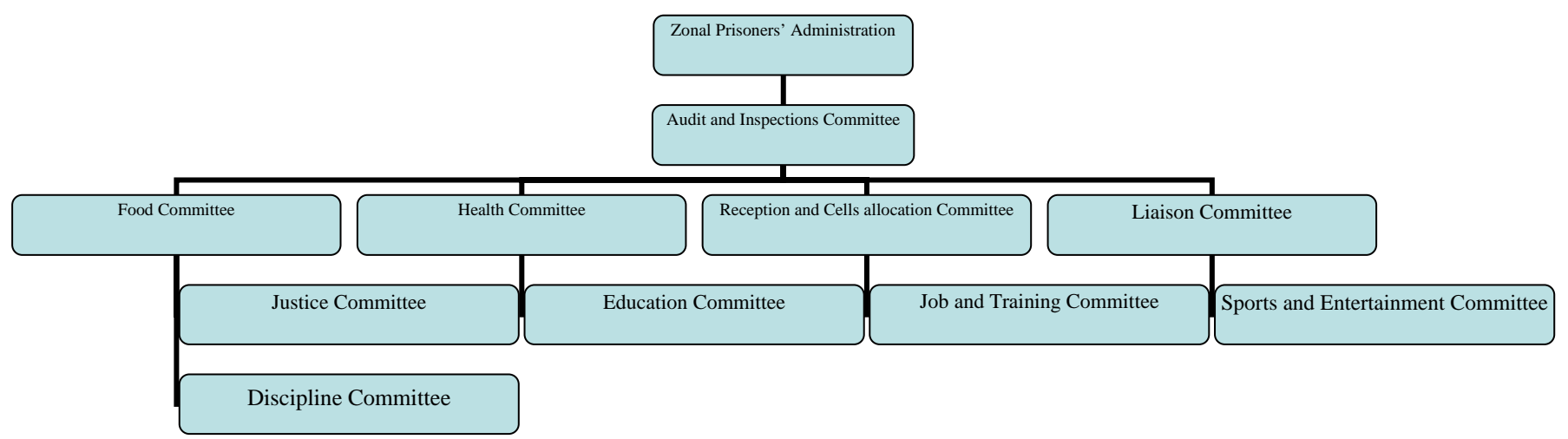
There is thus a hierarchical organisation of committees from the cell to the compound level, with representatives being elected by the prisoners themselves at each level – from the cell to the main committee. There are usually ten committees at all levels. This arrangement is reproduced in all the prisons.

However, depending on the size of the prison population, a prison might not have all the committees at all level of prison structure. The organisational structure of the committees at all levels is as follows:

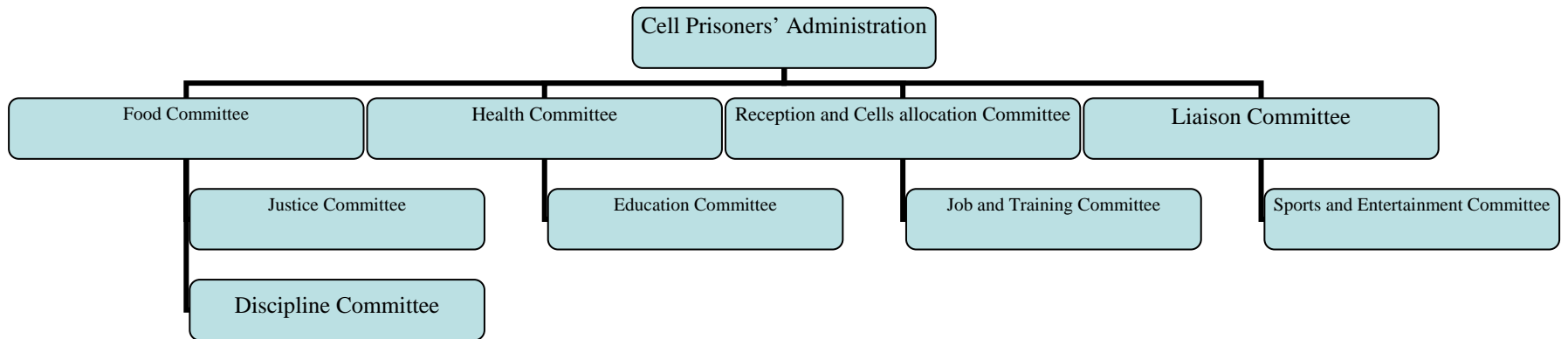
(i) Committees Organisation at Prison (Compound) Level



