Ogaden Human Rights Committee

Ref: OHRC/1PR/05
Date: Aug.15th, 2005

OGADEN: TRADITIONAL LEADERS' PEACE INITIATIVE AND THE UPCOMING ELECTIONS

BACKGROUND

Somali people in the Ogaden have never accepted the Ethiopian occupation of their country. Therefore, the national resistance against the foreign occupation has never ceased for more than a century. But its intensity varied from time to time, according to local, regional and international circumstances.

Successive Ethiopian governments' military campaigns to quell the insurgence in the Ogaden had caused enormous human suffering in the region.

Haile Selassie and Dergue governments as well as current EPRDF government considered the Ogaden as a rebellious region, which must be pacified by military means. The region has been turned into a military garrison with no infrastructure whatsoever.

Razing entire towns to the ground, extrajudicial killings, mass arrests, disappearances, rape of women, confiscating private property, dusk to dawn curfew and martial law were and are the order of the day.

For the last 13 years the Ogaden was a country ravaged by war and haunted by drought. It has been a virtually closed military zone, where bloody battles were being fought between Ethiopian armed forces and combatants of The Ogaden National Liberation Front (ONLF). The latest big battles took place in the first half of this year 2005.

The situation in the Ogaden is very tense and alarming. The ongoing struggle for self-determination and independence in the Ogaden continues to cause more human suffering and threatens peace and stability in the volatile region of the Horn of Africa.

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OGADEN ELDERS' PEACE INITIATIVE

On 28th January 1994, at a press conference in Addis Ababa, ONLF called for a referendum on self-determination and independence for the Ogaden.

On 17th April 1994, the Ethiopian government launched a large-scale military offensive against ONLF positions and detained many suspected supporters of ONLF.

In a petition addressed to the president of the Transitional Government of Ethiopia (TGE), the elders of the Ogaden asked the Ethiopian government to stop the military offensive against the Ogaden people, and seek a peaceful dialogue to resolve the conflict, instead of opting a military solution, which complicates the situation.

On 17th April 1994, the TGE president Meles Zenawi made an undisclosed meeting with the elders of the region, in that meeting which took place in Godey, the TGE president asked the elders to renounce ONLF's call for a referendum on self-determination and independence for the Ogaden. But he returned to Addis Ababa, after he was told to stop the military offensive and seek a peaceful dialogue to resolve the conflict, instead of opting a military solution.

On 25th January 1995, in the town of Qabridaharre, the Ethiopian government has arranged hastily a meeting to negotiate with the ONLF. The ONLF delegation has reiterate its declared position, which is self-determination and independence for the region. The negotiations have collapsed and each side blamed the other for the impasse.

In late 1998, Ethiopian government and the Ogaden National Liberation Front, held a series of secret negotiations in order to put an end to the long bloody war in the Ogaden. The negotiations collapsed, on 28th December 1998, when the Ethiopian delegation refused an ONLF proposal demanding the presence of a third party as a witness.

Contrary to the Protocols additional to the Geneva Convention of 12 August 1949, which prohibits perfidy in Article 37, which provides, inter alia, that:

1. ***It is prohibited to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law***

applicable in armed conflict,with intent to betray that confidence, shall constitute perfidy. The following acts are examples of perfidy:

(a) the feigning of an intent to negotiate under a flag of truce or of a surrender;
(b) the feigning of incapacitation by wounds or sickness;
(c) the feigning of civilian, non-combatant status; and
(d) the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral or other States not Parties to the conflict.

After the breakdown of the negotiations, the Ethiopian government decided to murder members of the ONLF delegation by laying an ambush for them. While the unarmed members of the ONLF delegation were returning to their base, Ethiopian army units attacked them from an ambush. Two members of the delegation, **Deeq Abdi Rasin** and **Timojilic** were killed, and **Sheikh Bashir Abdi Ibrahim,** was captured safe and sound. Sheikh Bashir, was transferred to Qabridaharre military barracks, and was put in a solitary confinement. And then was transferred to Harar secret detention, where he was tortured to death.

Traditional leaders and religious scholars from different parts of the Ogaden gathered on 25th 2005, in Godey, where they discussed prevailing political, social, ecomomic and security situations in the region. After serious deliberations they have come up with a peace initiative to put an end the war in the Ogaden region.

One of the key clauses of the peace plan was to start unconditional direct peace negotiations between the Ethiopian government and the Ogaden National Liberation Front (ONLF), which fights for the right to self-determination and independence for the Ogaden region.

