# CHAPTER ONE

## Introduction and Methodology of the Research

### 1. Introduction

### 1.1 Background of the Study

Man has travelled a long and a difficult road from the day when he lived in the primitive society of the tribe, down to the present time when he is part of a social structure of immense and growing complexity. Today the development of a common value with the new diversified structure of the world has made clear that all man deserve a legal recognition and respect for inherent human dignity. Ensuring human rights for those behind bars sometimes seems nearly impossible because of the isolation from the society and the lack of interest of the outside world and mostly because of the sometimes conflicting goals that correctional law and human right law seem to have. At present the situation in prisons and other places of arrest in several state characterized by recurrent challenges such as high levels of overcrowding, disease, torture and ill-treatment of inmates and long pre-trial detention periods. The above problems are exacerbated by the fact that there is a high level of official secrecy regarding what goes on in prisons and detention centers thus prison conditions are therefore shielded from public scrutiny. Furthermore most prison and law enforcement authorities are still ignorant about the provision of human right instruments on the treatment of people deprived of their liberty and the material and financial resources available to them are in most cases inadequate.

when it comes to Africa the economic constraints and poor legal knowledge exacerbate the detention condition of arrested persons. Ethiopia is not an exception when it comes to prevalence of human rights abuses against detained persons. International human rights monitoring bodies have in a number of occasions expressed their

concern that the state has failed to present the evidence of its accomplishments to realized human rights in prisons centers. The UN human rights committee expressed its concern about prisons in Ethiopia that it remaining alarming, in particular for child and women and not compatible with the UN standard minimum rules for the treatment of prisoners. the African commission on human and people right upon hearing Ethiopia's 1st, 2nd and 3rd periodic report, expressed its concern about the country's failure to provide information on prison conditions recommended that the state shall provide information on condition of prison and places of detention in Ethiopia and ensure that prisoners are held in humane conditions. therefore currently throughout the word there is a need for a Men to be enabled to develop their personality and order their own lives human right.[1]

As a result at this time the world community is in a broad agreement concerning the basic values and fundamental principle of human right.

For human right to be real they should be the constant concerns of all government agencies. Every man must be assured that he is secured against any arbitrary interference.

In order to achieve this al country should create an integrated network of an effective human right protection. They have to provide clear and accepted legal and institutional mechanism in which all the state structure and agencies are subject to the fundamental principle of human rights.

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[1] J. Sarkin, —an overview of human Rights in Prisons worldwide‖ in J. Sarkin (ed.), Human rights In African Prisons,(2008),p.4. see also F.Vilion, —The Special Rapporteur on Prisons and Conditions of Detention in Africa: Achievements and Possibilities,‖ Human Rights Quarterly, Volume 27, Number 1, February 2005, p.125-171; Association for the Prevention of Torture (APT), Torture in International Law: A guide to jurisprudence,(2008) Jointly published in 2008 by the Association for the Prevention of Torture (APT) and the Center for Justice and International Law (CEJIL).
ACmHPR (48th and the 49th Ordinary Sessions of the African Commission 2011), 30th Annual Activity Repor, (www.achpr. Org) last visited on 12 january,201

Among other government agency the police require a central attention and a serious consideration. The protection of human right crucially depends on all the process of law and particularly on the performance of function of the police. An effective human right protection in a national level practically requires the existence of a police system functioning lawfully and humanly based on standard of human right principles.

### 1.1.1, Statement of the problem

There are different government authorities structured in order to serve societies and to administer social, economic, political and legal aspects of the human activities. Accordingly as one agent of government, police is the nearest responsible and stake holder in protection of human right.

- However, since the recent time the police crime in violation of human right is common and become the top stories of different Medias throughout the world.
- This situation of police abuses in human right is also a very series and common problem in Ethiopia.
- This action of violation of human right affects societies to the extent of psychological, physical, intellectual and economic development of the people.

### 1.1.2. Research Questions

This study attempted to assess the police practice in implementation of the human right of arrested. Thus the study will answer the questions such as

- What the major police abuses are in human right of arrested?
- Are there adequate international and national human right instrument to protect arrested person?
- What is the police problem in relation to human right protection?
- What could Ethiopia to do effectively implement the available rights of arrested or detained person?

### 1.1.3. Objective of the study

### 1.1.4. General objective

The overall objective of this paper is to research and analyze police powers, responsibilities and practices and how this affects human right in Ethiopia. In addition to this the purpose is to examine and evaluate the role of the police in human right protection.

### 1.1.5. Specific objective of the study.

The main objective of the study is to assess the practice of the police in relation to protection of human rights of the suspects, and criminals. Especially; during arrest, and detention, during search, and seizure as well as during interrogation. The final analysis is to make suggestion for an improved police system with respect to implementation of human right.

### 1.1.6. Significance of the study

As I have said the police abuse of human right is in the alarming stage. As a result of these, this research tried to give some idea about the practice of the police and the researcher believe that this research wakes every any interested institutions, governmental and nongovernmental organization that are work in this issue and at least shall try to improve this disastrous practice even if it is impossible to stop it.

### 1.1.7. Delimitation of the study

It is most probable that the abuse of human right and the illegal acts of the police could also exist other parts of Ethiopia. However, due to the hard financial position of the researcher the scope of this study is delimited to assess the practice of police in robe town more specifically in two prisons; gannale the major prison and robe town police station.

## 1.1.8. Limitation of the Study

It is revealed that data gathering in prisons and from policies are very challenging due to misunderstanding and doubtfulness of police officers and other authorities as to the purpose of the studies. Moreover the declaration of state of emergence in time is the other imminent factory cause poor accessibility to information gathered in the prisons. In addition due to financial and time constraint the study is geographically limited to Bale Zone Robe Town.

# 1.2. Methodology

### 1.2.1. Research design

The study has considered both quantitative and qualitative research designs. The rationale behind using the quantitative design was to increase understanding about dynamics opinions and perceptions people in the study area on the abuse of human right by the police. The researcher also used some method to find what is the law and the practice is (what ought to be and what really is ).

### 1.2.2. Method of the Study

The method adopted in conducting the study will consists of primarily person interviews, analysis of different literature, books, and administration of questionnaires.

### *1.2.3. Study area*

The study will conducted in the prisons which are found In bale zone, robe town And the researcher also will make interview some detective on the issue of how they treat the suspects. It Focuses also on the legal and practical analysis of the human right of arrested person.

