

Statement Issued by Detained Ethiopian
Muslim Community's Arbitration Committee Members

Monday December 23, 2013

About 1,400 years ago, Ethiopia had been able to establish a just order far better than the order that the 21st century society has established. Prophet Muhammad (Peace Be upon Him) aptly described the then Abyssinian (Ethiopian) King as, "a King in whose realm no one is wronged." The degree of fairness, truthfulness and civility one must exhibit to establish a just system worthy of such Prophetic praise is obvious. The just system that had been in place at that time in this land of ours was able to provide a safe haven for those [persecuted early Muslims] who were in dire need of a place of freedom and justice, thus transcending the bounds of time. However, the tragic situation that we are currently in would compel us to inquire: "Why is our country, which had been the flagship of justice at a time when people had limited awareness, turning a blind eye when the prevailing thrust in the rest of the world is towards democracy and justice?"

Justice is a deeper truth that unravels the secret of our humanness thus demanding everyone to realize it for the benefit of all (fellow creatures) regardless of time, space and situation, and without discrimination based on religion, country of origin or ethnic background. Although the notion of Justice is upheld both by worldly and divine laws, unfortunately, injustice and oppression are rampant in the real world today. Oppression that used to be openly perpetrated as a policy by tyrants in the past is being committed by modern day tyrants who at the same time preach justice, freedom and equality, thus making the lives of their people more miserable.

Although the [Ethiopian] government frequently speaks on the media and every conference about justice and democracy, the reality on the ground is extremely hard to believe. While it (the government) is actually committing inhumane excesses that dictators at any era commit, it tries to justify its actions under the pretext of "guarding the morals, laws and positive values that the public cherishes." Our compatriots who demanded for the respect of justice and freedom are either incarcerated or dead or forced into exile. It is very ironic that these excesses are perpetrated in the name of upholding public moral, positive values and the laws of the land.

The Ethiopian people and the international community know that the demands the Muslim community made to the government through their representatives are clear, simple religious and constitutional rights. However, the government, pretending to be more Catholic than the Pope, and as if it is the only entity that worries for the nation's security and peace and presenting itself as the sole guardian of the constitution, has tried to distort our legitimate demands. The constitution is mainly an instrument meant to prevent the government from abusing its power. Hence the people need the constitution far more than the government to protect their rights and assure peace and justice, while limiting the government's ability to abuse its power. Hence, it is the government rather than the people that is prone to violate the constitution since it has the means and the power to do so.

Although we knew that the government was well aware from the outset that the Muslim community's demands have no hidden motives, we made our goal and demands clear to all in a timely manner in a bid to avoid undue confusion. In spite of this, however, the government that was supposed to promote peaceful co-existence among different nationalities and religions was, and still is, engaged in efforts to incite intra-Muslim as well as inter-religion violence. This dangerous and ignominious move could only be foiled with the maturity and moral strength of our people. The matured stance adopted by the dignified people of Ethiopia vis-à-vis the Muslim community's rights movement was worthy of praise. This mature public response has successfully reversed the government's ill attempt that could have led Muslims and Christians into conflict, and reasserted our peoples' capability to maintain their long-standing peaceful co-existence through their farsightedness. The

day when this glorious phenomenon will be related and passed on to posterity as part of our history won't be long.

As the Muslim community steadfastly endures the multifarious abuses, the government has kept on its illegal moves with typical stubbornness despite peaceful popular resistance and in total disregard to the well being of its citizens. As a result, it has subjected the people who raised the three demands as well as their representatives to incarceration, exile, untold sufferings and death. Our three demands were: (1) "The government should stop interfering in our religion; (2) The unelected leadership of the Ethiopian Islamic Affairs Supreme Council must be removed and a fair election be conducted; and (3) the government must stop trying to forcefully impose a new belief that we do not accept!"

Article 17, sub-Article 2 of the FDRE Constitution says, "No person may be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him." However, when the security officers made illegal arrests, they commit excesses, beatings, harassments and tortures that shouldn't be carried out even against a captured armed enemy. They arbitrarily arrest people with no warrant from the courts. They engage in illegal search on individuals' houses in the evening hours. Needless to say the violent behaviors they display during such searches traumatize families including children. Although all these illegal actions are intended to instill fear and force the people to back away, the legitimate peaceful movement has gained momentum, and they have become more fearless and ready more than ever to pay the ultimate price for peace, freedom and justice.

Article 18, sub-Article 1 of the Ethiopian Constitution says that "Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment." Though the constitution stipulates this, however, once arrested, we were detained for three successive months inside a very cold dark room known as "Siberia" - so called because of its unbearable coldness. It was so cold even in the summer that we were even tempted to question our status as citizens of the nation that allows this cruelty. Our torturers used the most unbearable methods of torture and coerced us to confess and sign about something we never did and dreamt about.

