

TORTURE AND ITS EFFECT ON FORMER PRISONERS...

Torture and Its Effect on Former Prisoners: The Case of the Federal Police Crime  
Investigation Bureau (Maekelawi)

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**Abstract**

Prisoners Torture in prisons in most part of the world is an ongoing epidemic and Ethiopia is no exception to this. There are various studies and researches conducted on prisons of different countries with the objectives to; assess the prevalence of prisoner torture, identify the forms of torture used, study associated consequences and effect of torture. There are few researches done on Ethiopia that exposes the truth about prisoners' torture in the country, however; the researches fail to provide information about the after-effects of torture on prisoners. After carefully reviewing the available data and taking into consideration the critical nature of the topic, the researcher believes that the topic still requires an ongoing study. The purpose of this paper is therefore, to investigate the act of torture and its after-effect of on former prisoners of Maekelawi. Because of the above-mentioned reasons and personal interest, the researcher has chosen this topic for her thesis. The researcher has employed qualitative method of research as well as descriptive types of phenomenology as a frame work for the entire study. The snow-ball sampling method was used to participate key informants for the study. Study participants were interviewed using semi-structured questions and probing technique to obtain primary data. Data gathered from informants has been analysed thematically. The finding of the study indicates, the participants have been victims of physical, psychological torture and have been deprived of their humane condition while they were in prison. The finding also indicates that these participants experience physical and psychological due to torture. The study has finally recommended plausible solutions to various governmental and non-governmental organizations which work towards protecting the Human Right of prisoners and give services for torture survivors.

*Key Terms: Torture, The Federal Police Crime Investigation Bureau, prisoner, Deprived of Humane condition*

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### **Abbreviation and Acronyms**

ACTV – The Situational Analysis on the Prevalence of Torture in Uganda

AHRE – Association for Human Rights in Ethiopia

APA – American Psychological Association

CAPS – Clinician-Administered PTSD Scale

CAT – Convention Against Torture

CoE – Counsel of Europe

CPT – Christian Peacemaker Team

CUD – Coalition for Unity and Democracy

DIGNITY - Danish Institute Against Torture

DSMB – District Standing Medical Board

DSMV – Diagnostic and Statistical Manual of Mental Disorders

FPA – Federal Prison Administration

ICCPR – International Covenant on Civil and Political Rights

LMIC – Low and Middle-Income Countries

MLC – Medical-Legal Certificate

ONLF – Ogaden National Liberation Front

PTE – Potentially Traumatic Events

PTSD – Post-Traumatic Stress Disorder

UNCAT – United Nations Convention Against Torture

UDHR – - Universal Declaration of Human Rights

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## CHAPTER ONE

### Introduction

Defining torture and what constitutes as torture has unfortunately emerged as a pressing legal issue. Today there are multiple legal definitions and interpretations of “torture”. The most widely accepted definition of Torture is found in the United Nations Convention Against Torture (CAT) treaty. The United Nations Convention Article 1 of the 1984 defines torture as:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purpose as obtaining from him, or a third person, information or a confession, punishing him for an act he or a third person, or any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to, lawful sanctions.” (United Nations Centre for Human Rights: Convention against Torture and other cruel, inhuman, and degrading treatment or punishment, 1989 par. 1).

There are four elements which we must take into account when qualifying one act as torture. I. Nature of the act: which encompasses both acts and omissions that inflict severe pain or suffering. II. Intention of the perpetrator: which implies that pain and suffering must intentionally be inflicted to the victim in order to qualify as torture. III. Purpose: the different purposes that an act of ill-treatment must fulfil to be considered as torture or cruel, inhuman and degrading treatment which includes a. purpose of extracting a confession, b. for obtaining from the victim or a third person information, c. for punishment, d. for intimidation and

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coercion and e. for discrimination. 4. Involvement of public officials or assimilated: Ill-treatment inflicted at the initiation of a public official is torture (M. Nowak, 2007).

Torture includes both physical and psychological methods of causing pain, distress and harm. Physical torture includes: beatings, prolonged enforced standing, hanging, suffocation, burnings, electric shock, sexual assault and rape, and exposure to extreme heat or cold. psychological torture includes: verbal abuses, threats against family, friends and loved ones, false accusations, forced choices, mock executions, and being forced to witness torture, mutilation and murder of others. In 2010, new clients to The Centre for Victims of Torture (CVT) reported another form of torture: I. Deprivation of humane conditions which includes: deprivation of food and water, being held in isolation, restricted movement, blindfolding. II. sleep deprivation and withholding of medical care and Sensory over-stimulation: includes exposure to constant noise, screams and voices, powerful lights and forced ingestion of drugs (The Centre for Victims of Torture, 2015).

The above forms of Torture are known to result in long-term physical injury and pain, long-term psychological and emotional effects and temporary and permanent social effects. The physical injury includes scars, musculoskeletal pains, foot pain, hearing loss, dental pain, abdominal pain, cardio problem, sexual difficulties, amputation and neurological damage. Psychological effects include emotional suffering to long-term mental health problem that ranges from problem with impulse control, depression, anxiety to hallucination, and paranoia (The Centre for Victims of Torture, 2015). The social effects of torture on prisoners might range from difficulty connecting and integrating with their families and community as a whole to complete isolation.

In Ethiopia for decades, thousands of prisoners suffered from torture that in many circumstances resulted in physical, emotional, social and psychological consequences. Even

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though the law of the land states differently Ethiopian prisons are used as a detention facility for those under investigation for serious crimes and a place where successive governments tortured political prisoners.

Torture is a global problem which is yet to be eradicated. In Ethiopia there was little or no opportunity for researchers in the past to study the issue of prisoner torture but as of last year, facts about prisoner torture which was going on for years was revealed to the public. Based on the notion that torturing of prisoners is a violation of their human right, prisoners who have been victims must be included in the cluster of vulnerable groups of the community.

The researcher's perspective on the topic adopts the notion that torture of prisoners is a complete violation of the person human right and for whatever reason such an act is inflicted, is not good enough to justify it. The researcher believes the prison sentence by itself is punishment enough. It is the researchers desire and hope to shade some light on the act of torture and the effect of torture on prisoners and possibly advocate for them in the future.

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### **Statement of the problem**

Andrew (2002) states the minimum rules for the treatment of prisoners according to rule 31 states that Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

As outlined above all prisoners shall be treated in a manner which compliments the respect of their human Rights and prison officials should make sure these rights are respected. Hence, the reality is that the Human Right of prisoners is being frequently violated.

The Christian Peacemaker Team (CPT) in the past years has received reports of torture allegation in more than half of the Counsel of Europe (CoE) Member States the CPT has also found forensic medical and other evidence of both excessive use of force upon apprehension, and of various forms of ill-treatment - reaching from threats to beatings of the various parts of the body. Justice Project Pakistan (JPP) & Lowenstein Clinic (2012) on their investigation of allegations of abuse that occurred in Faisalabad from 2006 to 2012 found that prisoners were victims of multiple forms of torture.

There are few reports on prevalence of torture in Ethiopian prisons. The report by Association for Human Right in Ethiopia (2018) on torture of Ethiopian political prisoners indicate repeated cases of varying forms of torture caused by prison officials, mainly to extract confessions during interrogations and implicate the detainees in alleged crime. It is also sometimes used as a form of punishment. Human Right Watch (2013) conducted an investigation on allegation of torture in Maekelawi prison of Ethiopia. On the report entitled *They want a confession* confirms the use of coercive methods amounting to torture on detainees to extract confessions, statements, and other information

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Ethiopian constitution gives its citizens a guarantee to be protected from all form of cruel and inhuman treatment and punishment and grants human dignity to all persons held in prison. But these laws don't seem to be implemented in prisons and prisoners are being victims of frequent physical and phycological torture.

The centre for Victims of Torture (2011) on its report about the effects of psychological torture states torture has immediate and long term physical and psychological effect on victims. Victims of torture suffer injuries some resulting in disability, ill health, mental disorders, and death in some circumstances.

From the literatures reviewed few of the reports exposed the prevalence of prisoner torture in Ethiopia and described methods of torture used. However, they all failed to provide any data regarding the effects of torture on former prisoners. Taking in to account available literatures, the researcher also concluded that there is shortage of data. This paper will therefore, try to add to the existing knowledge base and fill the gap by trying to describe the effects of torture on former prisoners which was lacking from the literatures reviewed.

## **Objective of the Study**

### **General Objective**

The overall objective of the research is to identify the forms of torture used and effects of torture on former prisoners of: The Federal Police Crime Investigation Bureau (Maekelawi).

### **Specific Objectives**

1. To identify the forms of torture used by the accounts of ex-prisoners of Maekelawi.
2. To identify the physical and psychological effects.

## **Research Questions**

The research questions listed below which will be answered in this thesis are introduced to achieve the objectives mentioned above.

1. What forms of torture was used on former prisoners of Maekelawi?
2. What is the physical effect of torture?
3. What is the psychological effect of torture?

### **Significance of the Study**

This research will have considerable significance in shading light about different effects of torture. The findings of this paper will hopefully initiate the concerning bodies to work towards protecting the rights of prisoners and provide necessary services for torture survivors. This research will also serve as a framework of reference for other researchers interested in studying the topic further and serve as an information for the public as well.

This particular study could also add to the existing knowledge base on harsh treatments of prisoners in Ethiopia and produce data on the effects of torture and fill the existing knowledge gap.

### **Limitation of the Study**

At the beginning of the study, due to the high political sensitivity of the subject matter, the researcher feared there will be difficulty in getting sufficient primary data. But latter when the actual work started the researcher was able to obtain the required data to complete this research.

As a limitation there are few factors which tied up the researcher not to extend the number of participants to ten and more. As it is mentioned in the methodology part, key-informant interview was used to collect data. One of the respondents which I was interviewing apologized and asked me to stop twenty minutes in to the interview, he explained how difficult it is for him to talk about his experience and said he wasn't ready to share. Another respondent which I was interviewing told me he was feeling stressed and anxious, so I had to stop the interview. One of the participants of the study which the information the researcher included on the finding was feeling stressed during the interview, so the interview only lasted 47 min. Therefore, considering the time limitation, the researcher continued the research using the information obtained from five participants.

### **Organization of the Paper**

This paper contains different section divided in chapters. Chapter one includes background of the study, research problem and significance of the study, research objective and the research question. Chapter deals with literature related to Torture both physical and psychological and deprivation of humane condition and the four different effects of torture, history of torture, the legal frameworks. And chapter three deals with the research methods which in general contains the steps and methods to conducting this research. Chapter four focuses on findings of the study It presents the data analysed thematically and This chapter also gives answer to all the research questions stated in chapter one. Chapter five contains the discussion of the major finding in relation to previous studies by different scholars. Lastly, chapter six presents the Implications and limitations of the study.

