



# General Assembly

Distr.: General  
5 October 2017

Original: English

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## Human Rights Council Working Group on Arbitrary Detention

### Opinions adopted by the Working Group on Arbitrary Detention at its seventy-ninth session, 21-25 August 2017

#### Opinion No. 60/2017 concerning Andualem Aragie Walle (Ethiopia)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights, which extended and clarified the Working Group's mandate in its resolution 1997/50. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The mandate of the Working Group was most recently extended for a three-year period in Council resolution 33/30 of 30 September 2016.

2. In accordance with its methods of work (A/HRC/33/66), on 2 May 2017, the Working Group transmitted to the Government of Ethiopia a communication concerning Andualem Aragie Walle. The Government has not replied to the communication. The State is a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).



## Submissions

### *Communication from the source*

4. Andualem Aragie Walle, born in 1972, is a citizen of Ethiopia. He is a prominent opposition politician, who began his political career in 2000 when he helped found the Ethiopian Democratic Party. He later became involved with the Coalition for Unity and Democracy (CUD) before becoming Vice President of the Unity for Democracy and Justice party (UDJ). He also served as Press Secretary for the UDJ newspaper and as an executive committee member of Medrek, the largest opposition coalition in Ethiopia.

5. According to the source, Mr. Aragie — along with other leaders of CUD — was initially arrested in 2005, during the post-election protests and subsequent crackdown. He was sentenced to life imprisonment but was later pardoned and released in 2007. The source notes that Mr. Aragie continued to face State interference with his work and was placed under constant and invasive surveillance.

6. The source submits that the political system in Ethiopia is controlled by a single party, namely the Ethiopian People's Revolutionary Democratic Front (EPRDF), and that the oppression of voices critical to EPRDF remains a significant problem. While Ethiopian law allows citizens to change their Government peacefully, the source considers that the electoral advantages provided to EPRDF severely limit this ability.

7. According to the source, human rights violations in Ethiopia include the harassment of opposition politicians and other dissidents, as well as restrictions on freedom of expression, association and political participation. The source notes that, under the pretext of combating terrorism, the Government has arrested hundreds of opposition politicians and journalists, using the Anti-Terrorism Proclamation (2009). The source highlights that criminal courts in Ethiopia remain weak and subject to political influence. The judicial system suffers from a lack of due process protections and prison conditions are notoriously harsh.

### *Arrest and detention*

8. During the May 2010 elections, a coalition of opposition parties put forward over 400 candidates, but won only one seat. Mr. Aragie and members of the opposition groups, UDJ and All Ethiopian Democratic Party (AEDP), contested the fairness of the electoral process. According to the source, they were subjected to harassment by the State in retaliation. In the lead up to Mr. Aragie's arrest, he and other members of the opposition held several rallies, published articles calling for peaceful democratic reform and criticized the State's use of the Anti-Terrorism Proclamation to silence independent voices.

9. The source notes that, on 14 September 2011, Mr. Aragie was ambushed by security forces in Addis Ababa and taken by force to Maekelawi prison. Subsequently, Mr. Aragie's home was searched and various belongings were seized, including documents, compact discs, videos, a laptop and a digital camera.

10. On 15 September 2011, Mr. Aragie was remanded to police custody until 12 October 2011. In mid-October 2011, his detention was reauthorized after another hearing. Both hearings were reportedly closed to the public. The source notes that Mr. Aragie did not have access to a lawyer from 14 September 2011 to 10 November 2011 and was not allowed to receive family visits for a month and a half after his arrest.

11. The source reports that, in the days and weeks following the above-mentioned arrest, State authorities repeatedly and publicly stated that Mr. Aragie and other members of the opposition were guilty of terrorism, although they had not even been formally charged. State television accused Mr. Aragie and others of membership in the banned Ginbot 7 political movement and other terrorist groups and portrayed them as spies for "foreign forces." The State spokesperson claimed that Mr. Aragie was "involved in staging a series of terrorist acts that would likely wreak havoc" and that he had "received from the Eritrean Government weapons and explosives for the purpose of carrying out terrorists activities in Ethiopia".

