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Code: 3385

“It is a Grave Where a Person is Buried Alive”: Experiences of Oromo Political Prisoners under the Criminal Justice System of Ethiopia during the EPRDF

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Citation: Wario Wako, Obsitu Duba, and Nega Jibat. (2023). “It is a Grave Where a Person is Buried Alive”: Experiences of Oromo political prisoners under the criminal justice system of Ethiopia during the EPRDF. *Ethiop.j.soc.lang.stud.* Vol. 10.No.2, pp. 145-161

eISSN: 2408-9532; pISSN: 2412-5180. Web link: <http://journals.ju.edu.et/index.php/ejssls>

Publication history: Received in revised form: 14December 2023 ; Published online: 26December 2023

Subscription (electronics): Submission fee: Free of payment; Accessing fee: Free of payment

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Abstract

This study aims to narrate Oromo political prisoners’ lived experiences of imprisonment under the criminal justice system of Ethiopia during the Ethiopian People’s Revolutionary Democratic Front (EPRDF) regime. It mainly focuses on a political prisoner’s narration about the system’s handling practices. The experiences of other prisoners obtained from different sources were also analyzed to supplement the narration. Using a phenomenological research approach, primary data were generated through in-depth interviews with the political prisoner from Borana who spent nine years in prison during the EPRDF ruling system. Moreover, a review of secondary materials such as related literature and media sources was employed, and the data were thematically analyzed. The findings showed that the treatment of Oromo political prisoners in the criminal justice system during the EPRDF was unjust and the handling practices were excessively inhuman. The system was oppressive and served as an instrument of oppression for the ruling party, not as a justice institution fighting crime to ensure societal order. Also, the findings revealed that, apart from punishment, the Ethiopian prison processes and practices do not take principles of justice and due process models of criminal handling into account. The study concluded that there were challenges to due process of law and extreme violations of human rights in the system. Finally, the study recommends that the criminal justice system should consider justice and due process of law in handling political prisoners. Moreover, the criminal justice system should have forensic social workers who provide social services, promote the improvement of social justice, and strive to minimize injustice in the system.

Keywords: /Criminal Justice System/EPRDF/ Ethiopia/ Experiences/Narrative/ Political Prisoner/

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1. Introduction

The criminal justice system (CJS) is fundamentally the best mechanism of social control, as society considers some behaviors risky and destructive. Thus, it either strictly controls their existence or outlaws them outright (Roy, 2018). Criminal procedure regulates the whole process of arrest, investigation, trial, and punishment of offenders, protecting the constitutional rights of those apprehended for violating the criminal law, and it also helps to protect the rights of a suspect or an accused person (Aderajew & Kedir, 2009). Different scholars define the concept of the criminal justice system differently. For instance, Morris (1969) defines the CJS as the system of law enforcement, the judiciary, corrections, and probation that involves the attesting, prosecution, and sentencing of those suspected of or charged with criminal offenses. This scholar stated that the main objective of the CJS is to keep the security of the people. In connection with this, Sinha (2019) states that CJS consists of all the agencies that are concerned with arresting and dealing with defendants who violate the criminal law. In line with this, May and Minor (2008) argue that criminal law should approximately punish those who violate recommended standards of conduct. Besides, the functioning of justice institutions is indispensable to fight and prevent crime and protect human rights (Halili, 2014).

The major components of the CJS are the police, prosecution, attorney, criminal court, and correctional centers. In principle, these are expected to play vital roles in fighting crimes while protecting the rights of suspects and offenders. The first contact a defendant has with the CJS is usually the police, who make apprehensions and investigate the suspected crime. The police bring their records of investigation to the prosecution's office, which include the grievance made (by the victim or others), the statements of witnesses, and the prior record of the accused. A prosecutor weighs this information and decides to proceed. Weak cases may be dropped or sent back for additional investigation, and more complex cases may remain under continuing investigation by the police (Roy, 2018). After the decision is made by the prosecutor, the criminal court ensures that due process is met (May & Minor, 2008). The courts serve as the place where disagreements are settled and justice is administered (Roy, 2018). The court imposes sentences as authorized by the criminal statutes. Sentencing is the legal process that anticipates the correctional function. A sentence helps criminals with retribution, incapacitation, deterrence, and rehabilitation (May & Minor, 2008). Correction may involve the removal of the criminals from the general population and inhibitions of their ability to perpetrate further crimes, to offer criminals a chance to be rehabilitated, to get vocational training, and thereby to earn a legitimate living when they are returned to their community (Roy, 2018).

Criminals deserve proper treatment in all contacts they have with the CJS, and due process of law serves this purpose. That is, they also deserve justice under the control of the CJS. The FDRE constitution (1995) emphasizes the safeguarding of persons under detention. Article 19 sets out that a person taken into detention must be brought before a court within 48 hours and informed, in a language they understand, of the reasons for their arrest. However, according to the report by Human Rights Watch (2018), prisoners in Ethiopia face a brutal daily schedule of physical and psychological abuse and deprivation and a weakened physical state from overcrowding, sleep deprivation, lack of witness, inadequate food, poor sanitation, absence of health care, prohibition of access to family, and absence of freedom of expression. Moreover, prison guards removed prisoners from their cells during the night and later returned them injured, bleeding, shaking, crying, and even some of them died in the cells.

