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**ADDISABABA UNIVERSITY  
COLLEGE OF LAW AND GOVERNANCE  
CENTRE FOR HUMAN RIGHTS**

**POLICE REFORM AND HUMAN RIGHTS PROTECTION IN ETHIOPIA:  
THE CASE OF FEDERAL POLICE CRIME INVESTIGATION BUREAU**

**BY  
WARIO ELEMO**

**JUNE, 2020  
ADDIS ABABA, ETHIOPIA**

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OF FEDERAL POLICE CRIME INVESTIGATION BUREAU.**

**BY  
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**ADVISOR: DEMELASH S. (PH.D)**

**A THESIS SUBMITTED TO ADDIS ABABA UNIVERSITY, COLLEGE OF LAW AND  
GOVERNANCE, CENTRE FOR HUMAN RIGHTS, IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF MASTERS OF HUMAN RIGHTS.**

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**BY**  
**Wario Elemo**

**APPROVED BY BOARD OF EXAMINERS**

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DECLARATION

I, Wario Elemo, declare that police reform and human rights protection in Ethiopia: the case of Federal Police Crime Investigation Bureau is my own work and all the sources I have used have been indicated and acknowledged through complete references.

Name: Wario Elemo    Signature & Date-----

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This thesis has been submitted for examination with my approval as a university advisor

.....

**Demelash S. (Ph.D)**

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## **LISTS OF ACRONYMS**

**ACHPR**-African Charter of Human and Peoples' Rights

**AI**-Amnesty International

**AU**-African Union

**CCTV**- Closed Circuit Television

**CAT**-Convention against Torture

**CEDAW**-Convention on Elimination of all forms of Discrimination against Women

**CERD**-Convention on Elimination of all forms of Racial Discrimination

**CRC**-Convention on the Rights of Child

**CSOs**- Civil Society Organizations

**Dr.**-Doctor

**EFPC**-Ethiopian Federal Police Commission

**EHRC**-Ethiopian Human rights commission

**EHRCO**- Ethiopian human Rights council

**EPRDF**- Ethiopian People's Revolutionary Democratic Front

**FBI**-Federal Bureau of Investigation

**FDRE**-Federal Democratic Republic of Ethiopia

**HR**- Human Rights

**HRE**-Human Rights Expert

**ICCPR**- International Covenant on Civil and Political Rights

**ICESCR**-International Covenant on Economic, Social and Cultural Rights

**IHRL**-International Human Rights Law

**IL**-International Law

**INSA**-Information Network Security Agency

**IPOA**-Independent Police Oversight Authority

**JSRP**-Justice Sector Reform Program

**PPS**- Public Prosecutor Service

**PM**- Prime Minister

**SAP**-South African Police

**SAPS**-South African Police Service

**SSR**-Security Sector Reform

**SPO**- Special Prosecutor's Office

**UDHR**- Universal Declaration of Human Rights

**UK**-United Kingdom

**UN**-United Nations

**UNHRs**- United Nations Human Rights

**UNODC**-United Nation Office on Drug and Crime

**UPR**- Universal Periodic Review

**US**-United States

**USA**-United States of America

**WWI**-First World War

## **Acknowledgement**

First and for most, I would like to thanks mighty God for giving me full health in all dimensions to be successful in conducting this thesis. Additionally, many thanks are needed to my advisor Dr. Demelash Shiferraw for his efforts in showing me all procedures I have to follow and providing me deep comments during processes. Finally, I would like to forward my heartfelt thanks to all organizational leaders and staffs that provided me all relevant materials and information.

## **ABSTRACT**

*As the measures of reform made by FDRE government beginning from 2015 to 2018 reform in reforming all government institutions, the aim of this thesis is to explore the available progresses in police organizations in human rights protection in Ethiopia during criminal investigation process by focusing on Federal Crime Investigation Bureau. The prevalence of human rights violations during criminal investigation process which government admitted following 2018 reform are taken as major problems of this study. By using qualitative research method; non-probability (purposive) sampling technique; and semi-structured in-depth interview; observation and document analysis as instruments of data collection, the researcher investigates whether police reform has improved the human rights situation in the post reform period. Accordingly, the findings of this study indicate that, though there are improvements in human rights protections during criminal investigation process in terms of decrease in the incidence of physical torture; allowing police organizations to human rights visitors; researchers, and closing some police stations where citizen's human rights were subjected for violations such as Meakwlawi and Jail Ogaden, violations of human rights are continuing during Criminal investigation process such as denying right of speedy trial; lack of equality before the law; and compelling suspects to produce illegal confessions such as putting them at dark places. Finally, based on these findings, the thesis recommends that: government should re-evaluate police compliance in the process of sustaining police reform; Police Organization should give more focus to Human Rights promotion in allocating smooth environments such as Human Rights related complaints receiving mechanism and mainstreaming Human Rights to its all departments in relation to Federal Crime Investigation Bureau; government should play its significant roles to liable police members who have been violating Human Rights in the case of Federal Crime Investigation Bureau; priority should be given by government to human rights protection by providing the necessary logistics to police such as offices and custodies as soon as possible to speed investigation process; and Police organizations should provide quality trainings to investigators police to enhance their capacity of making quality investigations in relation to Federal Crime Investigation Bureau.*

**Key words:** Police Reform; Human Rights Protection; Criminal Investigation; Police; Reform; Crime; Crime Investigation Bureau;

## CHAPTER ONE: Introduction

### 1.1 Background of the Study

Human rights are rights that belong to all human beings regardless of sex, color, religious background, language, political outlooks and any other status<sup>1</sup>. Historically, the issue of human rights was as long as history of human being where treaty of Westphalia was taken as the first point in responding to the nations' absolute sovereignty by ending 30 years war in Europe<sup>2</sup>. The fall of League of Nations and formation of United Nations as its successor, and as response to WWII atrocities\_ can be taken as the first comprehensive institutional framework in the protection of human rights<sup>3</sup>.

Most of these rights are mentioned under the following international Human Rights instruments: International bill of human rights which includes Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social and Cultural Rights (ICESCR). The others are Convention on the Rights of Child (CRC); Convention against Torture (CAT); Convention on Elimination of all forms of Discrimination against Women (CEDAW) and Convention on Elimination of all forms of Racial Discrimination (CERD).<sup>4</sup>

Violations of rights and undemocratic governance have led to the conflicts and unrest in most states of the world hence in recent decades; most states have been resisting and avoiding the undemocratic and totalitarian regimes for right respecting and democratic regimes<sup>5</sup>.

According to the Office of the United Nations High Commissioner for Human Rights, law enforcement officials shall at all times respect and obey the law; they shall at all times fulfill the

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<sup>1</sup> United Nations (1948). Universal Declaration of Human Rights

<sup>2</sup> Albahary, D. (2009). International Human Rights and Global Governance: The End of National Sovereignty and the Emergence of a Suzerain World Polity. *Mich. St. U. Coll. LJ Int'l L.*, 18, 511.

<sup>3</sup> Goodrich, L. M. (1947). From League of Nations to United Nations. *International Organization*, 1(1), 3-21.

<sup>4</sup> Van Banning, T., SEPÚVEDA, M., GUDMUNDSDÓTTIR, G. D., & ChAMOUN, C. (2004). Human rights instruments. *San José, Costa Rica: University of Peace*.

<sup>5</sup> Teitel, R. G. (2000). *Transitional justice*. Oxford University Press.

duty imposed on them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession<sup>6</sup>.

In Ethiopia, as a measure of reform, the incumbent EPRDF government led by PM Abiy, has started reform in admitting the violations committed by security officials with measures of prosecution, though it criticized as selective, against those perpetrators who are responsible for the past gross human rights abuse and corruptions, and moving to establish the truth and reconciliation commission that aimed to address people's grievance on the 27 years of EPRDF rule<sup>7</sup>.

According to Geneva Centre for Security Sector Governance (2019), police reform aims to transform the values, culture, policies and practices of police organizations so that police can perform their duties with respect for democratic values, human rights and the rule of law, while such reform is necessary for public security institutions need to be created or adapted to meet changing security needs as well as the expectations of the communities they serve.<sup>8</sup>

In Ethiopia, as indicated in the reform document, current police reform has the following goals: “building fast, speedy, fair and accessible structure and mechanism of Crime Prevention and Investigation; improve police capacity of enforce and enforcing at all levels; and improve mechanisms of human rights handling and protections during provisions of police services”<sup>9</sup>

Thus, Ethiopia certainly needs producing accountable police officers which are responsible in discharging their obligation of human rights protection. The main issue is how far current reforms have emphasized on the need to ensure the observance of human rights during criminal investigation processes?; what legal and institutional frameworks are designed in this reform as different from previous system of policing in Ethiopia in order to achieve its desirable objectives? Hence, this thesis is intended to critically review current police reform in Ethiopia in relation to prospects and challenges of the reform in ensuring human rights protection during criminal investigation processes by focusing on the case of Federal Police Crime Investigation Bureau.

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<sup>6</sup> Rights, O. (2004). Human Rights, Standards and Practice for the Police.

<sup>7</sup> Ezega News (2018). Ethiopian leaders propose Truth-and-Reconciliation Commission: available at <https://www.ezega.com/NewsDetails/6781/Ethiopian-Leaders-propose-Truth-and-Reconciliation-commission> accessed on november 18/2019.

<sup>8</sup> Geneva Centre for Security Sector Governance (2019). Police Reform: SSR Backgrounder Series. Geneva, retrieved from [www.dcaf.ch](http://www.dcaf.ch), accessed on May 18, 2020.

<sup>9</sup> Ethiopian Federal Police Commission (2019). Ethiopian Federal Police reform work's plan 2019, p. 3

## 1.2 Statement of the problem

According to Denbel (2013), the issue of reform is not a new phenomenon for Ethiopia: soon after the coming to power in 1991, as a measure of transitional justice, the transitional government led by EPRDF established a Special Prosecutor's Office (SPO) to prosecute and give justice for the victims and perpetrators of the seventeen years *Dergue* rule; but he highly stressed that "the model taken by EPRDF government during transitional government (prosecution model) lacks the hopes and expectations of the victims during such trails".<sup>10</sup>

Because of poor political leadership for the past 27 years, the issue of human rights violations by police in Ethiopia was very crucial as revealed by government and different international and national human rights institutions such as killings, displacements and property damages as a result of political crises on the country.<sup>11</sup> Thus, in its report to UN Universal Periodic Review, 33<sup>rd</sup> session of the UPR working group on May 2019, Amnesty international reported that torture and other ill-treatment have been routine interrogation tools, used in particular against people suspected of terrorism and while the principal aim of the torture was to extract "confessions"<sup>12</sup>.

Accordingly, police organization is the one among national institutions which has been highly criticized and responsible for the violations of human rights particularly, Crime Investigation Department during last 27 years.<sup>13</sup> It is obvious for instance during last 27 years, Crime Investigation Department which was known as 'Maekelawi' currently closed following the measures taken by reformist government led by Dr. Abiy Ahmed for its inhumane treatment of different organs of the community<sup>14</sup>.

For these reasons, though the government did more in decreasing the prevalence of Human Rights violations after 2018 reform takes place, based on above mentioned information, the researcher also has adequate knowledge and experiences that there are gaps in police organizations during Criminal investigation process in fully cooperating in the process of implementing reform such as issue related to Human Rights training to Police; informing

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<sup>10</sup> Denbel, J. D. (2013). Transitional Justice in the Context of Ethiopia. *International Letters of Social and Humanistic Sciences*, (10), 73-83.

<sup>11</sup> Worku, A. (2019). An Assessment of prime minister Abiy Ahmad's leadership performance: the perspective of Addis Ababa residents (Doctoral dissertation, st. mary's University).

<sup>12</sup> Amnesty international (2019). Ethiopia: deeper reforms needed. Retrieved from <https://www.amnesty.org/download/Documents/AFR2598652018ENGLISH.PDF>, accessed on March 20, 2019.

<sup>13</sup> Ibid

<sup>14</sup> Bader, L. (2013). " *They Want a Confession*": Torture and Ill-treatment in Ethiopia's Maekelawi Police Station. Human Rights Watch.

suspects Miranda Rights during interrogation such as bringing them within 48 hours before the court, and securing their Human Rights from all kinds of physical and moral harms; Police accountability when failure to respect and protect human rights violations during criminal Investigations processes. Hence, the aim of this study is to critically examine current police reform in Ethiopia in light with human rights protections during criminal investigation process in the case of Federal Crime Investigation Bureau.

### **1.3 Objectives of the study**

#### **1.3.1 General objective**

The overall objective of this study is to assess the federal police reform in relation to human rights protection during criminal investigation.

#### **1.3.2 Specific objectives**

1. To examine the protection of human rights during criminal investigation process in general and Federal Crime Investigation Bureau in particular.
2. To examine designation of police reform in light of human rights protection during crime investigation at the Federal Crime Investigation Bureau.
3. To access mechanism of police accountability when failure to protect Human Rights in the case of Federal Police Crime Investigation Bureau.