They sent an eighteen-member delegation to Addis Ababa. The delegation's mandate was to convey the Ethiopian Prime Minister the legitimate concerns and grievances of their compatriots.

On 29th June 2005, the Somali elders from the Ogaden met with the Ethiopian Prime Minister. According to reliable reports received by the Ogaden Human Rights Committee, Prime Minister Meles Zenawi accepted all their proposals and expressed his government's willingness to negotiate with the ONLF.

In a press release, on 18th July 2005, the ONLF said, « The ONLF is ready to engage in negotiations with the Ethiopian Government in order to find a just and lasting solution to the conflict between the people of the Ogaden and the Ethiopian regime if such talks are conducted in a neutral country. »

According to IRINnews.org, Ethiopia's foreign affairs ministry said the government would « respond positively » provided the rebels laid down their arms.

The Ogaden conflict is not different from other conflicts in the world, which are involved heavily by the international community as a mediator or facilitator. The last conflict in Africa, which was solved by negotiation by the help of the international community, was the war in the Southern Sudan. The conflict in the Ogaden deserves the attention and the positive intervention of the international community.

Both the 1991 Charter and the new Constitution, which was adopted and ratified by the Constituent Assembly on 8th December 1994, guarantee a right to secession of a people if they are, "Convinced that their rights are denied, abridged or abrogated," and this applies to the Ogadeni case.

Article l of the International Covenant On Civil and Political Rights (ICCPR) states that the right to self-determination is universal and calls upon States to promote the realization of that right and to respect it. The article provides that:

" All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence. The States parties to the present Covenant, including those having responsibility for the administration of non-self- governing and trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations."

The Ogaden Human Rights Committee, commends Ogadenian elders and religious scholars for their courage and tireless endeavours to realize the Ogaden people's rights and national aspirations by peaceful and democratic means. And it believes the peaceful resolution of the Ogaden conflict will contribute signifigantly the improvement of the human rights situation in the region.

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Elections and Pre-elections violence

Article 25 of the International Covenant On Civil and Political Rights (ICCPR) states that: ***"Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:***

a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
b) To vote and be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
c) To have access, on general terms of equality, to public service in his country."

In September 1992, the Ogaden people went to the polls to cast their votes in a free and fair election, for the first time in their history to elect their district councils and representatives for the regional parliament, so they could administer their own affairs by themselves.

The Ogaden National Liberation Front (ONLF) won a two-third majority of the seats in the newly elected Regional Parliament.

On 05th June 1994, a constitutional assembly dominated by EPRDF/TPLF has been elected in an election boycotted by non-EPRDF/TPLF parties, including the ONLF.

On 8th December 1994, the Constituent Assembly adopted and ratified the new Permanent Ethiopian Constitution.

Article 1 of the Ethiopian Constitution states that:

1. "Every citizen has the right and the opportunity, without any discrimination based on race, colour, sex, language, religion, political or other opinion:

a) To take part in the conduct of public affairs directly or through freely chosen representatives.

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b) ***To vote and to be elected to any office at all levels of government. Elections shall be universal suffrage and secret ballot in order to ensure the free expression of the will of the electorate.***

c) ***Any Ethiopian citizen who has reached the age of eighteen shall have the legal right to vote.***

2. ***Participation in political parties, labour unions, trade organizations, employer and professional associations shall be free and accessible to those who meet the general and special requirements of the organization.***

3. ***Elections to positions of responsibility within the organizations referred to under sub-article 2 of this article shall be conducted in accordance with free and democratic procedures.***

4. ***The provisions of sub-articles 2 and 3 of this article shall apply to civic organizations which significantly affect the public interest."***

On 05th May 1995, elections in the Ogaden were postponed until May 27th because of logistical and security problems.

On 14th May 2000, elections were held in Ethiopia, but as is usual with Ethiopian government the elections in the Ogaden were postponed until August 2000, because of logistical and security problems.

The ONLF boycotted the election and urged its supporters not to participate in it. However, a group of independent individuals decided to participate in the Regional and Federal elections in Qabridaharre Region. Among them were **Abdifatah Mursal Shil, Shacur Faysal Abdullahi, Hurre Abdi Adar, Mohamed Omar Jire, Mohamoud Abdi Janbad**, and **Abdirsak Mohamoud Arab.** They were told not to run against government candidates, not to campaign but support government nominees.