These conditions were widely broadcasted on mass media outlets immediately before and after change of the regime in 2018. VOA Africa reported on January 15, 2018 that Ethiopia would free 528 people arrested during anti-government protests, as announced by Ethiopian General Prosecutor Getachew Ambaye. The Guardian, in January 2018, added that "*Ethiopia 'pardons 2,000 prisoners' jailed over Oromo protests*," thereby pointing out that hundreds have died in the protest and successive waves of repression since 2015. Victims of

the CJS also shared their and their fellow prisoners' suffering experiences in the media. The current Prime Minister of Ethiopia, Dr. Abiy Ahmed, also confessed that prisoners under the EPRDF's CJS were harassed and tortured, and he promised that it will never continue under the new regime. In his own words, the scenario was expressed as "... *the ruling party's security forces had committed "terrorist acts" against citizens, unlawfully "torturing, causing bodily damages, and even putting inmates in dark prison cells"* as quoted by Tsion Tadesse in her views shared on VOA on July 13, 2018 at 9:06 a.m. Reuters, as cited in VOA Africa (August 14, 2018), reported that "*No one knows how many were tortured. But some of those torture victims are now talking openly—to the media, to their relatives, and to their friends—about what happened to them after they were jailed, in many cases for protesting against the government.*" The source reported that Abiy acknowledges that many prisoners suffered abuses, which he has denounced as acts of "*state terrorism*," while mentioning that the torture ranges from psychological torment to the use of water and ceiling hooks. Moreover, the source, referring to Human Rights Watch, indicated that protests against ethnic marginalization and inequality began in late 2015, and tens of thousands of people were detained.

Although there are researchers who have conducted studies on criminal justice procedures, there have been only a few studies regarding the rights of those arrested under the Ethiopian CJS. For instance, Awol (2018) conducted research on the due process rights of suspects during pretrial and the existing challenges under the legal frameworks of Ethiopia. The findings show that the law does not oblige the detention authority to inform the suspects about all of their due process rights. Suspects are not entitled to present with their advocates during police interrogation and preliminary inquiries. Their right to a speedy trial and right to appeal were not safeguarded. It remained an issue for suspects prosecuted before the Supreme Court, as their appeal rights are limited in such instances. This study does not describe the due process rights of suspects during the trial and post-trial periods, and this needs further research. Additionally, Awol (2017) conducted research on the procedural safeguards and fair trial rights of detained persons during pretrial crime investigations in Wolaita Zone, Southern Ethiopia. The findings show:

Detention authorities don't conform to procedures prescribed by law to detain suspects; they do not inform detained persons of their human rights; they don't bring them before a court of law within the prescribed time; they don't allow them to communicate with a legal counselor of their choice; they don't provide free legal service for those unable to afford the service privately; and they don't provide the assistance of a language interpreter during police interrogation for those who are unable to understand or speak the language used by the court (p. 1).

The above study focuses only on the rights of detained persons during pretrial crime investigations and does not address trial or post-trial, which needs further research. Addisu (2012) conducted research on the human rights of detained people in Addis Ababa using mixed research methods. The finding shows that detained persons faced many challenges, such as high levels of overcrowding, disease, malnutrition, lack of sanitation, lack of segregation by age, illness, and categories of criminals, lack of organized and continuing education and training, and the absence of viable compliant hearing mechanisms. However, the study doesn't describe the due process rights of a detained person during pretrial and post-trial, and it focused only on the life situation of prisoners.

Generally, the above researchers have not studied comprehensively the due process rights of detained persons during pretrial, trial, and post-trial. Therefore, this study attempts to fill knowledge gaps about the due process rights of detained persons during pretrial, trial, and post-trial by narrating the due process of a detained person. The objectives of this study were to describe the due process of law for the Oromo political prisoners in

Ethiopia during the EPRDF and to assess the life situation of the political prisoners in the Ethiopian prison center during the EPRDF.

2. Research Methodology

The study employed a phenomenological research design. Using a purposive sampling technique, a participant was selected from Yabello town, Borana Zone, Oromia National Regional State. The data for this study were collected in 2020. As a primary data source, the informant narrator was an Oromo political prisoner who spent nine years in prison during the EPRDF ruling system. The data were collected through repeated in-depth interviews. Moreover, the experiences of other political prisoners were gathered from secondary sources, including related literature and authenticated media sources.

Narrative research that falls within the constructivist paradigm (Ntinda, 2018), although some categorize it with the postmodernist paradigm (Mitchell and Egudo, 2003), is an umbrella for several approaches that emphasize individuals' written, spoken, or visual representations to express their stories (Clandinin & Huber, 2010). Narratives provide opportunities to gain insights into the lived experiences of individuals and thus can illuminate an understanding of the 'field' or culture as a whole. Therefore, human beings are storytellers who live storied lives on storied landscapes (Sarbin, as cited in Shaw, 2017), and it is through inquiry with these stories that the researchers and participants together can explore what it means to experience certain contexts, in certain times, and with certain others.

Accordingly, we explored the lived experiences of the study participant in his context at a time that was convenient to him. Josselson and Phillip (2021) stated: "Narrative analysis is an inductive method that contextualizes understandings about the narrative as a whole, its constituent parts, and the social location(s) of the participants" (p. 7). Therefore, we analyzed the participant's narration to identify the meanings that he provided for his experiences by following the features of narrative analysis. Narrative research can involve individuals or groups to narrate the stories obtained from them (Shaw, 2017).