### **1.4 Research questions**

1. Is due emphasis given to Human Rights protection by Ethiopian Federal Police Crime Investigation Bureau during criminal investigation process?
2. Is the police reform designed in a manner that improves human rights protection during crime investigation?
3. Is a Reform designed in a manner it can makes Police accountable when failure to protecting Human Rights in relation to Crime Investigation Bureau?

### **1.5 Significance of the study**

By evaluating the different measures that had been undertaken in current police reform in Ethiopia in the case of Federal Police Crime Investigation Bureau, the study helps the readers to analyze the problems associated with crime investigation processes; measures forwarded for such problems and available progresses in human rights protections during criminal investigation processes.

### **1.6 Scope/delimitation of the study**

The study was limited to Federal Police Crime Investigation Bureau in Ethiopia in relation to tactical crime investigation processes and human rights protection issues, within the time framework starting from 2015 up to current reform.

### **1.7 Limitation of study**

As far as this study is concerned, the researcher encountered the following constraints: time, especially because of emergency of corona virus; budget, as the result of sensitivity of the study to politics, privacy and confidentiality matter-The researcher faced constraints in extracting enough empirical data in the case of document analysis and in interviewing stakeholders\_ The researcher was not allowed to take photo, record video and audio from police officers and suspects since many cases are on proceedings as it may cause the loss of evidence to the investigation processes.

### **1.8 Ethical consideration**

The researcher gave due regard to the personality and dignity of the respondents since the issue is very sensitive. The three principles of an interview are strictly enforced. These are: principle of informed consent; principle of no harm; and principle of privacy and confidentiality.<sup>15</sup>

The Principle of informed consent pertains to the researcher's effort to create awareness to the participants as to the nature of the information needed from them and give them a chance to involve or decline from cooperating on the issue at hand.<sup>16</sup> It is imperative that research

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<sup>15</sup> Crow, G., Wiles, R., Heath, S., & Charles, V. (2006). Research ethics and data quality: The implications of informed consent. *International Journal of Social Research Methodology*, 9(2), 83-95.

<sup>16</sup> Ibid

participants should feel confident enough to provide the information needed without fear of adverse retaliation from the institutions in which they are part.<sup>17</sup>

In the course of this interview, the participants have been given a chance to participate, of their own will and were given the choice of confidentiality if they so want, with a guarantee, as much as possible to the best ability of the researcher, with complete confidentiality of the information they provided in which the researcher used them confidentially in analysis.

## **1.9 Research Approach and Design**

As Grover (2015) says, research approach refers to plans and procedure for research that encompass the steps from broad assumptions to detailed methods of data collection, analysis, and interpretation<sup>18</sup>. Symeou (2008) presents research methodology/approach as the way the researcher deploys his whole research design: it should be thoughtful and robust enough to withstand critique; it should be logical, systematic and consistent with the research questions; it should guarantee valid and reliable references based on high quality data<sup>19</sup>.

Accordingly, in this study the researcher critically planned and followed different steps starting from formulating researcher title, statement of problem, objectives of the study, and deciding methods of data collection and analysis.

### **1.9.1 Research design**

Research design refers to the overall strategy that one chooses to attack the problem which requires integration of different components of the study in a coherent and logical way, thereby, ensuring to solve the problem in efficient way. It constitutes the blueprint for the collection, measurement, analysis of data, interpretation and reporting of conclusions<sup>20</sup>. This research is pure qualitative research method because it highly focused on conducting interviews as primary data collection tool and relevant documents such as reform documents, annual plan and reports by using scientific method of interpreting different social concepts.

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<sup>17</sup>Vanclay, F., Baines, J. T., & Taylor, C. N. (2013). Principles for ethical research involving humans: ethical professional practice in impact assessment Part I. *Impact Assessment and Project Appraisal*, 31(4), 243-253.

<sup>18</sup> Grover, V. K. (2015). Research approach: An overview. *Golden Research Thoughts*, 4(8), 1-8.,

<sup>19</sup> Symeou L. and Lamprinou I. (2008). research approach and methodology, p 2-17. Retrieved from <http://www.relabs.org/research>, accessed on may 5, 2020.

<sup>20</sup> ibid

### **1.9.2 Sampling Methods, Size and Population**

The researcher used non-probability sampling techniques in general and purposive/convenience sampling technique in particular because the needed information for the study was obtained by purposely interviewing the relevant stakeholders from law enforcement organizations, such as police organization, attorney, human rights commission, civil society organization and suspects since they always deal with the issue of criminal justice system especially Human Rights issues during Criminal Investigation processes.

The targeted population was 200 persons who have direct or indirect relation to criminal investigation processes. Police organization ninety (90), suspects sixty (60), prosecutors twenty (20), Ethiopian Human Rights Commission (EHRC) ten (10), civil society ten (10), and UNODC (international institution working in Ethiopia) ten (10).

Accordingly, by using quota sampling technique the researcher selected 30 persons from total populations i.e. 8 from police, 2 from prosecutors, 12 from suspects, 4 from Ethiopian Human Rights commission (EHRC), 3 from Human Rights Council (CSOs), and 1 from United Nations Office on Drug and Crime (UNODC).

### **1.9.3 Data types and sources**

Data was collected both from primary and secondary sources. The researcher used in-depth interviews in general and semi-structured interview in particular. Furthermore, secondary data was collected from organizational reports and annual plan and different manuals enacted following the reform.

## **1.10 Methods/techniques/instruments of data collection**

### **1.10.1 Semi-structured In-depth interview**

As Nayeem Showkat and Huma Parveen (2017), an-interview is an important qualitative research method in which the researcher collects data directly from the participants. In their words, compare to other research methods like survey and focus group, interviews are significant in unfolding opinions, experiences, values and various other aspects of the population

under study<sup>21</sup>. A semi-structured in-depth interview is usually one in which interviewer has checklist of topic areas or questions. The intention is to get informants to talk in their own terms; hence questions tend to not be too specific allowing for a range of possible responses.<sup>22</sup>

Accordingly, in interviewing the respondents, the researcher prepared different questions related to research objectives and imposed them to respondents accordingly, and write down what they responded in original languages i.e. Ahmaric, Afan Oromo and English. Finally, he translated all documents into English in a strict manner.

### **1.10.2 Personal observations**

Erlandson, Harris, Skipper & Allen (1993) as citing in (Kawulich, 2005) described the functions of observations as: observations enable the researcher to describe existing situations using the five senses, providing a "written photograph" of the situation under study.<sup>23</sup>

Thus, the researcher observed different things within the police organization as far as Human Rights protection during criminal investigation process is concerned such as mechanisms of approaching to clients, providing relevant information; giving emphasis to Human Rights issues; existing gaps in Human Rights knowledge and its implementations.

### **1.10.3 Document review**

Bowen (2009) stated document analysis as a systematic procedure for reviewing/evaluating documents both printed and electronic materials include advertisements, agendas, attendance registers, and minutes of meetings; manuals; background papers; books and brochures; diaries and journals; event programs (i. e printed outlines); letters and memoranda; maps and charts; news papers; press releases; program proposals, application forms, and summaries; radio and television program scripts; organizational reports; survey data, organizational reports; and public

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<sup>21</sup> Nayeem S. and Huma P. (2017). In-depth interview: (Aligarh Muslim University July 2017), retrieved from <https://www.researchgate.net/publication/319162160>, accessed on april 25, 2020, p. 3.

<sup>22</sup> Harvey, L. (2012-2020). Researching the real world: available at [qualityresearchinternational.com/methodology](http://qualityresearchinternational.com/methodology), accessed on May 5, 2020.

<sup>23</sup> Kawulich, B. B. (2005, May). Participant observation as a data collection method. In *Forum qualitative sozialforschung/forum: Qualitative social research* (Vol. 6, No. 2).

records.<sup>24</sup> Hence, the researcher was also dealt with most of them as document analysis in conducting this thesis.

### **1.11 Methods of data analysis**

According to Bryman (2016), data analysis is fundamentally about data reduction---that is, it concerned with reducing the large body of information that the researcher has gathered so that he or she can make sense of it.<sup>25</sup>

Based on the above directions, the researcher used these steps for analyzing this study's data: reading all the transcriptions of the interviews, coding, decide which code is more important; create categories by bringing different codes together; label categories; decide which are more important. Under write up the results, describe the categories, and under write up discussions, write out own interpretation and discussions thematically using context based analysis. This was explanatory approach of data presentation, categorization, description, triangulation and qualitative method of data interpretation.

### **1.12 Organization of the study**

This thesis is organized into five chapters: chapter one talks about background of the study, chapter two review of related literature, chapter three, general overview of the reform; chapter four, finding, result discussion and interpretation and chapter five deals with conclusion and recommendations.

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<sup>24</sup> Bowen, G. A. (2009). Document Analysis as a Qualitative Research Method. *Qualitative research journal*, 9(2), 27.

<sup>25</sup> Bryman, A. (2016). *Social research methods*. Oxford university press.

## Chapter two: Literature Review

### Introduction

Under this chapter, the researcher had been focused on review of related literature both from international and Ethiopian perspectives. This is from the dimensions of evolution of policing, crime and criminal investigations, human rights considerations during criminal investigation process and police reform and human rights consideration in this regards.

### 2.1 Theoretical literature

#### 2.1.1 The process of Criminal Investigation

According to Van der Merwe (2008), crime investigation is a systematic search for the truth with the primary purpose of finding a positive solution to the crime with help of objective and subjective clues.<sup>26</sup> Van der Merwe describes the objective clues as the factual proof and objective explanation of these, that is, the so called mute, indirect or circumstantial evidence. Subjective clues on the other hand, are defined by him as the evidence offered by people (victims, complainants, eye witnesses and culprits who have direct relations with the events.<sup>27</sup>

On the other hand according to Gehl and Plecas (2018), criminal investigation is multi-faceted, problem-solving challenge and at the time of arriving at the scene of crime, an officer is often required to rapidly make critical decisions, sometimes involving life and death, based on limited information in a dynamic environment of active and still evolving events. According to this author, following end of criminal event, the investigator is expected to preserve the crime scene, collect the evidence, and devise an investigative plan that will lead to the forming of reasonable grounds to identify and arrest the person or persons responsible for the crime<sup>28</sup>. He also indicated that an investigator does not use the strategies that ordinary people use every day, rather, he/she is expected to critically access all information they encountered because every investigation is an accountable process in which the investigator is not just making a determination about the validity and truth of the information for the personal confirmation of a belief. Rather, the police

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<sup>26</sup> Van der Merwe, C. J. (2008). *Processing of information for prosecution purposes* (Doctoral dissertation).

<sup>27</sup> Ibid p. 188

<sup>28</sup> Gehl, R., & Plecas, D. (2018). *Introduction to Criminal Investigation: Processes, Practices and Thinking*.

investigator is responsible and empowered under the law to make determinations that could significantly affect the lives of those being investigated as well as the victims of crime<sup>29</sup>.

In another way, noting to (Greenwood, Chaiken, and Petersilia, 1977), Karl Ask described criminal investigation as “essence, the process of answering questions as to if, how, where, when, why, and by whom a crime was committed. In this regard, investigators must assemble clues from various sources and arrive at a coherent account of the critical event<sup>30</sup>.

Cladwell (1965) as cited in Alemayehu, (2010), the main objectives of crime investigation are to detect crime, to identify the offender, to locate and preserve evidence and bring offenders before a court of law for justice to be served. As he stated that the successful detection of crime and the apprehension of criminals have its own contribution to the general function of maintaining peace and order in society and in order to detect the crime, the police officer or investigator should follow the procedural law enacted to perform the crime investigation process, hence, the general objectives of criminal investigation include the identification of the crime, gathering of evidence, individualization of the crime, arrest of the criminal as well as the recovery of stolen property and involvement in the prosecution process<sup>31</sup>.

As far as the roles of investigators in Criminal Investigation process is concerned, United Nations office of Drug and Crime (2006) stated that, the successful investigators require a particular skill set and proper training is essential to provide an investigator both with knowledge of the relevant issues and an awareness of the special techniques involved. In this regard, according to UNODC, since some types of crime require a deeper knowledge and understanding than others, for instance, white collar fraud or counterfeiting, most countries will have specially selected and trained experts who will take responsibility for cases in their area of expertise.<sup>32</sup>

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<sup>29</sup> Ibid p. 10

<sup>30</sup> Ask, K. (2006). *Criminal investigation: Motivation, emotion and cognition in the processing of evidence*.

<sup>31</sup> Tulu, A. S. (2010). *Evaluating the Application of Human Rights Principles in Crime Investigation in Ethiopia: A Case Study of the Addis Ababa City Police* (Doctoral dissertation).

<sup>32</sup> Nayeem S. and Huma P. (2017). In-depth interview: (Aligarh Muslim University July 2017), retrieved from <https://www.researchgate.net/publication/319162160>, accessed on april 25, 2020, p. 3..

