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EHRCO stands for democracy, the rule of law and the respect of human rights

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The Constitutional Rights of the Accused Should Be Respected!

PRESS RELEASE

It is public knowledge that following the different charges brought against them after the 2005 disputed elections, several opposition party leaders, members as well as others are in prison. Notable among these are those whom Amnesty International recognizes as “Prisoners of Conscience” and who are currently held Kaliti prison in Addis Ababa, standing trial under the case of “Engineer Hailu Shawl *et. al*”.

The Ethiopian Human Rights Council (EHRCO) has monitored the run-up to the election right from the beginning, observed the elections, and issued various reports on its findings. EHRCO has also closely monitored the post-election developments and has, as an independent human rights organization, issued various reports on these, too. Accordingly, EHRCO believes that opposition party leaders and other human rights defenders charged under the above filename are political prisoners who have not been involved in any unconstitutional engagement; on the contrary, they have actively worked to promote peace and democracy.

Nevertheless, the Federal Prosecutor had brought serious charges, originally including “Genocide and High Treason”, against 131 defendants in this file alone, which includes ten organizations. Evidences presented against them include video and audio recordings which contain mainly election campaign speeches, proceedings of party meetings, press conferences, video clips of the June and November 2006 mass protests, radio interviews and public addresses of CUDP leaders as well as various documents and witnesses. As EHRCO has been monitoring the trial of this case since its commencement, it was able to

note that the accused had been repeatedly demanding that the court provide them with judicial remedies to the abuses they suffered under the prison administration. Indeed, while the defendants have an indisputable constitutional right to be presumed innocent until proved guilty by an independent court of law, the fact that the State Prosecutor had been humiliating them at court by referring to them as "rebels", and that the court did not stop or correct this transgression, has been a cause for deep concern to EHRCO, which of the belief that the constitutional rights of the accused would be upheld.

Article 20(4) of the FDRE Constitution stipulates that the accused:

"have the right to full access to any evidence presented against them, to examine witnesses testifying against them, to adduce or to have evidence produced in their own defense, and to obtain the attendance of and the examination of witnesses on their behalf before court."

In accordance with this provision, and upon the request of the accused, the court had ordered, at its preceding session, that the prison administration allow the accused to meet for half a day, review the video and audio evidences submitted against them and prepare the evidences in their defense. This was basically where the proceeding stood prior to the adjournment for June 11.

On June 11, 2007 the prison administration told the court that the accused had watched the videotapes in accordance with the court order. The court, however, did not verify from the accused whether they were able to watch all the video evidences in accordance with its instruction. In fact, when the court session commenced on 11th June, the accused were pleading with the court to uphold their right to be heard and they were trying in unison to explain their view. However, without respecting the defendants' right to be heard, the court told them that it would take a short recess and the judges went to their office and stayed away for a long period. When the court resumed its session, it passed the unexpected verdict of "Guilty", which has really shocked EHRCO.

EHRCO believes that the case against the accused politically motivated right from the start and that a lasting solution to the problem would come only through political dialogue. It is EHRCO's belief that these prisoners were firmly committed to the democratization of the country and had, in good faith, participated in the encouraging political debates and election process, eventually winning the support of millions of citizens, whom they now represent. Therefore, any injustice committed against them will only disappoint and alienate the millions of citizens who have voted for them. Above all, however, it is clear to all of us who would like to see our country cast aside its backwardness and poverty into the abyss of history and move into the new millennium that we have to also leave behind our culture of intolerance. The government has a greater share of the responsibility in initiating this process.

This unique historical moment when we are preparing to receive the New Millennium provides a great opportunity for us all to remove the oppressive climate of fear and suspicion prevailing in our country and revive the atmosphere of trust and dialogue that was briefly witnessed in the pre-election period. To this end, we call upon the Ethiopian government to release all elected representatives, journalists, civil society activists and other citizens that were imprisoned in connection with the events surrounding the 2005 national election, and to end any court proceedings related to this.

Finally, EHRCO calls up on all citizens who are concerned about the future of Ethiopia, national and international organizations, representatives of governments and international groups that stand for the respect of human rights and the rule of law to put pressure on the Ethiopian government to release all political prisoners who are held in connection with the 2005 national election.