

**COMITE DES  
DROITS DE L'HOMME  
DE L'OGADEN  
CDHO**



**OGADEN  
HUMAN RIGHTS  
COMMITTEE  
OHRC**

Date: 1<sup>st</sup> February 2007

Ref:OHRC/PRO/0207

## **PRESS RELEASE**

### **KENYA ILLEGALLY ARRESTS AND RENDERS OGADEN SOMALIS TO ETHIOPIAN MILITARY IN SOMALIA**

**Ogaden Human Rights Committee, (OHRC)**, endorses rights based perspectives to the overall well being of humanity, and particularly to the rights of the people of Ogadenia. OHRC's mission is to monitor, document/research, and report human rights' violations committed against the people of Ogadenia.

A great deal of concern to the OHRC is the overall political instability in the Horn of Africa, and the recent turmoil in Somalia and the manner in which these events are negatively impacting the lives of many Ogaden Somalis. OHRC has been closely monitoring the events unfolding in Somalia, and through reliable sources, it was informed that the Kenyan government is arresting innocent civilians fleeing the unsafe conditions of Somalia.

OHRC is concerned about the safety and well-being of four Ogaden Somalis who have been arbitrarily detained in Kenya at the end of December 2006 and have been since unlawfully handed over to the Ethiopian military in Mogadishu, Somalia.

On December 31<sup>st</sup>, 2006 the Kenyan authorities have arrested **Bashir Ahmed Makhtal**, a Canadian citizen, age 42, born in Dagahbur, Ogaden. According to his cousin in Canada, Bashir A. Makhtal returned to Somalia about four years ago to run his own business. **Abdi Abdulahi Osman**, Somali citizen from the Ogaden, age 41, born in Gunagado, Dagahbur, Ogaden; **Ali Afi Jama**, a Somali citizen from the Ogaden, age 33, born in Godey, Ogaden, and **Hussein Aw Nuur Gurraase**, a Somali citizen from the Ogaden, age 35, born in Gunagado, Ogaden. These are Ogaden Somalis who are all merchants trading in second hand clothing in the Horn of Africa.

*Article 9 of the Universal Declaration of Human Rights-UDHR , as well as Article 9 of International Covenant on Civil and Political Rights-ICCPR, state that: **No one shall be subjected to arbitrary arrest, detention or exile***" However, The Kenyan government has arbitrarily arrested Bashir A. Makhtal, Abdi A. Abdulahi, Ali. A. Jama and Hussein A. Guraase at the Somali Kenyan border.

Sous-Bellevue 26  
2900 Porrentruy  
Switzerland  
Tel : 41 79 4682 342  
E-Mail : [ohrc@ogadenrights.org](mailto:ohrc@ogadenrights.org)  
[www.ogadenrights.org](http://www.ogadenrights.org)

P.O. Box 2159  
5001 CD Tilburg  
The Netherlands  
Tel : 31 61 348 1507

2660 Southvale Crs  
Unit 338 Ottawa, ON  
K1B 4W5, Canada  
Tel : 613 736 7647

2912 E Lake St  
Suite 8  
Minneapolis, MN, 55407  
Tel : 612 721 6470  
Fax : 612 721 6442

*Article 13 of UDHR and Article 12 of ICCPR state: “1. Everyone has the right to freedom of movement and residence within the borders of each state. 2. Everyone has the right to leave any country, including his own, and to return to his country”. Clearly these men’s right to freedom of movement has been violated.*

These four Ogaden Somalis were held in Kenyan custody for three weeks without properly being charged with any offence. For more than two weeks these individuals were interrogated by Kenyan officials without the presence of lawyers, or Canadian Embassy officials for Mr. Makhtal who holds a valid Canadian passport. For reasons not yet revealed to OHRC, Mr. Makhtal was denied access to the Canadian High Commission for the first two weeks. OHRC learned that on January 15<sup>th</sup>, 2005 Mr. Makhtal was granted a brief meeting with a Canadian High Commission Official and a lawyer his family hired for him.