(ii) Committees Organisation at Zonal Level



(iii) Committees Organisation at Cell Level



The cell is the smallest unit in the Prisoners' Committee structure. Depending on the size of the cell, each cell has its own administrative structure made up of committees. The smaller the cell, the fewer will be the number of inmates and the fewer will be the number of Committees from the cell. Members of each cell elect from amongst the prisoners in that cell, members of the various committees who would manage their affairs and ensured the proper behaviour and wellbeing of all the prisoners in the cell.

The Committee members elected from the cell level represent the cell at the Zonal level. The Zones have all the committees found at the cell level. Each zone will then elect representatives to the Main Committee or General Committee of prisoners. This Committee is also the General Assembly of Zonal Prison Administration. At the top of this organisation is the Chief Prison Administrator, the only non-elective, non-prisoner member. The Chief Prison Administrator serves as an ex-officio member.

All matters regarding prisoners' welfare, from allocation of cells to discipline are handled by the relevant committees. The prisons are like "independent self administered communities". Prisoners have been allocated *plots* to undertake businesses. In all the prisons, there are "thriving businesses" – small provision shops, tailors, cafeteria, etc. The committees engage the authorities to complain on behalf of the prisoners about certain matters.

The prisoners also have Cooperative Shops for the prisoners' body as a whole. Income generated from this shop is saved in the prisoners' cooperative run by the prisoners. This money is used to buy items such as soap and other items for prisoners. In the Addis Ababa prison for example, the committee provides two soaps each to all prisoners monthly.

When a prisoner is released, a certain fraction of the money is given to him/her. Individual prisoners can also save their money with the cooperative. The Cooperative Shop Committee employs prisoners to sell in the shops and they are paid. There is an Audit Committee which does routine auditing and inspection of the shops to ensure accountability.

The Committee system seems to be working very well as prisoners deal with their peers and are hardly "in contact with the authorities" where they can have confrontation.

The Special Rapporteur raised certain concerns about the Committee system. The first is that, the Committee system has allowed the government to abdicate its responsibility of providing basic necessities to prisoners. Every aspect of prisoners' welfare has been left to the Committees. Secondly, the Committees are not made of experts or professionals in the various fields, so there is a possibility that things are not managed properly. Even though the prisoners claim that they try to ensure that persons with certain background are elected to a particular committee, they also concede that at times they have to do

without professionals. This can be very harmful to the rehabilitation process. The Committee members know very little about rehabilitation and are more concerned about their personal welfare. Third, there are very few women on most of the Committees. This might explain why women issues are not given attention. Fourth, the Committee system may also lead to corruption. It may encourage some prison authorities to withhold money meant for prisoners because they assume the Committees will deal with everything. If this succeeds, the authority might use the money for his/her personal business.

These shortcomings notwithstanding, the Committee system seems to be an interesting system to experiment in other African prisons. Caution must however be taken not to overburden the prisoners and allow the state to relinquish its responsibility.

(b) Relationship with civil society

The Special Rapporteur also observed the good working relationship that exists between NGOs, the prison authorities and the prisoners. In all the prisons visited, the authorities are receiving assistance from at least one NGO. Almost all the prisons visited have received assistance or a promise of assistance from the ICRC. Apart from the ICRC, local NGOs such as the Prison Fellowship, the Ethiopian Red Cross, the Forum for Street Children, Ethiopia and the Catholic Mission have been assisting prisoners in various ways. Some NGOs however, think the cooperation between the authorities and civil society could be better and urge the authorities to be more open than they already are.

The Special Rapporteur encouraged prison authorities to try to work with all members of civil society, especially NGOs and grant them regular access to prisons so that they can make objective and constructive criticisms of the penal system. She also urged NGOs to support the efforts of the government and make constructive criticisms where necessary and concrete proposals as well.

VII. Conclusions and Recommendations

The Basic Principles for the Treatment of Prisoners adopted and proclaimed by United Nations General Assembly resolution 45/111 on 14 December 1990 provides in paragraph 5 that:

except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.