### *1.2.4. SAMPLING TEQNEQUE*

In the study, the number of prison that have been used for the research were 2 (two) prisons one major prison and the other small one ) which both of them found in robe town.

### *1.2.5. SAMPLING SIZE*

For the purpose of this research the researcher have take a few number of suspects, which are not more than 16 (sixteen) in addition to them I have interviewed five detectives.

**Sample size of prisoner**

Table 1.1 sample size of prisoner

| No | Place of prison | Suspects or prisoners | Total | Police or detectives | Total |
|---|---|---|---|---|---|

| | | male | female | | Male | Female | |
|---|---|---|---|---|---|---|---|
| 1 | *Bale zone major prison /Gannale/* | 8 | 3 | 11 | 3 | - | 3 |
| 2 | *Robe town police station* | 5 | - | 5 | 2 | - | 2 |
| Total | | 13 | 3 | 16 | 5 | 0 | 5 |

As indicated in the above table from the total of 16 suspects there were 3 females and 13 male suspect and prisoner the ability to read and write as well as the lack of interest to participate in the research, and fearing of many situations resulted in limited participant. I also include in my research five police detective. The detective number is also limited because of limited time, and being of their unwillingness.

### *1.2.6. DATA COLLECTION INSTRUMENTS*

To collect data for this study the following instruments have been used: questionnaires, interviews, and documents analysis. Questionnaires and interview guides were pilot tested to improve the quality and clarity. The qualitative data gathered thought the interviews were coded and categorized and discussed along with the quantitative data. Hence, the qualitative data were uses to enrich the quantitative data

### *1.2.7. SOURCE OF THE DATA*

The data is collected from prisoner or suspects exist in the prison and the police detective. As a result of the difficulty exit in the understanding of the English language I obliged to make this

questioner in A/ oromo and anyone who want the translation of this question can find it in the appendix part.

### 1.2.8 .Organization of the paper

This paper has four chapters the first chapter deal with the general idea of this research and methods the writer employs to conduct this research. The second chapter deals with review of the related literature concerning the human right and the role of the police in its protection as well as its practice of the same. The third chapter contains the analysis of the data this chapter analyze the questionnaire and interview given to the suspect and detective by the writer. The last chapter is chapter four and this concern its attention on summarization, recommendation, and conclusion based on the analyzed data. This chapter also attempt to see some basic constraint in the compacting the abuse of human right by the police.

# CHAPTER TWO

## REVIEW OF RELATED LITERATURE

### *2.1. Historical background*

As I have noted in our discussion in the first section of the first chapter. Human right are not the Enovation of a short period of time they are the result of socio-economic, legal and philosophical development of the history of mankind, this hold true in the case of Ethiopian evolution of human rights.

Though the doctrine of human rights is not an absolutely an alien elements to the Ethiopian perception of laws and right it was the 1931 constitution that provide human right provision for the first time in history of Ethiopia. Prior to this constitution, regardless of their existence, their clear effect as binding law was unthinkable. This is because Ethiopia under monarchical rules and it was impossible to limit the absolute power of the kings for the purpose of human right. Even the 1931

constitution was proclaimed as good will of the emperor. The constitution consist of 12 articles (Art 18-29) which in turn are limited such right known now a day popularly as mobility legal and petition rights. The constitution "did not establish civil and political right as working law."[2]The introduction and inclusion of human right provision in the country's constitution is the result of the country's history and international relation during the pre-world war the second. At this time Ethiopia was a party to the "league of nation pact and the Geneva convention which were intended to remove war assuage human misery respectively"[3]

After the second world war Ethiopia became not only the member of united nation but also a founding signatory of the united nation which determined to "promote universal respect for and observance of human rights and fundamental freedoms…"[4]as one of its principle.

As member of the UN Ethiopia assumed a direct responsibility to protect and promote human rights by taking joint and separate action in the national and international forums. The consequence of the membership also extends to the official subscribing of the UDHR, a human right instrument which set out the universal standards of human rights.

The internal composition of the country also changed with the coming of Eretria by the federation, The 1955 revised constitution proclamation to accommodate the then existing situation in Ethiopia. The revised constitution was the result of the historical developments of the country after the Second World War. In fact it reflects the events particularly in the field of human right protection "it was highly inspired by the

[2] C.N Paul and G. Clamph, *Ethiopian constitution development,* (vol.II, 1971), p. 912
[3] M.Junod, *warrior without weapon international community for red cross* (1982), p. 22
[4] Art 55 of the UN charter

principle of the UDHR."[5] In effect human right assumes more elaborate status under the 1955 revised constitution.

The subsequent event in the history of the evolution of human right protection in Ethiopia is the promulgation of the constitution. This period of the *Derg* regime, despite the fact that it was characterized by a massive violation of human right the constitution didn't fail to incorporate human right provisions. Indeed the constitution did include numerous provision related to important human right principles. However it is un indisputable fact, they remain in the paper implying false hope and promises.

Before the conclusion of this section it is important to have some ideas about human right protection during the transition period the transition period having the charter as a guiding principle and supreme law of the country, is the period in which human right protection is emphasized more than the previous times. The charter incorporated the provision of "unlimited respect to the individual human right and freedom based on the UDHR"[6] under the dictation of the charter and pursuant its numerous proclamations have been issued. In fact it was at this period, the two famous international instruments of human right, the ICCPR, ICESCR, and ICESCR are ratified.[7]

### 2.2. Definition and nature of human right

The contemporary idea of human right is formulated and consolidated as a result of the shock of public conscience by the sadistic, brutalistic horror and inhuman picture of Second World

[5] Supra note 12
[6] Art 1 of the charter of the transitional government of Ethiopia
[7] Michaeel ross fowler, *thinking about human right: contending approach to human right.* (vol.VI, 1987.)P. 70.

War, and founding of the UN in 1945. Nevertheless the idea has roots early in human thinking.

The expression human rights are a name for what were formerly called ‘right of man’. It was cleaner Roosevelt in the 1940, who promoted the use of the term ‘human right’ when he discovered the right of man were not understood in some part of the world to include the right of women’s. The right of man at an earlier date had itself replaced the original term “natural right”.[8]

An exploration to arrive at a clear cut and exhaustive definition for the term ‘human right’ is an issue of great controversy. So far it is difficult to come up with a complete definition encompassing all fundamental principles of human rights based on the international instruments of human right are vague, uncertain and unenforceable for they’re clearly understood and would be given effect according to the legal documents they are found.