## **CHAPTER TWO**

### **Literature Review**

#### **Definition and Concept of Torture**

Defining the boundaries of what constitutes torture has unfortunately emerged as a pressing legal issue (Gail H., 2000). Today there are multiple legal definitions and interpretations of the term "torture". The most widely used definition of Torture is article 1 of the United Nations Convention Against Torture (UNCAT) which states:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purpose as obtaining from him, or a third person, information or a confession, punishing him for an act he or a third person, or any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to, lawful sanctions.

#### **What Qualifies as Torture?**

The following are the elements to take in to account when qualifying one act as torture: 1. Nature of the act: encompasses both acts and omissions that inflict severe pain or suffering. 2. Intention of the perpetrator: Pain and suffering must intentionally be inflicted to the victim in order to qualify as torture (Committee against torture, 2000 para 35). 3. Purpose: The different purposes that an act of ill-treatment must fulfil to be considered as torture are the following: 1. for extracting a confession, 2. for obtaining from the victim or a third person information, 3. for punishment, 4. for intimidation and coercion and 5. for discrimination (M. Nowak 2007 p.7). 4. Involvement of public officials or assimilated: Ill-treatment inflicted at

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the initiation of a public official or another person acting in an official capacity is considered as torture. However, it should be noted that the recognition of the term “another person acting in an official capacity” as an authority comparable to government authority is made case by case, on the basis of the circumstances in a given country and at a given time. (Interpretation of Torture in the Light of the Practice and Jurisprudence of International Bodies, 2010 p.20).

### **Torture and cruel, inhuman and degrading treatment**

Torture and cruel, inhuman and degrading treatment are concepts that might be difficult to distinguish. Indeed, while it might be easy to differentiate between degrading and inhuman treatment/torture, the separation between inhuman treatment and torture is much more complex. Torture is a severe form of inhuman treatment, but there is no objective element of distinction between the two categories (M. Novak 2007)

Powerlessness of the victim can enable to distinguish between torture and cruel or inhuman treatment. Thus, ill treatment applied in a situation of powerlessness (e.g. detention) will be more likely to amount to torture (M. Novak 2007).

Severity of the treatment: The assessment of this threshold of severity is made in regard of the specific circumstances of the case and the following should be considered: duration of treatment, physical effects of treatment, mental effects of treatment, and sex, age and state of health of the victim (European Court of Human Rights para 162).

Purpose of Ill-treatment: According to the European Commission of Human Rights, the severity of pain and suffering enables to distinguish between inhuman and degrading treatment, it is the purpose of such conduct that is the critical feature in distinguishing cruel, inhuman and degrading treatment from torture. And when these five interrogation techniques 1. sleep deprivation, 2. maintaining in painful positions, 3. deprivation of food and drink, 4. subjection to noise and hooding were considered, the commission viewed them as

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circumstances amounting to torture (European Court of Human Rights, “The Greek case” 3321/67).

The prohibition of torture and cruel, inhuman and degrading treatment is an absolute and non-derogatory right art 5 Universal Declaration of Human Rights, common art 3 of the Geneva Convention, art 3 European Convention on Human Rights, art 31 to 34 of the UN Minimum Rules for the Treatment of Prisoners, art 7 ICCPR, art 5 Inter-American Convention on Human Rights, art 5 African Charter on Human and People’s Rights and General Comment n20 Committee on Civil and Political Rights para 3. This means that no derogation or exceptional circumstances, such as war, terrorism and similar public emergency threatening the life of the nation can be invoked as a justification (Convention against Torture, article 2). Likewise, an order of a superior officer cannot be invoked as a justification of such act (Convention against Torture, article 2).

### **The Practice of Torture: History and Current Reports**

Torture in the Ancient and Medieval World: Beginning in the 12th century, torture came to be used more frequently on citizens, both for ordinary criminal offenses and for the special crimes of heresy and witchcraft. As John Langbein (1977) has explained, the unusually high prevalence of torture in Medieval Europe resulted in large part from the unusual characteristics of the medieval legal code, particularly its use of an exceptionally high standard of proof. For medieval judges to find an accused party guilty, they needed to have either a confession or the testimony of two eyewitnesses to the crime. If there was much circumstantial evidence that indicated guilt, but no eyewitnesses or only one eyewitness, judges were not able to reach a finding of guilt if the accused party maintained his or her innocence. In these cases, judges would sometimes authorize torture to compel a confession.

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In Medieval Europe, as in previous historical periods, a citizen accused of a criminal offense could only be tortured if other evidence made his or her guilt seem probable.

In the ancient and medieval world, citizenship was the main determinant of protection from torture, as citizens were generally given immunity from torture or could only be tortured in very rare circumstances. In ancient Greece, citizens could never be subjected to torture, but slaves and foreigners could be tortured under a wide range of circumstances. Not only could slaves be tortured in criminal cases, but they could also be tortured when serving as witnesses in civil suits between free men. Normally, slaves were not allowed to testify in these suits, as they were noncitizens, but the use of torture was thought to lend credibility to the slave's testimony and made their testimony admissible. Little importance or moral objection seems to have been placed on the physical pain suffered by the slave (DuBois 1991; Peters 1996:11–18; Ruthven 1978:23–28).

The Roman Republic and early Empire prohibited torture against citizens, except in the case of treason, but this changed in the late Roman Empire, as the number of Roman citizens grew, and the category of citizens became divided into two classes. *Honestiores*, or first-class citizens, could not be tortured except in cases of treason, but *humiliores*, or second-class citizens, could be tortured in criminal cases, if the crime was serious and some evidence already existed to indicate guilt (Garnsey 1970:141–47; Peters 1996:18–33; Ruthven 1978:28–38). In the early Roman Empire, state authorities also periodically tortured Christians, whose refusal to worship the Emperor was considered to be a type of treason. Pagans feared that the gods would be angered by the Christians' refusal to pay homage to them, and when natural disasters occurred, pagan authorities sometimes tortured and executed Christians as a way of appeasing the gods (De Ste. Croix 1999).

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The political authorities of the Ottoman Empire used torture, despite the fact that traditional Islamic law considered confessions made under torture to be invalid. The Ottoman authorities used torture in cases where the accused had a prior criminal record, in cases where the suspect had given contradictory testimony that seemed to indicate guilt, and in cases where there was strong circumstantial evidence but no confession (Peters 1996:92–93). In medieval Japan, as in Europe, a confession was required for a conviction, and torture could be used in cases where circumstantial evidence indicated probable guilt, but the accused party refused to confess (Peters 1996:93–94). Similarly, in 19th-century Iran, torture was allowed only under strictly regulated conditions, where evidence already existed to indicate probable guilt (Rejali 1994).

In 12<sup>th</sup> – 13<sup>th</sup> century France and Italy, torture was used extensively against citizens. This can be explained both by the seriousness of the crime of heresy, a type of treason, and by the perception that heresy represented a severe threat (Christopher J. Einolf 2007).

In summary, the practice of torture in ancient and medieval period was used on cases of ordinary criminal offenses, for serious crimes like treason and special crimes like heresy and witchcraft. Even then enough evidence should be presented to support the alleged crimes and the person has to be found guilty to be subject to torture or in some cases torture is used to get confession from the accused. Torture of slaves, foreigners, and prisoners of war was common in this period of time. Torture was used to punish people with different religion. In some cases, the reason for torture is different according to the social class of the accused.

Torture in the Modern Period: The practice of torture remained legal during the early modern period, but its use in Europe slowly declined. European governments started to ban torture during the 18th century, and by 1851, torture was illegal throughout the continent (Christopher J. Einolf 2007).

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The practice of torture during the 20<sup>th</sup> century: seems significantly different from the practice of torture in earlier periods. In earlier periods torture was a formal legal procedure, ordered by judges, subject to regulation, and conducted in the open. During the 20th century, torture has been conducted outside of formal legal practice, by government security agents, without regulation, and in secret (Christopher, 2007).

While torture has been common throughout the world during the 20th century, the practice of torture has varied by region. In Europe, torture increased greatly in the 20th century with the rise of communism and fascism. The fascist regimes of Italy, Germany, and their allies used torture and other terror techniques against political opponents, prisoners of war, populations of occupied territories, and members of outsider groups, such as the Jews. The Nazis used torture primarily against individuals from whom they needed information, such as Resistance members, and against Jehovah's Witnesses, to force them to name other members of the religion. When information was not needed, the Nazis more often used mass killings and reprisals, instead of torture, to intimidate and control conquered peoples (Delarue 1964; Foot 1976:88–90; Johnson 1999; Liberman 1996; Peters 1996:124–15). Communist regimes in the Soviet Union and Eastern Europe used torture widely against political opponents (Amnesty International 1984; Brunner 1990:423–27; Courtois et al. 1999). In Latin America, torture occurred widely during the Cold War, as conservative governments cracked down on communist insurgencies in a number of countries, including Argentina (Feitlowitz 1998; Guest 1990; Lewis 2002), Brazil (Archdiocese of São Paulo 1986; Huggins 2002; Huggins et al. 2002), Chile (Ensalaco 2000), and El Salvador (Gomez 2003).

Both communist and non-communist states in Africa, the Middle East, and Asia have used torture widely against political opponents. However, the lack of information on the use of torture by 19th-century governments and colonial powers makes it difficult to tell whether the high rate of torture in the 20th century represents an increase over 19th-century levels.

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Information available from case studies of the Belgian Congo (Hochschild 1998) and British India (Ruthven 1978:183–217; Arnold 1985:81; Chattopadhyay 2000:89–92) suggests that torture may have been commonly practiced by colonial governments. Even so, torture seems to have increased in the 20th century, with the rise of nationalist and communist independence movements and the increasingly brutal methods that the colonial powers used to suppress them.

Only in the democratic countries of Western Europe, North America, and Australia was torture uncommon in the 20th century, but even in these countries torture did occur. In the late 19th and early 20th century, police in the United States commonly used beatings and other forms of torture to obtain confessions from criminal suspects, particularly when those suspects were blacks, immigrants, or whites of a low social class. Democratic countries have also used torture against prisoners of war and other noncitizens. The French used torture in Algeria (Maran 1989; Talbott 1980; Vidal-Naquet 1963), the Israelis have used torture against Palestinians (Felner 2005; Ron 1997), the British have used torture in Northern Ireland (Conroy 2000), and the United States and Great Britain have used torture against Iraqis and other prisoners in the global war on terror (Danner 2004; Greenberg and Dratel 2005).

While liberal democratic governments do use torture in some situations (Rejali, 2006), the rise of liberal democracy has helped reduce the prevalence of torture. As the governments of Western Europe became democratic in the 20th century, the practice of torture both of criminals and of political opponents nearly ceased. Both in the West and in the developing world, democratic countries are much less likely to use torture than nondemocratic countries, and this is true even when other relevant factors, such as the level of economic development, are controlled for (Cingranelli and Richards 1999; Henderson 1991; Howard and Donnelly 1986; Poe and Tate 1994; Poe, Tate, and Keith 1999). Police

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torture of criminal suspects still occurs in Western democracies, but an extensive system of legal safeguards has helped make the torture of criminals very rare in present-day liberal democratic states (Evans and Morgan, 1998).