Mitchell and Egudo (2003) also argue that the narrative approach is applied to individuals or groups. The study employed non-probability sampling, specifically the purposive sampling technique, to identify the research participant. In this study, we employed a one-person narrative research participant to understand his lived experiences in the social and political context of the time. The number of participants as informant-narrator was limited to one because we intended to undertake a deep analysis of a typical Oromo political prisoner's self-narration about one's experiences in relation to all institutions of the CJS.

A criteria-based selection process was followed to recruit the typical case that include the case is publicly known as political arrest; he/she had passed through all institutions of CJS (the police, the court, and the prison), and he/she believes that his/her arrest is merely a political cause. The first and second authors are familiar with the homeland of the participant, Borana, so they could easily identify an appropriate case based on the suggestions of the community members. The second and third criteria were confirmed from the narrator's reports and positions, respectively, once he was suggested as an appropriate case.

To have an in-depth understanding of the lived experiences of the participant, an unstructured interview guideline was very crucial. Hence, we have applied in-depth interviews with unstructured interview guidelines. Two interview sessions were conducted in Afan Oromo; each interview session took up to an hour and 30 minutes. The data was audio recorded by a voice recorder, and transcribed verbatim, and translated into English. We coded the transcribed data into themes or categories using the open, axial, and selective phases of coding processes. Narrative analytical and interpretive approaches with thematic analysis techniques were used. Interpretation of the data began with selection of the story and initiation of the data collection, which has continued throughout the research activities. Thus, story, re-story, coding, categorizing, and searching for

patterns in the data produced the final themes of the study findings. A critical review was simultaneously conducted on different secondary materials to supplement the narrative data.

The result of narrative inquiry produces a text that is open to the subjective understanding of the reader and also as closely associated with the participants' subjective understanding of themselves as possible. Recognizing and fulfilling relational responsibilities is very important to produce credible findings from the study because narrative inquiry requires that the researcher and the research participants develop and maintain a caring, respectful, and reciprocal working relationship (Shaw, 2017). Thus, having a friendly, informal relationship with the participant was the essential approach to generate dependable findings from this study. The participant's privacy, rights, and dignity were respected through the consent of the participant in every decision and participation. Confidentiality of the information is secured by using a pseudonym (Galgalo, which is among the most common personal names in Borana) instead of the participant's actual name. Therefore, the participant remains anonymous in the study process and dissemination formats, including the reports and manuscript.

3. Findings

This section presents the themes that emerged from the data analysis. The interview excerpts are presented in a narrative format common in phenomenology and reflect the life stories of the Oromo political prisoners. The narrator was asked about the types and risk factors of the crime committed, due process of the law, life experiences in the correctional setting, and the release process. The narrative of each story was deeply analyzed thematically from the perspective of the study participant. Galgalo was 42 years old at the time of the interview, and he was married. Ethnically, he is an Oromo from the Borana Zone of Oromia National Regional State in southern Ethiopia. Galgalo completed tenth grade before being arrested. He was arrested for political reasons following the 2010 national election, whereby he had active engagement in Oromo politics as a member of the Oromo National Congress (ONC), which was later renamed as Oromo Federal Congress (OFC). Reportedly, he spent nine years at the Kaliti Prison Center, where he was sentenced to life imprisonment until he was suddenly released after the 2018 popular movement and political reform that resulted in the change of the EPRDF regime. The narrative analysis was informed by evidence obtained from secondary sources about the CJS and other prisoners' experiences.

3.1 Political and Ethnic Based Arbitrary Detention and Inhuman Treatments

Evidence obtained from the primary and secondary sources clearly reveals that political imprisonment and unjust handling of the prisoners under the CJS of the EPRDF were also ethnic-oriented, whereby the Oromo were being targeted.

***“I do not consider myself a criminal”*: Unacceptable reasons of imprisonment**

Asked about the reasons for his imprisonment, Galgalo responded as follows:

I do not consider myself a criminal. I was arrested because of a political cause. Since my political opinion was different from the ruling party, or EPRDF, they apprehended me after the 2010 Ethiopian national election. At that time, I was a supporter of the Oromo National Congress, and all people who opposed the ruling party were labeled as criminals. So, how do I consider myself a criminal just for having political affiliations that oppose the ruling party?

Galgalo conveyed that he is innocent mentioning that supporting any political party or having a different political opinion that opposes the ruling party is a democratic right and not a crime. However, in Ethiopia, people were considered criminal politically if they didn't support the ruling party, or EPRDF, according to the study participant, which implies a principle that supports the existence of only one functional and dominant party in the country. The point here is that this former political prisoner believes that his coming into contact with the CJS was essentially unnecessary and unjust; hence, he does not define himself as a criminal in the real meaning of the term that is violating a legal rule that likely results in punishment. As his sentence, "... *all people who opposed the ruling party were labeled as criminals*" clearly indicates that Galgalo's experience is a typical case that many people opposing the ruling party may share as a matter of fact. There is ample evidence that under the ruling party, many non-criminal Ethiopians opposing the government experienced unjust treatment in the CJS that served the interests of the party rather than those of the public.