Without forgetting the above fact, as it is not possible to proceed a discussion about human rights without defining the term, I employs for the purpose of this paper the following definition proposed by cranstasn as cited by Michael Ross Fowler:

*[A] human right by definition is a universal moral right. Something which all men every, were, at all times ought to have. Something of which no one may be deprived without a grave affront of justice, something which is owing to every human being simply because he is a human*[9]

A close observance of the above definition reflects what human rights are and how they are established. The term human right indicate both their nature and source : they are the right one

[8] Journal of American academy of arts and science (vol II. No. IV, 1985.) P. 173

[9] Michael Ross fowler, *right thinking about human: contending approach to human rights* (vol. VI, 1987.), p. 70)

has simply because one is a human.[10] If a right is determined to be a human right it is general in universal in character and equally possessed by human beings.[11] All human beings should enjoy a human right because a mere fact that they are human being. Human right are held by all people and all human being without distinction as to race, color, sex, language, religion, nationality, ethnic origin, family or social status or political or other convictions.[12] Irrespective of their difference, all human being are entitled to human rights.

The universality of human right is not an implication to do away with or value differences within the society and among human beings. The universal character only upholds and emphasizes the common element 'humanity' without any prejudice to any other reasonably promoted differences.

To call human right 'right' implies that they are claims 'as of right' not merely appealed to grace or brotherhood, or love; they need not be earned or deserved.[13] They are more than aspirations or assertions or of the good; but claims of entitlement and corresponding obligation in some political order under a moral law.[14]

Apart from this human right are also inalienable. Because of they are right derived from human dignity and worth of human person and being a human can't be lost or forfeited.[15]The inalienability of human right is implied once humanity. This means human rights are not dependent upon the ability of the individual to exercise them nor are dependent on the act of the

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[10] Asfaw g/Alif*, human a right commission: its relevance to Ethiopia* (1987). P.6

[11] Claude and Weston*, rights human in the world community; issues and action (2nd ed' 1992.) p.17*

[12] Christofer gane, and mark mackerel(editor*), human right and the administration of justice: international instruments* (1997.) p.19

[13] Supra note 2, p. 71

[14] Ibid

[15] Supra note **13**

person. They are irrevocably attached to a human person throughout his life.

More over human rights are dynamic. This is to say, there is no fixed exhaustive list of human rights. They are in a dynamic movement that always add new ones and allow old ones to fade away as economic and social condition change. It is not a body of law written on stone, with the context fixed by law developed over a century or even a decade ago: rather it is an expedient body of general principles capable of adaptation and application to the basic concept of people living in widely deferent often changing circumstances.

Human rights are best understood as those rights enshrined in international instrument such as: UDHR, ICCPR, ICESCR, regional human right instruments and treaties dealing with specific aspect of human right protection such as the prohibition of the torture.[16] As it can be seen from this international instrument, human right are of deferent characteristics and hence differently categorized: civil and political rights, Economic and social rights, group rights. Nonetheless all human rights are universal, indivisible, interdependent and interrelated.[17]The process of categorization has its own origins and reasons, which requires more discussion beyond the scope and purpose of this paper. In any case categorization is proper and essential helpful in understanding of human rights. But it does not imply an absolute demarcation and distinction among the deferent categories. More specifically it doesn't permit to be drawn a hierarchy of importance or priority of treatment in favor of one against the others. So the international community must treat human right globally in a fair and equal manner on

[16] R.crawshaw, b.devlin, t.wiliamson, *human right and poilicing*, (1998), p.7
[17] Ibid

the same footing and with the same emphasis.[18] In principle for all human right emanate from every fact of human being, it is illogical to make discrimination among the deference categories only because they are found deference instruments.

In fact such kind of instrument entail in it, potential disregard of human rights which may result the very purpose of human right: to protect the common value ‘humanity’.

Generally, although the term human right possesses to definite universal definition, the word is in no dilemma or confusion as to what human right are and what their nature is. For the purpose of human right to be complete, however this fact is not enough, though it may be account an essential step. It is a matter of common knowledge, like all other right human right require an integrated system o f legal means for their enforcement. Therefore with an intention to achieve this law purpose, the international human right consists of the body of international rule, procedures and institutions the reason and composition of this will be discussed in the following sections.

[18] Ibid

## 2.3. HUMAN RIGHT PROTECTION UNDERPRESENT CONSTITUTION.

The primary task of human right protection domestically is to adopt and integrate international human right standards into domestic legal system. It is a common observation in the world that, the process of adoption is usually performed by incorporating human rights into the state constitution. The Ethiopian experience is not an exception to this observation.

The present FDRE constitution incorporates a wide range of fundamental human right principles in almost the same wording and similar terms of the international instruments of human rights. These constitute the whole three from ART 13 to 44. The allocation of an exceptionally high percentage of the constitution is a clear indication of the great emphasis attached to the human right by the constitution.

The rationale behind making human right constitutional provision implied that, since a constitution is a supreme law, binding on laws procedures, institutions, and official of a country, human right assumes the highest binding effect. The status of human right as constitutional provision endows them an immunity from being eroded and nullified by legislation and other acts.

The protection of human right under the constitution is also strengthened under Art 13(2). This Art provides:

*The fundamental right and freedom specified in this chapter shall be interpreted in a manner conforming to the principle of the universal declaration of human rights, international covenant on human right and international instrument adopted in Ethiopia*.

By virtue of this article human right provision of the constitution are to be interpreted in line with the international instruments. Because, the way international instruments are to be interpreted is assume d to be more developed and integrated than the domestic one, it ensure that these human rights are interpreted in a more original and sound way of interpretation. In a way, it avoids also any modification in the process interpretation. Because of they are going to be interpreted in a light of widely and internationally accepted and expressly clear way of interpretation.

Then present constitution seems to have given a special attention and concern to human rights protection. In addition to the above provisions, this statement can also be illustrated by the following provision of the constitution.

The first Art 9(2), this article provides: all citizens, organ of state, political organizations, other association as well as officials have the duty to insure observance of the constitution and to obey it. Since this article is a general provision applicable to the whole constitution it doesn't talk expressly about human rights. But, for human rights constitute part and parcel of the constitution it applicable to human right by way of direct implication.