On 18th August 2000, Ethiopian government forces told the independent candidates, who were going to Qabridaharre surroundings that all roads leading to the nearby villages were blocked. They instructed them to drive on only one road, which was mined already by them. At Gabagabo village their vehicle hit a landmine. **Abdifatah Mursal Shil and Sha'ur Faysal Abdullahi,** were instantly Killed, while **Hurre Abdi Adar, Mohamed Omar Jire, Mohamoud Abdi Janbad, Abdirasak Mohamoud**

Arab, Abdirahman Mohamoud Arab and their driver sustained serious injuries. Abdirazak's legs were amputated.

Ethiopians cast their votes on 15th May 2005, to elect their representatives for House of People's representatives and Regional Parliaments. Elections in the Ogaden were postponed until 21st August 2005, because of logistical and security problems as usual.

According to the Ethiopian Government's census the Somalis are the third largest nationality in Ethiopia. However, they are underrepresented in federal institutions. The number of seats allocated for them is less than their share according to their population. For instance, they have only 23 seats in the 547-seat lower House of People's Representatives.

In the Ogaden the federal government manipulates the number of the representatives to be elected. Since there are no clear rules for the number of representatives in the region and for each constituency, the National Election Board and EPRDF officials in the Ministry of Federal Affairs (MoFA), decide the candidates and their number according to ruling party's interest.

The number of constituencies and representatives are revised few days before each election to suit the electoral needs of the EPRDF without any legal basis. New constituencies are created while existing constituencies are abrogated or merged with others in order to please pro-government tribes or to initiate a clan-based conflict in a peaceful quiet area.

According to the estimation of Ethiopian National Election Board (NEB), more than two million people are eligible to vote in the Ogaden. However, there is no any vote registration or voting materials in the vast majority of the region.

Many regions are complaining the ruling party's unwarranted intervention in the election process, while other regions are witnessing pre-election violence, which claimed so far four lives in Qalaafo and Dhagaxbuur.

The pro-EPRDF Somali People's Democratic Party (SPDP), which replaced the defunct Ethiopian Somali Democratic League (ESDL), withdrew its support from 37 of its members who were candidates for the upcoming regional and federal elections, because they failed to muster any support from their respective regions.

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The SPDP candidates for the election were handed over to **Gebre Wahid Giorgis**, Regional President advisor from Prime Minister's office, who co-chaired SPDP's last meeting, in Diridhabo. He is from Tigray, Ethiopian Prime Minister's native land.

Usually, a committee composed of EPRDF officials, military and security officers select candidates of the ruling party. Other candidates face serious problems. Any one who does not enjoy the backing of the security forces in his constituency might be refused to present himself as an independent candidate.

Elections of 1995 and 2000, the Ethiopian government used its military barracks as polling centres. There were neither independent observers nor appropriate electoral system. Independent candidates reported widespread vote rigging and irregularities in all levels.

In a statement, on 12th June 2005, Ogaden elders asked for, "the immediate dismissal of the unrepresentative corrupted officials of the pro-government SPDP party, in Jigjiga. And to allow the Somali people in the Ogaden to elect anyone they deem honest and competent."

Furthermore, they called upon the people, " not to cast their votes under intimidation and fear and reject any candidates imposed on them."

On 24th and 26th July 2005, two terrorist attacks targeted several civilian sites, in Jigjiga. The attacks claimed 5 innocent lives and many others were wounded. It caused also extensive damage to private properties owned by individuals.

The Ogaden Human Rights Committee extends its sincere condolences to the families and relatives of the victims who lost their loved ones in that despicable terror attack.

The OHRC reiterates its condemnation and disapproval of all terrorist acts against the civilian population.

RECOMMENDATIONS AND APPEALS

- The Ethiopian government and the Ogaden National Liberation Front, declare immediate, comprehensive and unconditional cease-fire in the Ogaden.

- The international community exert more pressure on all the parties to the conflict in the Ogaden in order to reach a peaceful negotiated settlement,

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which guarantees the Ogaden people's inalienable right to self-determination through a fair and free referendum.

§ Since there is no confidence between the warring sides the Ogaden Human Rights Committee urges the United States and European Union to act as mediators and facilitators in order to put an end the senseless carnage in the Ogaden.

§ The international community not to certify the upcoming elections in the Ogaden if there are no independent and impartial international and local observers.

§ The Ogaden Human Rights Committee urges the Ethiopian government and the Ogaden National Liberation Front to allow all humanitarian and relief organisations to operate freely in the Ogaden as well as international and local human rights organisations and the international press.

§ The international community publicly censure Ethiopia over its human rights record.

§ The international community refrain from aiding and supporting the Ethiopian government as long as it violates human rights and fundamental freedoms in the Ogaden.

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