12. According to the source, State officials placed Mr. Aragie under duress during his pretrial detention in an attempt to coerce confessions. From 26 to 28 November 2011, State television reportedly broadcasted a three-part special program which showed clips of Mr. Aragie confessing to terrorist-related crimes. The source further reports that two members of the opposition, detained as part of the same wave of arrests as Mr. Aragie, were allegedly tortured in an attempt to obtain false testimony against Mr. Aragie. In addition, the source claims that two unidentified individuals were also allegedly tortured in order to obtain testimonies against Mr. Aragie. They were reportedly released shortly after providing false testimony extracted under torture.

13. On 10 November 2011, Mr. Aragie — as well as other members of the opposition who had been arrested between September and October 2011 — were charged before the Lideta Federal High Court on terrorism, treason and espionage-related charges under articles 32 (1) (a), 38 (1), 248 (b) and 252 (1) (a) of the Criminal Code and articles 3 (1)-(4), 4, 6 and 7 (2) of the Anti-Terrorism Proclamation. The source submits that the factual allegations contained in the charge document were extremely vague and contained only general statements of alleged involvement in terrorist crimes and association with terrorist organizations. According to the source, the charge document did not provide specific dates on which events were supposed to have taken place nor any basic elements of the crimes as set out in the Anti-Terrorism Proclamation and the Criminal Code. On 24 January 2012, the Lideta Federal High Court confirmed the charges against Mr. Aragie.

14. The trial of Mr. Aragie began on 24 March 2012. The State submitted to the Court some of Mr. Aragie's writings as well as recordings of meetings, including a speech that he had given, in which he reportedly called for a movement in Ethiopia similar to that of the Arab Spring. According to the source, those elements failed to offer any evidence of terrorism-related activity or call to violence. Mr. Aragie admitted to calling for peaceful protests and for the end to the imprisoning of political opponents, but denied advocating for violence or engaging in terrorism-related activities. On 27 June 2012, the Lideta Federal High Court found Mr. Aragie guilty as charged and he was sentenced to life imprisonment on 13 July 2012. Mr. Aragie appealed to the Federal Supreme Court, which upheld the decision of the High Court on 2 May 2013.

15. The source alleges that the detention of Mr. Aragie constitutes arbitrary deprivation of his liberty under categories I, II, III and V.

16. The source recalls that Eskinder Nega — a prominent journalist who had been active in calling for peaceful protests against the Government along with UDJ — was arrested in the same roundup as Mr. Aragie and tried alongside him. In 2012, the Working Group found his detention to be arbitrary under categories II and III.<sup>1</sup>

#### *Arbitrary detention under category I*

17. According to the source, the detention of Mr. Aragie under the Anti-Terrorism Proclamation is arbitrary under category I because there is no legal basis justifying his detention. The source submits that: (a) the Anti-Terrorism Proclamation is overly broad and vague and thus fails to meet the standard of legal certainty; and (b) the State failed to provide sufficient factual allegations and evidence.

18. The source notes that, generally, terrorist acts should be defined as acts committed with the intention of causing death or serious bodily injury. However, the definition of "terrorist acts" in the Anti-Terrorism Proclamation broadly covers acts that do not involve violence. The charges against Mr. Aragie also included the expansive prohibitions on incitement and encouragement of terrorism contained in the Proclamation. The source highlights that restrictions on freedom of expression for national security purposes may only be imposed where the speech is intended to incite imminent violence and where there is a direct and immediate connection between the expression and the likelihood of it leading to violence. However, the Proclamation criminalizes even "indirect encouragement".

<sup>1</sup> See Opinion No. 62/2012.