When we were brought to the court, we explained to the judges the sufferings we were subjected to hoping they could at least order the vicious acts to stop. However, upon our return to Maekelawi Prison, what awaited us was more vengeance and brutality in the hands of the investigators. After looking into the sufferings we went through and the charges leveled against us, the court did order for our release on bail. However, the Police ignored the court's order and refused to respect our bail rights. When we mentioned about Constitutional rights, the investigators would respond saying, "tear the constitution and throw it into trash", and remind us that they "seized power through sacrifice" etc. thus showing us that they have little respect for the rule of law and human dignity. All the sufferings that we have endured on the other hand have reinforced our belief that we should push on our peaceful struggle to ensure respect for the constitution, and to strengthen our determination and commitment further to realize that goal.

Article 19, Sub-article 5 of the Constitution says, "Persons arrested shall not be compelled to make confessions or admissions which could be used in evidence against them. Any evidence obtained under coercion shall not be admissible." Accordingly, we had filed complains while we were still at "Maekelawi" [Central Crime Investigation Facility] about the anguishes and sufferings that we were subjected to. We made it clear to the court that statements that we gave and signed at the investigation center were produced through coercion and demanded nullification thereof. However, our plights were deliberately ignored and we were denied appropriate response. Later on, after we were charged, we raised and presented the issues to the court once again, and we are still waiting for the court to address them through a hearing process.

The violations committed against our rights to be visited by family members, lawyers and physicians, as well as

the vicious acts they subjected us to: coercing us to sign and incriminate ourselves and record our voices and images are inhumane acts punishable by up to 10 years of imprisonment, according to Article 424 of the Ethiopian Penal Code. We have suffered extreme psychological and physical abuses in their hands at the Maekelawi detention facility. They forced us to stand upright for more than 14-hours without any break; they lashed our backs with wire leaving it with bruises and scars; they chained us and blind-folded us and turned us upside down and whipped our bare feet; they employed such cruel investigation techniques including beating us day and night thus depriving us of sleep; they tried to humiliate our religion and dignity; they grabbed and deracinated our beard by force; they compelled us to shave; they prevented us from observing our daily prayers and meeting family members, lawyers, physicians and religious mentors; they coerced us to do physical exercise that is beyond our capacity; and they kicked our private parts. Moreover, they threatened and traumatized us with such brutal statements as "we will kill your child! We will torture your wife in front of you! We will hang a bottle full of water on your private part and make you sterile!"

As if all these brutalities were not enough, they indicted us citing an article in the criminal code that carries the highest level of punishment. While our demand is for the government to "Let the Constitution Be Respected!", instead, they accused us of "conspiring to dismantle the Constitution." While our movement is absolutely peaceful, they charged us with "making statements like "all beliefs other than ours should be eliminated from the country." While our demands strictly pertain to religious rights, the government accused us "of having a hidden political agenda" and tried to denigrate our peaceful movement. While our demand is "for the unelected leadership of the Islamic Affairs Supreme Council to be removed, and a fair election be held," they charged us with making statements such as "Down with the government! No to the government!" etc.

The charges the prosecutor filed against us are full of legal fallacies and illogical ideas that even a layman, let alone a lawyer, can easily point to, so much so that statements and words that have never been designated illegal are referred to as criminal. The charges are so mundane they could very easily discredit the status of the nation's justice system. Although we presented our objection to the anti-Terrorism Law as well as to the charges pointing the multiple legal errors, the verdict given by the judges made the case even more obscure and unnecessarily complicated.

The innumerable violations and injustices that we have experienced were capable of wearing down all trust in the justice system and withdraw from the process altogether. However, knowing very well that the charges leveled against us are far from the truth, we persisted and entered into the process in a bid to prove to our people on the arena of justice that our demands are nothing but about our constitutional religious freedom, and that our movement is absolutely peaceful.

Article 20, sub-article 1 of the FDRE Constitution provides that "Accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged." However, the government, fearing that its poorly-played-out court drama could be exposed to the public, resorted to hide behind closed door sessions thus violating the country's supreme law. During those closed door hearing sessions, we have seen much drama. We have witnessed instances where prosecutors refused to accept a verdict by the judges. In what might be an instance of tongue-slip, the prosecutors revealed that they coached witnesses what to say in the court etc. During such moments we were indeed wishing "how great it could have been if there were journalists and diplomats! How great it could have been if our people were present in the court!" ... Yes, we only wished!

There are legally prescribed rights that every convict as well as suspect should enjoy at a detention facility. However, those written rights do not materialize on the ground. The situation is even worse on prisoners of conscience. Rights are replaced by punishment. In addition to the common problems that we share with other inmates, the abuses that we have particularly suffered out of hatred and sense of vengeance are disheartening

to any sensible observer. We are prevented from being visited by our family members, except by a few of them. They have discriminated against us by shortening the duration that we could be visited in a day to only 20 minutes. There is a detainee among us who is totally prevented from being visited by his children and families. Most distressing of all, there are detainees who are in poor health who have been referred by a physician to see a specialist at a hospital, but were prevented, and also those in need of surgical operation, and those who need immediate medical attention due to the severe injuries they sustained from the beatings at Maekelawi but still remain denied proper medical treatment and ever crying for justice for more than a year and four months now. Although we have appealed to the pertinent courts about the various discriminations and abuses we have been experiencing, the prison authorities have failed to appear in court ignoring the courts' summons three times so far.