### 2.1.2 Objective of Crime Investigation

According to Cladwell (1965:317) as noted in Alemayehu, (2010), the main objectives of crime investigation are to detect crime, to identify the offender, to locate and preserve evidence and bring offenders before a court of law for justice to be served.<sup>33</sup>

On the other hand according to according to Gehl and Plecas (2018), the objective of crime investigation is related to the burden of proof which police investigator is expected to understand that matters under investigation can end up being presented in a criminal or civil court of law.<sup>34</sup> In this regard, each of these court venues requires and applies a different burden of proof to the evidence presented. It is entirely possible that a police investigator will be called to present evidence of their investigation in either type of court.<sup>35</sup>

The criminal court according to these authors is the one most commonly encountered by police investigators and hear case investigated under the criminal code and under Federal, Provincial, and Municipal Statues which cover offences ranging from personal and property offences to those covered under Municipal Statues. For criminal courts, judges or judges and juries use the burden of proof described as “proof beyond a reasonable doubt” to determine if they will convict or acquit an accused person. Civil courts take responsibility for making decision in relation to matters where one party is seeking a non-criminal judgment, damages, or a decision against another party and the cases may related to personal injury cases, contractual disputes, divorce proceedings, and contested wills or estates while proof in this regard is described as “proof within a balance of probabilities” which is much lesser test than proof beyond reasonable doubt.<sup>36</sup>

### 2.1.3 Interviewing (interrogation) of suspects

According to Christopher D. Hoffman (2005), an interview is a conversation intended to elicit information and they are generally non-accusatory, thus, in the process of an investigation, the investigator will conduct interviews with all available witnesses and potential suspects by asking open-ended questions in an attempt to elicit as much information as possible<sup>37</sup>.

On the other hand, he described interrogation as the process by which the suspects are questioned in regards to their involvement in the activity that gave rise to the investigation, hence it will

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<sup>33</sup> Supra note 31 p. 73.

<sup>34</sup> Supra note 28 p. 22

<sup>35</sup> Ibid

<sup>36</sup> Ibid

<sup>37</sup> Hoffman, C. D. (2005). Investigative Interviewing: Strategies and Techniques. *International Foundation for Protection Officers*.

involve the interviewer accusing the suspect or there are also times when, depending on the suspect's behavior, an interview will change into an interrogation<sup>38</sup>.

As far as the rights of suspects during Criminal Investigation process is concerned, Michel St-Yves and Christian A. Meissner (2014), indicated that from very outset of the interview, investigators must inform interviewees of their right to remain silent and their right to immediately consult legal counsel-who most probably, will advise them to remain silent<sup>39</sup>.

## 2.2 Evolution of policing

During ancient time members of the clan and tribe provided the police function hence, there is no single global evolution of policing. United Kingdom was the first country that formed professional police by the effort of Sir Robert Peel in founding modern policing in UK through establishing the Metropolitan Police Services in London in 1829 based on London Metropolitan Police Act which, this was created with embryonic concepts of professional police and policing.<sup>40</sup> Following the end of Second World War, the development of policing was shifted from the United Kingdom to the United States.<sup>41</sup> But different publications indicate that, American policing has been heavily influenced by the English system throughout the course of history.<sup>42</sup> As indicated in these sources, in the U.S, the principles and ideas of Peel and his adherents were expounded on by law enforcement professionals around the globe, with the input of officers and criminologists alike.

The development of policing in the U.S passed four paths: political influence stage, the reform stage, the professional stage and the police and community relation stage.<sup>43</sup>

In modern time, the concept of policing and police science has been developed with the development of bureaucracy in the different institutions to prevent crimes and disorders in these institutions. According to Potter (2013), maintaining a stable and disciplined work force for the

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<sup>38</sup> Ibid

<sup>39</sup> St-Yves, M., & Meissner, C. A. (2014). Interviewing suspects. *Investigative interviewing: The essentials*, 145-190.

<sup>40</sup>What is policing? Retrieved from (<http://www.markedbyteachers.com/university-degree/social-studies/what-is-policing.html>) accessed on November 10, 2019

<sup>41</sup>Grieve, J., Harfield, C., & MacVean, A. (2007). *Policing*. Sage.

<sup>42</sup>The History of the Police, section 1, Sage Publications, Available at: [www.sagepub.com/upm-data/50819\\_ch\\_1.pdf](http://www.sagepub.com/upm-data/50819_ch_1.pdf), Accessed on November 10, 2019

<sup>43</sup>Meressa, K. (2011). Policing and Its Professional Ethics, Ethiopian Police University College, Teaching Module, Unpublished, p 16-19

developing system of factory production and ensuring a safe and tranquil community for the conduct of commerce required an organized system of social control for instance in the history of United states' development of policing.<sup>44</sup>

### **2.3 Human Rights and states' Obligations**

Historically, the concept of human rights is as old as the ancient doctrine of natural rights and ultimately created after creation of human being<sup>45</sup>. Thus, human rights developed day by day by various declaration and treaty. Principally, human rights are universal which mean it is applied to all human being regardless its color, sex, religion, political background and any other status; it is inalienable (no person may be divested his or her human rights, save under clearly defined legal circumstances); human rights are indivisible and interdependent which is to mean they are interdependent because, violating one such rights affects the exercise of other human rights<sup>46</sup>.

In his article entitled as “nature of international human rights obligations” Megret (2009), stated that unlike treaty law that made between states by their consents, IHRL treaties create rights specifically for individuals who are not normally subject of IL generally and treaties specifically.<sup>47</sup>

For instance, in implementing international human rights obligations, UNHRs treaty bodies have adopted a tripartite typology of how Human rights obligations should be secured. According to that typology, states must respect (states should not consciously violate rights, either through their organs like Parliament/executive or through their agents (such as, civil servants, the police or army); protect (the state needs to proactively ensure that persons within its jurisdiction do not suffer from HRs violations at the hands of the 3<sup>rd</sup> parties) and fulfill/promote human rights which means states should proactively engage in an activities that have as a consequence the

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<sup>44</sup> Potter, G. (2013). The history of policing in the United States. *Retrieved from*.

<sup>45</sup> Md. K. and Shashi K. (2016). The evaluation of human rights: an overview in historical perspective. *American journal of service science and management* vol. 3, 2

<sup>46</sup> OHCHR (2016). *Hand book for parliamentarians* no. 26

<sup>47</sup> Megret, F. (2009). The Nature of International Human Rights Obligations. *Available at SSRN 1472196*.

greater enjoyment of rights and some civil and political rights such as the right to vote are meaningless if the state does nothing to implement them.<sup>48</sup>

In other hand, the following rights are non-derogable rights under ICCPR hence the states are obligated to respect and protect at any conditions. Some of these rights are:

Right to life (art 6); Prohibition of torture, cruel, inhuman and degrading treatment and medical or scientific experimentation without consent (art 7); Prohibition of slavery, slave trade and servitude (art 8); Prohibition of imprisonment because of inability to fulfill contractual obligation (art 11); Principle of legality in criminal law i.e. the requirement that criminal liability and punishment is limited to clear and precise provisions in the law, that was in force at the time the act or omission took place, except in cases where a later law imposes a lighter penalty (art 15); Recognition everywhere as a person before the law (art 16); and Freedom of thought, conscience and religion (art 18).<sup>49</sup>

### **2.3.1 Some Human Rights and their regulating standards as related to Criminal Investigation Processes.**

As stated by Zhang (2009), in the ICCPR under articles 9, 10 and 14 respectively, the following rights are internationally guaranteed for protection during criminal investigation processes. These are: the right to liberty and security of person (art 9/1); the right to be informed the reasons for his/her arrest and promptly informed any charges against him/her (art 9/2); the right to be brought before the court within the reasonable time or release on bail if necessary (art 9/3); the right to take proceedings before the court without delay and has release if the detention is not lawful (art 9/4); compensation in the case of unlawful detention (art 9/5).<sup>50</sup>

Article 10 in another way guarantees the following rights: the right to be treated with humanity and with respect for the inherent dignity of the human person (art 10/1); the right to be separate treatment from convicted persons until proved guilty (art 10/2(a)); the right of juvenile to be treated separately from adults and brought as speedily as possible for adjudication (art 10/2 (b)); and whereas art 14/1 states all persons shall be equal before the courts and tribunals. This right

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<sup>48</sup> Ibid

<sup>49</sup> United Nations Human Rights Office of High Commissioner. (2013). Core Human Rights in the Two Covenants.

<sup>50</sup> Zhang, J. (2009). Fair trial rights in ICCPR. *J. Pol. & L.*, 2, 39.

encompasses the right to a fair and public hearing by a competent, independent and impartial tribunal established by law; and the right to be presumed innocent<sup>51</sup>.

### **2.3.2 Code of Conduct Internationally Regulating Law Enforcement Officials**

According to Code of conduct adopted by United Nations General Assembly resolution 34/169 of 17 December 1979, law enforcement officials shall:

At all times fulfill the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession (art 1); in the performance of their duty, they shall respect and protect human dignity and maintain and uphold the human rights of all persons (art 2);

May use force only when strictly necessary and to the extent required for the performance of their duty (art 3);

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise (art 4);

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment (art 5);

Ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required (art 6);

Not commit any act of corruption and they shall also rigorously oppose and combat all such acts (art 7);

And finally article 8 in this resolution states that, law enforcement officials shall respect the law and the present Code, they shall also, to the best of their capability, prevent and rigorously oppose any violations of them; thus, law enforcement officials who have reason to believe that a violation

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<sup>51</sup> Ibid

of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power (art 8).<sup>52</sup>

## **2.4 Experiences of policing in federal states**

### **2.4.1 Policing in USA experience**

According to Fruri (2011), there is no national Police Force and national police law in the USA hence definition of law enforcement and police and their authority and powers are stated within the state and federal codes dealing with crimes and punishments.<sup>53</sup> Accordingly, policing power and competence have divided among federal, state and local levels which each police agency at each of the three levels is autonomous and no police agency can tell or command another agency what they do and how to do it.<sup>54</sup>

Thus, according to author to work together among local agencies, or across federal and local levels, requires negotiation, memoranda of understandings, and good interpersonal relations skills.<sup>55</sup>

As far as their functions are concerned, federal police agencies (Federal Bureau of Investigation (FBI) or United States Marshals or Secret Service, usually have jurisdiction anywhere in the country in enforcing federal laws. They enforce the laws enacted by the Congress in the entire country. They spend their time on cases crossing state lines, warrant apprehension, cases of fraud, border protection, drug interdiction, gang infiltration, and anything else that requires more resources than those accessible at the state level.<sup>56</sup>

State law enforcement agencies spend their time on major crime scenes, incidents requiring specialized weapons and tactics, traffic enforcement, escorting oversized loads, inspecting trucks,

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<sup>52</sup> Code of Conduct for Law Enforcement Officials, Adopted by General Assembly resolution 34/169 of 17 December 1979

<sup>53</sup> Fluri, P., & Urscheler, M. (Eds.). (2011). *Policing in federal states*. DCAF.

<sup>54</sup> Ibid p. 39

<sup>55</sup> Ibid

<sup>56</sup> Kassa T. (2015). Relationship between federal police and state police commissions under Ethiopian federalism: Policy and practice (MA Thesis).

assisting in pursuits, investigating crimes against animals, conducting driving under influence checkpoints, and assisting federal and local agencies.<sup>57</sup> Whereas, Sheriff – local law enforcement agents, depending on the state's needs usually spend their time doing traffic control, drug interdiction, welfare checks, domestic violence, courtroom protection, and operating the county jail or jails.<sup>58</sup>

### **2.4.2 Policing in Germany**

According to Feltes (2013), in Germany, police is organized in line of federal and state structure with different functions such as Federal Criminal Police Office (Bundeskriminalamt)\_ the Police of the Parliament and the Federal Customs, uniformed (state) police, and the criminal investigators (usually in plain clothes) worked together in the same force.<sup>59</sup>

Uniformed or patrol police according to this author establish and ensure public safety and security in general, deal with public order, patrol services, high risk operations, traffic problems and accidents, and minor crimes while the criminal investigation police are responsible for all other crimes.<sup>60</sup>

The federal police of Germany which known as Bundespolizei is subordinate to Federal Ministry of Interior and mainly deals with security arrangements at border, they are also involved in providing security to the constitutional organs of the country, judicial branches like courts and federal government whereas, state police forces which known as Landespolizei are responsible for street patrolling and emergency call responses; handling the traffic issues, and highway security and patrolling.<sup>61</sup>

## **2.5 Police Reform**

According to Geneva Center for Security Sector Reform (2019), where the aims of police reform is concerned with to transform the values, culture, policies and practices of police organizations so

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<sup>57</sup> Ibid p. 34

<sup>58</sup> Ibid

<sup>59</sup> Feltes, T., Marquardt, U., & Schwarz, S. (2013). Policing in Germany: Developments in the last 20 years. In *Handbook on policing in Central and Eastern Europe* (pp. 93-113). Springer, New York, NY.