According to a study done by Amnesty international in 1991 on reports of torture and death in police custody in Pakistan states that there was deliberate torture of political prisoners in military detention centres where prisoners were frequently held and tortured during interrogation. This document reveals how police often tend to use torture in order to extract information and confessions from criminal suspects. After a suspect is taken in to custody they will be kept in detention for several days, during which time they may be ill-treated, intimidated and subjected to various form of torture. They may also be denied access to lawyers or relatives and are not brought to justice for several days. Some detainees may even be locked away in unofficial places making it hard for their relatives to know their whereabouts (Amnesty International, 1992).

In summary, Torture was widely used throughout the world in the 20th century. This prevalence has continued until the present time, and the most recent Amnesty International report (2000) on the subject estimates that the governments of over 132 countries use torture. While government secrecy makes estimating exact levels of torture impossible (Goldstein 1992), Amnesty International, Human Rights Watch, Freedom House, and the U.S. Department of State have all released hundreds of reports on torture since these organizations began reporting on human rights abuses in the 1970s. Their reports indicate that torture has been widely practiced in many countries throughout the last three decades.

Torture in 21<sup>st</sup> Century: In 2004, the world was shocked by the sight of photos of torture conducted by U.S. soldiers at the Abu Ghraib prison in Iraq. Later news stories revealed that British soldiers had tortured Iraqi prisoners of war as well, and that U.S. forces

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had tortured prisoners in Afghanistan and at the U.S. military base at Guantanamo Bay, Cuba (Danner, 2004; Greenberg and Dratel, 2005).

Justice Project Pakistan (JPP) and the Allard K. Lowenstein International Human Rights Clinic at Yale Law School (Lowenstein Clinic) investigated allegations of abuse that occurred in Faisalabad from 2006 to 2012 by conducting in-person interviews and by gaining Medico-Legal Certificates (MLCs), which provide a unique opportunity to assess police misconduct in Pakistan. From the accounts of the interviewed victims' multiple forms of torture was used; the most common method was physical beatings, strappado, where police hang the victim by their wrists, with his arms pulled behind their back. Police used manji, which involves tying the victim's arms and legs to a bed and stretching them. Faisalabad police also beat people's feet with clubs and sticks in a method known as falaka/falanga. Police also sexually assaulted victims in a variety of ways, such as shoving chili peppers into their anuses (JPP & Allard K. Lowenstein, 2012 p.14).

The Christian Peacemaker Team (CPT) in the past years has received reports of torture allegation in more than half of the Council of Europe (CoE) Member States, the CPT has also found forensic medical and other evidence of both excessive use of force upon apprehension, and of various forms of ill-treatment - reaching from threats to beatings of the various parts of the body. (Julia. K; Asbjorn Rachlew and Danish institute against torture, 2018).

### **Prisoner Torture in Ethiopia**

Human Rights Watch on its report entitled "They want a confession" confirms the use of coercive methods amounting to torture on detainees to extract confessions, statements, and other information. It also states that detainees are denied access to lawyers and visitation from family members depending on their compliance to the demands of investigators. The

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report also mentions that detainees are punished or rewarded with denial or access to water, food, light, and other basic needs. As stated in this report forms of torture used on detainees were: being repeatedly slapped, kicked, punched, beaten with sticks and gun butts, being forced in to painful stress position, such as being hung by their wrists from the ceiling or being made to stand with their hands tied above their heads for several hours at a time often while being beaten, prolonged handcuffing's in their cell and frequent verbal threats during interrogations, prolonged solitary confinement, inadequate food, severe restriction on access to daylight, poor sanitary conditions, limited medical treatment (Human Rights Watch "They want a Confession" 2013).

On a report published on 2018 by the Association for Human Rights in Ethiopia (AHRE) about Ethiopian Political Prisoners states that detainees are subjected with various forms of ill treatment and abuse in prison. They report to undergo severe forms of abuse and torture mainly for the purpose of extracting forced confessions. Some of the methods used by prison officials include beating, kicking, ethnic harassment and abuse, hard physical exercises, and solitary confinement (Association for Human Rights in Ethiopia, 2018).

On a report published online by human rights watch, prisoners have been incarcerated and tortured for years by prison officials and security forces in jail Ogaden. This report which is 88-page long includes a description of ruthless and frequent patterns of abuse, torture, rape and humiliation and stories of prisoners who have had little access to medical care, family, lawyers and at times food (Human Right Watch, 2018).

### **Forms of Torture**

Torture includes both physical and psychological methods of causing pain, distress and harm. Common forms of physical torture include beatings, burning, suspensions and stress positions, suffocation and drowning and electrical shocks. Psychological torture is most

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commonly seen in the form of threats of execution and torture, threats against family members, mock executions, extended solitary confinement, sensory deprivation or overload, sleep deprivation, humiliation, and the forced participation in torture of others (McColl et al., 2010 p.20).

### **Physical Torture**

According to a report on brutality and torture by the police in Faisalabad, Pakistan (2014); multiple forms of physical torture was used on prisoners such as; the most common method was physical beatings, strappado, where police hang the victim by their wrists, with their arms pulled behind their back. Police used manji, which involves tying the victim's arms and legs to a bed and stretching them. Faisalabad police also beat people's feet with clubs and sticks in a method known as falaka/falanga. Police also sexually assaulted victims in a variety of ways, such as shoving chili peppers into their anuses (JPP and Allard, 2012 p.14).

Prisoners also have been subjected to stretching or crushing which include the cheera, the jack, and the roola/roller which all involve police officials stretching or crushing the limbs of victims to cause intense pain. Cheera, or stretching, is a technique in which "[t]he victim is seated on the floor, often with an officer behind him with a knee in his back and pulling the head back by the hair. The legs are stretched apart, either suddenly or gradually, until they reach as much as 180 degrees. There is often a sound and sensation of tearing and, of course, the pain is excruciating (Crushing and Stretching Injuries, supra note 19). Similarly, the jack involves officers stretching the victim's legs until they touch the victim's back. The roola/roller involves police officers crushing the victim's limbs with a wooden roller or a metal rod. As illustrated in Figure 5 below, officers apply a roller against the thighs and buttocks of the victim and sometimes stand on the roller to increase its weight. "The

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immediate effects are extensive bruising and inability to walk and even years later there is usually pain on walking far.” (Id.) (JPP and Lowenstien, 2012 p.15-16).

### **Psychological Torture**

Psychological torture can be defined as “acts prepared and carried out deliberately against the victim in order to suppress his psychic resistance and force him to incriminate himself or confess certain criminal behaviours or to submit him to punishment modalities additional to deprivation of liberty itself” (Inter-American Court of Human Rights, 2004 par. 104).

The Centre for Victims of Torture listed the following as psychological Tortures; verbal abuses, threats against family, friends and loved ones, false accusations, forced choices, mock executions, and being forced to witness torture, mutilation and murder of others (The Centre for Victims of Torture, 2011).

The following can be considered Psychological and mental torture:

Threat to be tortured: “the threats and real danger of submitting a person to physical injuries produces, in certain circumstances, a moral anguish of such degree that it may be considered psychological torture”. (Inter-American Court of Human Rights, 2006 par. 92).

Psychological impact of physical torture: serious acts of physical and mental violence during a prolonged period of time for the said purpose and, thus, intentionally placed in a situation of anguish and intense physical suffering, which can only be qualified as both physical and mental torture (Inter-American Court of Human Rights, 2000).

Threat against his/her life or life of relatives: “repeated threats against his/her life by the police, often accompanied by acts of brutality, caused grave psychological suffering” (Committee on Civil and Political Rights, 2007).

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Threat of using a syringe infected by AIDS/HIV: Threatening to inject using a syringe infected by AIDS/HIV” (European Court of Human Rights, 1999).

Threat by dogs: “rescind any interrogation technique, including methods involving sexual humiliation, waterboarding, short shackling and using dogs to induce fear, that constitutes torture or cruel, inhuman or degrading treatment or punishment” (Committee against Torture, Concluding Observations on USA para 24).

### **Deprivation of the Humane condition**

The Centre for Victims of Torture listed the following as Deprivation of Humane Conditions: deprivation of food and water, being held in isolation, restricted movement, blindfolding, sleep deprivation and withholding of medical care. (The Centre for Victims of Torture, 2011).

### **Effects of Torture**

The word of Jean Amery, a victim of torture, Summarize the last effects of torture on the human mind, “Anyone who has been tortured remains tortured. Anyone who has suffered torture never again will be at ease in the world. Faith in humanity, already cracked by the first slap in the face, then demolished by torture, is never acquired again” (Amery J: At the Mind’s Limit: 1980).

### **Physical Effect**

Long-term physical effects of torture include scars, headaches, musculoskeletal pains, foot pains, hearing loss, dental pain, visual problems, abdominal pains, cardiovascular/respiratory problems, sexual difficulties, and neurological damage.

Prisoners who have been subjected to stretching or crushing method of physical torture usually tend to experience extensive bruising and inability to walk and even years

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later there is usually pain on walking far. There is often a sound and sensation of tearing and, of course, the pain is excruciating (Justice Project Pakistan (JPP) and the Allard K. Lowenstein International Human Rights Clinic, 2014 p 17).

### **Psychological Effects**

Chronic pain is a common problem among torture survivors, so are symptoms of posttraumatic stress disorder (PTSD), anxiety, depression, difficulty concentrating, nightmares, insomnia, memory loss, and fatigue. Several individual reports in which authors have stated Post-traumatic stress disorder (PTSD) is a major health problem among prisoners because of high rates of exposure to physical, sexual, and emotional violence in imprisoned people over their lifespan (Widom, 1989; Battle et. al., 2003).

The centre for Victims of Torture (2011) stated difficulty concentrating, nightmares, insomnia, memory loss, fatigue, anxiety, depression and posttraumatic stress disorder as long-term psychological effects on its report (The centre for Victims of Torture, 2011 p 1).

Below are the psychological effects specific to the forms of torture used:

**Threats of Death or Injury:** Survivors say mock executions left them feeling like they were already dead, Survivors relive these near-death experiences in their nightmares or flashbacks. CVT clients have told us that they pleaded with their torturers to kill them, preferring real death over the constant threat and intolerable pain it caused (The centre for victims of torture, 2011 p.2).

**Sexual Humiliation:** Sexual humiliation leads to symptoms of post-traumatic stress disorder (PTSD) and major depression; victims often have flashbacks or nightmares about their experiences; male and female victims feel shame, grief and fear. Forced nakedness creates a power differential, stripping the victims of their identity, inducing immediate shame

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and creating an environment where the threat of sexual and physical assault is always present. Male victims feel degraded in their manhood, especially if the perpetrator was female (The centre for victims of torture, 2011 p.2).

