

Human Rights Council

Forum on Minority Issues

8th session

24-25 November 2015

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Combatting the deep roots of discrimination in the administration of justice

Ladies and Gentlemen,

The Somali minority living in the Ogaden province of Ethiopia faces countless problems with the justice administration system. The deep roots of this discrimination go back to the way central authorities look at the inhabitants of Ogaden.

Unlike in a State respecting the rule of law, in Ethiopia, and in particular in the Ogaden province, the charges are brought, “possible proof” presented, the judgement passed, and the sentences carried out by one and the same hand, namely the military or special police forces. Thus, a person arrested as an “anti-peace element” or under the law against terrorism that is often used to undermine the most basic rights of the population, will never see a judge, since there are none in this part of the world. Nearly all prisoners get their prison sentence after having been tortured in various detention facilities to confess to a crime they didn’t commit.

Women and teenage girls are the most vulnerable. They are systematically subjected to sexual abuse from the beginning of their detention which sometimes last a decade. In Ogaden, one cause of discrimination in the administration of justice has been the decade long marginalisation of the local population by central authorities at all level, including in the judicial sphere. In order to break down these barriers, and in accordance with regional autonomy, the State must put an end to the monopoly of justice within the hands of the military, and grant meaningful participation in the exercise and administration of justice to the indigenous population. These must be free from any fear and pressure and have to be trained in the respect of the main international legal instruments and of human rights during trials. Concepts such as the presumption of innocence, objective analysis of evidence, the right to be listened to, to be represented by a lawyer, to appeal, to receive a reasoned decision, and to a fair trial, must be ensured.

Last but not least, the State must allow the training of lawyers and the practice of this profession. The State has to make sure that free and independent practicing lawyers will be assigned to female defendants. Any third party interested in the trial, in particular human rights organisations, must have access to the tribunal.