<sup>60</sup> Ibid

<sup>61</sup> Supra note 53 p. 35

that police can perform their duties with respect for democratic values, human rights and the rule of law, Such reform aims to achieve a professional style of democratic policing that: takes a people-centered approach to security; protects Human Rights in accordance with national and international law; is responsive to the different security needs of all people regardless of gender, age, class, ethnicity or other characteristic or association; assists all people, in particular those members of the community in need of immediate help; upholds high levels of accountability in its conduct; establishes an effective system of democratic control and oversight over the police; builds a public service that is efficient and effective.<sup>62</sup>

Police reform according to UNOCD (2011) is a complex challenge in any environment. It is particularly daunting, however, in post conflict situations in which the police have been separated more like an occupying army than public security officers. The police may also have perpetrated serious human rights violations, which, in turn, may well have fuelled conflicts, hence transform such police forces into rights-respecting police services that simultaneously provide protection and fight crime has challenged local and international reformers around the world.<sup>63</sup>

Accordingly, UNODC publish indicates that there is no one model of police reform, no “silver bullet” or magic formula that will yield the desired result and each post-conflict country presents unique circumstances and challenges; a danger exists in applying cookie-cutter reform models, or “templates,” that may have worked in country X but could yield disastrous results in country Y. On the other hand, it is stated by UNODC that police reform never ends but rather is an ongoing process that must be constantly reviewed, reassessed, and retooled. One of the first challenges in police or any organizational reform is successfully inculcating this “learning culture,” which rewards self-assessments, self-criticism, and adaptability. Second, police reform never occurs in a vacuum. Society and the police’s culture must also change if the role and practices of the police, and the population’s relationship with the police, are to evolve.<sup>64</sup>

Getie (2018) in this regards stated that, police reform as a concept was introduced after the 1990s by security experts and politicians in the world which originated from two spectrums: first from the development community who were the advocates on the importance of security sector for

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<sup>62</sup> Supra note 8 P.1

<sup>63</sup> UN, (2011). Criminal justice reform in post conflict states: A guide for practioners.

<sup>64</sup> Ibid p 69.

economic development and democratization and the second one is from the field of civil-military relations who promote the holistic approach of security in Central and East Europe<sup>65</sup>.

In Africa according to him, security institutions which are established with the responsibility of managing conflicts are too weak and not governed by the norms and principles of democracy despite the fact that some modifications have been taken by the leaders of African states, they solely serve the elite and the regimes than that of the society in general. Hence, the AU aware of the limitations of security institutions had adopted its own policy framework on SSR in 2008 with the intent of managing the overriding security problems and lack of African ownership of the current SSR among member states<sup>66</sup>.

### **2.5.1 Police Reform in South Africa**

According to Marenin (2014), under apartheid, townships where black South Africans lived were considered temporary settlements not entitled to government services, including policing. Finally as this author stated that, the above social isolation was resulted in forming informal systems of brutality against apartheid government and its police which finally cause for police reform.<sup>67</sup>

The transformation from the apartheid era in South Africa in the case of police reform was started from changing the name of police motto from South African police (SAP) to South African police service (SAPS) focusing on three issues: first, change in personnel composition and management of the SAPS had priority and Police who had committed atrocities while in the SAP were vetted through a truth and reconciliation process.<sup>68</sup> If they admitted what they had done and apologized, they were forgiven, unless their transgressions were too severe for forgiveness alone. Thus, the truth process served an important function and reassured non-black officers in the SAP, who still were needed to staff the new SAPS, that there was a role for them to play in the new police as long as they accepted the changed circumstances<sup>69</sup>.

Second, there was a shift in the underlying ideology of policing from protecting white rule to community policing approach. Third, institutional changes followed. Fourth, the South African

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<sup>65</sup> Getie, W. Z. (2018). Security Sector Reform in Ethiopia: A Study on Amhara National Regional State Police force.

<sup>66</sup> *ibid*

<sup>67</sup> Marenin, O. (2014). Styles of policing and economic development in African states. *Public administration and development*, 34(3), 149-161.

<sup>68</sup> *ibid*

<sup>69</sup> *ibid*

government received much external support for these changes. Finally, what made South African police reform effective was that the extent of community engagement in the police services and the effort made by government in allowing professionals and civil society to conduct research on policing issues to know the gravity of crimes, who became victims and for what reasons, or what reforms would help improve safety and security for community and the state<sup>70</sup>.

### **2.5.2 Police Reform in Sierra Leone**

According to Chris and M'Cormack (2011), Sierra Leone police has its origin in the western African frontier force which between 1863 and 1906 was responsible for maintaining Britain's colonial frontier in the region and following Sierra Leone's independence in 1961, with the introduction of one party system in 1978, the role of the police was deteriorated by politics in all dimensions and police loosed the public image hence they were corrupted.<sup>71</sup>

Since the country was reached at stage of collapse because of internal instability since 1990s, it was very crucial to reform security sectors which police was very important in Sierra Leone. Accordingly, by the support of UK government and efforts of different governmental officials both from police and political leaders, the Sierra Leone police was transformed.

The reform policy as far as Crime Investigation sector in Sierra Leone was concerned focuses with the following day to day police activities:<sup>72</sup>

Handling complaints, managing investigations and preparing files; assigning duties, recording movements of officers as well as enter duty rosters; maintaining books, such as lock-up registers, property receipt books and warrant registers; maintaining inventories of government and departmental property; monitoring the work and conduct of subordinate officers; preparing for inspections by senior officers; handling pay and finances; and developing technical skills.<sup>73</sup>

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<sup>70</sup> Ibid

<sup>71</sup> Chris Charley, J. P., & M'Cormack, F. I. (2011). Becoming and Remaining a 'Force for Good'—Reforming the Police in Post-conflict Sierra Leone. *IDS Research Reports*, 2011(70), 1-46.

<sup>72</sup> Albrecht, P. A. (2010). *Transforming internal security in Sierra Leone: Sierra Leone police and broader justice sector reform* (No. 2010: 07). DIIS Report.

<sup>73</sup> Ibid

### 2.5.3 Police Reform in Kenya

According to amnesty international report (2013), following the 2007 elections, Kenya teetered on the edge of economic, political and social collapse as wide spread violence broke out after the announcement of elections results. In another case, AI stated that following the National Peace Accord and the Waki Commission, the government of Kenya set up a National Task Force on Police Reforms in May 2009.<sup>74</sup>

For this reason, new national police service act passed in August 2011 merges the Kenya police and administration police into one hierarchy and establishes the role of inspector general with the authority over both policing branches.<sup>75</sup> The National Police Service Commission Act establishes a civilian board to oversee recruitment and appointments of police officers, review standards and qualifications, and receive complaints from the public and refer them to the Independent Policing Oversight Authority (IPOA) and other government entities for remedy.<sup>76</sup> On the other hand, Commissioners were appointed in October 2012 after several delays which raised concerns about whether sufficient political will existed to implement the reform package.<sup>77</sup>

Whereas according to AI the Independent Policing Oversight Authority Act, which establishes an oversight authority, mandated to deal with complaints against the police, will conduct disciplinary and criminal investigations and make recommendations for disciplinary action or criminal sanctions.<sup>78</sup>

The other lesson which has been learnt from Kenyan police reform as Centre for Human Rights and Policy Studies (2016) is that, the effort made by IPOA in vetting about 1, 346 officers and 62 found unfit to serve in Kenyan police.<sup>79</sup>

### 2.6 Evolution of Policing in Ethiopia

Generally, according to Abkadir (2014), evolution of policing in Ethiopia in terms of constitution, law and customary administration can be divided into four phases. These are: pre-emperors era,

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<sup>74</sup> Amnesty international. (2013). Police reform in Kenya: A drop in the Ocean, accessed on 11 may, 2020, p. 8

<sup>75</sup> Ibid

<sup>76</sup> Ibid

<sup>77</sup> Ibid

<sup>78</sup> Ibid

<sup>79</sup> Ogada, M. (2016). Deepening police reforms in Kenya post-National Accord: Policy implications. *London: Safer world.*

where indigenous administration was the only administrative mechanism; the period between 15<sup>th</sup> and the 20<sup>th</sup> centuries, where the indigenous and the *fetha negest* (Roman-Byzantine) based administration was used; the time of modernization during era of Emperor Haile Sellasei and Derg rule (the council of soldiers under the chairmanship of Mengistu Haile Mariam that ruled Ethiopia with an iron fist from 1974 to 1991); and lastly the Ethiopia under the new constitution as we know it today.<sup>80</sup>

### 2.6.1 The Haile Sellassie Regime

In another way, even though the modern policing was started by Minilik II in 1882 in establishing Yeketema Zebegna meaning the guard of the city in 1882, the significant development in modern policing in Ethiopia was introduced during reign of Emperor Haile Sillasie with his efforts to modernize several government agencies by Emperor Police Force Proclamation No. 6 of 1942 in 1942.<sup>81</sup> Thus, under Emperor Haile Sellassie, there came a shift in indigenous laws and policing, and modernization of the country declared that Ethiopia should endeavor to adopt the best that modern legal institution have to offer, though the laws have a predominantly western flavor and seemed to bear little relation to the traditional patterns of life prevailing in the country.<sup>82</sup> According to this proclamation, the functions of the police are provided as follows:

*“The force shall be employed for the prevention of the crime, the maintenance of peace and good order, the apprehension of offenders, the safety of persons and property and the control of traffic.”*

According to Alemayehu (2010), it was in the second half of the 1940s that the country saw the elements of modern policing in Ethiopian police history. In his words, this development is manifested by the fact that the police underwent different training inside and outside of Ethiopia.<sup>83</sup>

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<sup>80</sup> Abkadir, H. S. (2014). A critical analysis of indigenous and modern policing in Ethiopia (Doctoral dissertation).

<sup>81</sup> Woldekidan, W. G. (2016). An analysis of the influence of politics on policing in Ethiopia (Doctoral dissertation).

<sup>82</sup> Supra note 80 p. 49

<sup>83</sup> Supra note 31 p. 52

Mogos (1970:217) as noted in Alemayehu (2010), during Hallessillasie regime, considerable efforts were also made to equip the institution with the necessary materials and members of the police were also encouraged to upgrade their level of education including part-time education.<sup>84</sup>

### **2.6.2 Dergue Regime**

Following end of Emperor Haile Sillasie regime since 1974 by Military coup led by Colonel Mengistu Hailemariam, the new regime called Dergue changed the name of Imperial Police Force to Ethiopian Revolutionary Police Force and demobilized most high ranking police officers through retirement or transferred to defense force, hence, weakened police force though at a later stage it began to strengthen and changed its name from Revolutionary Police Force to People's Police Force following the establishment of Ethiopian people's Democratic Republic Government in 1987.<sup>85</sup>

In Dergue regime the situation of indigenous laws and policing was worsened in the period of the Dergue, because of the communist ideology that highly favored the uniformity of law and central institutions, the deliberate suppression of indigenous laws, manipulation of Marxist philosophy of rigorous social control by establishing peasant and pastoral associations, which would administer the new land system both in the centre and peripheries, in the centre it introduced the kebele (urban dweller association) and Gebre mehaber (peasant association) as efficient lowest level administrative units and mechanisms of control over the population.<sup>86</sup>

### **2.6.3 The Ethiopian Federal Democratic Republic Regime (Post 1991)**

Finally, after end of the Dergue rule (1974-1991), the central police institution dissolved and the new structuring process has been based on the federal structure which means that the police forces are under the jurisdiction of local governments.<sup>87</sup>

According to Tesfaye (2015), following overthrow of the Dergue rule, police reorganization was made based on the following principles: police decentralization to ensure that the power to police is divided between the federal government and the regional states, the police should be composed

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<sup>84</sup> Ibid

<sup>85</sup> Ibid p. 53

<sup>86</sup> Supra note 80 P. 52

<sup>87</sup> Supra note 56 p. 54

of all nationalities, changing the police from the paramilitary to civilian and professional policing, standardization of the police organization throughout the country, developing democratic leadership and professional competence in policing, the police force should have a mass base i.e. community policing should be the strategy, the recruitment of police officers to be carried out with the full participation of the local community to ensure that undesirable people are not recruited and the policy excluded the recruitment of former *Dergue* party members, former leadership of *kebele* (the lowest administration unit) associations and former member of the armed forces though some members of the former police force could be retained in the new police force provided that they were certified by the community to be free from any crime and wrong doing, particularly during the *Dergue's* period<sup>88</sup>

#### **2.6.4 Powers and Functions of Ethiopian Federal Police Commission**

The power of Ethiopian Federal Police Commission (EFPC) has the following legal backings to its authorities and responsibilities, firstly: Power Originating from the FDRE Constitution: The FDRE Constitution gives to the Federal government the power to organize and administer Ethiopian Federal Police force and hence, Federal government is empowered to administer it<sup>89</sup>. The constitution does not list the powers of Ethiopian Federal Police Commission. However, certain powers given to the federal government are implicated as it is given to Ethiopian Federal Police Commission. The constitution allows to the federal government to deploy Ethiopian Federal Police forces at the request of a state administration, to avert a deteriorating security situation within the requesting state when its authorities are unable to control it<sup>90</sup>. Secondly, power originating from Ethiopian Federal Police Commission Establishing Pro. No.720/2011: Under article 6/1 of this proclamation, the federal police is empowered the intervention Power in the case of constitutional endanger and under article 6/4 it is empowered to Prevent and Investigate Crimes fall under federal courts; under article 6/9, it also empowered to Safeguard Security of Federal Government Officials and Institutions while under article 6/7 it is empowered Standardization power to modernize the police organizations<sup>91</sup>.