19. The source also notes that the criminal offences provided for in the Proclamation are not defined in a foreseeable and precise manner and its staggering breadth and vagueness makes it impossible to predict what conduct might be considered to violate the law. The source submits that this contravenes the requirements for legal certainty guaranteed by article 15 (1) of the Covenant, to which Ethiopia acceded on 11 June 1993, and article 11 (2) of the Universal Declaration on Human Rights. The source recalls that the Human Rights Committee has already made it clear that the Anti-Terrorism Proclamation does not meet the threshold of legal certainty and has called upon Ethiopia to ensure that the law defines the nature of terrorist acts with sufficient precision to enable individuals to regulate their conduct.<sup>2</sup>

20. According to the source, the breadth and vagueness of the provisions of the Proclamation facilitates the ability of the State to bring politically-motivated charges against independent voices. Moreover, the source notes that the failure to provide robust, accurate and irrefutable evidence against Mr. Aragie reveals the State's political motivation in detaining him.

#### *Arbitrary detention under category II*

21. According to the source, the detention of Mr. Aragie is arbitrary under category II as he was targeted for exercising his rights to freedom of expression, association and political participation.

22. The source submits that Mr. Aragie was detained and prosecuted as a direct result of his speech and his association with opposition politicians, in violation of articles 19 (2) and 22 (1) of the Covenant and articles 19 and 20 (1) of the Universal Declaration on Human Rights, as well as Ethiopian law. The charge document states that Mr. Aragie and other co-defendants "used" their constitutional right to freedom of expression and association as a "cover" for their activities. According to the source, during the proceedings, the evidence provided by the State consisted mainly of Mr. Aragie's public writings, speeches and recordings of meetings, none of which advocated the use of violence. The source notes that the use of such evidence confirms that Mr. Aragie was being targeted in an attempt to discourage his association with opposition political parties.

23. The source recalls that the rights to freedoms of expression and of association may only be restricted as necessary for an enumerated purpose. Permissible restrictions are extremely narrow. According to the source, they do not apply here, because the restriction of Mr. Aragie's rights to freedoms of expression and of association was not necessary for the protection of an enumerated purpose.

24. The source submits that the vague factual allegations against Mr. Aragie failed to specify with any precision the nature of the supposed threat posed by his calls for peaceful political reform. Moreover, the source notes that criticizing State authorities and calling for democratic tenants and human rights are precisely the kind of expression and association that the Human Rights Committee deemed non-punishable under the national security rationale.

25. According to the source, the State interfered with the right to take part in the conduct of public affairs when it unreasonably restrained Mr. Aragie from communicating political ideas and criticism of the regime through membership in political parties. The source claims that the charges brought against Mr. Aragie and his co-defendants, who were leaders of the only viable opposition coalition in Ethiopia, were means to punish and censor them for their participation in public affairs, in violation of article 25 (a) of the Covenant and article 21 (1) of the Universal Declaration of Human Rights.

#### *Arbitrary detention under category III*

26. According to the source, the detention of Mr. Aragie is arbitrary under category III because the courts did not observe international norms relating to the right to a fair trial.

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<sup>2</sup> See CCPR/C/ETH/CO/1, para. 15.

## (a) Right to be released pending trial

27. The source submits that the fact that neither Mr. Aragie nor any of his co-defendants were released while awaiting trial demonstrates that there was no individualized determination made on whether it was “reasonable and necessary” to keep Mr. Aragie in custody, in violation of article 9 (3) of the Covenant. The source also submits that there is no record that any judicial officer considered the legality of Mr. Aragie’s continuing custody with respect to the likelihood that he might flee, interfere with evidence or perpetrate further crimes.

## (b) Right to an independent tribunal and presumption of innocence

28. According to the source, the State violated articles 10 (2) (a) and 14 (1) and (2) of the Covenant as well as articles 10 and 11 (1) of the Universal Declaration of Human Rights by publicly expressing certainty that Mr. Aragie and his co-defendants were guilty. The Prime Minister at the time declared to the national Parliament that they were guilty and other State officials made similar public statements. Those comments reportedly undermined Mr. Aragie’s presumption of innocence. The source further submits that, since Ethiopian courts do not operate free from political interference, those statements should be interpreted as an exertion of undue influence by the executive on judiciary. In addition, the source notes that, in violation of the presumption of innocence, Mr. Aragie was forced to share a prison cell with a convicted inmate, who reportedly assaulted him.