Endorsing this philosophy in 1992, the United Nations Human Rights Committee explained that states have "a positive obligation toward persons who are particularly vulnerable because of their status as persons deprived of liberty" and stated that:

[N]ot only may persons deprived of their liberty not be subjected to [torture or other cruel, inhuman or degrading treatment or punishment], including medical or scientific experimentation, but neither may they be subjected to any hardship or constraint other than that resulting from the deprivation of liberty; respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons. Persons deprived of their liberty enjoy all the rights set forth in the [ICCPR], subject to the restrictions that are unavoidable in a closed environment⁷

More significantly, the Human Rights Committee has also stressed that the obligation to treat persons deprived of their liberty with dignity and humanity is a fundamental and universally applicable rule, not dependent on the material resources available to the state party,⁸ thus a country cannot invoke the lack of resources as an excuse for denying prisoners or other individuals the enjoyment of their basic rights.

Ethiopia has ratified several international human rights instruments including Declarations and basic documents dealing with the treatment of persons deprived of their liberty. She is therefore bound by the provisions of these instruments and should take practical measures to ensure that they are respected.

⁷ U.N. Human Rights Committee, General Comment 21, paragraph 3. The Human Rights Committee provides authoritative interpretations of the ICCPR through the periodic issuance of General Comments.

⁸ Ibid., paragraph 4; *see also Mukong v. Cameroon* (communication No. 458/1991) (August 10, 1994), U.N. Doc. CCPR/C/51/D/458/1991 (stating that minimum requirements regarding floor space, sanitary facilities, provision of food, [medicine and other basic amenities] etc., **must** be observed, "even if economic or budgetary considerations may make compliance with these obligations difficult").

Ethiopia is one of the largest countries in Africa both in terms of land mass and population. The Special Rapporteur's mission to Ethiopia was undertaken in just eleven working days and this took her to five out of the eleven regions. It was therefore not possible to visit all the regions and all the detention facilities within the time available. However, the Special Rapporteur is convinced that the five regions and different detention facilities visited present a general picture of the prison situation in Ethiopia and the recommendations that follow should apply to all prisons and detention facilities in the country.

The recommendations have been divided into different sections to indicate the role of each section of society, a reminder that enhancing the conditions of persons deprived of their liberty has to be a collective exercise. The Special Rapporteur therefore urges cooperation between the different sectors of society to ensure proper implementation of these recommendations.

(i) Recommendations to the Government of Ethiopia

There is a general expression of good political will in government, at both federal and regional level, to improve the conditions of persons deprived of their liberty. This is manifested in the development of government policies and engagement of donors in promoting the welfare of prisoners. The African Commission would like to encourage government to continue on this footing and in particular, to:

- a) increase the budget allocation to prisons to ensure that prisoners are able to be provided with the basic necessities such as blankets, mattresses, soaps and other provisions for hygiene;
- b) ensure that prisons are regularly inspected by government officials and independent bodies such as NGOs and National Human Rights Institutions or Ombudsmen;
- c) Develop a proper curriculum for the training of prison staff. This curriculum should include basic human rights, international norms on the treatment of offenders etc. Police officers recruited to guard prisoners should also undergo specific training besides the police training. The government might want to seek assistance from the ICRC, Penal Reform International and UN Agencies which have sufficient experience in curriculum development and training for prison officials;
- d) To tackle the problem of overcrowding, government should explore the possibility of encouraging small claims courts or courts for petty crimes. Alternative sentences to incarceration such as community service should also be explored and encouraged. This will go a long way to decongesting the prisons and not disrupt the social lives of those who commit minor offences;