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<sup>88</sup> Supra note 56 p. 55

<sup>89</sup> FDRE constitution 1995 Article 51/6

<sup>90</sup> Ibid article 51/14

<sup>91</sup> Proclamation no. 720/2011 proclamation to establish Ethiopian federal police p. 3

### **2.6.5 Discretionary power of police to use force**

Based on legality, necessity and proportionality, police may be able to use forces. The factors that determine the *reasonableness of use of force* include but are not limited to:

*The severity of the crime(s) at issue; whether the subject poses an immediate threat to the safety of the officer(s) or others; whether the subject is actively resisting arrest or attempting to evade arrest by flight; the influence of drugs/alcohol or the mental capacity of the subject; the time available to an officer to make a decision; the availability of officers/resources to de-escalate the situation; the proximity or access of weapons to the subject; the environmental factors and/or other urgent circumstances. As far as level of resistance is concerned, it is important for officers to bear in mind that there are many reasons a suspect may be resisting arrest or may be unresponsive. A subject may be non-compliant due to a medical condition, mental, physical, or hearing impairment, language barrier, drug interaction or emotional crisis, and have no criminal intent. Thus, level of resistance may be: Compliant- who acknowledges direction or lawful orders; Passive Resistance-uncooperative, but is taking only minimal physical action Active Resistance-The subject's verbal or physical actions are intended to prevent an officer from placing the subject in custody and taking control, but are not directed at harming the officer; Aggressive Resistance-The subject displays the intent to harm the officer, themselves or another person; Aggravated Aggressive Resistance-The subject's actions are likely to result in death or serious bodily harm to the officer, themselves or another. These actions may include a firearm & others<sup>92</sup>.*

*Additionally, when considering the Level of Control, officers must use the amount of force that is objectively reasonable to overcome resistance in order to take lawful police action and this level of control must be proportionate to the circumstances and the level of resistance encountered by the officers.*

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<sup>92</sup> This text was received from power point presented by Assistant Commissioner Gashu Alemayehu on title 'Human rights and police use of force' presented to federal and regional police leaders on 25 June, 2019.

*Police may also use deadly force and deadly force is that degree of force, which is likely to produce death or serious bodily injury. Parameter for use of deadly force by police officer upon another person is only when, it is objectively reasonable to:*

*Protect himself or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; Prevent the escape of a fleeing felon who the officer has probable cause to believe has committed a violent felony (serious) crime and is an imminent threat to human life if escape should occur; officers will give some warning, if possible, prior to the use of deadly force. Example: “Police! Stop! Or I will shoot!”<sup>93</sup>*

*Finally, the law does not only empower police the power of using of force or deadly force, but illegal use of force by police is followed with accountability on them and in FDRE constitution under article 19/5, it is stated that any evidence obtained under coercion shall not be admissible and illegal use of force is subject to legal accusation on the police; followed with compensation to victim according to civil law art 2035 and victim can bring charges against government and police based on art 2040 and 2126 respectively if the act was illegal limitation of right of movement on the victim<sup>94</sup>.*

## **2.7 An overview of Ethiopian Human Rights System**

According to Agegnehu and Dibu (2015), it is arguably possible to remark that there has no satisfactory human rights protection record throughout the history of Ethiopia, rather the country has been disgracefully known for abuses and violations of fundamental Human Rights and freedoms under nearly all successive regimes taking the state power.<sup>95</sup> In this regard, they highly stressed that in the history of the Ethiopia, even though there were happened four codified constitutions (of course neglecting the draft constitution of the 1974 as it was not put in effect), the violations of human rights has been continuing such as absence of lower and broader levels of participation, deprivation of cultural, religious and economic rights for the overwhelming majority of the people, the terror and violence by consecutive regimes against ethnic groups

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<sup>93</sup> Ibid p 29

<sup>94</sup> Ibid p 34

<sup>95</sup> Agegnehu, A., & Dibu, W. (2015). Ethiopian Human Rights System: an overview. *Global Journal for Legal Studies*, 62.

damaging basic rights and political freedom used to characterize the country's human rights system in the past regimes including the military junta, Dergue.<sup>96</sup>

In indicating the content of human rights in these constitutions, Agegnehu and Dibu stated that despite its ineffective in practicality, 1955 revised constitution included some human rights elements such as rights and duty of citizens, the idea of due process of law, the responsibility of state officials, supremacy of constitution, independent judiciary, check and balance, protection against double jeopardy, civil right and freedom of speech, religion, press, assembly, and elective house of deputies as stated under articles 37-65.<sup>97</sup>

While on the other hand in words of Regassa (2009), after a prolonged transition, a Constitution of Ethiopia was adopted in 1994 to come into force in 1995 and dubbed as the Constitution of the Federal Democratic Republic of Ethiopia (FDRE) included human rights elements in chapter three (the chapter that can qualify for being the Ethiopian bill of rights), and offers a long list of rights that are divided into categories namely 'human rights' and 'democratic rights'<sup>98</sup>

In its preamble, it embodies the principles of self-determination of collectivities, rule of law, democracy, development, fundamental rights and freedoms (of individuals and peoples), equality and non-discrimination, peace and affirmative action are stated well<sup>99</sup>.

### **2.7.1 The role of Ethiopian human rights commission**

As stated in proclamation no. 210/2000, the proclamation to establish Ethiopian human rights commission under article 6, the powers and duties of Ethiopian human rights commission are stated as the following:<sup>100</sup>

1. Ensure that the human rights and freedoms provided for the under the constitution of federal democratic republic of Ethiopia are respected by all citizens, organs of state, political organizations and other associations as well as by their respective officials;

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<sup>96</sup> Ibid

<sup>97</sup> Ibid p. 27.

<sup>98</sup> Regassa, T. (2009). Making legal sense of human rights: The judicial role in protecting human rights in Ethiopia. *Mizan law review*, 3(2), 288-330.

<sup>99</sup> Ibid p 13

<sup>100</sup> Proclamation no. 210/2000, (2000). Ethiopian Human Rights Establishment Proclamation.

2. Ensure that laws, regulations and directives as well as government decisions and orders do not contravene the human rights of the citizens guaranteed by the constitution;
3. Educate the public, using the mass media and other means, with a view to enhancing its tradition of respect for, and demand for enforcement of, rights upon acquiring sufficient awareness regarding human rights;
4. Undertake investigation, upon complaint or its own initiation, in respect of human rights violations;
5. Make recommendations for the revision of existing laws, enactment of new laws and formulation of policies;
6. Provide consultancy services on matters of human rights;
7. Forward its opinion on human rights reports to be submitted to international organs;
8. Translate into local vernaculars, international human rights instruments adopted by Ethiopia and disperse same;
9. Participate in international human rights meeting, conference or symposia;
10. Own property, inter into contracts, sue and be sued in its own name;
11. Perform such other activities as may be necessary to its objective.

Accordingly, though he had recognized that many activities will leave to do with Ethiopian human rights commission, Dr. Getahun Kassa has stated the roles played by Ethiopian human rights commission as follow:

*Over the last 15 years, the Commission has carried out a number of useful activities. The activities mostly focus on human rights awareness creation through the mediums of print and broadcast media; short term trainings; publications; hosting and sponsoring human rights discussion forums and supporting legal aid programs that provide free legal assistance to indigent persons. Human rights trainings were given to members of Parliament; media professionals, government officials, police officers, prison officers, school teachers and persons with disability. Since the establishment of the branch offices, human rights training programs of the Commission are reaching wider*

*groups and regions. The monitoring department carried out frequent visits in prisons and police stations*<sup>101</sup>.

However, according to Gudeta when we see the human rights situations in practices and activities of the commission on the ground, the duties entrusted to it are seems to be bent from its aim as the commission insists on the will of government only to do something either awareness creation or receiving complaints or investigation or monitoring human rights situation of the country, while no clear impartial investigation has been seen in the case of mass arrest, violation in detention center and extra-judicial killing on peaceful protester in many parts of Ethiopia in recent history of Ethiopia.<sup>102</sup>

## **2.8 The space given to Human Rights protection by government and laws**

In this regard, according to center for international Human Rights (2009), the Ethiopian governments has long been hostile to independent NGOs and equate their activity with intelligent works, viewing them as subversives rather than allies in the struggle to improve the lives of all Ethiopians.<sup>103</sup> In this article it was stated that, for many years, Ethiopian Human Rights NGOs have endured government harassment by using its registration laws to effectively ban the work of Human Rights defenders such as the Ethiopian Human Rights Council, a prominent human rights group that participates in civic education, human rights advocacy and human rights monitoring, which denied registration for approximately seven years.<sup>104</sup>

On the other hand according to Tura (2017), in relation to ant-terrorism proclamation no.652/2009, there were included various human rights violating contents such as derogation from non-derogable rights stated under ICCPR, limiting freedom of expression under article three which states “whosoever or a group intending to advance a political, religious or ideological cause by coercing the government, intimidating the public or section of the public, or destabilizing or destroying the fundamental political, constitutional, economic, or social

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<sup>101</sup> Kassa, G. (2019): The Ethiopian human rights commission: role and effectiveness in the protection of human rights in Ethiopia, unpublished article, p 21

<sup>102</sup> Gudeta, L. The Ethiopian Human right commission: Critical analysis in its role of promoting human rights(received from page 7).

<sup>103</sup> Mulat, Y., Hopkins, C., Noble, L., & Babcock, S. (2009). Sounding the Horn: Ethiopia’s Civil Society Law Threatens Human Rights Defenders.’. *Evanston, Ill.: Center for International Human Rights, Northwestern University School of Law. www. law. northwestern. edu.*

<sup>104</sup> Ibid

institutions of the country: 1. Causes a person's death or serious bodily injury. 2. Creates serious risk to the safety or health of the public or section of the public. 3. Commits kidnapping or hostage taking. 4. Causes serious damage to property. 5. Causes damage to natural resource, environment historical or cultural heritages. 6. Endangers, seizes or puts under control to cause serious interference or disruption of any public service, and 7, threatens to commit any of the acts stipulated under sub-articles (1) to (6) of this Article is punishable with rigorous imprisonment from 15 years to life or with death".<sup>105</sup>

Accordingly, in Tura's belief, this definition as is vague and very broad, which can be misinterpreted and misapplied by the government to punish a legitimate exercise of the right to freedom of expression and acts of peaceful political dissent.<sup>106</sup>

## **2.9 Human Rights Protection under F.D.R.E Constitution and Process of Criminal Investigation**

In another way, though Ethiopia has made reservation to 2<sup>nd</sup> optional protocol to ICCPR (the protocol to abolish death penalty), she is one of signatory to ICCPR and included the following rights into FDRE constitution which can be considered during Criminal Investigation Processes. These rights are mainly the rights stated under the art 19 and 20 which are rights of arrested/accused persons.

Article 19 for instance states, the persons arrested have the right to be informed promptly, in a language they understand, of reasons for their arrest and of any charge against them (art 19/1);

The right to remain silent and upon arrest, they have the right to be informed promptly, in a language they understand, that any statement they make may be used as evidence against them in court (19/2);

The right to be brought before the court within 48 hours of their arrest\_ such time shall not include the time reasonably required for the journey from the place of arrest to the court;

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<sup>105</sup> Tura, H. (2017, July). The Impact of Ethiopia's Anti-Terrorism Law on Freedom of Expression. In *Proceeding of 5th International Conference of PhD Students and Young Researchers* (pp. 393-404).