However, there are also clues that the unlawful detention and inhuman treatment of prisoners had ethnic dimensions, whereby the Oromos disproportionately received more suffering. Galgalo also had to say "*They insulted me on the grounds of my ethnicity (I mean Oromo), and this created a physical and psychological scar on me.*" This might be the case because politics in Ethiopia is largely framed in terms of ethnic affiliations, and many political parties are organized with strong ethnic sentiments in the ethno-linguistic based federation of Ethiopia. Oromo political parties, including the Oromo Liberation Front (OLF), the Oromo Federalist Congress (OFC), and the Oromo Peoples Democratic Organization (OPDO) are such good examples. Galgalo's imprisonment was also linked to his affiliation with OFC, and OLF that he was allegedly associated with as a terrorist. Actually, his imprisonment was officially framed not because of his membership in OFC but he was wrongly alleged to be a member of the military force of OLF, as he pointed out. Such kinds of false accusations against Oromos were common practices widely in use during the EPRDF regime, as the current Prime Minister of Ethiopia once spoke in public. There is a clue that the majority of Oromo political prisoners encounter similar experiences (homogeneity) under the regime as reported by Amnesty International (2014, p. 10) as:

Amnesty International interviewed around 150 Oromos who were targeted for actual or suspected dissent. Of those who were arrested on these bases, the majority said they were subjected to arbitrary detention without judicial review, charge, or trial for some or all of the period of their detention, for periods ranging from several days to several years. In the majority of those cases, the individual said they were arbitrarily detained for the entire duration of their detention.

According to VOA Africa (on January 15, 2018), "*Most of the prisoners were arrested and charged with terrorism during anti-government demonstrations that started in the Oromia region in late 2015 and spread to other parts of the country.*" Like The Guardian (January 2018), VOA's report reminded us that, the then Prime Minister, Halimariam Dessalegn, promised to release an unspecified number of political prisoners. According to the source, the General Prosecutor of Ethiopia said authorities will set free suspects at the federal level and in the Dilla and Konso districts in Ethiopia's southern regional state. Oromo opposition leaders, Merera Gudina and Rufael Disasa, were among those set to be released. Merera Gudina was the leader of one of the largest opposition parties in the country, Oromo Federalist Congress (OFC).

Awol Allo, Senior Lecturer in Law at Keele University, UK, shared his views on Aljazeera on January 10, 2018, a few months before the fall of the regime, following the former Prime Minister Hailemariam Desalegn's announcement that the government decided to release political prisoners in response to strong civic protests against the government that were spearheaded by the Oromo '*qeerroo*' (the Oromo youth). Awol noted that the government of Ethiopia was among the leading few countries in the world holding a significant number

of political prisoners. Awol states that the anti-terrorism law adopted in 2009 resulted in the politicization of the legal system and the administration of justice. The source also noted that the Oromo politicians were specially targeted for their dissenting views and voices, although the threat was not limited to the ethnic Oromo as the protests against the regime advanced. Accordingly, tens of thousands of individuals, including opposition political leaders, journalists, bloggers, activists, scholars, and religious figures, were charged with terror-related crimes and were in jail because of the government's intolerance of dissenting views.

Similarly, Yohannes Y. Gedamu, a lecturer of political science at Georgia Gwinnett College, reflected on the release of political prisoners in his analysis shared on The Washington Post on February 9, 2018 at 8:00 a.m. EST. While he overemphasizes ethnic federalism as the root cause of problems in the country, including ethnic-based imprisonment, he generally acknowledged the pardon of political prisoners as promising towards positive changes. Amnesty International 2014, in its publication *'Because I Am Oromo': Sweeping Repression in the Oromia Region of Ethiopia* documented that Oromos make up a high proportion of the prison population in federal prisons, and they had long been subject to repression based on a widespread imputed opposition to the EPRDF. According to the source, thousands of Oromos including political parties' leaders, teachers, students, and other social categories, including those wearing Oromo traditional clothing, were massively arrested. A popular expression in the public and the media that says *"The prison centers speak Afan Oromo/Oromo Language"* appears to be derived from the observation of the overrepresentation of the Oromo prisoners that was witnessed by many non-Oromo former prisoners as it was repeatedly broadcasted during and after the regime change in 2018.

Lack of democracy is considered to be a root cause for the injustices in the CJS of Ethiopia under the EPRDF. Galgalo explained that lack of democracy is a main factor in his opposition to the government supporting a competing party, as well as his unjust experiences in the political system, saying:

Great... no right to hold different political opinions in Ethiopia. Everything is left on the paper, and the constitution itself is not functional. There was a high violation of human rights, democratic rights were lacking, autocratic rule was prevailing, and there was no democracy at all. These injustices were the reasons that forced me to oppose the government and support pro-democracy opposition parties.

Galgalo provided that the absence of democracy, violations of human rights, and autocratic rule during the EPRDF forced him to oppose the ruling party as risk factors for his imprisonment, which does not qualify him to be considered an offender against the law. As a result, the former Oromo political prisoner does not blame himself as a criminal but rather as an innocent person and victim of the unjust system. Hence, he externalizes his apprehension and imprisonment to the government, which he believes is undemocratic. He also reminded that provisions in the legal documents and the constitution are not translated into practice which indicates having provisions dedicated to ensure human and democratic rights is not a guarantee unless an independent CJS committed to protect the rights are in place.