On January 21, 2007, Mr. Makhtal, Mr. Osman, Mr. Jama and Mr. Gurraase were transferred and rendered to the Ethiopian armed forces in Mogadishu. The Ethiopian armed forces are in Somalia to back the Somali Transitional Government. These four Ogaden Somalis were illegally handed over to the Ethiopian military. Given that these are Ogaden Somalis, they are going to be tortured and subjected to all kinds of cruelty on the basis of their clan/ethnic identity. OHRC believes that because these men were born in the Ogaden they will be subjected to “Identity-based” human rights violations as happened to other Ogadenis who were deported from neighbouring countries to Ethiopia before.

*Article 5 of Universal Declaration of Human Rights – UDHR; as well as article 7 of the International Covenant on Civil and Political Rights –ICCPR states: No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment”.*

*Article 13 of ICCPR, states: “An alien lawfully in the territory of a State Party to the present Covenant may be expelled there from only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, or a person or persons especially designated by the competent authority”.*

It is important to bring to the attention of the international community that the Kenya government has not followed due process in the context of the International Human Rights Instruments, which it has ratified. OHRC is concerned about the safety of these men, they are now in the hands of the Ethiopian military, which gives OHRC, the family of these men, and the Ogaden community around the world a great deal of fear for their well being. Moreover, since they were handed over to the Ethiopian military in Somalia their whereabouts are unknown to their families and relatives.

Ethiopian government have a dismal record when it comes to the basic human rights of its citizens. Particularly, OHRC have documented numerous human rights abuses committed against the people of Ogaden. It should be noted that, contrary to the spirit and the letter of the International Human Rights Instruments ratified by Ethiopia, the Ethiopian military and security forces have carried out systematically extra-legal, arbitrary and summary executions throughout the Ogaden with impunity.

Sous-Bellevue 26 2900 Porrentruy Switzerland Tel : 41 79 4682 342 E-Mail : ohrc@ogadenrights.org www.ogadenrights.org	P.O. Box 2159 5001 CD Tilburg The Netherlands Tel : 31 61 348 1507	2660 Southvale Crs Unit 338 Ottawa, ON K1B 4W5, Canada Tel : 613 736 7647	2912 E Lake St Suite 8 Minneapolis, MN, 55407 Tel : 612 721 6470 Fax : 612 721 6442
--	---	--	---

These extrajudicial killings have been documented by adequate witnesses and documented by international and local human rights organizations, such as Amnesty International, Human Rights Watch and Ogaden Human Rights Committee.

*Article 19 of UDHR and Article 19 of ICCPR stat that: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek , receive and impart information and ideas through media and regardless of frontiers”.*

*Article 17 of UDHR states: “1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property”.*

## **RECOMMENDATIONS AND APPEALS**

- Ogaden Human Rights Committee, (OHRC), would like to urge international community, human rights and humanitarian organisations to intervene on behalf of the families of these men and secure their immediate and unconditional release.
- OHRC would like to urge the Canadian Government, through its High Commissions, intervene, particularly, with case of Mr. Makhtal who is a Canadian citizen.
- That these men are granted access to legal representation, and either formally charged or immediately released.
- That the families and relatives of these men are informed about their whereabouts, and granted unrestricted and regular access to them and to representatives of the International Committee of the Red Cross.

Sous-Bellevue 26 2900 Porrentruy Switzerland Tel : 41 79 4682 342 E-Mail : ohrc@ogadenrights.org www.ogadenrights.org	P.O. Box 2159 5001 CD Tilburg The Netherlands Tel : 31 61 348 1507	2660 Southvale Crs Unit 338 Ottawa, ON K1B 4W5, Canada Tel : 613 736 7647	2912 E Lake St Suite 8 Minneapolis, MN, 55407 Tel : 612 721 6470 Fax : 612 721 6442
--	---	--	---