Art 13 (1) also buttresses and strengthens such an arguments in a more clear and expressly direct term. It states that, all federal and state legislative, executive and judicial organs at all level shall have the responsibility to respect and enforce the provision of the chapter. The last phrase 'this chapter' refers to chapter

three, and chapter three is about human right provision of the constitution imposes on all organs of state or federal specific duty and responsibility to respect human right provisions of the constitution.

The second is ART 93(6), The Extra Consideration and Value Given to Human Right Is Also Signified by Attention Given to Them Even during the State Emergency. The Predominant Power and Responsibilities of the emergency inquire board are aimed to ensure whether individual are treated humanely during the state of emergency.

More over Art 105(1) of the constitution make the amendment of human right provision in the constitution, specify more rigid and stringent. Pursuant to this provision, majority vote of all state councils, out third majority vote of the house of people representatives and majority vote of house of federation is required for their amendment.

This article shows that human right assumed the highest secured place in the constitution. The purpose of putting a rigid procedure for the amendment is to create a reasonable restraining obstacle that avoid any easy amendment resulting any easy amendment is to create reasonable restraining obstacle that avoid any easy amendment resulting in an necessary modification without due deliberation of the amendment.

To sum up, the present constitution is highly concerned with human right protection. It is also clear that human rights are given the best protection under the constitution with the possible safe guard and guarantees for their secured status.

### 2.4. Human right and the police

“[A]s human right concern with the relationship between individuals and the states, controlling and regulating the

exercise of power over individual and as the police exercise power on behalf of the government"[19] the relationship of human right and the police is an important issue that requires serious consideration.

The very purpose of the existence of police: maintenance of peace and order is an essential component of the full and effective and effective realization of human rights. The duty of the government to protect human right of the individuals against public and private invasions is possible only through the proper discharge of the function of the police are closely related to the protection of human rights.

On the other hand in order to attain its purposes which are helpful in the realization of human right the police is charged with power of arrest and detention, search and seizure and investigation. The exercise of this power inevitably results in restricting human right of the individuals. For example an arrest and detention are a direct limitation on the right to liberty and freedom of movement, search and seizure is a restriction upon the right to privacy and property. For this reason it seems that there is an apparent tension between human right and police powers.

This tension is an extension of the paradox that exists between "order" and "liberty". It only became an issue until it is resolved by law to the extent possible. Man's freedom  whichever is the system he is living in, is not and can't be an absolute nor does it exist in vacuum, but instead is hedged about by the competing right of others and the demand of social welfare.[20]

Human rights, as they are man's freedom, with all their universality and inviolability, are not absolute by their nature,. A

[19]Asbjorn Eidie and Agust schoul, International protection of human right Nobel symposium (1938), p.5

[20] Edwin S.Newman*, the freedom reader* (1963) p.169

brief glance at the international instrument of human right law signifies that they are circumscribed by a number of restrictions attached particularly to each specific human right article. The restrictions are not arbitrary imposition on the rights. Rather they are clearly and objectively reasoned anticipated solution to the possible conflict. It is said that:-

*…Both unbounded liberty ad its restriction place human right in jeopardy. Unbounded liberty jeopardizes the security of life and property and indeed the security of …society. Where there is not so there would be no need to place any restriction on liberty. Restricting liberty on the other hand jeopardizes the basic human right to freedom of movement and conduct.*[21]

Human rights are intended to protect individual from being abused by the public authorities. They promote and protect individual freedom of thought and action within a secured society. However they don't justify breaches of public order, public welfare and public security. Nor do they advocate the intrusion of private right by fellow men.

The international instrument of human right not only enshrines respect for human right but also envisage the possible limitation and restriction including the justification for doing so. Therefore, what happen when the police exercise with an effect of limiting human right, is not an obstacle in human right protection by itself but the expression of the balance between human rights public security and right of other

[21]Clued R.sowle(editor), *police power and individual freedom* (1962) p.21-22)

# CHAPTER THREE

## DATA ANALYSIS AND PRESENTATION

### 3.1. General

Human rights are inalienable and inherit in every human being. They are protected under international convention to which Ethiopia is party. The protection of human right is also made binding on all official through the federal democratic republic of Ethiopia (here after F.D.R.E) constitution. Consequently the police is enjoined to respect human right during the performance of its functions.

This chapter deals with evaluation of police practice in Bale robe. The , robe town police, and bale zone major prison police are taken as subject of evaluation. In my opinion, it is impossible to make country wide examination, and the researcher take the robe town and gannale prison polices as an illustration to see whether human right are actually observed by the police. On the other hand 16

suspects and prisoner under police custody were participated in filling the question prepared in the form of questionnaire. All the questionnaires were administered by the writer in the form of an interview with each suspect or prisoner. As a result issues that were not raised in the question were come to the attention of the writer and addressed in this chapter. Because of the difficult exit in understanding language the questionnaires are made in A/Oromo to which the suspects are well familiar and translated in to English.

**Background of the data**

Table 3.1: Background of the suspects and detectives participated in the research

| **Category** | | **Suspects or prisoners** | **Police and detective** | **Total** |
|---|---|---|---|---|
| AGE | 2O-3O | 7 | 1 | 8 |
| | 30-40 | 5 | 2 | 7 |
| | 40-5O | 3 | 1 | 4 |
| | 50-57 | 1 | 1 | 2 |

| | | | | |
|---|---|---|---|---|
| | Total | 16 | 5 | 21 |
| SEX | Male | 13 | 5 | 12 |
| | Female | 3 | - | 7 |
| | Total | 16 | 5 | 21 |

As can be seen from the above table the majority of the suspect and prisoners were male from 20-30 it results of the lack of deep thinking and because of their age is also the fire age. And many prisoner are male this is because of many responsibilities given to male as a society for example to revenge their enemy who used to harm the parents of the person previously which is in Amharic called *'demmelash'* and other responsibility given to males. It is also the lack of tolerance behavior within such age.

### 3.2. Major police abuses in human rights

It appears that, such an act of the police is a shocking paradox. Apart from the fact that it is contrary to very inception of the police powers, it also jeopardizes the whole objectives of the function of the police. It is a fundamental cause for an increase of criminality and disorder. Regardless of this fact, the police persistently involves in human right abuses.