We want to reemphasize that the suffering was not exclusive to the Oromo political prisoners rather they represent the lion's share. As an illustration of non-Oromo prisoners sharing the suffering under the EPRDF prison system, the experiences of Eskinder Nega, a journalist who was frequently imprisoned under the system, are presented. Eskinder expresses that he was imprisoned for criticizing the Ethiopian regime's abuse of power, and his wife was also imprisoned with him after the 2005 national election. Moreover, the BBC, on January 3, 2018 reported that: *"In a surprise move, Ethiopia's prime minister has announced the release of political prisoners and the closure of a notorious detention center, allegedly used as a torture chamber."* With regards to who were the political prisoners, the BBC referred to them as

Those held in jails across the country include opposition activists from the Amhara and Oromia regions, which were at the center of anti-government protests in 2015 and 2016, as well as the Southern Nations and Nationalities Peoples Region, and journalists who have criticized the government.

The report added that *“The prisoners also include UK citizen Andargachew Tsege who was seized in 2014 when changing planes in Yemen and forced to go to Ethiopia, where he had been sentenced to death in absentia for his political activities against the state.”* It is imperative that the CJS unfairly treated non-political prisoners, although the degree of hostility among the political prisoners was excessive. From this point of view, Gobena and Hean (2019) found that incarcerated mothers living in correctional institutions of Ethiopia are victims of discrimination, abuse, and structural injustice before and after incarceration. The analysis of the conditions of non-political prisoners is, however, beyond the scope of this study.

3.2 The Criminal Court Passing Unlawful Sentencing

The preceding subsection presented the arbitrary detention of people mainly because of their political views and partly based on their ethnic affiliations, while both are founded on the lack of a democratic government system in the country. Evidence also reveals that suspects were not presented to court within 48 hours after their detention per the constitutional provision nor did they receive fair treatment in the criminal court that this subsection briefly discusses.

“After hearing the false testimony, the judge sentenced me to life imprisonment”: Unlawful case handling processes and practices

Asked about the processing of his case at each component of the CJS, Galgalo narrated as follows:

Oh, if your case is a political issue, the presence of institutions of the CJS is meaningless. The CJS is not functional if there is no justice. The ruling party structured components of the CJS to facilitate its undemocratic practices, not as a justice institution that prevents crime and protects citizens. I was arrested in Yabello in 2010 by security personnel, 37 days after the Ethiopian national election. They searched my home without a search warrant, apprehended me, and took me directly to Addis Ababa (Maekalawi prison), which is found around Piassa. My family, local police, and the court of Yaballo had no information about my illegal apprehension. My family had no information about where they took me. After they put me in prison, they didn't ask me anything except for violating my rights. They insulted me on the grounds of my ethnicity (I mean Oromo), and this created a physical and psychological scar on me. I was tortured for three months, and I was brought before the court in Arada Sub-City. The confession I gave was denied. I was not represented by an attorney. One person came from Borana and was forced by the ruling party (FDRE) to give false testimony regarding my issues. He said, ‘I know him. We lived together in Kenya as the military of the Oromo Liberation Front (OLF). We killed many people at different places in Ethiopia.’ To be honest, I didn't see that person before. After hearing the false testimony, the judge sentenced me to life imprisonment. Then, they transferred me to the Kaliti Prison Center. Totally, it is difficult to talk about the due process of the law under Ethiopia's CJS during the EPRDF.

From Galgalo's perspective, each component of the CJS was not functional in accordance with the due process and the principles of criminal justice. He believes that injustice is inbuilt within each part of the CJS, which he labels as a vivid feature of undemocratic government. He also believes that justice cannot be expected from such structures created to serve the interests of the ruling party in power. He emphasizes that the CJS serves the unjust interests of the undemocratic government and its actors, including the leaders of the CJS. The system itself was oppressive, and it is used by the ruling party as an instrument of oppression rather than as a justice institution fighting crimes and ensuring social order. In contrast to the constitutional provisions, he was unlawfully arrested without a court warrant and faced identity-based verbal abuse (insult), physical and psychological harassment, torture, and a delayed appearance before the court (after three months of arrest). Lack of access to a defensive attorney, the arrangement of false testimony through coercion, unfair sentencing, and serving a nine-year sentence were also among the unlawful acts he experienced during his contact with the CJS. Furthermore, the study participant added that:

If your case is political, the police have no power to apprehend you; rather, the unknown security forces of the ruling party will arrest you. Then, you will be accused based on fabricated evidence presented against you; all legal arguments and decisions are made by the court based on false testimony. The courtroom and the courts are not independent due to the political influence of the ruling party. The court has no power to assure fair trials for suspected criminals or determine the guilt or innocence of the accused. Apart from punishment, there is nothing the correctional subsystems can do to reform prisoners and make them law-abiding citizens upon their release.

Similarly, no evidence against Mesfin Etana, another former political prisoner, was produced by authorities, but a court gave him a life sentence after he stayed six years in prison until he was released on July 4, 2018, having health problems that are mainly related to torture. These findings indicate that the CJS, which is supposed to be the most important agency to maintain justice, was under the political influence of the ruling party, whereby it served purposes opposite to the establishment as a system. That is, the system is dedicated to serve undemocratic and unjust political system that it is supposed to countercheck in favor of democratic and justice principles.

3.3 Violations of Human and Democratic Rights in Prison Centers

The study found that the arbitrary detention by the police and the unlawful sentencing of the criminal court are followed or paralleled by excessive violations of human rights and dignity in prison centers in Ethiopia under the EPRDF. The horrific conditions of political prisoners' experiences in prison settings are told by the former prisoners themselves, political figures, and human rights organizations.