- e) Efforts should also be made to separate convicted criminals from suspects. Urgent measures should also be taken to separate juveniles from adults. Special facilities should be established in all regions to take care of juveniles at odds with the law. Incarceration is not the best option for juveniles especially in prisons where they do not continue with their education. Therefore, borstal institutions and reformation centres should be established in all the regions. Juvenile courts should also be established in the regions;
- f) Steps should be taken to expedite investigations and prosecution of cases in order to ensure justice. The speedier the trial process, the lesser will be the burden on the state because when more detainees are released the number of inmates to be cared for by the state is reduced. The Government should determine the body with the constitutional mandated to try the Gambella detainees as the judicial ping-pong regarding their trial is delaying justice, and justice delayed is justice denied.
- g) The government should permit prison authorities to use proceeds from prison farms and other income generating activities to improve the welfare of prisoners rather than send the money to government coffers. However, appropriate accounting procedures should be put in place to ensure that the money is not misused by the authorities;
- h) Expectant and nursing mothers including elderly people of more than seventy years old should not be sent to prison;
- i) Urgent efforts should be made to erase the discrimination of women especially in the process of rehabilitation. Vocational training facilities should be established for both men and women and where there isn't enough space to establish separate facilities; both men and women should be trained in shifts;
- j) The procedure for granting pardon and clemency should be simplified and explained to both the prison staff and prisoners;
- k) Urgent measures should be taken to dispose of the cases of the former Dergue officials and the government should ensure that they are tried under internationally recognised fair trial procedures. Political prisoners should be released and/or granted pardon.
- l) Government should encourage periodic inter-regional staff exchanges and organise workshops to train prison officials on latest prison policies and management techniques. If this workshop is organised at national level, efforts should be made to replicate the same at regional level;
- m) The government should ensure that persons detained in police stations are held under humane conditions. Reasonable allocations should therefore be made for the upkeep of such persons until they are transferred to prison;

- n) The government should organise a national conference involving all the stake holders in the criminal justice system – the police, the prosecutors, the prison officials and the judiciary. NGOs and other members of civil society working in this sector should also be involved in the conference;
- o) The Federal Democratic Republic of Ethiopia should submit its initial report in conformity with Article 62 of the African Charter on Human and Peoples' Rights;
- p) The Government should also report on the extent to which it has implemented the above recommendations.
- q) Prisoners should be provided with uniforms.

(ii) Recommendations to civil society

- a) Members of civil society, especially NGOs should constantly visit prisons and other places of detention to ensure that the government is meeting its domestic as well as international human rights obligations towards persons deprived of their liberty;
- b) Civil society and NGOs in particular should monitor government's compliance with its international human rights obligations, including monitoring implementation of these recommendations;
- c) NGOs should encourage short courses and workshops for prison officials and bring to their attention best practices in prison management from other penal systems in Africa and around the world;
- d) NGOs should also support the efforts of government by assisting in promoting the welfare of prisoners – provision of blankets, soaps, and other basic facilities.

(iii) Recommendations to prison authorities

- a) Prison officials should be more involved in monitoring the welfare of prisoners and not leave matters to the committees. Rehabilitation and effective reintegration should be the cardinal role of any prison. The role of a prison official must be to ensure that prisoners released have been rehabilitated enough to be integrated into society. The official's role is not limited to ensuring the prisoner does not escape;
- b) Complaints of abuse should be investigated and dealt with so as not to encourage impunity;

- c) Prison authorities, the police and the judiciary should meet regularly to discuss ways of enhancing the criminal justice system;
- d) Sick prisoners should be given complete and urgent treatment.

(iv) Recommendations to donors and the international community

- a) The donor and international community should continue their support to the prison sector in Ethiopia. Emphasis should be placed on staff training, curriculum development and the establishment of programmes that would emphasise prisoners' rehabilitation and reintegration into society;
- b) The donor community should also encourage exchange programmes or study tours for prison officials;
- c) The donor community should support government's efforts in research on areas such as alternative forms of punishment and community service programmes, etc.

VIII Annexure

a) Press Statement at the beginning of the Mission

PRESS STATEMENT

The Secretariat of the African Commission on Human and Peoples' Rights informs the general public that the Special Rapporteur on Prisons and Conditions of Detention in Africa, Commissioner Dr. Vera Chirwa has been invited by the Federal Democratic Republic of Ethiopia to inspect prisons and other places of detention in the country.

The Special Rapporteur is a prison monitoring mechanism of the African Commission on Human and Peoples' Rights established in 1996 to among other things, promote and protect the rights of persons deprived of their liberty, inspect prisons and other places of detention and advise states on appropriate means to improve their penal systems. Since 1996, the Special Rapporteur has undertaken visits to eleven African countries and made pertinent recommendations to the relevant state authorities on how to effectively protect the rights of persons deprived of their liberty.