## (c) Right to legal counsel

29. According to the source, the authorities violated article 14 (3) (b) and (d) of the Covenant by: (a) preventing Mr. Aragie from having access to a lawyer between 14 September 2011 and 10 November 2011, which falls well outside the provision of “prompt” access; and (b) conducting two hearings (on 15 September 2011 and another 28 days later) authorizing the continued detention of Mr. Aragie, without allowing him access to any legal assistance.

## (d) Right to be visited by family

30. The source claims that the authorities violated Principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex), as Mr. Aragie was not allowed to receive family visits for one and a half months after his arrest.

## (e) Right to be free from cruel, inhuman, or degrading treatment or punishment

31. The source submits that the treatment of Mr. Aragie by the State authorities during pretrial and post-trial detention violates international and Ethiopian law on the prohibition of torture and cruel, inhuman or degrading treatment, including articles 7 and 14 (g) of the Covenant, article 5 of the Universal Declaration of Human Rights and articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

32. According to the source, Mr. Aragie reportedly confessed under duress on national television to engaging in terrorist-related plots. Moreover, the source reports that, on 15 February 2012, Mr. Aragie was beaten by a convicted prisoner in Kality prison, allegedly at the instigation of the prison authorities. The source notes that Mr. Aragie lodged a complaint, which was dismissed. The source also notes that, five years after that incident, Mr. Aragie still suffers from vertigo and severe back pain, but continues to be denied access to medical care. Finally, the source highlights that Mr. Aragie’s prison conditions are very poor, including a prison cell without a window and which is too small to exercise.

*Arbitrary detention under category V*

33. Finally, according to the source, the detention of Mr. Aragie is arbitrary under category V because his detention was motivated by his political identity, in violation of article 26 of the Covenant and article 7 of the Universal Declaration on Human Rights.

34. The source submits that the State violated its non-discrimination obligation by targeting Mr. Aragie, in part, because of his political identity as member of an opposition party. According to the source, there are several factors that prove that Mr. Aragie's conviction was a direct response to his political identity, including (a) the previous arrests of opposition leaders, (b) the pattern of harassment faced by Mr. Aragie owing to his work as member of the opposition, (c) the nature of the evidence provided against Mr. Aragie during his trial, namely only opinions critical to the Government, and (d) the political climate of oppression prevalent in Ethiopia.

#### *Response from the Government*

35. On 2 May 2017, the Working Group transmitted the allegations from the source to the Government through its regular communications procedure. The Working Group requested the Government to provide detailed information by 3 July 2017 regarding the current situation of Mr. Aragie. The Working Group also requested the Government to clarify the legal provisions justifying his continued detention and its compatibility with the obligations of Ethiopia under international human rights law, particularly with regard to the treaties that it has ratified. Moreover, the Working Group called upon the Government to ensure Mr. Aragie's physical and mental integrity.

36. The Working Group regrets that it did not receive a response from the Government, nor did the Government request an extension of the time limit for its reply, as provided for in the Working Group's methods of work.

#### **Discussion**

37. In the absence of a response from the Government, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

38. The Working Group has, in its jurisprudence, established the ways in which it deals with evidentiary issues. If the source has established a *prima facie* case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations (see A/HRC/19/57, para. 68). In the present case, the Government has chosen not to challenge the *prima facie* credible allegations made by the source.

39. The facts in the present case were known to the special procedures, especially the Working Group, since the time of the arrest in 2011. On 4 October 2011, a joint urgent appeal (ETH 4/2011) was sent to the Government by the Working Group and other mandate holders, followed by a press release of 2 February 2012.<sup>3</sup> In its response on 17 February 2012, the Government stated that, *inter alia*, Mr. Aragie and 24 others were convicted for terrorism and money laundering in a judicial process, which did not suffer any defects.

40. On 19 December 2011, several special procedure mandate holders sent another joint urgent appeal (ETH 7/2011), in which Mr. Aragie's name was included. The Government did not respond.

41. On 16 March 2012, the Working Group, together with other special procedure mandate holders, submitted the main facts of this case to the Government in a joint urgent appeal (ETH 1/2012). However, the Government did not respond to this urgent appeal.