"No, no, they are not human beings!" Cruelty of the prison officers

Unlawful detention and handling practices under the CJS during EPRDF are partly presented in the preceding subsections. The extent of violations of human rights and dignity in prison settings is discussed here in more detail. Galgalo, the Oromo political prisoner, further narrated violations of human rights, dignity, and respect in the prison center as follows:

Please... I have no words to express my life experience in prison! I always question myself about how I survived that life or situation. It was not a prison...it is a grave where a person is buried alive. There was no respect for human rights and dignity in the prison centers. It was full of torture. There was no right to access information, being visited by one's family, consult a lawyer, seek legal advice, or have access to effective legal aid, healthcare services, vocational guidance, and training, and no desirable respect for religious beliefs and cultural precepts. Additionally, the issue of food, drink, and sleep is difficult to talk about. The convicts were imprisoned in different classes or cells based on the types of their crimes and the duration of their sentences. People like me who were accused of political crimes were tortured and placed in dark rooms in the basement. Many of our brothers lost their lives there, and others were sterilized. Productive-age people who could contribute to the development of the country lost their energy and lives there. It seems that the investigative police officers and prison officers have no sense of humanity. How can a person commit such a serious crime against his brothers or sisters? No, no, they are not human beings! Moreover, other challenges included language barriers. Most of the Oromo political prisoners can't speak the working language of the CJS, Amharic. Due to this, they can't defend themselves in the courtroom and ask for an appeal.

Galgalo stated that the prison center was a place where human beings were oppressed and tortured, which is particularly true for Oromo political prisoners, implying that his suffering experiences are shared among other political prisoners. There is no human and democratic right at all in the prison centers that prisoners enjoy, and those who are arrested for alleged political crimes are kept in more challenging physical settings, and they suffer more than other prisoners. They are not properly rehabilitated; rather, they are harshly treated and abused in those centers. Their human rights are violated, and lives are lost, for which the system is not accountable. Furthermore, political prisoners often experience physical and mental disabilities. They may lose their lives in prison due to the harsh conditions of political imprisonment. Additionally, there was another systemic oppression against Oromo prisoners because of language barriers among many prisoners to defend and ask for an appeal. The above quote shows how the prison center was highly oppressive, undemocratic, and insensitive to the issues of human and democratic rights.

Ample evidence from secondary sources also shows that political prisoners in Ethiopia were subjected to torture or other forms of inhumane and degrading treatment under the rule of the regime. Another former Oromo political prisoner, Mesfin Etana, 43, who spent 16 years behind bars since 2002 for alleged membership of OLF, told Reuters that he was repeatedly stripped naked and sexually humiliated by warders during a five-month stint at Maekelawi (cited in VOA, August 14, 2018). Moreover, in a joint press statement of the four parties that made up the EPRDF as the ruling coalition, Lemma Megersa, the leader of OPDO and the president of Oromia National Regional State, characterized Maikalawi as a site in which citizens have been castrated, as Aljazeera reported, quoting Awol Allo. Tsion Taddese on VoA Africa, like many other writers, presented Kefyalew Tefera, a popular former Oromo political prisoner who experienced the worst cruelty under the regime expressing him as "*Ethiopian Lost His Legs in Prison*", on July 13, 2018 at 9:06 a.m. Kefyalew was a student at Hawassa University who was shot and detained by the security forces in 2006 while he was passing by a student protest, and then his two legs were amputated in a prison hospital instead of treating a wounded leg on his knees during his detention, as the victim explained, whereas the other leg was totally normal. Kefyalew was released from Kaliti Prison after 12 years of imprisonment as an extreme symbol of the suffering inflicted in Ethiopian prison centers. Kefyalew expressed his condition as "*I'm still a prisoner. I left half my body in there, I have no legs*" in an interview reported by VOA Africa (August 14, 2018), citing Reuters. Human rights organizations further witnessed the injustices facing prisoners under the CJS of Ethiopia under the EPRDF. For

example, the 2019 Human Rights Report revealed that the conditions of the prison centers in Ethiopia were harsh and life threatening. According to the source, “*In July 2018, the government fired five federal prison officials following state media reports of allegations of abuse*” (p.5).

Eskinder Nega also shared his similar experiences of imprisonment on the TIME Ideas Newsletter on August 4, 2018 and had to say:

I’ve seen every side of prison life. I have been kept in dark cells, measuring less than two square meters. As I slept, it was as though my head was touching the wall and my feet were touching the door. It was so dark that I couldn’t see my hand. I was allowed to go to the bathroom twice a day. A shower was out of the question.

Eskinder also says that the authorities tortured him, and the conditions in Maekelawi prison center were so terrible that he narrated as “... *it was overcrowded, difficult to find a place to sleep, and the sanitation was unbelievably bad.*” He added that “*I was kept in a prison within a prison. ... They didn’t want to just physically imprison me; they wanted to break my spirit.*” Similarly, Human Rights Watch reported torture and other human rights abuses in Jail Ogaden, Somali Regional State, on July 4, 2018, under the title “*We are Like the Dead*” referring to a typical quote from the former prisoners in the Somali Region.

“God is not like people”: unexpected release due to political change

With regards to the condition of his release, Galgalo accounted for:

Oh ...God is not like people...His plans and works are amazing often! The current political change in this country has opened the door for innocent and oppressed citizens like us. After the reform took place, many changes were made. As a backdrop to the changes, different questions were raised by different political parties and activists across the country. These influences brought change to political prisoners in Ethiopia. Consequently, I was released from life imprisonment after serving nine years of imprisonment.