**Sleep Deprivation:** Causes a host of negative psychological effects, the most prominent is cognitive impairment. Sleep-deprived individuals take longer to respond to stimuli and sleep loss causes attention deficits, decreases short-term memory, speech impairments, perseveration and inflexible thinking. These symptoms may appear after one night of total sleep deprivation or after only a few nights of sleep restriction (5 hours of sleep per night). Sleep restrictions can result in hypertension and other cardiovascular disease. (Physicians for Human Rights, 2015).

**Sensory Deprivation, including Solitary Confinement:** all forms of sensory deprivation can have profound and long-lasting psychological consequences. Effects of solitary confinement include depression, anxiety, difficulty with concentration and memory, hypersensitivity to external stimuli, hallucinations, perception distortions, paranoia and problems with impulse control (The centre for victims of torture, 2011 p.2).

The Berlin Centre treated ex-political prisoners from East Germany who experienced solitary confinement with sensory deprivation for long periods (from several months to several years). Torture methods included sleep deprivation, long lasting interrogation night and day and disorientation techniques. The prisoners reported that they no longer trusted their own perceptions. They went through psychotic states with delusions and hallucinations and experienced a total loss of cognitive function. (Physicians for Human Rights, 2015).

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### **Torture from the legal perspective**

#### **National Legal Framework**

The FDRE constitution, Article 18 guarantees the right of everyone to be protected from all forms of cruel, inhuman and degrading treatment and punishment, and the observance of human dignity of all persons held in custody and those serving prison terms. The constitution also states that the right to be protected from torture would not be also subjected for derogation under any circumstance, even under extraordinary situations like in state of emergency (The FDRE Constitution, 1995). The Federal Police Commission Proclamation No. 313/2003 and the Federal Police Commission Administration Regulation No. 86/2003 clearly stated that among other duties and responsibilities, any police officers should perform any of its activities by fully complying and observing human and democratic rights ensured by the Constitution. Any violations of human rights and democratic rights, specifically, any inhuman or degrading treatment or act that have prohibited under the constitution would entail rigorous penalties and disciplinary measures.

There are different legislations and administrative regulations that govern the rules of detention and imprisonments. This include the Criminal Procedure Code; the Federal Wardens Administration Council of Ministers Regulations No. 137/2007; and the Treatment of Federal Prisoners Council of Ministers Regulations No. 138/2007. Other directives that contain basic standards and the fulfilment of prison conditions include the right to sufficient and adequate facilities; the right to family visit; the right to consult a lawyer and to legal advice, the right to be treated in clinics and to hospital in time of sickness, the right to complain before the prison administration, the right access books, newspapers, magazines, and radio, the right to practice their religion, the right to physical integrity and honour, and other basic rights of prisoners that have guarantee under the constitution.

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### **International Legal framework**

Since 1994, Ethiopia has been a party to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and ratified the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Right (ACHPR).

Article 7 of ICCPR forbids torture in absolute terms. The article reads:

*“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation” (UN, ICCPR: International Covenant on Civil and Political Rights).*

The Convention Against Torture requires States Parties to ensure that their domestic legislative framework prohibits conduct amounting to torture and that State Parties abstain from them. It also requires States Parties to take specific and positive measures to ensure practical implementation of the prohibition of torture and measures of prevention, ensuring adequate and effective mechanisms to investigate allegations of torture and where sufficient evidence exist to initiate prosecutions.

### **Theoretical Perspectives**

Most people would agree that hurting someone or subjecting them to pain is wrong. However, punishment, by definition, involves the infliction of pain. Does this make punishment wrong? Philosophers are divided on this issue. One group believes that inflicting pain as punishment is fundamentally different from inflicting pain on innocents, and therefore is not inherently wrong. Another group believes that punishment is a wrong that can be justified only if it results in a “greater good” (Murphy, 1995).

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Those who hold the first view do not feel it necessary to justify punishment beyond the fact that the individual deserves it. This would be considered a retributive approach. The second view justifies punishment through the secondary rationales of deterrence, incapacitation, or rehabilitation. This will be called the utilitarian approach (Durham, 1994).

### **Retributive Rationale**

The first philosophical approach (or rationale) is that punishment, strictly defined, is not evil. Retribution is a term that means balancing a wrong through punishment. While revenge is personal and not necessarily proportional to the victim's injury, retribution is impersonal and balanced. Newman, although recognizing the difficulty of defining punishment, defines it in this way: "Punishment is a pain or other unpleasant consequence that results from an offense against a rule and that is administered by others, who represent legal authority, to the offender who broke the rule" (Newman 1978, 6–7). The idea of the above statement is that by strictly limiting what can be done, to whom and by whom, the evilness of the action is negated. There are two equally important elements to this view: first, that society has a right to punish, and second, that the criminal has the right to be punished.

One of the elements of the retributive rationale is that the criminal deserves the punishment and, indeed, has a right to be punished. Only by forcing the individual to suffer the consequences of his actions does one accord them the rights of an equal citizen. Herbert Morris explains this view: 1<sup>st</sup> we have a right to punishment; 2<sup>nd</sup> this right derives from a fundamental human right to be treated as a person; 3<sup>rd</sup> this fundamental right is a natural, inalienable, and absolute right; and, 4<sup>th</sup> the denial of this right implies the denial of all moral rights and duties (Morris and Murphy 1995, p.75).

It is a primitive, almost instinctual, response of humankind to punish wrongdoers, as noted by French sociologist (Émile Durkheim as cited in Durham, 1994 p. 22). Punishment is

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believed to be an essential feature of civilization. The state takes over the act of revenge and elevates it to something noble rather than base, something proportional rather than unlimited.

**Immanuel Kant (1724–1804)** supported a retributive rationale:

Juridical punishment can be inflicted on a criminal, never just as instrumental to the achievement of some other good for the criminal himself or for the civil society, but only because he has committed a crime: for a man may never be used just as a means to the end of another person, Penal law is a categorical imperative. Thus, whatever undeserved evil you inflict on another person, you inflict on yourself (Kant, cited in Borchert and Stewart 1986, p.322).

In conclusion, the retributive rationale for punishment says that because of natural law and the social contract, society has the right to punish, and the criminal has the right to be punished. According to **Newman (1978, p. 287)**, “There is little grace in punishment. Only justice.”

### **Utilitarian Rationale**

The utilitarian rationale defines punishment as essentially evil and seeks to justify it by the greater benefits that result. Under a utilitarian philosophical system, or utilitarianism, what is good is that which benefits “the many.” Thus, even if it were painful to the individual, if the majority benefit from a certain act, then utilitarianism would define that act as good. In our discussion, if punishment did deter or incapacitate or facilitate rehabilitation, then “the many” (all of society) would benefit, and punishment, by definition, would be good.

Under the utilitarian rationale, punishment is evil, but it is justified when punishment accomplishes better than the evil it represents. Cesare Beccaria (1738–1794), another utilitarian thinker, suggested that in some instances the benefits of punishment do not outweigh the evil.

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But all punishment is mischief: all punishment in itself is evil. Upon the principle of utility, if it ought at all to be admitted, it ought only to be admitted in as far as it promises to exclude some greater evil.... It is plain, therefore, that in the following cases punishment ought not to be inflicted. 1. Where it is groundless: where there is no mischief for it to prevent; the act not being mischievous upon the whole, 2. Where it must be inefficacious: where it cannot act so as to prevent the mischief, 3. Where it is unprofitable, or too expensive: where the mischief it would produce would be greater than what it prevented and Where it is needless: where the mischief may be prevented, or cease of itself, without it: that is, at a cheaper rate (Beccaria, as cited in Murphy 1995, p.24).

### **Conservatism: Deterrence and Incapacitation**

The conservative approach characterized by views of deterrence and incapacitation was strong throughout pre-Jacksonian America and Europe. The philosophy of punishment in general, and of prison specifically, was to deter and punish.

### **Liberalism: Reformation and Rehabilitation**

At some point during the 19th century, the philosophy behind imprisonment changed. Prison became viewed as more than an alternative to brutal corporal punishments. It was seen as redemptive and capable of changing the individuals within to become better people (Conley, 1992).

David Rothman (1971), one of the definitive authorities on the reformatory origins of the prison, proposes that the idea of reforming the individual criminal was at odds with the Calvinist doctrine of original sin. Before the 1800s, punishment remained retributive and was associated with expiation (a religious term meaning personal redemption through suffering). People were viewed as not capable of reform. Once the possibility of individual change was born, the idea of prison developed as the site of the "reform" (Hirsch, 1987).

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Although the penitentiary might have been an idea born in Europe, its development was purely American. [Hirsch \(1987\)](#) and others ([McKelvey, 1987](#)) describe a shift in penal philosophy as the concept developed in the United States and Europeans began to look to American models of penal institutions.

### **Radicalism: Prison and Economics**

[Rothman \(1971\)](#) accepted the rhetoric of penal philosophy at face value. That is, the writings of the time indicated that the motivation and purpose of prison was to reform offenders, and this goal was accepted as fact. Others see the rhetoric of early prison reformers as masking a more subtle and insidious philosophy of imprisonment, one based on economy rather than reformation, and on power rather than benevolence. [Rusche and Kirchheimer \(1939\)](#) suggested that imprisonment emerged as the dominant method of punishment because of a desire to exploit and train captive labour. A scarcity of labour served as the impetus for the modern prison because of its role in training and exploiting labour reserves. For instance, in his study of New York prison history, Gardner found that harsher punishment often resulted from attempts to maintain and increase the production of essential commodities in overcrowded, tumultuous prisons ([Gardner, 1987](#)).

### **CHAPTER THREE**

The researcher of this study employed relevant techniques of data collection and analysis. Thus, this chapter deals with the methods and techniques the researcher used in the research process which is composed of the study design, study participants and study area, sample techniques, Selection Criteria, method of data collection, data analysis techniques that were employed.

#### **Researchers World view:**

The selected guiding framework for this study is constructivist approach in which the researcher believes reality is subjective for those people who are living in it. Constructivism or social constructivism is such a perspective, and it is typically seen as an approach to qualitative research (Creswell, 2014). Constructivists claim that truth is relative and that it is dependent on one's perspective (Baxter and Jack, 2008), therefore, the issue of Torture and its effects on former prisoners of Maekelawi described based on participant's subjective meaning of their life experiences.

#### **Study Design**

There are three types of research approaches qualitative, quantitative and mixed. Quantitative research method is based on measurement of quantity or amount. Its applicable in phenomena that can be expressed in terms of quantity. Qualitative research method on the other hand, is concerned with qualitative phenomena subjective assessment of attitudes, opinions and behaviours. And Mixed research is the combination of both qualitative and quantitative research methods (Denzin and Lincoln 2005). Based on the aim of the research the researcher decided to use qualitative method of research. Qualitative research seeks to

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describe various aspects about behaviour and other factors studied in social science and humanities. Some argue that the purpose of qualitative research should be to advance a social justice agenda (Denzin and Lincoln 2005).