42. In the three above-mentioned urgent appeals, the main facts of this case were again presented to the Government. The Government corroborated the information in relation to the criminal charges against Mr. Aragie and the outcome of his trial with a general statement on how the trial was conducted, but did not provide any supporting evidence. When the Government received the communication dated 2 May 2017, it had a unique opportunity to challenge the legal characterization of the alleged arbitrary detention, but it chose not to rebut the allegations.

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<sup>3</sup> See <http://newsarchive.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11793&LangID=E>.

43. The Working Group notes that the circumstances of this case were also of concern to the African Commission on Human and Peoples' Rights. In its resolution 218 on the human rights situation in the Democratic Republic of Ethiopia of 12 May 2012, the Commission stated that it was:

**Deeply concerned** at the frequent allegations of the use of torture in pretrial detention in Ethiopia, particularly in the Federal Police Crime Investigation and Forensic Department of Maikelawi, in Addis Ababa, where political prisoners are detained, interrogated and frequently subjected to torture or other forms of cruel, inhuman or degrading treatment or punishment;

**Deeply concerned** at the reported use of unofficial and ungazetted places of detention in Ethiopia, including military camps and private buildings, wherein torture is reported to take place, and the unofficial nature of which also increases the risk that detainees will be subjected to torture or other forms of ill-treatment;

**Gravely alarmed** by the arrests and prosecutions of journalists and political opposition members, charged with terrorism and other offences including treason, for exercising their peaceful and legitimate rights to freedom of expression and freedom of association.

44. In its resolution, the Commission called on the Government of Ethiopia to remove restrictions on freedom of expression imposed by the Freedom of the Mass Media and Access to Information Proclamation (2008) and the Anti-Terrorism Proclamation (2009) that do not conform to the right of freedom of expression provided in international human rights law.

45. The Working Group also notes that various civil society organizations have reported to the Human Rights Council the practice of persecution and ultimately silencing of journalists and political opponents, among others, by the Government. From those reports, it appeared that the judiciary was put on this task, while the Anti-Terrorism Proclamation and its vagueness facilitated the violations of human rights.<sup>4</sup>

46. Finally, the Working Group has already issued opinions in relation to some of the circumstances of the present case.

47. In its opinion No. 62/2012, concerning Eskinder Nega, the Working Group relied on the concluding observations issued by the Human Rights Committee in 2011 (CCPR/C/ETH/CO/1), and stated that the provisions of the Anti-Terrorism Proclamation were overly broad and provided the framework for arbitrary detention.<sup>5</sup>

48. In its opinion No. 2/2015, concerning Andargachew Tsige, the Working Group also considered a communication on accusation of terrorism under the same Proclamation and concluded that deprivation of liberty was arbitrary.

49. More recently, in opinion No. 10/2016 concerning Befekadu Hailu and eight others, the Working Group considered a communication relating to a dimension of the terrorism law in Ethiopia and freedom of expression and the media. It also drew the conclusion that the bloggers and freelance journalists concerned had been arbitrarily arrested and detained.

50. Bearing in mind all of the above circumstances and the detailed facts presented by the source in relation to the present communication, the Working Group considers that the facts are as follows: Mr. Aragie, leader of the political opposition in Ethiopia, was arrested on 14 September 2011 and prosecuted for terrorism-related offences. In June 2012, he was convicted and, in July 2012, sentenced to life imprisonment. In May 2013, his conviction and sentence were confirmed by the Supreme Court.

51. Based on those facts, the source argues that the detention of Mr. Aragie falls under categories I, II, III and V.

<sup>4</sup> See A/HRC/WG.6/19/ETH/3.

<sup>5</sup> See opinion No. 62/2012, para. 32. With regard to overly broad provisions on criminal offences, the Working Group also referred to opinions Nos. 54/2012, 48/2012 and 27/2012.