The visit to Ethiopia is scheduled to take place from 15 – 29 March 2004. During the visit the Special Rapporteur plans to hold talks with high ranking government officials and decision makers, especially those dealing with penal and penitentiary reforms in the country. The Special Rapporteur will also meet with local NGOs and other relevant individuals and institutions working in the country in the area of human rights in general and prisons in particular.

A very important part of the Special Rapporteurs mission will be visits to prisons and places of detention in the country, which will include meetings with detainees and prisoners and discussions with junior prison officials.

The Special Rapporteur invites journalists to a Press Conference to be held at the end of the mission on 29 March 2004 beginning from 10:00am at a venue to be announced later.

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Done in Banjul, The Gambia on 15 March 2004

b) Press Statement issued at the end of the mission

PRESS STATEMENT

On the invitation by the Federal Democratic Republic of Ethiopia, the African Commission's Special Rapporteur on Prisons and Conditions of Detention in Africa, Commissioner Dr. Vera M Chirwa undertook a mission to Ethiopia from 15 – 29 March 2004 to, among other things; inspect prisons and other places of detention in the country. The Special Rapporteur was accompanied by her assistant, Mr. Robert W Eno, from the Secretariat of the African Commission on Human and Peoples' Rights.

The Special Rapporteur visited and inspected nine prisons, two prison farms and two police stations in five regions of the country. These include –

- Addis Ababa Prison
- Kaliti Prison
- Ziway Prison
- Awasa Prison
- Arba Minch Prison
- Adama Prison
- Dippo Prison
- Dire Dawa Prison
- Harar Prison
- Ziway Prison Farm
- Arba Minch Prison Farm
- Awasa Woreda Police Station
- Adama Woreda I Police Station

Prior to the inspections, the Special Rapporteur met and discussed with government officials from the Ministries of Foreign Affairs, Justice, Information as well as with members of the civil society, including the International Committee of the Red Cross, the Ethiopian Human Rights Council, the Forum of Street Children of Ethiopia and the Prison Fellowship Ethiopia.

During the inspections, the Special Rapporteur met with heads of the different institutions visited and had discussions on among other things, the treatment of persons deprived of their liberty, the major constraints faced in the execution of their duties, staff training, etc. The Special Rapporteur, together with officials of their respective institutions inspected the detention facilities – prison and police cells, kitchens, toilets, clinics, drug store, vocational training centres, etc. Where the Special Rapporteur identifies issues that fell below internationally recognised standards, on-the-spot recommendations especially on issues that she deemed were within the powers of the official to put right, were made.

The Special Rapporteur addressed detainees in all the detention facilities visited and held private discussions with some detainees whose cases had been brought to her attention after the Press Conference held on 16 March 2004 to inform the general public about the mission. These cases include the following:

- Mr. Solomon Gabre Kidan, an inmate in the Addis Ababa Prison suffering from Tuberculosis;
- The detainees from Gambela who were alleged by some NGOs to have disappeared; and
- Members of the Derg (former) regime accused of genocide and crimes against humanity.

Detainees informed the Special Rapporteur on their general conditions of detention, their relationship with the prison authorities and made suggestions on how their conditions of detention could be improved.

After visiting detention facilities in the country, the Special Rapporteur observed the following:

a Positive

- There is generally a good relationship between the authorities and the inmates. There was very few cases of abuse by the officials;
- Most of the problems raised or identified were not within the powers of the officials in the respective detention facilities to correct but rather within the powers of the political (government) authorities both at regional and federal level;
- There was sufficient separation of male inmates from female inmates and female guards were guarding the female sections;
- There was a demonstrable political will to improve conditions of detention expressed at both federal and regional levels of government;
- The establishment of prison farms and vocational training centres in most prisons provided the possibilities for reformation and rehabilitation;
- The establishment of prisoners' committees managed by prisoners themselves provided prisoners with an opportunity to manage their affairs and be involved in their own welfare;
- There was a good working relationship with the donor community.