The other type of research is descriptive and analytical. Descriptive research includes surveys and fact-finding enquiries of different kinds. It helps to report what has happened or what is happening. In analytical research, on the other hand, the researcher has to use facts or information already available and analyse these to make a critical evaluation of the material. The study therefore has employed descriptive type of research in its overall framework since the study will attempt to discover facts and describe the reality.

Various approaches such as ground theory, case study, phenomenology, ethnography and narrative research are used as a framework in qualitative research approach (Creswell, 2007). Thus, the researcher employed phenomenological theory (phenomenology). The rationale of the researcher for using this theory is; the essentiality in exploring the lived experience and existed phenomena of the population under study as they understand (Creswell, 2003). The type of problem best suited for this form of research is one in which it is important to understand several individuals common or shared experiences of phenomenon. It would be important to understand these common experiences in order to develop practices or policies or to develop a deeper understanding about the features of the phenomenon (Creswell, 2007).

### **Description Study Area**

This study was conducted in the city of Addis Ababa on one selected prison, The Federal Police Crime Investigation Bureau (Maekelawi). Maekelawi (meaning central in Amharic) is located in the heart of the capital Addis Ababa. The bureau is authorized by the

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federal police, which reports to the Ministry of Federal Affairs (Kalkidan Y. & Tesfalem W. 2016).

### **Types of main blocks in Maekelawi**

#### **Siberia**

Named after the freezing Siberia region in Northern Russia, Siberia holds detainees that are under investigations. Each cell is numbered 2,3,4,5,6,7,8,9, and 10; no 1 is not currently functioning. Each cell, except no 8, holds up to 25 detainees. Inside each cell lie mattresses, food items, and plastic bottles used for urinating. Detainees sleep crammed in the small cells in the evenings; and take turns for naps during day times. It is often dark as the light that enters through the small windows is too weak. Detainees in Siberia can use the toilets twice a day and go outside for fresh air daily for 10 minutes.

Number 8 is the most recognized Dark Room in Maekelawi. The room is divided into 4 cells named 1, 2, 3, and 4. Other than the vague light that comes from the corridor in front, the cells are otherwise completely dark, and shelter only one detainee in each cell. Number 8 holds the most tortured detainees that are mainly interrogated in the middle of the nights. Those who refuse to admit to coerced confessions are left here for longer periods; and they are not allowed to talk to other detainees. If and when they give a forced testimony, they are then moved to other sections of the detention centre.

#### **Sheraton**

Detainees in this block enjoy a relative freedom such as going to other cells in the same block and talking to other detainees; sitting at the door steps for an access to a sunlight; and access to family visits. The block is named after the luxury hotel in the capital Addis

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Ababa due to the relative comfort it provides. Detainees who completed their interrogation and are awaiting official charge are detained here. The block is partitioned into 12 cells.

### ***Tawla bet* (Amharic for wooden house)**

Is partitioned into four cells, of which two are used to keep female detainees. The block also houses detainee witnesses who gave consent to testify against fellow detainees. Sitting at the door steps for an access to a sunlight and relative movement is allowed here.

### **Services and Facilities**

Food is served three times a day, but quality of the food is poor. Many detainees receive food from family members. There is a library in the premises, but depending on the type of charge, detainees can be denied from using the library. Prisoners take turn to use the library which could sometimes take up to more than one month until a detainee gets his turn. (Getachew Shiferaw, 2017 and Addis Standard, 2016).

### **Selection Criteria**

The study has 5 respondents. The respondents were selected using snow sampling. To select the study respondents for the interview, the following inclusion criteria were set. Individuals who used to be incarcerated and at any time during their imprisonment did time in Maekelawi.

### **Sampling technique**

Sampling is the method of selecting a representative subset of the population called sample. Sampling makes research more accurate and economical. It's the sampling method which actually determines the generalizability of the research findings (Nayeem and Parveen,

2017 p.3). There are two types of sampling a research participant, probability and non-probability sampling. In probability sampling each sample has an equal probability of being part of the research participant. Non-probability sampling technique uses non-randomized methods to draw the sample.

In this study non-probability sampling method was used to select the subjects of the research particularly snowball sampling was employed. Snowball sampling is one of sampling techniques in qualitative research approach. Researchers briefly emphasized about snowball sampling technique in non-probability sampling as follows:

The term 'snowball sampling' has been applied in two types of procedures related to network sampling. In one type a few identified members of a rare population are asked to identify other members of the population, those identified are asked to identify others, and so on, for the purpose of obtaining a non-probability sample or for constructing a frame from which to sample. In the other type, individuals in the sample are asked to identify other individuals, for a fixed number of stages, for the purpose of estimating the number of 'mutual relationships' or 'social circles' in the population." Other definitions of "snowball sampling" are consistent with this duality in usage (Handcock and Gile, 2011, P.3). Due to the difficulty of locating the target population the researcher employed such method of sampling.

There are various arguments in determining sample size of a study. For instance, Groenewald (2004) recommended that ten individuals are relevant as participants under a given study. On the other hand, Mason (2010), by taking different scholars' ideas in to account, agreed on the point that five to twenty-five individuals are important as participants in a given study. A total of four participants were selected to conduct interview. After the researcher have conducted the interview with the first study participants she then asked for the participant to introduce her to another individual.

### **Method of Data collection**

Several methods of data collection are available in qualitative research. However, the researcher utilized primary and secondary data sources in the study process to accomplish the research in appropriate manner.

Primary source: In-depth interview is one of the important tools of data collection in qualitative research. In-depth interview is interactive in nature; the material is generated with the interaction between the interviewer and the interviewee (Dey, 1993). Accordingly, the researcher employed in- depth interview since it is the most widely used technique to know deeply about the feeling of informants that are difficult to express through discussion.

Hancock & Algozzine expressed Semi structured interview as “a type of interview that invites interviewees to express themselves openly and freely and to define the world from their own perspectives, not solely from the perspective of the researcher” (Hancock and Algozzine, 2006 p. 91). Hence, semi structured interview was used for this research. By applying this approach, the researcher asked predetermined but flexibly worded questions. In addition to posing predetermined questions, the researcher used semi structured interviews to ask follow-up questions designed to probe more deeply in to the experience of the interviewees and the research objective.

Secondary Sources: Secondary sources are sources which discuss about a given event as secondary evidence or without being present at the event area. Secondary data is information already obtained by researchers that is an initial and evidence for the new conduct research (Boeije and Hox, 2005). In the same way, Acaps Better Assessments Better Aid (2012, p.3) elaborates secondary data as “Secondary data can comprise published research, internet materials, media reports, and data which has been cleaned, analysed and collected for a purpose other than the needs assessment, such as academic research or an agency or sector specific monitoring reports”. Accordingly, the researcher utilized all materials such as

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journal, articles, different organizations' reports, books, published and unpublished materials which are important in accomplishing the study on Torture and its effects in case of ex-prisoners of The Federal Police Crime Investigation Bureau (Maekelawi).

### **Data analysis procedures**

Data analysis is one of the critical points in any scientific study. Data analysis in qualitative research consists of preparing and organizing the data (i.e., audio data as in transcript, or image data as in photographs) for analysis, then reducing the data in to themes through a process of coding and condensing the codes, and finally representing the data in figures, tables or a discussion (Creswell, 2007). Different data analysis approaches are available in qualitative research: Descriptive, Thematic and Narrative analysis.

Therefore, the researcher adopted thematic data analysis method, which was developed by Braun and Clark (2006), in which the data obtained through in-depth interview will be analysed. Thematic analysis goes beyond simply counting phrases or words in a text, it moves to identify implicit and explicit ideas within the data (<http://en.m.wikipedia.org>).

### **Ethical Considerations**

“Ethical consideration should be acknowledged before the commencement of data analysis” (Alston and Bowles, 2003, p. 126). As a researcher in order to maintain the ethics of conducting a research a formal letter was secured from Addis Ababa University, School of Social Work to build a rapporteur with individuals who are participants of the research. In addition to the letter, a clear clarification about the role of their participation in the research and brief but detailed explanation about the research purpose and objective was given to all interview participants. Ethical principles tend to focus on protecting participants from harm or in some cases on empowering them (Someleh and Cathy, 2005). These include; the need to ensure confidentiality for informants and the need to gain permission from agencies to

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examine client records if these are to be used for gathering information (Alston and Bowles, 2003). To this end verbal consent was secured about their voluntary participation before the interview begun. Confidentiality involves both an individual right to have control over the case or access of his or her personal information, as well as the right to have the information that he or she shares with the research team to be kept private (Marcyzk et. Al., 2005 p.244). Taking in to account this statement any issue related to confidentiality was discussed with the study participants.

In conclusion, the conduct of the interview and all materials used during the interview was are handled carefully. It is safe to say the study was conducted in an ethical manner.

## **CHAPTER FOUR**

### **Finding of the Study**

Chapter four presents the findings of the study from key informant interview from different participants. The major goal of the finding is to respond to the research questions and objectives set by the researcher which is identifying the forms of torture used and describing the different effects of torture on former prisoners of Maekelawi. The major sections in this finding are; the forms of torture used, the different effects of torture.

In this section, the researcher has identified six general themes: Physical torture, psychological torture, physical effect, psychological effect, emotional effect and social effect. The information that lead to this chapter are collected from five former prisoners of Maekelawi which their backgrounds are presented below and one legal professional.

#### **Background Information of participants**

##### **Yosef – Informant One**

Yosef went to kokebetsebeah school when TPLF first came to power in 1991. Because of Eritrean referendum and other political issues happening in the country he became part of a political movement. In 1993 when he passed to the 10<sup>th</sup> grade students from eleven schools collaborated to make a move towards bringing change to the system. But later the government found out and banned the movement and so, he couldn't continue his education in kokebetsebah. He then left kokebetsebah and joined St. Joseph school and finished the rest of his education there. Due to his involvement in such political movements

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he mentioned he was in the verge of getting killed therefore, he stopped his involvement in such activity.

After he finished his high school education he joined Addis Ababa University to study social anthropology and then history. Here he was actively involved and was part of the student council for 2 years. He even ran for the presidency seat inside the student council, but he was beaten by one vote. Even though he didn't win the presidency he remained the academic and administrative chairman of the council. After he graduated from university he had plans to start his own political party. Hence, he put aside his idea of starting his own party and joined Coalition for unity party (Kinijit) which was already formed.

Because of his affiliation to Kinjit political party which was then the number one political opponent of the ruling party he was prisoned in 2005. He was in prison for two years and released by pardon. After his release there where, false documents implicating him in a crime including witnesses which gave false testimonies against him. So many members of Kinjit part left the country after the 2004 election, but he remained in Ethiopia and continued his political movement. And he knew if he continued on this path he was going to go to prison once again and according to the deal he was given, if he was found involved in another political movement the pardon would be taken and he would be sentenced to death or given life sentence. As predicted he was incarcerated again and was sentenced to death but because of the influence and intervention from the world community the death row was changed to a life sentence in 2007. This time he stayed in prison for 6years and a half.