52. With regard to category I, the Working Group recalls the concluding observations of the Human Rights Committee<sup>6</sup> and notes that the Committee against Torture had also arrived at similar concluding observations in 2011.<sup>7</sup> However, it seems that the Government did not draw any conclusions vis-à-vis the present case which occurred after those recommendations had been issued by two different treaty bodies. Given the overly broad definition of criminal offences in this case, the Working Group finds that the arrest and detention of Mr. Aragie lacks legal basis, and thus results in a violation of articles 9 and 15 of the Covenant. The Working Group therefore concludes that his arrest and detention fall under category I.

53. With regard to category II, the Working Group recalls that the main reason behind the arrest, detention and prosecution of Mr. Aragie has to do with his political activities as an opponent to the current regime. Those activities are protected by his right to freedom of opinion and expression (articles 18 and 19 of the Covenant) and his right to take part in public affairs in his country (article 25 of the Covenant). In addition, the Working Group notes that freedom of association, under article 22 of the Covenant, includes the right of an individual to associate with others for the protection of his interests. Any detention for those reasons, as in the case of Mr. Aragie, is arbitrary under category II.

54. Since, the detention of Mr. Aragie falls under category II, it would be logical that no trial would be held. However, in this case, there was a trial and the serious violations that occurred in those proceedings reinforce the arbitrary nature of the arrest and detention of Mr. Aragie.

55. With regard to category III, the Working Group notes that, *inter alia*, some of the hearings were not public, in violation of article 14 (1) of the Covenant. In addition, Mr. Aragie did not have access to a lawyer from the time of his arrest until 10 November 2011, in violation of article 14 (3) (d) of the Covenant.

56. Moreover, his family was not permitted to visit him until the end of October or early November 2011, in violation of principle 19 of the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment.

57. At the same time, State television broadcasted the terrorism-related accusation against Mr. Aragie with a statement that he had confessed. That constitutes a violation of Mr. Aragie's right to be presumed innocent until proven guilty, as established in article 14 (2) of the Covenant.

58. The Working Group recalls that at least two other persons had given statements to incriminate Mr. Aragie after they had been tortured, while Mr. Aragie himself was subjected to torture, in violation of articles 7 and 14 (3) (g) of the Covenant. In that connection, the Working Group reiterates that any evidence gathered through torture shall be excluded from a criminal procedure, and the failure to exclude such evidence affects the fairness of the trial. The Working Group consequently finds that the non-observance of the international norms relating to the right to a fair trial is of such gravity as to give the deprivation of liberty of Mr. Aragie an arbitrary character, under category III.

59. Finally, with regard to category V, the Working Group notes that Mr. Aragie had already been arrested, detained and convicted in 2005. Following his release in 2007, he was subjected to constant surveillance before being arrested again in 2011. The circumstances of the present case show that Mr. Aragie was targeted by the authorities because of his political views; such practice is discriminatory and in violation of article 26 of the Covenant. Therefore, the Working Group concludes that the detention of Mr. Aragie is arbitrary and falls under category V.

60. As per its practice, the Working Group will refer to the relevant mandates instances of established facts that could fit in those mandates, namely the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the

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<sup>6</sup> See CCPR/C/ETH/CO/1, para. 15.

<sup>7</sup> See CAT/C/ETH/CO/1, para. 14.



promotion and protection of human rights while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

### **Disposition**

61. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Andualem Aragie Walle, being in contravention of articles 7, 14, 18, 19, 22, 25 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within category I, II, III and V.

62. Consequent upon the opinion rendered, the Working Group requests the Government of Ethiopia to take the steps necessary to remedy the situation of Mr. Aragie without delay and bring it into conformity with the relevant international norms, including the International Covenant on Civil and Political Rights.

63. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Aragie immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.

64. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

### **Follow-up procedure**

65. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

- (a) Whether Andualem Aragie Walle has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Andualem Aragie Walle;
- (c) Whether an investigation has been conducted into the violation of Andualem Aragie Walle's rights and, if so, the outcome of the investigation;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Ethiopia with its international obligations in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

66. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example, through a visit by the Working Group.

67. The Working Group requests the source and the Government to provide the above information within six months of the date of the transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

68. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.<sup>8</sup>

*[Adopted on 24 August 2017]*

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<sup>8</sup> See Human Rights Council resolution 33/30, paras. 3 and 7.