<sup>106</sup> *Ibid.*

On appearing before a court, they have the right to be given prompt and specific explanation of the reasons for their arrest due to the alleged crime committed (art 19/3);

The right to an inalienable right to petition the court to order their physical release where the arresting police officer or the law enforcer fails to bring them before a court within the prescribed time and to provide reasons for their arrest. Where the interest of justice requires, the court may order the arrested person to remain in custody or, when requested remand him for a time strictly required to carry out the necessary investigation. In determining the additional time necessary for investigation, the court shall ensure that the responsible law enforcement authorities carryout the investigation respecting the arrested person's right to speedy trial (art 19/4);

The right to not be compelled to make confessions or admissions which could be used in evidence against them and any evidence obtained under coercion shall not be admissible (art 19/5);

The right to be released on bail and in exceptional circumstances prescribed by law, the court may deny bail or demand adequate guarantee for the conditional release of the arrested person (art 19/6).<sup>107</sup>

Whereas article 20 states that, accused persons' rights which include the following rights: the right to public trial by an ordinary court of law within a reasonable time after having been charged and the court may hear cases in a closed session only within a view to protecting the right to privacy of the parties concerned, public morals, and national security (art 20/1);

The right to be informed with sufficient particulars of the charge brought against them and to be given the charge in writing (20/2);

The right to be presumed innocent until proved guilty according to law and not be compelled to testify against themselves (art 20/3);

The right to full access to any evidence presented against them, to examine the witnesses testifying against them, to adduce or to have evidence produced in their own defence, and to obtain the attendance and examination of witnesses on their behalf before the court (art 20/4);

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<sup>107</sup> FDRE Constitution 1995 article 19, p. 5

The right to be represented by legal counsel of their choice, and if they do not have sufficient means to pay for it and miscarriage of justice could result, to be provided with legal representation at state expense (art 20/5);

The right of appeal to the competent court against an order or a judgment of the court which first heard the case (art 20/6);

The rights to request for the assistance of an interpreter at state expense where the court proceedings are conducted in a language they do not understand (art 20/7).<sup>108</sup>

But violations of these rights during 27 years were very crucial in Ethiopia. According to Amnesty International (2006), on 15 May election for instance, members of political parties, Human Rights defenders (including Professor Mesfin Woldemariam, founder and former chair of the Ethiopian Human Rights Council), civil society activists and journalists were charged with crimes punishable by the death penalty whom Amnesty International considers to be prisoners of conscience and had called for their immediate and unconditional release. In this regard, AI reported that prisoners were denied bail rights while the other tried in their absence.<sup>109</sup>

In this report AI stated that, police officers which known as Agaazi arbitrary shoot and detained members of demonstrators, where 36 protesters were killed and 2900 arbitrary arrested those who were members of Coalition for Unity and Democracy and university students on June 2005.<sup>110</sup>

In addition to this, the report of Human Rights Watch (2016) on 2015 demonstration indicates that, security forces according to its witnesses shot into crowds, summary killing people during mass roundups, and torturing detained protesters which were the members of primary and secondary school students that are under 18 age were included.<sup>111</sup>

On the other hand, according to Allo (2017), since the resistance against these violations reaches its highest stage in 2016 especially in Oromia and Ahmara regions, it forced the government to

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<sup>108</sup> Ibid p. 6

<sup>109</sup> Amnesty International, (2006). Prisoners of conscience on trial for treason: opposition party leaders, human rights defenders and journalists.

<sup>110</sup> Ibid

<sup>111</sup> Human Rights Watch, (2016). "Such a brutal Crackdown", killings and arrests in response to Ethiopia's Oromo protests.

declare state of emergency and followed with restriction to internet access and some media outlets, banned protests and detained more than 26,000 protestors in rehabilitation camps.<sup>112</sup>

## **2.10 History of Police Reform in Ethiopia**

According to de Jonge (2005), Ethiopian police system consists of a Federal Police Service, nine Regional Police forces and the Police forces of Addis Ababa and Dire Dawa, which have a special position.<sup>113</sup>

Thus, policing system in Ethiopia has the following constraints: poor police-public image; demilitarized mentality of police despite efforts made to introduce the concept of police by consent; poor housing and working conditions especially in regional training centers; training methods at the police college are traditional, drilling, as practice is hardly compatible with the objective of community policing; the ratio to police-population is not satisfactory; little use of Information and Communication Technology (ICT); lack of adequate forensic laboratory to cope with the potential demand; dangerous of the over autonomy of militia since they received no training and non control by central government; poor relation between public prosecutor service and police and PPS unable to control police activities hence many recommendations were forwarded by the Center for International Legal Cooperation to reform Ethiopian Police in all dimensions.<sup>114</sup>

However, according to Getie (2018), police which introduced in 2002 by the Justice System Reform Program Office under the authority of Ministry of Capacity Building and latter named as the Comprehensive Justice Sector Reform Program (JSRP) in the year 2005 and which ultimate goal was to create an environment whereby the fundamental rights and freedoms of citizens are protected via maintaining the rule of law and good governance is solely driven by the government without the participation of the public and with little room for democracy and

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<sup>112</sup> Allo, A. (2017). Protests, terrorism, and development: On Ethiopia's perpetual state of emergency. *Yale Hum. Rts. & Dev. LJ*, 19, 133.

<sup>113</sup> de Jonge, G. (2005). Federal Democratic Republic of Ethiopia, Comprehensive Justice System Reform Program, Baseline Study Report. *Baseline Study Report*.

<sup>114</sup> Ibid p. 15

predominantly focused on the military forces, even though it was launched for the sake of reforming security institutions in a way that they would provide efficient and effective services in accordance with the law; enhance public participation in crime prevention; to make Police Force accountable and transparent; and to create a professional security apparatus via establishing police colleges at federal and regional levels.<sup>115</sup>

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<sup>115</sup> Supra note 61 p. 2

## Chapter three: General overview of police reform in Ethiopia

### 3.1 Introduction

This chapter discusses police reform in Ethiopia since 2015. It reviews various reform documents and discusses their implication on the protection of human rights during crime investigation process.

As indicated in the document of National Police Organization and Service Improvement Standard Assessment Manual prepared by ministry of peace (2019), current Ethiopian Police Reform was initiated by Ministry of Peace Ethiopia \_\_by 2019.<sup>116</sup>

According to this document, Ministry of Peace was established on the basis of proclamation no. 1097/2019, the proclamation to re-establish federal law enforcement bodies. Thus, the powers given to the Ministry by this proclamation include the power to establish sustainable peace; ensure the rule of law; enhance federal system and establish national consensus<sup>117</sup>.

To ensure these missions institutionally, eight (8) security and stability institutions are made accountable to ministry of peace. These are: National Intelligence and Security Service; Information Network Security Agency (INSA); Federal Police; Finance Security and Information Center; National Disaster Risk Management Commission; Administration for Returnee and Refugee Affairs; Ethiopian Foreign Affairs Relations Strategic Studies Institute; and the Main Department for Immigration and Nationality Affairs; hence Ministry of Peace empowered to undertake organizational reforms in these institutions including Federal Police.<sup>118</sup>

### 3.2 Ethiopian federal police commission Reform Objectives and Goals

The reform of Ethiopian federal police commission has explicit objective, goals and values as stated in the reform document. The objective of the reform is that “by conducting organizational reform in Ethiopian federal police commission and by establishing modern police organization, it is to ensure the security of the country and its population”.<sup>119</sup>

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<sup>116</sup> Received from National Police Organization and Service Improvement Standard Assessment Manual which prepared by Ministry of Peace 2019 pp 2

<sup>117</sup> Ibid

<sup>118</sup> Ibid

<sup>119</sup> Ethiopian Federal Police Commission (2019). Ethiopian Federal Police Reform work’s plan p. 3

Its goals include:

- To Establish active immediate, impartial and all inclusive crime prevention and investigation police services and structure;
- To Improving mechanisms of human rights handling and protections during provisions of police services;
- To Improving the capacity of enforcing and enforce of leaders and officers in every police level;
- To Supporting police services with technology;
- To Improving police members' life and their environment to make them ready to the police mission.<sup>120</sup>

In another way, as indicated by the Ministry of Peace in the Values of the Ethiopian Police on the draft Ethiopian Police Doctrine document after the new Reform (2020), Police Reform has the following Values:

**Professionalism:** According to Ministry of Peace, this Value includes Police professionalism, service excellence and the art of utilizing and developing participation of colleagues, stakeholders and public. It requires the practice of transparency, and accountability, independence, and rejection of influences and interferences in the day to day functions of police. Also included are timely corrections of mistakes, believing in the importance of self-effort, abiding by country's laws, enhancing one's own knowledge and experience, and exerting efforts for the betterment of the Police profession.<sup>121</sup>

**Integrity:** As indicated in the doctrine, this Value constitutes the following beliefs: being always true to self, colleagues, society, the nation, and law, refraining from abusing power, prioritizing public good over self-interest, and skillfully managing resources and budget. It also constitutes executing police functions fairly, impartially, and honestly and never expecting and accepting any type of payment from the public for services given.<sup>122</sup>

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<sup>120</sup> Ibid

<sup>121</sup> Ministry of Peace. (2020). Values of the Ethiopian Police on the draft Ethiopian Police Doctrine Document after the new Reform, p. 1

<sup>122</sup> Ibid p. 2

**Respect for diversity:** this Value demands respect for differences in race, tribal identity, color, gender, age, social and economic status, physical and mental fitness, religion, and political belief or ideology and serving all with respect. The following beliefs are manifestations of this Value: giving respect due to citizens' values, beliefs, cultures, norms, personal interests and attitudes, and serving everyone equally irrespective of their power, social, and economic status with the motto that "everyone is equal in front of the Police". Also included are serving males and females equally, valuing police members, accepting and respecting the dimensions of diversity they bring to the organization, and believing that it is an honor to be part of the Police effort of protecting the public.<sup>123</sup>

**Respecting human rights:** this Value entails that respecting Human Rights anytime, anywhere, and under any condition. Also considered under this Value are respecting all Human Rights laws equally, treating victims of a Crime empathically, respecting the Human Rights of criminal suspects, avoiding illegal handling and investigation methods, refraining from using power unless it is necessary, and using balanced power in case it is justifiable to use power. Refraining from using power during peaceful demonstrations unless and otherwise that there is an eminent risk on the lives of the police and civilians is also part of this value. It also includes refraining from detention of individuals without due legal process.

In addition to these, this Value entails respecting the rights of individuals under police detention and treating them humanely and never abducting individuals and destroying evidences. The following beliefs are the manifestations of this value: a police member respects the Human Rights of society and colleagues the way he/she expects his/her human rights to be observed; and a police member respects freedom of individuals and doesn't interfere in individual choices or family issues.

On the other hand, refraining from using unnecessary force, recognizing that there is accountability when force is used, and understanding the beating people have nothing to do with Crime Investigation, not detaining people without enough evidence to do so, and refraining from demeaning actions are included under this Value. Moreover, whenever a police investigation is

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<sup>123</sup> Ibid

undertaken it has to be based on the law and the objectives of the investigation only. The suspect's right for presumption of innocence has to be observed too.<sup>124</sup>

### 3.3 Commission's internal strengthens and weaknesses

As indicated in the commission's reform plan, the Ethiopian Federal Police Commission has the following internal weaknesses:

*The existence of non-cooperative leaders and officers in the process of sustaining reform; lack of timely trainings which enhance knowledge, skills and perception of the police; lack of timely necessary budget allocation and logistics such as: vehicle, office, police equipments and police camp; lack of solving the problem of standardized police uniform; the problem of increase in numbers of members' outflow from the organization because of internal and external problems; the act of Unethical from some commission's police leaders and officers; lack of good governance and absence of commitment to totally solve its sources; and because of lack of know-how about objective of reform, many leaders and officers linked the reform with their benefits and non-playing their roles.*<sup>125</sup>

On the other hand, Ethiopian Federal Police Commission Reform has the following points of focuses that the commission defined to be worked on during process of reform:

- Identifying and reforming legal implementation and organizational structure related gaps;
- Develop human resources capacity of enforcing and implementation;
- To fulfill necessary logistics to police mission and reforming its managements;
- Follow the way that the police work will be supplemented by technologies;
- Sustaining the available multiple relations that the commission has with different stakeholders.

Accordingly, to realize above listed objectives, goals, values and points of focuses, the commission had established four committees consisting 21 members to make assessment on the existing gaps in Federal Police Commission that are subject to reforms and their assessment revealed the following findings:

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<sup>124</sup> Ibid p. 3

<sup>125</sup> Supra note 119 p.4

1. In relation to Federal Police establishment proclamation and commission's governing directive: the results of committees findings indicate in this regard that since by the decision of the government, there are new missions that included in the Federal Police Commission, they are expected to be included in the commission's establishment proclamation and these are: in relation to other government organizations, there are conflicting missions which are provided to commission; existence of changeable behavior in relation to commission's accountability; the real existence of problems related to definitions; inconsistency of proclamation in putting the right of members to have legal consultancy in civil case; the very importance of building timely structure that the government and society need from the commission.<sup>126</sup>

2. In relation to structure and logistics: in this regard, since the work of crime prevention has been expanding, it is very important to support every level leader and officer to provide immediate response/service in all directions; to build ant-contraband structure that enhance the capacity of country's income; available gaps in the case of administrating scarce resource of the organization; gaps found in relation to forensic science in which it does not fulfill the 21<sup>st</sup> century's technology; gaps exist in the case of structure of fire arm and private security permission providing department; based on human resource that the commission has, the available gap in the case of commission's women structure; absence of structure that provide police work and logistics standards at national stage; absence of structure that enhance international missions; existence of some structures here and there which are not suitable to undertake mission; lack of transparency in the case of recruitment, training and deployment of members; prolonged existence of some police equipment and uniform for at least 10 years; available gap in the case of mechanism of members' ethical building, which focuses on politics than police professionalism; to feed police members three time in a day, since 15 birr is insufficient in relation of current market system; lack of smooth infrastructure such as offices and camps; since the organization has been not buy vehicle for last five years, it has the shortage of vehicle which make it below standards; lack of modernized communication services; lack of health service providing machines such as sit-scan and ultrasound; and lack of helicopter and drone to provide accessible crime prevention services.<sup>127</sup>

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<sup>126</sup> This text is received from power point prepared by Federal Police Commission on 7 January, 2020 and translated from Amharic Version.

<sup>127</sup> Ibid

So, for the last numbers of decades, Ethiopian Federal Police Commission has been working having above indicated gaps in relation to its internal and external dimensions that may cause violation of human rights. For instance in this regards, lack of smooth logistics services such as offices, technology related equipments, food and health services provision related problems are similar gaps revealed by this study as indicated the section of findings.