Despite the predictable future of his political involvement Yosef continued to pursue politics until today.

I always had some sense of justice and sense of history. I am an optimist in the short run and pessimist in the long run. Meaning I can't extend my life line

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and I know life is short but as far I am alive I want to contribute something worthy. Death is inevitable, and I hate dying but, at least I should die trying to make a difference. I believe I am not bigger than anyone and no one is bigger than me. I don't make others fear me and I don't want anyone to make me feel scared, so I kept on fighting for change even though I knew my fate which was; prison life (Informant one, May 14).

### **Tamirat – Informant Two**

Tamirat was studying plan science at Hawassa University. By that time there were cases of student killings, student arrest and unfair treatment of students was very common like the case of Addis Ababa University where three hundred students were dismissed from the university with no justification. Because of this reason, Tamirat was involved in peaceful demonstrations to make a stop to such atrocity.

He was walking down the street with his three friends when the police came and started firing at them. The shots fired killed two of his friends right there on the street, one as soon as he reached the hospital and Tamirat was shot on the leg. After he was shot they took him to police hospital where he stayed for one month and ten days. While he was in police hospital his leg was amputated three times.

When they decapitated my left legs the first time I was unconscious, and they didn't ask for consent from me or my family. And when they were about to decapitate my leg the second time which was below the knee, I was awake, and I refused the procedure, but they gave me anesthesia and I passed out and when I wake up they gave me another dose of anesthesia. I was hurt badly and didn't have strength, so I couldn't do anything. As any hospital rule the doctors were supposed to get consent from me to perform such procedure and

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I am supposed to get counselling before they decapitate my legs. And if I wasn't awake or strong enough to give the consent my family should be contacted and get a signed consent from them before going through with the procedure, but they did neither of the ethical requirements. And when I wake up my leg was decapitated three times, now it won't even be ten inches that's left of my leg. I sometimes wonder if there was a chance to save my legs? I am no expert, but I think there could have been a chance to save some of it maybe with strong medication and treatment. They said it had a chance of getting infected like gangrene, but I was in the hospital the whole 1 month and ten days' time and the chance of getting gangrene three times was very rare (Informant two, May 18).

After he was released from the hospital he was taken to The Federal Police Crime Investigation Bureau (Maekelawi) where he stayed for 9 months. Because of his imprisonment he lost a great deal of things in his life. His father died because of anger when he heard Tamirat's incarceration. His mother had a stroke at an early age. His sister developed diseases like diabetes, heart disease and blood pressure because of continuous intimidation and abuse government officials inflicted on her because of Tamirat. Soon after his sentence he was forced to let go of the women he was going to marry because he couldn't bear the thought of her waiting for him for all those years to come.

They had their assumption that I was an important and point person of the Oromia Liberation Front (ONEG) and all they wanted was to keep me alive long enough to get the information. But the information they got about me was wrong and once they made a mistake they couldn't take back, they just let me rot in prison (Informant two, May 18).

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Throughout the court process they were not able to present any evidence for all the open cases. "They wouldn't need evidence to imprison someone because there was no law that governs the place, they can do whatever they want. Even if there is evidence against me they wouldn't care to search for it because there was no strong court or law that could challenge what was presented".

After my imprisonment I went to court "SEBER CHILOT" and there were seven cases open on me and if I was found guilty of these crimes I would be sentenced to death. I have done nothing which could neither put me in jail for a week nor would lead to life sentence (Informant two, May 18).

They said they have 27 Kal which in court law means: a confession given under interrogation and they also had a person which was a witness to the confession, but they weren't able to bring them to court. According to the law, the 27 KAL would have to be supported by ANKES 35 which states; the prisoner would have to agree to the statement and say he gave his confession under no coercion. but if the prisoner says he was under pressure when he gave the statement the 27 KAL would be disqualified and would not be presented as an evidence but the reality is I haven't given any statement or confession at any time while I was in prison (Informant two, May 18).

I went to court again and again for a year and three months but still there was no evidence presented and the prosecutor would say he forgot to attach the evidence to the case file just to delay the trial date. Previous to my trial date the judge asked why I was still brought to court with no evidence to support the charges and the prosecutor announced they don't want to present any evidence to the court. And so, the judge ordered the court to bring evidence on

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the next court date. On my last court date, the Judge announced the evidence was brought to them indirectly and so they have reached the verdict. After going to court for more than a year I was sentenced to death with no evidence to support the charges against me. Due to the physical damage I endured during my capture the death sentence was changed to life (Informant two, May 18).

After he got in to Meakelawi he didn't see his family for five months. And one time his sister went to visit him, and she took a court order *Keakal Netsa Mawitat* but the prison official at that time took the paper and tore it in front of him and said *ወንድ ከሆነ ች እስ ቲ ታስ ፈታው*.

### **Ermias – Informant Three**

Ermias is a 42-year-old ex-prisoner of Meakelawi and a father of two. Ermias was born In Gonder around *Beles*. Around his district there was EAPA (Ethiopia Amhara Party) camp and growing up he used to spend most of his time with EAPA soldiers. They used gun train them and sometimes soldiers hunt MIDAKO's and feed him and other kids. His perspective about politics is based on the experience he had with this soldier. The appreciation they had for their duties and respect and love they have for their country, the poor people and vulnerable individuals. For him politics is loving your country, loving the poor and fighting for the vulnerable sector. After he came to Addis Ababa he started to read about the bias and hatred growing in the country.

Ermias has a college diploma in Biology and professionally he is a teacher. He was also a law school extension student when he first got arrested and after two years of his release from his first incarceration he wanted to continue his law education, but they wouldn't accept his old university papers because of the years in between and also the

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curriculum was different. Therefore, he enrolled in a Management class in St. Mary University.

Starting from 1990's Ermias was involved in politics. He started his political journey with EDEPA (Ethiopian Democratic party) and before that when he was in high school at the age of 18 or 19 he used to follow a party called MEHAT. He was then involved strongly from Wereda leader to Mikir Bet (council office) under Andinet party. He was also one of the creators and administrative leaders of this party. He was also on the management team of the Blue party and he continued with his political path after his release. Before he was arrested he used to get pressured from security officials to spill a secret about the party he was involved with. Though he knew he would end up in prison he refused to submit to their request.

When they came to arrest me the second time, my oldest son was preparing food for his mother and me. Dozen police officials came to my house and they took put me in handcuffs and took me with force in front of my children.

### **Tesfaye – Informant Four**

Tesfaye attended his higher education in Addis Ababa University and Graduated in Bachelor of Arts Degree in Geography in 1987. After graduating he worked on different positions in different governmental and non-governmental organizations.

Tesfaye was the former central committee member for Coalition for Unity and Democracy (CUD) or Kinijit. He was imprisoned and tortured because of his different political views than that of the ruling party. Tesfaye was imprisoned in Addis Ababa Police Crime Investigation Bureau (Maekelawi) for 45 days.

In January 28, 2006 at 12:00 noon in my absence 10 members of the Federal police and 3 security men in civilian clothe arrested my daughter of age 15 and

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my son aged 11 without any court warrant. They searched my house for 6 hours and taken away my computer and private documents. On February 6, 2006 at 1:00 pm, three men in civilian clothes arrested me when I was in my routine work with an NGO known as Mary Joy Aid through development and detained me at the criminal investigation centre. On February 21 and March 7, 2006, I appeared before Arada criminal court. Session no 1; the case was adjourned to 7 March 2006; the court then decided to release me on bail. Despite the decision of the court, the police continued to detain me, further weeks.

Tesfaye was imprisoned with people of different political views and backgrounds.

Most of the sufferers were the members and supporters of the then Oromo Liberation Front (OLF) and supporters of Coalition for Unity and Democracy (CUD), Activists, Journalists, from different ethnical and educational backgrounds.

For Tesfaye the outcome of his imprisonment and related torture made him to choose the undesirable choice. *I was given a choice and picked one which I have never-ever desired. I flew to Europe in search of freedom and safety and became migrant. My family life was decided by TPLF leadership and I was forced to migrate, abandoning my family with nothing. This has left a great psychological and social scar on me, my family and the then young children of mine in particular.*

### **Messay – Informant No.5**

Messay Is a 35-year-old former prisoner of Maekelawi. He was imprisoned for alleged involvement with the Oromo Liberation Front (OLF). Tesfaye was in Maekelawi for five months in which time he was repeatedly tortured. He was in his routine life when five

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civilians and three security men captured him, put him in a car and blind fold him and started beating him.

### **Finding of the study**

The following findings are inferred from the semi-structured key-informant interviews. The individuals that participated in the interview represent former prisoners of Maekelawi. Pseudonym is used to protect the identity of the study participants and keep confidentiality. Each part of this finding is expressed with detail so as to get in-depth understanding of the experiences of the study participants.

### **Forms of Torture Used**

Most of the participants of this study have experienced all forms of torture which includes physical torture (beatings, prolonged enforced standing, exposure to extreme cold), psychological tortures (verbal abuses, threats against family, friends and loved ones, false accusations, forced choices, mock executions, and being forced to witness torture of others) & Deprivation of humane conditions (being held in isolation, restricted movement, sleep deprivation, blindfolding & withholding of medical care).

### **Physical Torture**

All of the respondents of the study were physically tortured while they were in prison. By the account of the respondents of this study different forms of physical torture were used to cause them pain and suffering. Yosef as one of the respondents of this study described his experience as follows:

They used to wake me up in the middle of the night and make me sleep naked in a wet cement floor to use my body heat to dry it and when the floor is dry enough they would stand me up to splash water on it and finally take me to my

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cell. They would put me in an Icey room which was called “Siberia. They also made me sleep on the floor for more than two years and a half without any mattress.

In support of what has been said by Yosef, Tamirat shares his experience of physical torture as follows:

I was physically tortured for almost all my time in Maekelawi. They used to hung me and beat me until I lose consciousness and leave me there until I gain consciousness and when i do they would continue beating me. Sometimes they would just hung me and leave me there for more than four hours and they would come back and start beating me. They will also use me to intimidate other political prisoners by beating/punching/slapping me in front of them or bring them to see me hanged. Sometimes they would come to my cell in the middle of the night, take me outside and drag me on aggregate floor. They used to pull my decapitated legs which was still healing using “Pinsa” and sometimes the bandage would fall off. Sometimes when they feel like it they would tie me to the table and leave me there the whole night and come back in the morning and tie my hands and my back to a chair. The prison ward which I was first taken in too was very populated and had no windows and the air used to get suffocated and hot vapor used to drip from the ceiling.

According to another respondent of the study Ermias, the physical torture he endured has been stated as follows:

I was tortured every day for all the two months I was in Meakelawi. They would roll and drag me on aggregate floor. They would strap my wrist to the ceiling and stretch the tie until I can only stand with the tip of my feet for 24

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hours. They sometimes will come in the middle of the night all high with drugs and take me to a place where they interrogate me by beating, punching or slapping. Sometimes when I was almost passed out and so weak to even walk or stand by myself, they will drag me to another place and beat me until I pass out completely.