b Negative

- There was overcrowding and most of the detention centres visited – the only exception was Dire Dawa Prison. It must be noted also that most of the prisons were never built for that purpose and were simply converted into prisons. Thus there is no indication of how many persons a particular prison was meant to accommodate;
- There was generally poor sanitation especially in the police stations;
- There was no separation of juveniles from adult inmates in both the male and female sections. There was also no separation between awaiting trialists and convicted prisoners;
- There was inadequate training for prison staff;
- There was inadequate educational and recreation facilities in prisons. Some prisons had no schools, no vocational training and no recreational facilities;
- There are usually delays in the trial process. In all the prisons there were indications that the overcrowding was caused by the long delay in the trial and the fact that suspects are too poor to raise money for bail. In some prisons, such as Addis Ababa Prison, more than 70% of the inmates had not been sentenced;
- There was also an indication of inadequate funding to prisons from government. The budget per prisoner per day is 3.5 Birr (about 0.406 US Dollars) at Federal level and 2 Birr (about 0.204 US Dollars) at regional level;
- Prisoners are not provided with uniforms – except when out for training or for work;
- There is no uniformity in the treatment of prisoners in all the regions, especially between the federal and regional prisons.

At the end of the inspections, the Special Rapporteur held another round of talks with government officials to inform them of her findings and make preliminary recommendations especially on those issues that needed immediate attention. To this end, the Special Rapporteur met with the following officials:

- The President of the Federal Supreme Court;
- The Vice Minister of Justice;
- The State Minister of Women's Affairs in the Prime Minister's Office;
- The Director and First Secretary of the Ministry of Foreign Affairs; and
- The Chief Administrator in the Federal Prisons Commission.

Some of these preliminary recommendations included – considering the release of persons above the age of 70 and persons who are seriously sick; the provision of adequate medical treatment for all persons under the custody of the state and the provision of special dietary meals for nursing mothers, expectant mothers, children and the sick; increase the budget allocation to prisons and ensure the supply of basic items such as detergents, blankets and mattresses.

The final report of the Special Rapporteur's mission to Ethiopia, including detailed recommendations shall be prepared and published in due course.

We hope this relationship of dialogue and cooperation between the Federal Democratic Republic of Ethiopia and the African Commission on Human and Peoples' Rights shall continue and be mutually beneficial not only in the field of prisons but on human rights generally.

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Done in Addis Ababa, 29th March 2004

3. Mandate of the Special Rapporteur on Prisons and Conditions of Detention in Africa

Mandate

1. In accordance with its mandate under Article 45 of the African Charter on Human and Peoples' Rights (the Charter) the African Commission on Human and Peoples' Rights (The Commission) hereby establishes the position of Special Rapporteur on Prisons and Conditions of Detention in Africa.
2. The Special Rapporteur is empowered to examine the situation of persons deprived of their liberty within the territories of States Parties to the African Charter on Human and Peoples' Rights.

Methods of work

The Special Rapporteur shall

- 3.1 examine the state of the prisons and conditions of detention in Africa and make recommendations with a view to improving them;
- 3.2 advocate adherence to the Charter and international human rights norms and standards concerning the rights and conditions of persons deprived of their liberty, examine the relevant national law and regulations in the respective States Parties as well as their implementation and make appropriate recommendations on their conformity with the Charter and with international law and standards;
- 3.3 at the request of the Commission, make recommendations to it as regards communications filed by individuals who have been deprived of their liberty, their families, representatives, by NGOs or other concerned persons or institutions;
- 3.4 Propose appropriate urgent action.
4. The Special Rapporteur shall conduct studies into conditions or situations contributing to human rights violations of prisons deprived of their liberty and recommend preventive measures. The Special Rapporteur shall co-ordinate activities with other relevant Special Rapporteurs and Working Groups of the African Commission and United Nations.
5. The Special Rapporteur shall submit an annual report to the Commission. The report shall be published and widely disseminated in accordance with the relevant provisions of the Charter.

Means of implementing the mandate

The Special Rapporteur shall seek and receive information from States Parties to the Charter, individuals, national and international organisations and institutions as well as other relevant bodies on cases or situations which fall within the scope of the mandate described above.

In order to discharge his/her mandate effectively the Special Rapporteur should be given all the necessary assistance and co-operation to carry out on-site visits and receive information from individuals who have been deprived of their liberty, their families or representatives, from governmental or non governmental organisations and individuals.

The Special Rapporteur shall seek co-operation with States Parties and assurance from the latter that persons, organisations or institutions rendering or providing information to the Special Rapporteur shall not be prejudiced thereby.

Duration of the mandate

This mandate will last for an initial period of two years which may be renewed by the Commission.