#### 3.2.1. During arrest and detention

Table 3.2: Questions and answers of suspects on their arrest and detention

| **Questions** | **Number of respondent fill ‘yes’** | **Number of respondent fill ‘no’** | **Total number of respondent** |
|---|---|---|---|
| Are you arrested within warrant? | **6** | **10** | **16** |
| Do you know the existence of the right to be silent? | **2** | **14** | **16** |
| Did the police beat you during arrest and detention? | 6 | **10** | **16** |
| Did they insulted or abused you during arrest and detention? | **7** | **9** | **16** |
| Did they bring you to the court with in 48 hours? | 12 | **4** | **16** |

Even though the police is empowered to arrest person suspected of committing criminal offence, it is subject to legal duties and formality of an arrest with a view to protect human right.

The primary requirement is to seek an arrest warrant from a competent court, unless such a delay would result in defeating the purpose of justice. So, as to the law, it is clear that arrest with warrant is the rule and arrest without warrant is an exception.

However evidence on the ground display that the duty to seek warrant is not complied **10** of the respondent out of **16**, that they arrest is effected without warrant. As it can be drawn from the reason they are arrested of and the narration of the circumstances during their arrest, in majority of the case there is no valid ground to deviate from the requirement of arrest warrant. The police seem to bother about warrant only in cases where an identified suspect, being sought for arrest, is not available for the time being.

The practical observation with regard to observance of warrant reveals the arrest without warrant is made a rule contrary to the law. In an interview with senior detective**,**[22]the interviewee, without deny the existence of arrest without warrant argued that, the disregard of warrant would not amount to gross deviation. In his opinion it can be corrected by brining of the suspect to court immediately.

The idea seems to be the result of the confusion between the duty of the police to seek warrant and the brining of the suspect to the court as immediately as possible. According to the law they are two distinct duties. The observance of the one is not the remedy of the violation of other. Although both are intended to give an opportunity for the court to make an impartial evaluation on the reason of the arrest, they are not substitutable.

Another interview with a detective indicated that there are police officers who consider as an offending insult to a police if the suspect

[22]Interview with  Mulugeta tefari, police

demands for an arrest warrant.[23] Although he admit that this is against the law, in his opinion, it is still an out an outrageous provocation for a police to be questioned by the law.

In all cases an arrest of such a number of respondents without warrant under no circumstances to do so is against the law and a clear violation of human right. It is an indication that the police disregard of his duty and abuse its power of arrest without due respect for the formality design to avoid the unnecessary consequence of arrest.

The secondary requirement of a law full arrest places a duty on the police to inform the suspect the reason for the arrest, and to announce his identity. In addition to inform that it is the duty of the police to inform the suspect about his right: the right to keep silent, and if he likes to talk his statement will be taken as evidence in the prosecution. **Fourteen of** the respondent responded that they do not even know the existence of such a privilege, let alone their enjoyment.

This shows the police usually ignore its duty to provide the necessary information to the suspect. Such disregard causes a physiological terror on the suspects until they reaches at the police station. And it seems the police is not aware of the consequence or they are allowed it to happen intentionally.

The interview with senior detective confirms, most of the time it is intentional disregard for the police is familiar with the existence of such a law.[24] According to him this rules are incompatible with the purpose and course of investigation and at the time to advise your suspect not to answer your question. In fact it seems that the police

[23]Interview with Tamam abdela police in robe town.

[24] Interview with private Girma abate a senior detective in robe town police .

uses the advantage of the in term confusion to elicit either confession or other evidences.

The practical observation of the execution of arrest in addition to the disregard of the duties and formalities reveals that, there actually is an excessive use of force and degrading treatment of the suspect by the police. **Six** of the respondent indicates they are beaten without any resistance on their part. The other **seven** shows they are publicly insulted and abused by the arresting police.

In an interview with a detective,[25]the interviewee, without denying the existence of excessive use of force and degrading treatments, stated that, this depend upon the arresting police officer and the reaction of the suspect. In his statement in his interview, he also indicated that in most cases the suspect resist the arrest forcefully sometimes armed, short of that, they insult the police provoking to beat or compel him to involve another unlawful treatments.

Another detective said that, although it is the duty of the police to bear every eventuality and act in line with the law, the police is still a human being and subject to making mistake particularly in such a burdensome interactions, which the police encounters.[26] According to him the cause of such of such unlawful activities is not an intentional act of the police But the accidental mistakes.

The police, as it is evident from the interviews, attach the occurrence of human right abuse to the patience and ability of few individual police officers. It should be understood here that whether it is related to individual or the institution, human right abuse remains against the law. Such distinction serves only as an indication of the extent and manner of the human right violation. According to an interview made

[25] Interview with Alamayo soresa bale zone major prison police
[26]Ibid

with detective,[27] it is the opinion of the interviewee from his experience that the police need complete submission and unquestioned authority from the suspect. In fact in considerable events, any act which appear to the police challenging to such a perception is the reason for beating and unlawful treatments, during the course of arrest.

The observation of the practice with regard to arrest shows, the police is acting against the law. More tragically, they intentionally avoid keeping themselves in line with the law. None of the reasons which are expressed in the interview justify the arbitrary deviation from the law. It seems that, the police driven by its physiological misperception and prejudice indulge in disregarding human rights.

The other issue with respect to arrest is the duty of police to bring the suspect to the court of law with in the **48** hours. This area seems to be better observed by the police .**twelve** of the respondent responded, they were brought to the court within **48** hours.

The right of person to appear before the court within **48** hours is one of the fundamental safeguard to protect from being detained for unlimited time. The practice with regard to this, although its compliance was neglected previously, is among the respected right particularly in the past two years.[28]

The interview and the result of the questionnaire shows, in fact the police have been improving the observance of the duty to bring the suspect within **48** hours.

In summation the evaluation, of the police with regard to arrest displays it is an area which the police must improve the observation of the protected rights.

[27] Supra note 22
[28] Supra note 23

The failure of the police to comply with the duty to seek warrant in majority of the cases without any justification reason pursuant to the law amount to an arbitrary deprivation of liberty which is contrary to the law. The frequent disregard of duties and formalities set by the law for the process of a lawful arrest constitutes an outright violation of human rights. So no matter what the extent of occurrence and the manner they are happened, the police should bring they practice in line with the requirements and procedure of a law in the process

### 3.2.2. During search and seizure

Table 3.3: Question and answer of suspects on the issue of search and seizure

| **Questions** | **Number of respondent fill 'yes'** | **Number of respondent fill 'no'** | **Total number of respondent** |
|---|---|---|---|
| Is your property is subject to search? | **5** | 11 | 16 |
| If 'yes' is it by search warrant? | 2 | 3 | 5 |
| Is all the property subjected to search are mentioned in search warrant? | 2 | 3 | 5 |
| Do you subjected to search during your arrest? | 16 | 0 | 16 |

The law of search and seizure is closely associated with the right to privacy. So any neglect of the procedural requirement and formality is an arbitrary interference with the protected right of privacy of individuals.