### **3.4 Legal reforms**

As far as legal reform in relation to Crime Investigation is concerned, the researcher took implementation rules of Ethiopian Police Custody which highly considered human rights issues as stated below:

#### **3.4.1 Implementation rules of Ethiopian police custody (2015)**

As indicated in this Rule, its publication bases Ethiopian federal police commission proclamation no.720/2011 in accordance with article 27/2 and directive no. 268/2012 as proclaimed under sub-article 95.<sup>128</sup>. Accordingly, in this rule under article 7 it was stated that the suspects during their presence in the custody have the following rights:

Immediately interrogated and informed about the charge prepared against them in a language he/she understand (art 7/1); they have to be informed in a language they understand about the right to remain silent and any statement they make may be used as evidence against them in a court (art 7/2); they have the right to be released in bail if the crime they suspected for is not result in denying the right of bail in accordance with criminal procedure code article 28 (art 7/3); if police have full legal reason for not to release in bail, he/she must bring the suspect before the court within 48 hours starting from the time of his/her arrest in accordance with criminal procedure code article 29 (art 7/4); any police investigation should be conducted without delay and court should be taker in providing remand to the concerned bodies to not deny justice (art 7/5); in completion of all investigation processes upon suspect, police has to inform the suspect the formation of charge against him/her and transferring of it to the authoritative court or whatever decision he/she has made in accordance with criminal procedure code art 109 (art 7/7); the suspected person who put in the custody by police has the right to be informed that he/ she has the right to request the court to be released in bail in accordance with criminal procedure

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<sup>128</sup> Ethiopian Federal Police Commission (2015). Implementation rules of Ethiopian police custody p. 3

code art 63 and 64 ( art 7/8); after starting of the charge, it should be advisable to inform the court that the suspect should make follow up on the issue of regular court's remand, through the correctional organization (art 7/9); if accuser police does not inform the suspect the right to be appear before the court within 48 hours, the court is expected to clarify the suspect his/her right to habeas corpus (art 7/10); they have to be informed that they have the right not be compelled to make confession which should be used as evidence against them in court and inadmissibility of any evidence obtained under coercion (art 7/11); the accountability of investigator police if violates his /her legally acquired power and respecting and protecting other people's rights who have contacted him during his/her stay on the power (art 7/12); suspects who made stay in the custody have a right to be informed that the police are accountable if not respected and protected the given rights to them in the custody (art 7/13).<sup>129</sup>

In another case, under article 9 of this rule, it is stated that, every police officer should be informed and respect the following rights of criminally arrested persons as human being:

Right to life 1); The right of body security 2); The right to free from cruel, inhuman and infringe upon the dignity of persons or punishment 3); The right to access to justice 4); The right of impartiality during investigation and the right to equal protection before the law 5); The right to presume of innocence during investigation process until proven guilty 6); Concerning the rights of people imprisoned for the purpose of investigation, protection or legally by court, they should be handled in a manner that protecting their human rights 7); The right to be visited by, their spouses, partners, friends, religious councilors, medical doctors and their legal councilors 8).<sup>130</sup>  
[Translation mine]

Thus, when we see the benefits of these instruments to Human Rights protections, if implemented as strict as stated in these documents, all Police Reform Objective, Goals, Values and implementation rules of Ethiopian Police Custody have positive impacts on Human Rights protections during criminal investigation process because, first, they are complementary to international human rights instruments and FDRE Constitution in their aims and contents; second, they also designed in a way to address the problems associated with human rights violations; third, current evidences are also indicated the available progresses during criminal

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<sup>129</sup> Ibid p. 7

<sup>130</sup> Ibid p. 9

investigation process in terms of decrease in physical torture of suspects in the police custody; decrease in political and press prisoners, though it needs more attentions in providing speedy trial and improving some psychological and moral related problems of suspects.<sup>131</sup>

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<sup>131</sup> PP2: he is public prosecutor the researcher conducted interview with him at Lideta first instant court on March 6, 2020.

## Chapter four: Data Presentation, Discussion and Findings

### 4.1 Introduction

Under this chapter, the researcher presented the major data presentation, discussion and findings that are obtained from qualitative data analysis which derived from interviews, observation and documents reviews. Respondents were from Federal Police Crime Investigation Bureau (investigators and leaders); members of FDRE Attorney General (prosecutors); Ethiopian Human Rights Commission (human rights experts and leaders); United Nations Office on Crime and Drug (legal consultant); Ethiopian Human Rights Council (human rights experts of civil society organization) and finally suspects of federal police commission were highly dealt with in these interviews.

### 4.2 Impact of Federal Police Reform on Crime Investigation Department and Process

The researcher assessed the extent to which federal police reform impacted on crime investigation bureau and the investigation process. The researcher raised the question:

How do you see Ethiopian federal police commission reform in reforming crime investigation bureau and investigation process? On this question, all respondents from police responded positively from different perspectives. First, institutional reform: in this regard, all respondents from police shared these ideas:

*“Following the reform conducted in police organization, new commissioner assigned to Federal Crime Investigation Bureau who beliefs in respect for human rights, and he is highly persuading members and officers to respect for the dignity and rights of persons, thus, they are working only based on national and international human rights standards hence, currently no one can be subject to illegal treatments; opening the Bureau to researchers and visitors; adjusting the structure of the Bureau in new forms; and closing some police stations such as Meakelawi”.*

*Second, legal reform: in this case, they stated that, “starting from federal police establishment proclamation (draft stage); manuals such as investigation manual; Implementation rules of Ethiopian police custody; Ethiopian Federal Police Public*

*Complaint Handling Manual are published, whereas some proclamations which have direct relations to police works such as ant-terrorism proclamation and trafficking of persons and smuggling in migrants proclamation were already reformed and ratified as the result of the reform”.*

*On the other hand, respondents from attorney general; EHRC; and EHRCO stated in different way to police and shared the following comments “complaint is highly decreased; in the case of visiting suspects, there are great improvements since there is no torture currently, however, they all indicated that there are Human Rights violations related cases which committed by police; though they cannot provide them to researcher because of confidentiality since they are on proceedings”.*

*But, FDRE Constitution under article 19/5 protects the right of arrested person and nullifies illegally obtained confessions stating that, “person arrested shall not be compelled to make confessions or admissions which could be used in evidence against them. Any evidence obtained under coercion shall not be admissible”.<sup>132</sup>*

Thus, in the observation of the researcher if the reform brought positive impact on police organization in the case of Federal Crime Investigation Bureau, there are many officers and leaders who positively cooperate in providing public services, however, the researcher encountered different challenges from some police members to get permission in the process of interviewing the investigators and suspects, by stating “we have meetings; it will take you long process to interview suspects; what is your objective and questions?; and unwillingness of some officers to be interviewed and recorded when interviewing, hence he was forced to wait at least for two weeks to get permission and finish the interview.

The actual practices in this regard indicate that, it is observable that the police reform had been brought positive impact to criminal investigation process in terms of institutional and legal reforms; decrease in number of Human Rights complaints and physical torture, however, human rights violations by police related cases are continuing as respondents from attorney general, Human Rights Commission and Human Rights Council indicated above.

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<sup>132</sup> Supra note 86 P. 6

### 4.3 Investigators' knowledge about human rights

The researcher has examined the investigators' level of knowledge about human rights. In so doing, the researcher asked the question: how could you define the term human rights in relation to crime investigation process? All interviewed respondents replied in original language (Ahmaric) and shared these definitions of Human Rights:

*“ሰብአዊ መብት ማለት፤ ሰው በመሆኑን ብቻ ለሁሉም ሰው ልጅ በተፈጥሮ የተሰጠን መብት ማለት ነው። ሰብአዊ መብትን ከምርመራ ጋር አያይዘን ሲንገልጽ፤ ተጠርጣርዎችን ሲንመረምር አራሳችን የእነሱን ቦታ አስቀምጠን በማየት በተጠርጣርዎች ላይ እኛ ላይ ሌሎች እንዳይሰሩ የማንፈልገውን ነገር እነሱ ላይ አለመሰራት ማለት ነው። ሰብአዊ መብት በማንኛውም ምክንያት የማይጣስና የማይገረሰስ ሲሆን፤ የምርመራ ስራችን ሲንሰራ ህግና ስርአቱን ብቻ ጠብቄን መሰራትና የሰብአዊ መብቶችን አለመጣስ ማለት ነው።”* When translated into English, they have the following meanings: According to first definition it mean that “Human Rights mean, inherent rights which belongs to all human beings only because of their humanity”;

*Second definition: “to define human rights in connection with investigation, when investigating the suspects, by putting ourselves in their place, not to do on them what we do not want others do on us”;*

*Third definition: “Human rights are inviolable and inalienable at every condition; hence we are expected to be guided by law and regulations during criminal investigation process to not violate them”. [Translation mine]*

Accordingly, the researcher observed that the investigators police have enough knowledge to human rights and they contextually defined in similar way to Universal Declaration of Human Rights that states: “Human Rights are rights that are belongs to all human beings regardless of sex, color, religious background, language, political outlooks and any other status”.<sup>133</sup> Here a question might be asked, if the investigative police have adequate knowledge about human rights, why have they been engaged in human rights violations?

To answer this question, it is better to see what was said in the reform document which states: “one of the Commission’s internal weaknesses is that, there are uncooperative leaders and

<sup>133</sup> UN, (1948). Universal Declaration of Human Rights

officers in the process of sustaining reform, while the other officers reflected unethical acts and connecting the reform to their benefit than contributing their roles”.<sup>134</sup>

Thus, actual results as to this question indicate that, though the investigative police have improved knowledge of Human Rights after police reform takes place in Ethiopia in the case of Federal Crime Investigation Bureau, some factors such as unethical acts, unwillingness of some officers to cooperate in the process of sustaining reform have been constraining the process of respecting and protecting Human Rights during Criminal Investigation process.

#### **4.4 The level of human rights protections during criminal investigation process before the reform**

To examine the emphasis given to human rights protection during criminal investigation process before the reform, this question was forwarded to respondents: What do you say about human rights protections in Ethiopia before police reform takes place in relation to crime investigation bureau?

*Most of respondents from all organizations have the following ideas, “there were no enough knowledge of Human rights; lack of continues Human Rights trainings; police unethical acts; police believe in torture than laws; illegal use of force; race and gender based violations; degrading upon rights of criminal suspects such as taking them to legally unknown places; infringing upon suspects’ bodies; political intervention in the investigation processes; denying the suspects the right to be visited by parents, spouses, religious counselors and legal consultants; putting them at dark places; killings, intimidation, picking out the suspects’ fingernail were reflection of human rights violations during criminal investigation process”.*

For these reasons, Human rights violations during criminal investigation process was obvious in Ethiopia especially in the case of Crime investigation department known as Meakelawi where most of prisoners physically and morally harmed and even killed and disappeared.<sup>135</sup>

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<sup>134</sup> Supra note 94, p. 4

<sup>135</sup> Supra note 13.

Thus, based on above responses, actual practice as to human rights violation before reform takes place in Ethiopia in relation to Crime Investigation Bureau indicate that, uncountable violations were conducted especially in the case of Meakelawi station as stated above.

#### **4.5 Factors that affect the Police Compliance with human rights requirements during criminal investigation processes**

This study has also inquired factors affecting police compliance with human rights standards during criminal investigation process. Respondents were asked: what were challenges to human rights protections in your organization before/after police reform takes place in Ethiopia? The following ideas are what most respondents from all organizations shared among them:

*“There were no continuous human rights trainings and some individuals of the organization were also acted unethically because of their behavior not because of institutional values; investigation was very back warded; it was/is not supported by technology such as CCTV cameras; accessible finger print and there was/is the shortage of logistics such as offices and custodies especially after closure of Meakelawi hence, it have negative effect upon the investigation processes not to bring suspects to courts within time limit set by, then force us to ask remands; there was/is also lack of library and sport play stations”.*

Taking this into consideration, since he has been teaching in police organization for at least two years and had access to almost all modules of police sciences, the researcher has had the following observations: first, the absence of continues human rights training in the police organization emanated from the absence of commitment from government and even police organization’ leaders before reform take place to mainstream human rights teaching especially in police training centers than police colleges. Second, as far as the issue of mainstreaming Human Rights in Police organizations is concerned, it seems like water drop where some departments take Human Rights Course for instance in Ethiopian Police University College, the others departments not.

Thus, lack of logistics such as offices especially after closure of Meakelawi; shortage of technology; lack of continues human rights trainings; and lack of mainstreaming human rights in police training centers have been taken as factors affecting human rights protections during

Criminal investigation process before and after reform in relation to Federal Crime Investigation Bureau.

To assess available progresses after reform takes place, the researcher asked stakeholders the question that, what measures are currently undertaken to tackle such challenges if any?