Galgalo explained that his release from prison was due to divine intervention, given that he was sentenced to life imprisonment and experienced inhuman treatment and torture that could have led him to death. That is, the 2018 political change in Ethiopia played a great role in the context of the prison administration. He also recognizes the contributions of opposing political parties and activists to the reform, which in turn facilitated his release from prison. Due to this, the life-long sentence passed on him was canceled after nine (9) years of stay in prison. He was also asked a question about the community's reaction towards him after his release, and he said, “*The community reaction towards me was nice!*” That means he never faced post-release reintegration challenges from the community. This is due to the fact that the case for which he was imprisoned is a political reason that cannot affect his relationship with the community. From Galgalo’s perspective, the community has no problem with him, and they were with him. However, even if the community accepted him well, he complained that the local government officials were still unwelcoming him during the data collection for the present study.

4. Discussion

According to Morris (1969), the main objective of a criminal justice system (CJS) is to create a law-abiding society, reform wrongdoers, and keep the security of the people. The functioning of justice institutions is indispensable for fighting and preventing crime and the protection of human rights in general (Halili, 2014). But the findings of this study show that the criminal justice institutions in Ethiopia during the EPRDF were oppressive and served as instruments of oppression by the ruling party rather than operating as justice institutions that prevent crime and ensure the rule of law. Criminal procedure regulates the whole process of arrest, investigation, trial, and punishment of offenders, protecting the constitutional rights of the suspects or accused persons (Aderajew & Kedir, 2009). However, the findings show that the rights of a suspect were not protected under the Ethiopian CJS. There were violations of human and democratic rights by the security personnel, and procedural irregularities or unwillingness to comply with due process of law were very common.

The major components of the CJS, that is, the police, criminal court, and correction centers, are expected to play vital roles in fighting crimes and the proper handling of criminals. But there were departures from those expectations, as we can learn from the life experiences of Galgalo, which are typical representations of his fellow political prisoners, particularly the Oromos. The first step at which a defendant makes initial contact with the CJS is usually the police, who investigate the case or the suspected wrongdoings of the defendant and make apprehensions to keep the nation's security (Roy, 2018). Contrary to this, the apprehension and the arrest of the political prisoners are done by members of the intelligence unit, as we can see from Galgalo's self-narration. This is against the proper working procedures of the CJS from a global perspective.

The court, in principle, serves as the place where disputes are settled and justice is administered (Roy, 2018). A sentence includes retribution, incapacitation, deterrence, and rehabilitation (May & Minor, 2008). Correction may serve to remove criminals from the general population, inhibit their ability to perpetrate further crimes, offer criminals a chance to be rehabilitated, get vocational training, and thereby earn a legitimate living when they are returned to their community (Roy, 2018). But the findings show instances where judgments are rendered based on false testimonies by judicial organs that are mostly influenced by the executive organ. Apart from punishment, the Ethiopian prison correction system has less to do with justice and due process of law, which promote criminals' rights and appropriate justice procedures in the CJS. Similarly, political prisoners during the EPRDF faced many unbearable challenges, including intolerable forms of discrimination based on people's political views (Addisu, 2012). The act violated provisions of the Constitution in Article 16 that reads "*Everyone has the right to protection against bodily harm*" and Article 17, Sub article 2 states "*No person may be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him.*" Article 18, Sub article 1 added that "*Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment.*" All provisions of the constitution are mercilessly violated by the CJS in general, the police, the court, and the prison in particular, as evident in the findings.

The implication is that there are constitutional provisions that are meant to safeguard the human and democratic rights of prisoners, but the criminal justice officers don't comply with them. And suspects are not entitled to present with their defense attorney during police interrogation and preliminary inquiry; their right to a speedy trial is not adequately safeguarded, and they have no right to appeal (Awol, 2018). Furthermore, Awol (2017) found that the CJS of Ethiopia doesn't present the detained persons before court or law within the prescribed time, and they don't allow them to communicate with the legal counselor of their choice. They also don't provide free legal service for those unable to afford the service privately, and they don't provide the assistance of a language interpreter during police interrogation for those who are unable to understand or speak the language of the court. In the same manner, it is found that there are instances in which prisoners or detained persons are denied the right to be visited by their families and lawyers, have an inability to get language

translators, and are subjected to torture and other inhumane treatments in detention facilities. Additionally, there are no adequate foods and sanitation, and the prison is full of corporal punishment (e.g., torture and imprisonment in dark cells).

The CJS operates in the context of an ethnic identity framework, whereby a larger number of Oromo political prisoners experienced the severest calamities of the system compared to non-Oromo political prisoners. The cruelty most manifested in missing two legs with a reckless surgical operation under the system without an acceptable medical cause. Yet, failure to mention those who lost their lives in prison due to the wrong human handling of the CJS is not fair.

Next, we would like to reflect on the main methodological approach we employed in this manuscript, that is the narrative approach, which is a data gathering method and data analysis framework at the same time, as a newly but increasingly recognized knowledge production practice. Narratives are often collected through interviews, although other methods are also applicable (Butina, 2015). We applied the same method in two rounds each took about ninety minutes on average. In narrative research, “... *people make sense of their lived health and well-being in their social context as they understand it, including their self-belief-oriented stories*” (Ntinda, 2018, p.1) which we found not only useful and interesting but also had huge potential for studies on other similar topics. Ntinda (2018) emphasizes that the narrative approach is informant-centered, in which the teller-informant view matters given that the study participant not only tells the story but also interprets it, which is reinterpreted by the researcher. That is, reality, meaning, and knowledge are constructed through negotiation and collaboration between the informant-teller and the researcher from the perspective of the participant (Butina, 2015; Moen, 2006; Ntinda, 2018).