It is a mandatory duty for the police to have search warrant before an execution of any search of promises and property as a rule. Search without warrant is allowed as an exception to avoid any delay that may result in obstruction of justice.

The practice with respect to the search of premises and property depict that the requirement of search is compiled accept in rare occasions. **Three** of the respondent out of the **five**, who are subjected to search of their home and property, responded that the search is conducted without the search warrant.

According to the detective, search of premises or properties conducted not only with search warrant but also in the presence of representative from the *Kebele*.[29]

With regard to search of premises and property, the police seem to be better acquainted and better kept intact with the law. However the problem lies with regard to seizure. According to the law any property is to be seizure only if it is listed under the search warrant as a relevant evidence for the prosecution.

**Three** of the **five** respondents whom their home is searched expressed that a property which is not stated in the search warrant is taken by searching police. Interviews with the detective about this issue indicate the existence of such an act.

In the interview the detective stated that, anything incriminating, whether it stated or not in the search warrant, would be subject to seizure.[30] Another detective,[31] share this view with an emphasis that implies; there is no sound reasoning in leaving an incriminating object because it is not listed under the search warrant. In his opinion once

[29]Supra note 24
[30] Supra note 23
[31] Supra note 24

there is an authorized interference with the right to privacy; there is no purpose to be served by remaining indifferent to take control of incriminating object.[32] In fact to him it would be simply defeating the purpose of justice.

Both the interview and the result of the questionnaire reveal that the police is not observing the law with respect of Seizing the property. As far as they are aware of the fact that related the object related to crime, they don't bother whether it is not listed under the search warrant. Even if it is not relevant to offence, sought to be proved, it would be seized.

What is surprising more here is the police in majority of the cases intentionally disregard the observance of its duty. Particularly, the police is in the opinion of rationalizing its unlawful act with its own ground.

It should be recognized here that, it is not the task of the police to interpret the law. Such an act constitutes an interference with the judicial power. The police is expected to observe the law without any deviation under the disguise of an warranted interpretation.

The reason why seizure of property, not listed under a search warrant, is not allowed to limit any power abuse by the police. Even if there is an authorized limitation of privacy through the warrant, it does not mean that the right to privacy is altogether suspended. The effect of the authorization is restricted to the reasons and ground that initiates the search. Any step beyond authorized for the purpose of search is an arbitrary interference and a complete subjugation of the right to privacy thus, against the human right of the person.

[32] Ibid

The other issue related to search is search of persons. Search of person is allowed by the law as a consequence of an arrest, where there is reasonable doubt that, relevant evidence is to be found as a result. But, the practice ground shows, it is formal and necessary procedure for the police to search a person after any execution of an arrest. All of the **sixteen** respondent have expressed, they had been subjected to a search during their arrest.

The police argues, search after is necessary for self defense and prosecution of others including the suspect himself. Though, not covered by the law, the police seem to rational cause.

### 3.2.3 During interrogation

Table 3.4: Questions and answers of the suspects on their interrogation

| **Questions** | **Number of respondent fill 'yes'** | **Number of respondent fill 'no'** | **Total number of respondent** |
|---|---|---|---|
| Did they beating up, insulted or intimidate you during interrogation? | 9 | 7 | 16 |
| Did they ask you if you want a lawyer? | 2 | 14 | 16 |

| | | | |
|---|---|---|---|
| You yourself tried to see a lawyer? | | | |
| Is your friend or family allowed to visit you during interrogation? | 11 | 5 | 16 |

The interrogation stage is the most susceptible area in which police abuse of human right is occurred. Pursuant to the law it is clearly understood that the police have no right or no power to beat up, torture or intimidate the person being interrogated or promises him or her a favor, so as to illicit a confession or any other statement. In addition to that the police is required to complete the investigation as expedient as possible.

The observation of the practice displays that, the police avoid none of the prohibited acts during interrogation. Although there is no indication as to the practice of the prohibited acts in an institutional manner, it can be safely concluded, detective are engaged in beating, torturing, intimidating the persons being interrogated.

The prevalence of the prohibited act during interrogation can be evidenced by the finding of the questionnaire**.** Out of **16** respondent **9** of them indicate to have suffered from one of the prohibited acts:

beating up, insult or intimidation. Private interviews with the suspect also show, the police employs violent and untold to extract evidence.

A suspect under the custody of the police, who required his name to be kept confidential, expressed to me:-

*"When he is not willing to admit the accusation, the police threatened him that he will be rotten in the prison and no one comes for his help"*[33]

According to the suspect the treat was performed after a beating with a wooden handle of…[34] similar stories are available and commonly known for most of the suspect under the police custody.

In an interview, the detective stated that although it is not possible the prohibited acts are absolutely avoided; the performance of any act of torture is a serious ground for a severe punishments. In their opinion, the suspects who are victim of any prohibited act are encouraged to bring it to the attention of the court or the chief detective so that an independent investigation is to be carried out as to the allegation.[35]

Another interview with the detective also depicted that, the stressful burden of the detective work coupled with lack of to reach at the desired result in line with personal and professional investigation, is probably the reason why some police detective resort to use the unlawful methods. The observation shows that, the reaction of the suspect to the process of investigation, previous record of the suspect, the type of the crime with which the suspected is accused of, along with the manner the crime is committed the necessity of the evidence committed, and the necessity of the evidence sought are assumed to

[33] Confidential interview with a suspect under the custody of police
[34] Id
[35] Supra at note 24

be the determining factors that compel the detective to adopt unlawful meanness.[36]

If key evidence sought to be kept by the suspect, and if it is believed, such evidence is only possible through confession, the detective would do everything under the sky including illegal acts to procedure the evidence.[37]It is in the detective mind that it is not fair to leave a dangerous criminal uncontrolled because he is capable of hiding some evidence beyond the reach of the police while, it can be caught of in somewhat illegal means.[38]

All detective based on the interview conducted, agreed that, majority of the cases can be deposited of, without any need of employing unlawful meanness. They consider police investigation methods and tactics are capable of generating result. But in exceptional circumstance police detective find their abilities and methods are helpless. This time driven of strong convictions that no one should escape having violated the law may resort to use the unlawful means.