In congruence with the other statements made by respondents of the study, Tesfaye also endured physical torture while in prison and he describes his experience like this: “Physical torture was always the case in Makelawi prison. In my case, they would beat me, punch me or slap me almost every day through my prison time”.

In addition to the four participants of the study, Messay has shared his life of torture in these words:

They used to hang me and beat me with their police stick, electric cable and punch me for hours. They would force me to the floor with their shoes on my chest and one of them will hit me with his shoes and stick. They would tie me to a table and beat me with their stick on my stomach. They would strip me naked and make me sit on the cold floor and tie my hands and leave me there.

One time they tie me up to a pole and beat me on my private parts.

As indicated in the above statements made by the respondents of the study all of them were victims of torture. The forms and magnitude of torture is not the same for everyone. In general, these forms of torture were used on the participants of the study; beating, hanging, suffocation, exposure to extreme cold, strapping, dragging and rolling them on aggregate floor, using other objects to harm their body part.

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### **Psychological Torture**

Most of the respondents of the study were also psychologically tortured when they were prisoned in Maekelawi prison. The forms of psychological torture used are described by the respondents of the study as follows:

As indicated by Yosef there were so many attempts to disrupt his mental and emotional wellbeing. They used continuous intimidation to gain false testimony from him and passed verbal threats to scare him. He was also put in a dark cell “Chelema Bet”. Yosef’s family was also verbally threatened because of his involvement with opponent political party. Yosef has also been a victim of threat to be tortured or killed and was forced to witness another inmate being tortured. Yosef describes his experience in his own word as follows:

Whenever they want to force a confession out of me, to punish me or to break me they will put me in isolation in a place called “Chelema Bet” Amharic for dark room. One time they put me in “Chelema Bet” for straight 36 days all by myself. They also used to bring another inmate beaten up badly and put him in the same cell with me for the sake of intimidating and scaring me. They would also put me in the same ward with very dangerous criminals like killers and rapists, one time one of them which I think was collaborating with the prison officials tried to kill me and If it wasn’t for another inmate who tried to help me, I would have died back then. They would come in the middle of the night and take me to some “GuranGur” Place to scare me and verbally threaten me to make me assume they are going to kill me right there on the spot. I was a political prisoner and my story was known to the world community and because they feared my story will reach the newspapers they made me witness others being tortured instead of using very daunting form of torture like they use in other prisoners. They continuously abused my whole family whenever

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they came to visit me in prison and they would also go to my wife's work place and threaten her.

Tamirat was no exception to intimidation and verbal threat, threats against once family, being put in "Chelema Bet" or dark cell, forced to witness other inmates being tortured and mock execution. In support of what has been said by Yosef, Tamirat's experience is written below:

Prison officials at that time gathered 24 prisoners including me, took us to an underground cell and then their leader took out his gun and pointed on us and said, *One day if we either get bored or if some riot arises in the prison, we will come and kill you all because you are the top 24 notorious prisoners.* Then they put us in 4 different cells with 6 prisoners in each cell. My older sister was continuously threatened and was even prisoned for some time. Beside the verbal threats she was forced to close her shop because they threatened the people who came to buy from her and ordered them not to use her shop anymore and they taxed her more money than what was right legally. Due to this she really struggled to survive. The house my mother owned in the rural area was tore down and now she is forced to live with me. Most times prisoners are put in a dark cell which lasts for days to few weeks, but I was in a dark cell for all of the nine months I was in meakelawi. As a result, my skin colour even changed and when the prison officials fill the release form from Meakelawi I was registered as light skin. The only time I see sun light was when they took me to court and even then, they had covered vehicles which we referred as *Bollo*. And the only time I even see an electric light is when they come to torture me. They would come in the middle of the night, blind fold me and put me in covered car and drive off to another place. And when we reach our destination they would take of the blind fold and toss me with

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their feet in to a hole which looks like a grave. They would stand on top of me and say; *you're going to die today* and start to slide soil inside the hole. When it's almost morning they would take me out and return me to the prison. When I was left with 15 – 17 days before I was transferred out of Meakelawi to another prison, I was taken to a ward with smaller number of prisoners and here they used to make me witness while they beat and torture other prisoners.

Ermias and his wife were both teachers and they are considered as a lower-class family according to Ermias. And they used his social and economic status to attack him psychologically and used Ermias's financial status to belittle him and degrade his dignity. And comparing his status to other political prisoner just to make him abandon his political views and give them information. Ermias's family were also victims of threats and abuse. Ermias describes his experience accordingly:

They used to say to me if you're imprisoned for one year, your wife can't even afford to come to see you once a week but if your friends are imprisoned for 30 years they have families that can afford to come and see them every day.

They called me poor (DEHA) እደዛ ደኃ ነኝ ከ አ ገ ር ትበጠጠጣክ መጀመሪያ ልጅቸህን? They used to ask me “Mindinew Keakimih Belay Miyanterarah”.

They have tried to manipulate me with money and house and authority”.

“Whenever I asked to kill they will say በቁምነ አስረን እናሰቃይሃልን እንጂ

አንገልህም After I was arrested military forces intimidated and threatened my wife. And the threat goes beyond my wife. The owners of the school which my wife was working at where also continuously threatened because of me.

They said, *You are employing criminals* wife (ye ashebari mist new mitaserut) and so she was fired from her job. One time after they tortured me for hours and they couldn't get any confession from me they put me in a dark cell.

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Tesfaye's experience of prison also goes in line with the statements made by other participants of the study and he states his experience of intimidation in the prison as follows:

Police used strong words to intimidate me; if I wasn't willing to do as they say. I was given a choice either to abandon my political views or leave my country; or else there would be some danger against me and my family.

Messay was also a victim of psychological torture as the other respondents and the below statement is composed of his own words:

They used to threaten my family if I don't give them information. They had information on the where-about of my family and they would make threats and tell me how they are planning to harm them. And they did also put me in *Chelema Bet* which I stayed most of my time. Most of the time I was forced to witness other inmates getting beaten with sticks and "Goma" Amharic for plastic water pipe.

All of the participants of this study have been intimidated and verbally abused while they were in prison. The intimidation techniques were used to get false testimonies from them, to force confessions out of them or to simply scare them. Almost all of the study participants family were victims of intimidations and verbal threats and were forced to witness other inmates being tortured. The threats were passed either by going to their work places or when they come to the prison to visit them. Even though the time frame differs most of the participants of the study were put in *Chelema Bet* or dark cell. One of the participants of this study was a victim of mock execution.

### **Deprivation of Humane conditions**

The last form of torture considered in this study is deprivation of humane condition. Most of the participants of the study were deprived of at least one of the humane conditions which in general include deprivation of food and water, being held in isolation, restricted movement, sleep deprivation and withholding of medical care. Yosef has described his experience as follows:

I wasn't allowed to go outside and the only time I was allowed was in the morning at 6:00 AM and night 12:00 PM. The rest of the days I was put in a cell all by myself and I was not allowed to socialize with other people. They would dig the floor inside my cell where the mattress is placed and make me sleep uncomfortable position. They would give me a mattress full of flies. I had cholesterol before I was sentenced to Meakelawi and I am required to get medical treatment, but after a while they discontinued my cholesterol medicine. I was refused medical care not just for the cholesterol but for my back pain which I developed while I was in Meakelawi because of the sleeping condition at the prison.

In support of the statement made by Yosef, Tamirat expresses his experience accordingly:

I had asthma before my imprisonment. Because of the room suffocation at the prison I used to get sick all the time so, they would take me to the infirmary to get treated but sometimes the infirmary will be occupied with tortured prisoners needing medical attention I would return to my cell without getting the medical care I needed or they would take me to a place we called Ward and leave me there for the night. And other times they would simply refuse to give any medical care. One time I got very sick, my asthma was back, and my

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legs were infected, and the smell was so bad it was hard for other prisoners to be around me and even then, I didn't get the medical care I needed. They assumed I was going to die so they just transferred me to Kality federal prison not to raise any questions and suspicions. Because there were so many prisoners in Kality if I died they can say I got sick and died among other prisoners. When I was in the dark cell I was deprived of water for drinking and hot water to treat my legs which got infected because of their continuous pulling using `Pinsa` and lack of medical treatment. After I was taken to Meakelawi I wasn't allowed any visitation for more than five months. The bathroom wasn't fit to accommodate people with disabilities and so other prisoners will have to carry me and help me use the toilet. Through time the prisoners built me a mobile toilet with a chair and fabric on top and even when this breaks the prison didn't do anything to fix it, so we tear the side of our bed sheet and fixed the breakage.

Ermias also shares almost the same but not quite form of abuse as the above participants and he talks about his experience as follows:

They won't let me sleep; most times they come in the middle of the night to take you for interrogation which involves beating and hanging. What you can wish for on such times is the moment they are done with you and you can go and sleep and never wake up. Some days they will just slide their police stick on the cell doors just to scare us. The doors are so loud and whenever you hear the sound of the stick on the doors you lay awake all night hopping they won't come for you.

Tesfaye also summarized his experience of being held in isolation and restriction of

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movement as follows: “One time I was in a food strike and they restricted my movement and put in a room alone for days”.

Messay was deprived of the humane condition in ways described below:

I was not allowed to go outside, I was in *Chelema Bet* for most of my time where the only time I was allowed to go out was when they want to torture me. Most of the time they come and take you in the middle of the night and even then, I won't be able to see the day light. Because of the cuffs on both my legs and hand I couldn't sleep at night. I was refused medical treatment for the injuries which I endured because of the physical tortures.

### **Effects of Torture**

#### **Physical Effects**

Because of the sleeping condition in the prison Yosef developed diseases which he has described below:

Due to the uncomfortable position of my mattress and sleeping on plain floor for more than two years I developed severe back pain which is excruciatingly painful. I have developed a disease called Vertigo. My eyes don't see much now because of long weeks in *Chelema Bet* not being able to see the day light.

Tamirat also says he experienced the following physical effects:

They used to pull my decapitated legs using external objects like `Pinsa` and my stich will remove, and this led to an infection of my legs. Due to the beatings I have Scars. Physical disability: I believe due to the unethical and unequipped doctors of the Police Hospital my legs were decapitated three times and I would say I was tortured before I was even taken in Maekelawi.

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Ermias says torture caused him to have the following physical effects and he describes his experience as follows:

Due to the continuous beatings and punching blood used to come out of my ears and I lost complete sense of hearing in my one ear for long time. It took five years of treatment to get my hearing back but still I can only hear partially. I also experienced huge damage to my legs and I had to use crutch for 3 months. After continuous medical treatment I started walking without it. But sometimes when the weather is cold and when I do heavy activities or exert too much pressure on it, I start to feel pain on my legs. Also scaring on my body parts.

In support of what has been said in the above statements to the rest of the participant's state they have scars and slight deficit in sight as the physical effects. "I was in "Chelema Bet" for most of my time and this created slight defect in my sight. The long hour beatings caused me to have scars on my body".