*Most respondents from police organization agreed on these arguments: “as the result of measures undertaken following the reform, individuals who suspected for the violation of human rights were detained, while there are officers who didn’t arrested and needed by police; in another way, there are police members who illegally dismissed from police organization before reform takes place which returned following the reform; Meakelawi: where citizens inhumanely treated was closed; new organizational structure was also undertaken, hence, now bureau is providing continuous human rights trainings to members and started movement of supporting the investigation by technology such as CCTV Camera, while there is also a beginning to have its own apartment”.*

*However, except respondent from UNODC, all respondents from prosecutors, Human Rights commission, and Human Rights Council shared these comments: “though there are improvements in the case of decrease in Human Rights related complaints; visiting of suspects; decrease in physical tortures; decrease in political and media prisoners; closing of Meakelawi and Jail Ogaden; and allowing exiled political parties to return home after reform takes place, they also indicated the availability of human rights related cases on proceedings against police officers; closing Meakelawi was good, but taking federal police suspects from Meakalawi to Addis Ababa police commission didn’t imply the change, because there is the same thing at Addis Ababa police commission which government expected to critically review all its organizations, thus, there are dark places where people stay in Addis Ababa police commission in the same manner to Meakelawi; as far as Ethiopian custodies related issues are concerned, they do not fulfill even minimum international requirement standards in all dimensions”.*

*On this question, though they didn’t denied available progresses that stated above by other respondents, most of interviewed suspects were boldly indicated the existence of*

*human rights violations during criminal investigation process in the case of Federal Crime Investigation Bureau and shared the following issues:*

*“Currently there is no physical torture as such as before, but investigation is very harsh such as; putting suspects in the dark house up to 15 days; denying them the right to be contacted by family and concerned bodies; lack of appropriate food though the doctor ordered the police to change food to suspects because of diseases such as diabetic; disrespect for rule of law even after suspects confess commission of crimes and simply staying in the custody; disrespect to the decision of the court and illegally imprisoning them”.*

*However, FDRE constitution under art 18/1 in this regard prohibits cruel, inhuman or degrading treatment or punishment; art 19/5 the right to not compelled to make confessions; art 25 right to equality before the law; art 19/3 right to speedy trial, and art 37 right of access to justice, hence, above indicated violations may be taken as violation of these rights.<sup>136</sup>*

Thus, the actual practice as to this question indicates that, even though there are satisfactory improvements in the case of decreasing torture and complaints; releasing political prisoners; closing human rights violated police stations; and returning exiled political parties to home country, however, human rights violations has been continuing in Ethiopia even after reform in the case of Crime Investigation Bureau such as putting suspects in dark places; lack of equality before the law; lack of speedy trial; and lack of rule of law.

*The similar report made by US Department of State, Bureau of Democracy, Human Rights and Labor, on Country Reports on Human rights Practices for 2019 indicates that “following June 22, 2019 Bahir Dar and Addis Ababa killings, police reportedly arrested more than 300 activists, politicians, and journalists, where detention in Addis Ababa police Commission compound in Piassa was harsh and kept suspects in crowded, cold, and dark cells and only allowed to use toilet once every 24 hours”.<sup>137</sup>*

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<sup>136</sup> Supra note 86

<sup>137</sup> US Department of State, Bureau of Democracy Human Rights and Labor. (2019). Ethiopia 2019 Human Rights Report, P. 4

#### **4.6 The Role of stakeholders in the police reform process**

The researcher also investigated the extent to which stakeholders were involved in the reform process as this participation has implication on the effectiveness and success of the reform. To obtain information about this, the researcher asked stakeholders the question: What efforts do your organization played regarding police reform in the case of crime investigation bureau?

*Thus, all respondents from prosecutors, Human Rights commission, UNODC, and Human Rights Council have agreed upon the following responses stated that: “human rights trainings have been providing continuously to police, prisons, and court both federally and regionally; recently, we have drafted police use of force law and we had made conversations with stakeholders on it on the process of its ratification; the others laws such as ant-terrorism law and some other laws which have direct relation with police work are recently reformed and ratified; we are making continuous visiting of suspects to indicate the existing gap to the government for improvement; and when we found human rights are violated we are releasing reports/presses on existing situations”.*

Thus, the actual practice as to the role of stakeholders in the reform process indicate that, they have been playing some role in providing trainings and consultancy services to police organizations; visiting suspects, investigating and reporting upon human rights violations though more is expectable from them to fully engage in the process to stop available violations and lobbying government in naming and shaming, provoking and reporting when found violations.

#### **4.7 Mechanism of accountability in the case of violation to human rights**

This thesis also inquired if there is adequate mechanism of holding investigators accountable for violations of human rights during the investigation process. The researcher raised the question: Is there any mechanism which makes police accountable in the case of failure to discharge its obligation of human rights protection?

*In this regard, most respondents from all organizations except suspects have the following responses: “first of all, police are accountable to its mind, then to constitution and other laws accordingly; because police are also citizens, they can be accused by criminal code if found guilty, thus, based on the gravity of the crime*

*committed by them, police can be accountable to organizational rules and regulations through evaluations; if police found committed crime, based on criminal code article 424, they are subject to accusation since no one is above the law which was not worked effectively on before the reform and to realize this, as the measure of the reform, some police members were accused by government for the violation of human rights, however, it is not satisfactory as such since no one can conduct investigation as strict as prescribed by law because, human rights department in police organization has been not well promoted yet and because of absence of satisfactory evidences on suspects; lack of logistics such as offices and custodies especially after closing Meakelawi; capacity of police to get confessions from the suspects; and extending remands, human rights have been violating in the case of Federal Crime Investigation Bureau, whereas no body had been took its accountability yet”. [Translation mine]*

*However, all twelve (12) interviewed respondents from suspects said that, “nothing was done to help suspects whose their human rights have been violated; police illegally made suspects stay in the custody even after court decide on their issues to be released free and ordered them close their files”. [Translation mine]*

*FDRE Constitution in this regard under article 25 guarantees equality of all persons before the law and prohibits discrimination based on different status which states that, “all persons are equal before the law and are entitled without discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on ground of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status”.<sup>138</sup>*

Accordingly, the actual practice on this issue indicate that, because of absence of satisfactory evidences on suspects; lack of logistics such as offices and custodies especially after closing Meakelawi; lack of human rights promotion in police organization; capacity of police to get confessions from the suspects; and extending remands have been causing violation of some

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<sup>138</sup> Supra note 86 p. 7

human rights in the case of Federal Crime Investigation Bureau, whereas no body had been took its accountability yet.

In general, as far as police reform and human rights protection in Ethiopia: the case of Federal Crime Investigation Bureau issue is concerned, as findings of his study indicate that, following current police reform, human rights protections during criminal investigation process have been showing positives results in terms of decrease in physical torture of suspects; decrease number of human rights violations complaints; closing human rights violated police stations such as Meakelawi and Jail Ogaden; and allowing police stations to visitors and researchers.

However, because of above listed factors such as uncooperative police members to the process of sustaining reform; unethical acts from some police members; lack of infrastructures such as offices and custodies especially after closure of Meakelawi; lack of human rights promotion in police organization; lack of capacity of investigators to produce confessions without violating human rights; and lack of mainstreaming human rights in police training centers, the violations of human rights have been continuing in the case of Federal Crime Investigation Bureau.

## Chapter five

### 5.1 Recommendations and Conclusion

#### 5.1.1 Conclusion

This thesis is conducted to assessing human rights protection in the police organization in Ethiopia after 2018 reform takes place in the case of federal crime investigation bureau. The prevailed Human rights violations for last 27 years in the process of criminal investigation which government revealed and admitted following 2018 reform were taken as statement of problem in this study. By undertaking comparative study of pre and post reform scenarios in human rights protection, it specifically aimed to distinguish the existing progresses and gaps after reform as far as human rights protection issue is concerned during criminal investigation process. To reach findings, the study made used pure qualitative method and information was gathered from both primary and secondary data sources such as interviews, observation and document analysis.

To collect appropriate data necessary to this study, researcher used non-probability sampling techniques in general and purposive/convenience sampling technique in particular because to purposely interview the relevant stakeholders from law enforcement organizations, such as police organization, Attorney general, Human rights Commission, Civil Society Organization and Suspects since they always deal with the issue of criminal justice system i.e. Human Rights issues during Criminal Investigation process.

On the conclusion derived from the findings, the study indicates some very important recommendations necessary for the better improvement of human rights protection in the police organization after the reform. Accordingly, analysis derived from the interviews results, observation and documents review indicate that, though there are improvement in the case of decrease in physical torture; allowing community and other stakeholders to visit police organizations; releasing political and media prisoners; allowing exiled political opposition parties to return home and registering them as legal opposition parties, there are human rights violations in police organizations even after reform in relation to Federal Crime Investigation Bureau such as putting suspects at dark places to illegally get confessions, delaying the right to speedy trial; disrespect for rule of law and equality before the law or discrimination based on different status.

Thus, the study indicated that, there are different factors that contributed to these violations which can be seen from different perspectives such as: availability of uncooperative police leaders and members to the measures taken following reform; lack of comprehensive human rights trainings in police training centers; reflections of unethical acts from some police members; logistics related constraints such as offices and technology related equipments such as CCTV camera and accessible finger prints in providing speedy trial systems; and lack of capacity of investigators to produce confessions without using illegal forces.

### **5.1.2 Recommendations**

Based on the above findings, the researcher forwarded the following recommendations in order to improve the protection of human rights in police organizations during criminal investigation processes:

1. Government should re-evaluate compliance of police members in the process of sustaining police reform in the case of Federal Police Crime Investigation Bureau.
2. Police Organization should give more focus to Human Rights promotion in allocating smooth environments such as Human Rights related complaints receiving mechanism and mainstreaming Human Rights to its all departments in relation to Federal Crime Investigation Bureau.
3. Government should play its significant roles to liable police members who have been violating Human Rights in the case of Federal Crime Investigation Bureau.
4. Priority should be given by government to human rights protection by providing the necessary logistics to police such as offices and custodies as soon as possible to speed investigation processes in the case of Federal Crime Investigation Bureau.
5. To create comprehensive knowledge of human rights to investigators police, Federal Police Crime Investigation Bureau should give more emphasis to on job/off job human rights trainings.
6. Based on its capacity, government should provide technology related equipments such as accessible finger prints and CCTV cameras to assist investigation process in relation to Federal Crime Investigation Bureau.
7. Government shall make critical assessments in the police custodies to ensure dignity and rights of suspects in the case of Federal Crime Investigation Bureau.

8. Police organizations should mainstream human rights trainings in police training centers to produce capable investigators that can make quality investigations without violating human rights in relation to Federal Crime Investigation Bureau.

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## **Aappendixes**

### **Interview questions**

#### **1. Questions prepared for police leaders and investigators**

1. How do you see Ethiopian federal police commission reform in reforming crime investigation bureau?
2. How could you define the term human rights in relation to crime investigation process?
3. Do you think due emphasis is given to human rights protection during criminal investigation process in the case of federal crime investigation bureau? How?
4. What are challenges to human rights protections in your organization before police reform takes place in Ethiopia?
5. Currently, what measures were forwarded to tackle such challenges if any?
6. How could your personnel be accountable in the case of failure to discharge their obligation of protecting human rights?

#### **2. Questions prepared for attorney general office/prosecutors**

1. What is the role of your organization in relation to police work?
2. What efforts do your organization played regarding police reform in the case of crime investigation bureau?
3. What do you say about human rights issue in Ethiopia before police reform takes place in relation to crime investigation bureau?
4. What progress do you observe in current situation in human rights protections as far as crime investigation bureau is concerned?
5. Is there any mechanism which makes police accountable in the case of failure to discharge its obligation of human rights protection?

#### **3. Questions prepared to EHRC?**

1. How could you see the issue of human rights protection in the case of federal crime investigation bureau?

2. Do you think your organization played a significant role in this regard to protect the violations of human rights during police criminal investigation processes?
3. How could you see the issue of human rights protection before Ethiopian police reform takes place in the case of federal crime investigation bureau?
4. Do you see any progress in human rights protection after Ethiopian police reform takes place in the case of federal crime investigation bureau?

#### **4. Questions prepared to UNODC**

1. As independent UN organization, what are your roles in Ethiopia in protecting human rights as far as criminal investigation processes are concerned?
2. How could you see the issue of human rights protection before Ethiopian police reform takes place in the case of federal crime investigation bureau?
3. Do you see any progress in human rights protection after Ethiopian police reform takes place in the case of federal crime investigation bureau?

#### **5. Questions presented to CSOs (EHRCO)**

1. As independent human rights organization, what are the roles of your organization in Ethiopia in protecting human rights during criminal investigation processes?
2. How could you see the issue of human rights protection before Ethiopian police reform takes place in the case of federal crime investigation bureau?
3. Do you see any progress in human rights protection after Ethiopian police reform takes place in the case of federal crime investigation bureau?

#### **6. Questions presented to suspects**

1. What do you say about handling of suspects in the case of federal crime investigation bureau?
2. Do you think mechanism of criminal handling before current Ethiopian police reform takes places and after reform is different from one another? How?
3. Do you encountered any human rights violation problems during your stay here as criminal suspect? If yes what?
4. Based on question number 3, what measures were provided by concerned bodies to compensate your victimizations if any?