The overall assessment of the performance of the practice of interrogation disclose that the police is practically obsessed of apprehending and prosecuting offenders without taking care of the manner of procurement of the evidence for the prosecution.

The obsession sometimes leads the police to a complete disregard of human right of the suspect. In fact it seems that, the police wouldn’t hastate to extract evidence at the expense of protected human rights.

The determination and devoted concern to prosecute offenders and the effort to cover every loophole that might serve as a means to defeat the objective of the police is an important culture which should

[36] Supra at note 22
[37] Supra at note 23
[38] ibid

be encouraged. However it should be guarded so that it can't be utilized to undermine and erode the fundamental human right of individual which is the police equally entrusted to stand on their guard.

The law prohibits the torture without losing sight of escaping criminals which can be prosecuted otherwise. So the police is not justified to torture suspect with an intention of avoiding escape of prosecution. Thus, under any circumstances unlawful and arbitrary.

During the process of interrogation, there are also other protected human rights which there observance need to be evaluated. The right to council, the right to be visited by friends and relatives and the presumption of innocence and the fundamental human rights that should be respected during the interrogation process.

The finding of the questionnaire shows, all the respondents didn't ask to see a lawyer for they have neither the knowledge of the right nor the capacity to do so even they know. **11** of the respondent answered, they have got the opportunity to be visited by the relatives and friend at the presence of the investigator, pending the investigation. **5** of the respondent answered, they are denied of the right to be visited by their friend and relatives.

The discrepancy as to the practice of the right to be visited friends and relatives is the result of discretion of the detective conducting the investigation. According to the interview with a detective Alamayo soresa, in practice, whether the suspect should be allowed to be visited by the friends and relatives dependent upon the type of crime committed, the extent and the effect of evidence collected. If the detective handling the case considers there is a danger in allowing the right, he would permit the suspect to be visited at his presence in a language understandable to him. On the other hand, if he thought that

such permission would complicate or impede the course of the investigation, he may deny any visit until the completion of the extinction of the suspicion.

It is clearly expressed; the practice is contrary to the law. The right to be visited by the friend or by relatives is not a right exercisable upon the discretion of the detectives. It is a human right enjoyable as of right. And the detective has no authority to deny such a right. More importantly, the denial of visit for the purpose of compelling the suspect to admit the charge is a clear violation of a fundamental human right that may amount to psychological torture.

In addition to this, the denial of visit by friends and relative deprive the suspect the opportunity to prove his innocence, since he is not in a position to collect the evidence. If the police kept the suspect under his custody without any communication, there is no means the suspect can defend himself during the trial. Complicate the so, is not defending to prohibit the suspect from being visited by friends and relatives because of the fear that it may investigation.

The presumption of innocence is the most un respected right by the police. In principle the police favors, the doubt that the suspect is innocence.[39] This physiological attitude, dictate the police to act and treat the suspect as if he is not innocent. All the violation of the right we have seen above, are the result of the violation of the presumption of innocence.

In general it appears that the practice of the police in human right protection exhibits a uniform pattern of human right violations. It is characterized by repeated and intentional disregard of the fundamental human right principles.

[39] The Ethiopian federal democratic republic of Ethiopia (herein after FDRE) constitution Art 19

The process of investigation as a whole is a very sluggish. [40] The police are not capable of providing sufficient evidence even at a cost of repeated adjournments.[41]

The purpose of this chapter is to analyze the observance of human right during the course of the performance of the police function. As we have noted above human rights are not respected by the police as are expected to be respected.

Nevertheless there should be no misconception that the police are exerting a lot of effort in its capacity to improve its performance and come up with a better understanding and respect human rights.[42] In fact considerable changes are recorded so far.

[40] Supra at note 22
[41] Ato markos w/senbat, application and problem of police, conference on system of justice and democracy in Ethiopia
[42] ibid

# CHAPTER FOUR

## Constraint, summary, conclusion and recommendation

### 4.1. Constraints

According to the researcher analysis on the data gathered both from the suspects, and police and also other observation, the problem of the police as to the poor performance in human right protection is the result of four major constraints in the police.

The first is related to the training and education of the police with respect to human rights. Although the police have a course dealing with the criminal procedure code, it is not adequate to enable the police to know the fundamentality of the human right and the importance of observance.[43] Apart from the criminal procedure code course the police has no formal training or education concerning

[43] Supra at note 23

human rights.[44] Most of the training is dedicated to apprehension of offenders than to respect human rights. It seem that horse training which is only the action rather than the rule.

The second is the problem with regard to the skill and of detectives and lack of proper organization.

Detectives are not sufficiently trained with modern tactics and investigative professional skills.[45] They are required to handle plenty of investigation cases beyond the capacity of one detective.[46] This is because of lack of sufficient number of detective.[47] In addition to this they are provided with urgent orders from their bosses short of genuine cooperation's.[48]Shortage of the necessary facilities is also a pressing problem. The absence of adequate skill coupled with the burden of the job is the reason for the detectives to neglect human right and adopt unlawful methods.

The third is associated with control mechanisms the police as an institution employs *'gimgema':* the evaluation of its performance as controlling mechanism, but the result are not satisfactory.[49]

The fourth is the influence of the past attitude of undemocratic, and traditional police practice. Before one decade Ethiopian political history was characterized by nondemocratic government system in which no right of arrested is expected to be cared by government authority including the police.

Due to lack of knowledge the human right and the consequences of its violation under the law on the part of the suspect the judicial control through the legal responsibility of the police is not functional. in the

[44] ibid
[45]Supra at note 22
[46] ibid
[47]Supra at note 24
[48] ibid
[49]Supra at note 23

process of the questionnaire most of the suspect responded that if the court finds them innocent they have no intention of bringing any legal action. For the majority there reason is, in first place they are not aware of the existence of such right. In the second place even if they know they have no financial capacity nor are they ready to burden the consequence of legal proceeding.

In short the constraints of the police are lack of proper understanding of human rights, the absence of efficient mechanism to control any violation and lack of proper to and modern professional training of detective

## 4.2. Summary

A human right by definition is a universal moral right. Something which all men every, were, at all times ought to have. Something of which no one may be deprived without a grave affront of justice, something which is owing to every human being simply because he is a human.

Human right are not the Enovation of a short period of time they are the result of socio-economic, legal and philosophical development of the history of mankind, this hold true in the case of Ethiopian evolution of human rights.

