



Kenya: Arrest and Disappearance of Ethiopian

Oromo Refugees

HRLHA: Urgent Action

February 4, 2014

The Human Rights League of the Horn of Africa (HRLHA) expresses its deep concern regarding the safety of four Oromo refugees from Ethiopia who were arbitrarily arrested by Kenyan anti-terrorist squad from Isili area in Nairobi on different dates of operations and taken to unknown destinations.

According to information obtained through HRLHA correspondent in Nairobi, Mr. **Tumsa Roba Katiso**, (UNHCR attestation File#: NETH033036/1) was arrested by members of Kenyan anti-terrorist squad, who arrived at the scene in two vehicles, on February 1, 2014 at around 10:00 AM from 2nd Street in the Isili locality in Nairobi on his way home from shopping. The other three refugees, Mr. **Chala Abdalla**, Mr. **Namme Abdalla**, and the third person whose name is not known yet were picked up from their home which is located in the same Isli area in Nairobi, Kenya on February 3, 2014 by members of the same anti-terrorist squad of Kenyan. The whereabouts of those Ethiopian-Oromo refugees is unknown until the time of compilation of this urgent action.

The HRLHA is highly suspicious that those Ethiopian-Oromo refugees might have been deported to Ethiopia. And, in case those Ethiopian-Oromo refugees have been deported, the Ethiopian Government has a well-documented record of gross and flagrant violations of human rights, including the torturing of its own citizens who were involuntarily returned to the country. The government of Ethiopia routinely imprisons such persons and sentences them to up to life in prison, and often impose death penalty. There have been credible reports of physical and psychological abuses committed against individuals in Ethiopian official prisons and other unofficial or secret detention centres. Under Article 33 (1) of the Convention Relating to the Status of Refugees (189 U.N.T.S. 150), to which Kenya is a party, “[n]o contracting state shall expel or forcibly return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his . . . political opinion.” This obligation, which is also a principle of customary international law, applies to both asylum seekers and refugees, as affirmed by UNHCR’s Executive Committee and the United Nations General Assembly. By deporting the four refugees and others, the Kenyan Government will be breaching its obligations under international treaties as well as customary law.

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1. Under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1465 U.N.T.S. 185) to which Kenya acceded in 1997, Kenya has an obligation not to return a person to a place where they face torture or ill-treatment. Article 3 of the Convention against Torture provides:

No state party shall expel, return (“refouler”) or extradite a person to another state where there are substantial grounds to believe that they would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the state concerned of a consistent pattern of gross, flagrant or mass violations of human rights. We strongly urge the government of Kenya to respect the international treaties and obligations it has signed

Background Information:

The Kenyan Government is well known for handing over refugees to the Ethiopian Government by violating the above mentioned international obligations. It is very disheartening to recall that **Engineer Tesfahun Chemed**, who died on August 24, 2013 in Ethiopia’s grand jail of Kaliti due¹ to torture that was inflicted on him in that jail, was handed over to the Ethiopian Government Security Agents in 2007 by the Kenyan Government.

Tesfahun Chemed was arrested by the Kenyan anti-terrorist forces, along with his close friend called Mesfin Abebe, in 2007 in Nairobi, Kenya, where both were living as refugees since 2005; and later deported to Ethiopia. The Ethiopian Government detained them in an underground jail in a military camp for over one year, during which time they were subjected to severe torture and other types of inhuman treatments until when they were taken to court and charged with terrorism offences in December 2008. They were eventually sentenced to life imprisonment in March 2010. (Mesfin’s death sentence was later commuted.)

The Human Rights League of the Horn of Africa (HRLHA) is highly concerned about the safety and security of the above listed refugees who were recently arrested by the Kenyan anti-terrorist forces; and for those who are still living in Kenya. It urges the government of Kenya to respect the international treaties and obligations, and unconditionally release the arrested refugees, and refrain from handing over to the government of Ethiopia where they would definitely face torture and maximum punishments. It

¹ [The Government is accountable for the death of a political prisoner at an Ethiopian Jail](http://humanrightsleague.com/2013/08/ethiopia-the-government-is-accountable-for-the-death-of-a-political-prisoner-at-an-ethiopian-jail/)

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also urges all human rights agencies (local, regional and international) to join the HRLHA and condemn these illegal and inhuman acts of the Kenyan Government against defenseless refugees. HRLHA requests the governments of the Western countries as well as international organizations to interfere in this matter so that the safety and security of the arrested refugees and those refugees currently staying in Kenya could be ensured.

RECOMMENDED ACTION:

Please send appeals to the President and Deputy President of the republic Kenya and its concerned officials as swiftly as possible, in English, or your own language expressing:

- concern at the apprehension and fear of deportation of the refugees who are being held in unknown detention since they were arrested, and calling for their immediate and unconditional release;
- Urging the authorities of Kenya to ensure that these detainees are treated in accordance with regional and international standards on the treatment of prisoners.

To:

1. His Excellency Uhuru Kenyatta, President of the Republic of Kenya
P o. Box 74434-00200 Nairobi, Kenya , Tel: 254 203 247000
2. His Excellency William Ruto , Deputy president of the Republic of Kenya
Email: The Deputy president@ODP-Kenya OR dp@deputypresident.go.ke

Copied to:

- ❖ UNHCR main office Geneva, Switzerland.
United Nations High Commissioner for Refugees
Case Postale 2500
CH-1211 Genève 2 Dépôt
Suisse. telephone number: +41 22 739 8111
- ❖ Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson , 52 rue des Pâquis
CH-1201 Geneva, Switzerland Telephone: +41 22 917 9656
Mail: civilsocietyunit@ohchr.org

❖ African Commission on Human and Peoples' Rights (ACHPR)

48 Kairaba Avenue, P.O.Box 673, Banjul, The Gambia.

Tel: (220) 4392 962 , 4372070, 4377721 – 23

Fax: (220) 4390 764

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