Participants of the study due to the physical and psychological tortures inflicted on them they experienced different kinds of physical effects. These physical effects include musculoskeletal pains, disease like vertigo, Visual problems, physical disability, loss of hearing, leg pain, reduced function of the leg and scars.

### **Psychological Effects**

Due to the physical and psychological tortures inflicted on him, Yosef has developed different psychological symptoms and he expressed his experience as follows:

I would get frustrated and anxious when so many people are around. When I sit in my office I have the need to lock the door with a key just to feel at ease.

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When I get so stressed while I was in prison I would try to do different things to put my mind off things but now I can't read or do things because I can't seem to concentrate for long. Sometimes I plan and try to do things, but I can't because I have difficulty concentrating. I sometimes do very weird things when I am out with people like; I might leave in the middle of a conversation, I will laugh without any thing funny happening or try to make others laugh. I get upset so fast about things which are very silly and not upsetting. I get either so excited or so depressed. I get so many thoughts which are so unorganized and that creates chaos in my mind. I can't engage in a serious situation because it will get stressful.

Tamirat also says torture caused him different psychological effects and he talks about it as follows:

As a disabled person you will always deal with the psychological damage for the rest of your life. For e.g. I cannot easily move to places like other people, so this by itself makes me feel like a prisoner. When someone is doing something the wrong way like fixing things I want to show them by doing it myself, but I couldn't so I fight with myself and also, I shout on that person. When I see something dropped on the floor I want to move and pick it up, but I can't, and this frustrates me. My feelings easily get hurt. I get so upset and irritated easily. I tried to kill myself while I was in Meakelawi. I stopped eating for almost a week hoping it would kill me. At that moment dying felt like my graduation, or like dying after a long time fighting a war like some prideful act. I feel depressed, since my release I have been surrounded by people and all I want to do now is just go somewhere and talk with myself.

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Ermias

They used to strip him naked in front of so many people including females and make him stand there and splash water on him, throw water bottles, slap me and bully me. This made me feel humiliated and so ashamed and lead me to try to kill himself and I even begged them to kill me. All I kept wishing for was the moment I never wake up. I tried to throw myself from the third-floor building. Before and after my release I have nightmares most nights. Seeing police and security forces triggers the feeling I felt while I was in prison getting tortured. I also developed extreme hate and despise towards them. My body is also very weak now compared to what it used to be.

Tesfaye

After my release some of my relatives, friends and workmates distanced me because of my imprisonment related to my political views. I felt lonely, hopeless and helpless. Then after I developed some kind hatred about the way many Ethiopians viewed politics and decided to distance myself from involving in Ethiopian politics.

Messay: "I had suicidal tendencies during my time in Maekelawi.

The psychological effects which participants of the study experienced and are still experiencing include: Frustration, anxiety, stress, difficulty concentrating, depression, hypersensitivity, suicidal tendencies, nightmares, post-traumatic stress disorder, fatigue and feelings of hopelessness.

## CHAPTER FIVE

### Discussion of the Major Findings

#### Introduction

This section is devoted to the discussion of the findings under different sub themes in light of the research objectives and research questions. In addition, the researcher will indicate which points of the new finding in this study is similar and contradicts to the previous findings of studies conducted by scholars stated under the literature review part of the study.

Based on the widely used definition of torture of article 1 of the United Nations Convention Against Torture (UNCAT), the acts inflicted on the participant of this study is considered as Torture. Taking in to account the elements which are used to qualify one act as torture like the nature of the act which states the acts inflicted should cause severe pain and suffering. According to the findings of the study the acts inflicted on the participants of the study caused them to have severe pain and suffering. Intention of the perpetrator which entails Pain and suffering must intentionally be inflicted to the victim. The finding of the study indicates the acts the participants of the study experienced were in-fact done intentionally to cause them pain and suffering. Purpose – this indicates the different purposes one act of ill-treatment must fulfil to be considered as torture which include: extracting a confession, obtaining from the victim or a third person information, for punishment, for intimidation and coercion and for discrimination. Based on the study finding the acts inflicted on the study participants were used either to gain information about the political party they are involved with, for gaining false confession from them, to intimidate them or just for punishing them. Involvement of public officials or assimilated: states an act inflicted at the initiation of a public official or another person acting in an official capacity is considered as

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torture. Findings of the study confirms every act inflicted on the participants of the study are done by prison officials and Individuals who are not particularly working in the prison but were acting in an official capacity. Based on the relation made in the above statement all acts inflicted on the participants of the study are considered as Torture.

The finding of this study shows that prisoners of Maekelawi were victims of different forms of torture. This is incongruence with the finding of (Human Rights Watch, 2013) in its report on torture and ill-treatment in Ethiopia's Maekelawi police station which confirms on the prevalence of detainees suffering from all manners of abuses including torture.

### **Physical Torture**

The finding of this study confirms that these forms of physical torture were repeatedly inflicted on the study participants while they were in Maekelawi; beating, hanging of their wrists from the ceiling often while being beaten, suffocation, exposure to extreme cold, tying of their hands to a chair or a table, dragging and rolling them on aggregate floor, using tools to pull their body part. The current study finding goes in line with the (Human Rights Watch, 2013) report which documented repetitive slapping, kicking, punching and beating with sticks and gun butts, being hung by their wrists from the ceiling or being made to stand with their hands tied above their heads for several hours at a time, often while being beaten as forms of physical torture used on prisoners of Maekelawi. In support of this Justice Project Pakistan & Allard K. Lowenstein International Human Rights Clinic (2014) on their report about police brutality and torture in Pakistan prisons stated hanging of their wrists from the ceiling often while being beaten, severe beating, suspension as few forms of torture used on prisoners.

### **Psychological Torture**

The current finding on the psychological forms of torture used on the study

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participants attested that: prisoners usually get verbally threatened and intimidated to get false testimonies or to force confessions out of them, they were also verbally abused, their families were victims of intimidations and verbal threats, forced nudity, forced to witness torture of other prisoner, being subject to long period of interrogation and victim of mock execution. Justice Project Pakistan & Allard K. Lowenstein International Human Rights Clinic (2014) report on policing as torture in Pakistan prison matches the finding of this research by stating Mock execution and forced to witness torture of other inmates as forms of psychological torture applied by prison officials. Also, The Centre for Victims of Torture (2011) listed intimidation and verbal threats, threats against one family as forms of psychological torture being used in the U.S prisons.

### **Deprivation of Humane conditions**

The finding of this study confirms that all of the participants of this study where deprived of their rights of visitation from family and friends, they were also held in isolation (solitary confinement), denial of appropriate living condition, restricted movement, blind folding, sleep deprivation and withholding of medical care. This finding goes hand to hand with the report by the Centre for victims of Torture (2010) on the effects of psychological Torture which states almost all of these forms of torture as being used by the U.S.

### **Effects of Torture**

The finding of the study confirms due to continuous exposure to physical and psychological torture participants of the study experience physical, psychological, emotional and social effects.

### **Physical Effects**

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Participants of the study due to the physical and psychological tortures have been affected physically. These physical effects include musculoskeletal pains, disease like vertigo which makes a person dizzy and difficult to maintain erect position, Visual problems, physical disability, loss of hearing, leg pain, reduced function of the leg and scars. According to the report by The centre for Victims of Torture (2011); back pain, hearing loss, visual problems are listed as the physical effects of torture.

### **Psychological Effects**

The psychological effects which participants of the study experienced and are still experiencing include: Frustration, anxiety, stress, difficulty concentrating, depression, hypersensitivity, suicidal tendencies, fatigue, nightmares, signs of post-traumatic stress disorder, feeling of hopelessness. This finding of the study is similar with a report done by the centre for Victims of Torture (2011) which states difficulty concentrating, nightmares, insomnia, memory loss, fatigue, anxiety, depression and posttraumatic stress disorder as psychological effects.

### **Implication of the study**

The findings of the current study indicated that former prisoners of Maekelawi were victims of both physical, psychological forms of torture and were deprived of their humane condition and as result they suffer from physical, psychological, emotional and social effects.

The recommendation forwarded in this study emanated from both the researcher and from the ideas which was forwarded from the study participants during the interview. The researcher has a strong conviction that the issues raised in the research can be rectified with commitment from concerning bodies and continuous follow-ups, if the following recommendations can be considered.

### **Implications for Social work**

This research is focused on torture and its effects on former prisoners of Maekelawi. It has clearly depicted that former prisoners of Maekelawi were tortured and being tortured caused them to suffer from physical, psychological, emotional and social effects.

The contribution of social workers in the criminal justice system in Ethiopia is limited to the court. At the very core of social work is the principle that every human being has inherent dignity and worth and that everyone, regardless of ethnicity, creed or social class should be treated in a caring, respectful manner and have access to basic human needs and services (National Association of Social Work, "Code of Ethics") this includes all people who are incarcerated. Correctional social workers can play a vital role in monitoring prison practice and conditions. Therefore, the school of social work should work closely with the Ministry of Federal Affairs to accommodate social workers in the prison system. Having correctional social workers in the system will help address unethical conduct and discrimination against prisoners which have been confirmed to exist by this research and others.

### **Implication for Research**

To the best of my knowledge, I have not seen any study in Ethiopia which focuses on effects of torture on former prisoner and the researcher believes this topic should further be studied. The researcher also believes that researches should be conducted on prison systems

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and structures to find the best way to facilitate an environment to embark on protection of prisoner's right, avoid prisoners suffering from the after effects of torture.

To avoid prisoner suffering from deprivation of the humane condition, researches should be conducted on the services and facilities present in prisons of Ethiopia.

### **Implication for Policy**

Amend the Charities and Societies Proclamation and the Anti-Terrorism Proclamation to bring them into line with the Ethiopian constitution and Ethiopia's obligations under international law regarding freedom of association, expression, and peaceful assembly.

### **Implication for Practice**

The FPA should also allocate sufficient budget to build facilities which can accommodate the usually overcrowded population of the prison and people with disabilities.

Therefore, the FPA must allocate the necessary budget to build sufficient accommodation facilities which include well-equipped and bigger medical facility, sufficient number of cells to avoid extreme overcrowding.

The FPA must design and facilitate an environment in which it can make a prison staff aware of the prohibition on torture or cruel inhuman or degrading treatment or punishment in the pre-recruitment training to be provided for the. Particularly prison authorities also must use this prohibition as their main slogan in every activity of the prison community.

Both the FPA and particular prison authorities must arrange on-work human rights, particularly related to the treatment of prisoners, training for the prison wards with assistance from different NGO's working on human rights.

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Concerned bodies should make sure to arrange access to prisons for NGO's working toward the rights of prisoners to ensure the violation of prisoners does not take place.

Compensation should be paid to prisoners who have been victims of torture.

Life skill trainings should be given to prisoners while before and after prison to minimize the hardship of integrating with the community.

**REFERENCES**

**Appendix**

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