Since the start of the Muslim Community's Peaceful Movement, the government has continued violating the rights of business owners, students, members of the civil service, religious scholars, teachers, as well as Islamic institutions without any compunction and in contravention to the constitution. On the day of Eid Al-Fitr, the festival marking the end of the fasting month of Ramadan, the government carried out an unforgettably heinous crime indiscriminately brutalizing the Muslim population in Addis Ababa and other parts of the country, thus overshadowing with great sadness a day that was supposed to be one of great joy and festivity. It carried out indiscriminate detentions, killings and brutal attacks resulting in permanent physical injuries against our beloved compatriots and families. All these brutalities reveal on the one hand the government's atrocities and the absence of rule of law in the country, while on the other hand demonstrate our peoples' commitment and unflinching determination.

While injustice is abhorred in all religions, cultures and traditions, paying sacrifice for the respect of freedom and one's rights is highly revered. Therefore, we would like to pay our highest respect for those of you who have been exiled because of your stance for religious freedom, and those of you who have been beaten up senselessly and jailed, and those who lost your loved ones for the same reason. The sacrifices that you are paying today will certainly be the foundation stone for the religious freedom and equality that will ultimately prevail in our country.

We would also like to express our deepest respect and gratefulness to our elders, religious leaders and teachers (and particularly the youth and women) who, for the last two years tirelessly demonstrated their commitment to their religion and made this historic peaceful struggle a reality without giving up despite the intimidations, harassments, imprisonments, beatings and killings, and most importantly steadfastly holding on to the line of peaceful protest. We are very happy and proud of what you have accomplished so far.

Our Ethiopian compatriots, especially followers of Christianity, who disregarded the government's ill attempts to incite inter-religion conflict and looked into the issue with a matured and serene approach as well as strived to understand the reality, we are very grateful to you as well. In fact, of all the examples that have been cited in the past as regards our mutual tolerance and peaceful co-existence, the mutual respect and unity that we have been able to demonstrate in the last two years holds a big place. We strongly believe that this strong national unity will further be strengthened and serve as a vehicle for the development of our mother land.

Moreover, we appreciate the commitment of journalists who strived to understand the realities of our peaceful movement for our rights and identify the government's ill-advised and unconstitutional moves, as well as for the positive attitudes you exhibited and constructive criticisms you opined on the process of the movement. You did these in an environment where freedom of the press is severely and ruthlessly restricted, and in spite of the intimidations and threats that you face on a daily basis. Allow us to express our sincere gratitude to you too!

To our exiled compatriots, Muslims as well as followers of other religions, who have been striving to contribute your share out of a desire to see the day when justice and freedom prevail in our homeland, we are extremely grateful to your sacrifices and contributions.

Overall, we would like to express our appreciation to the Ethiopian people as a whole, the business community, farmers, pastoralists, students, women, men, the youth, the elderly and others, and to those in the government structure including: judges, prosecutors, police officers, members of the army and the parliament who have relentlessly voiced opposition to the government's unconstitutional and irresponsible conduct.

Our Message

1. We urge [all Muslims and Christians] to keep preserving on a solid foundation the unity and mutual respect demonstrated among Muslims as well as between Muslims and Christians that came about despite the government's efforts of creating discord and enmity. For the country to come out of the current turmoil and stride on the path to prosperity, true freedom of religion, equality and mutual respect among people is a prerequisite, not an alternative. In order to prosper together, we must replace fear and suspicion by love and trust.

2. We would like to affirm to our people and the government that we are ready to pay all the necessary sacrifice to continue our peaceful struggle for our inalienable rights. We and our people are in full gear and preparedness for the next round of the peaceful movement for our rights and we express with great and unwavering determination that we will not back away from paying all the necessary sacrifices required of us.

3. We urge the government to stop its unconstitutional adventures and acts, including the indiscriminate jailing of Muslims, confiscation of mosques, false accusations and labeling religious personalities, journalists and rights activists as "terrorists", and a host of other violations of constitutional rights. We also urge the government to stop the inhumane practices and demand for the release of prisoners of conscience at "Maekelawi" (the Central Crime Investigation Department) and other detention facilities. We would like to express that it is our earnest wish to see that all the people of Ethiopia enjoy the fruits of true peace, justice, democracy and development.

Finally, we appeal to all concerned to carry on the peaceful struggle forward in a civilized and well-planned manner and in a much more effective way than it has been so far with utmost commitment and determination until true justice and freedom are achieved. We have no doubt that victory and success will be ours at the end of the day through our peaceful struggle.

Cc: To all local and international print and electronic media outlets