We believe that we gave enough attention and space to the perspectives of Galgalo with regard to making sense of the story and putting his experience in the broader political context of Ethiopia. Narrative is an interpretive approach that falls under the constructivist paradigm. Scholars agree that humans are the best storytellers; hence, adequate and reliable data can be collected through story-telling (Moen, 2006; Butina, 2015; Ntinda, 2018). “*Narrative research can be used as thought-provoking tools*” (Moen, 2006, p. 56) and we believe this manuscript is of that kind on this very sensitive issue in the Ethiopian context. As a result, we will expect a growing trend of using this approach in social science, the humanities and other fields of study including health and education, that are commonly reported in the literature. It is also useful to mention that we innovatively triangulated the story with secondary data sources, including the media, that we believe they have to be widely used in the context of research undertakings in Ethiopia, where access to firsthand information in face-to-face interaction is very tough in some circumstances. Doing so is logistically more efficient and methodologically valid, given that they are online, accessible on digital platforms, and publicly shared for verification by other researchers.

We believe that this study is significant in different aspects. Thematically, it examined a less explored area of research, that is, how the criminal justice system of Ethiopia operates in handling political prisoners. Methodologically, it employed a narrative approach based on a single case as primary data and widely used media sources, both of which are relevant. However, the study also had limitations, like any other study. By its nature, narrative research depends on a certain group of people or an individual. In this study, we focused only on the experiences and stories of one political prisoner; these data may not be fully representative of the broader prison population and even all political prisoners. This is the case because there are individual differences among the political prisoners and prison officers that shape their interaction differently, although shared patterns are inevitable so long as the causes and effects remain similar. Therefore, the study is not generalizable to the prison population given that the data triangulation was limited, yet it presents the typical case of prison experiences shared among many political prisoners of that time in that context. Besides, the perspectives and voices of the prison administration officers are not included; hence, it may involve bias of relying on data

obtained only from one side. Hence, we strongly suggest future studies that address the identified limitations of this study.

5. Conclusion

The CJS in Ethiopia during the EPRDF was an oppressive and unjust system paradoxically operating under the name of the phrase “*Criminal Justice System*.” Not only was the system not functional to the level of a desired standard of justice, it was oppressive and served as an instrument of oppression for the ruling party rather than fighting crime and ensuring societal order. There was less compliance with due process of law and gross disregard for the constitutional rights of prisoners or detainees. Apart from corporal punishment, the Ethiopian prison system during the EPRDF lacks relevant policies for justice and due process approaches that can rehabilitate the prisoners and facilitate their return to the community. Prison centers under the EPRDF were places where human beings were excessively oppressed and tortured. Oromo political prisoners were more harshly treated compared with other prisoners, although a more conclusive argument may need further study. Due to this, many prisoners lost their lives, were sterilized, and became physically and mentally disabled, for which no one had become accountable until the fieldwork of this study. Altogether, the CJS, which is meant to ensure justice in principle, severely systematically violated political prisoners’ human and democratic rights. Therefore, the system under the reform should be judged in terms of genuine changes that prove its departure from the EPRDF regime’s unfair treatment of political prisoners in particular, and its evaluation is a matter of time.

6. Recommendations

Based on the study’s findings, the following are recommended:

- The government of Ethiopia should ensure commitment towards ensuring human rights provisions and observing principles of criminal justice in dealing with suspected criminals.
- Each component of the CJS should work freely towards promoting human rights and due process of law without the influence or interference of a third party, as stipulated in the Constitution.
- Academicians, activists, political parties, policymakers and civil society organizations should cooperatively work on policy advocacy related to criminal justice issues to thereby fight social injustice.
- The community should actively engage in fighting the violation of human rights and the undemocratic characteristics of the criminal justice institutions in handling criminals and suspected criminals in general and political prisoners in particular.
- Unjust operations by CJS are not only paradoxical but also self-refuting in the sense that the rules and tools of the system remain unrealistic, the consequence of which is failure to build a just society. Hence, unreserved commitment is required from the current government of Ethiopia towards ensuring justice to prevail.

Acknowledgments

We would like to acknowledge our participant for his valuable time and made the study realized. We also thank Jimma University for giving us the chance to undertake the study. We are also grateful for the media sources we used.

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Author 1: Developed proposal, designed tools, collected data, analyzed data, wrote up the report, and eventually revised the report based on comments from reviewers.

Author 2: Collaborated with tools validation and data collection.

Author 3: Reviewed the proposal and tools, supervised data collection, analyzed the data and revised the report, and finally reviewed the manuscript based on comments from reviewers and editors.

Competing of Interest: The authors declare that there is no conflict of interest.

Consent for Publication: We have agreed - to - submit to the Journal of Social Sciences and Language Studies and approved the manuscript for submission. Corresponding author's signature: 

Funding: The author disclosed that they have received funding from Jimma University.

Publisher's Note. Jimma University is neutral with regard to jurisdictional claims in published material and affiliations.

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