The present FDRE constitution incorporates a wide range of fundamental human right principles in almost the same wording and similar terms of the international instruments of human rights. These constitute the whole three from ART **13** to **44**. The allocation of an exceptionally high percentage of the constitution is a clear indication of the great emphasis attached to the human right by the constitution.

As human right concern with the relationship between individuals and the states, controlling and regulating the exercise of power over individual and as the police exercise power on behalf of the

government the relationship of human right and the police is an important issue that requires serious consideration. Unfortunately however, police officials, who are designed to protect human right, are seen disregarding the law there by violating the protected human rights.

It appears that, such an act of the police is a shocking paradox. Apart from the fact that it is contrary to very inception of the police powers, it also jeopardizes the whole objectives of the function of the police. It is a fundamental cause for an increase of criminality and disorder. Regardless of this fact, the police persistently involves in human right abuse.

The practical observation with regard to observance of warrant reveals that the arrest without warrant is made a rule contrary to the law. Police have a duty to inform the suspect the reason for the arrest, and to announce his identity. In addition to inform that it is the duty of the police to inform the suspect about his right: the right to keep silent, and if he likes to talk his statement will be taken as evidence in the prosecution. But in most of the cases this is not practical. In addition to this there is an excessive use of force and degrading treatment of the suspect by the police.

With regard to search of premises and property, the police seem to be better acquainted and better kept intact with the law. However the problem lies with regard to seizure. Anything incriminating, whether it stated or not in the search warrant, would be subject to seizure. Both the interview and the result of the questionnaire reveals, the police is not observing the law with respect of seizing the property.

The interrogation stage is the most susceptible area in which police abuse of human right is occurred. Detectives are engaged in beating, torturing, intimidating the persons being interrogated. If key evidence

sought to be kept by the suspect, and if it is believed, such evidence is only possible through confession, the detective would do everything under the sky including illegal acts to procedure the evidence.[50]

Generally the observation of the practice with regard to arrest and detention, interrogation and search & seizure shows, the police is acting against the law. More tragically, they intentionally avoid keeping themselves in line with the law. None of the reasons which are expressed in the interview justify the arbitrary deviation from the law. It seems that, the police driven by its physiological misperception and prejudice indulge in disregarding human rights.

### 4.3. Conclusion

According to the UN charter the recognition of the inherent and of the equal and inalienable right of all members of the human family is the foundation of freedom, justice and peace. Due to the close interrelation of the effect of human right violation and the world peace and security, the international community is responsible for the protection of human rights at an international level.

With an objective to discharge this duty the UN is interested to ensure respect for human right for all human being in all countries. Despite its constraints and neglects, it has engaged in various human activities in this regard. Complex machineries have been set up in the international convention and treaties for establishing, monitoring compliance and investigating violence of human rights.

In order to comply with the requirement of the international duty for the protection of human right, we have seen that numerous measures are being taken by our country human right assumes the central and secured status in the FDRE constitution. The independency of the

[50] Supra at note 23

judiciary is granted by the constitution several civic association and human right institution have been established and permitted to function. Nevertheless the record of human rights protection is still unsatisfactory.

To compact human right violation and ensure effective human rights protection, it is neither sufficient to multiply laws and legislation nor adequate to establish institutions. A guanine and a strong national commitment backed by careful organized mechanism for the promotion and Implementation is required.

More specifically, for the real implementation of human right protection, the government should bring out practice in line with the standard of human right principle at levels of its agencies.

We have seen that, because of the nature of its function, powers and duties the police is the most crucial of government agencies.

This means the government should focus on the police system so that the police may not endanger the protection of human right during their performance of their duty.

The police is empowered to arrest and detain, search and seize, and interrogate. This empowerment curtails individual human right: the right to freedom of movement and liberty, the right to property and privacy and so on. The restriction and limitation introduced is not a problem by itself for it does envisage under the law of human rights.

The problem comes when the police disregard its corresponding duties design to safe guard human rights. As human rights are not absolute so is the power of the police. The strict compliance of the police with its duty keeps the balance. Any neglect of the duty disturbs the balance making the act automatically a human right violation. Such an act is sanctioned by criminal and civil liabilities.

On the other hand, the police as an institution of maintaining peace and order assume a central position in human right protection. This is because; the existence of peace and order is an essential component of the necessary condition for an effective human right protection. The police also plays an important role in human right protection by way of crime prevention and crime detection.

All crimes are against human rights. In fact they constitute by themselves direct or indirect human right violations. An effective system of crime prevention and crime detection deployed by the police is an accountable contribution in human right protection.

Apart from this the police is engaged in the protection of particular human right such as the right to life, property, assembly, peaceful demonstration, election and so on. Police employs deferent method to ensure the peaceful enjoyment of the rights guaranteed by the law for every citizen.

Unfortunately however as we have seen in chapter two the police turns to be the violator of human rights. The practice display the powers that are entrusted to the police are mostly abused and utilized for purpose other than they are designed for. The human rights of individuals are usually neglected. The duties designed to safe guard human right are intentionally disregarded.

In all the abuses and disregard the police appeals for an excuse on the ground of the necessity of screening offenders without being living any loophole for any escapee. But it should be clear for the police at this point the procedure and formality are intended to secure human right of individuals and to put them beyond unwarranted interference. The apprehension of ‘offenders’ at the expense of the protected rights is clearly an outrageous violation of human right and hence a crime.

In the final analysis the evaluation of the role and responsibility of the police shows that the police because of lack of prober understanding of human rights and others related skills is not a person in a position to play its expected role in human right protection.

### 4.4. Recommendation

Police practice in our country reveals a distributing disregard of human right. It characterized by a uniform pattern of human right violations. In this regard the researcher makes the following recommendation to enhance the police human right practices.

1. As I have noted in my discussion all the abuses and disregards are primarily the result of lack of sufficient knowledge of human right in the police. In order to avoid this problem, the government should institute and improve training facility to educate police officers about human rights. The training should be planned and executed focusing on the fundamental human right, the consequences of their violation. Particularly it to enable the police to understand clearly its power and duties with regard to human rights, based on the constitution and international standards.

2. Education of the police about human right should be continues and updated. It has to be internalized in day to day function of the police. In short uninterrupted effort should be taken aiming at making the respect of human right a universal culture of the police.

3. Detective should be provided with modern training of investigative techniques so as to enable the police to conduct investigations professionally and lawfully.

4. Police officers accused of perpetrating human right abuse must be investigated by an independent body. Such a body should be set up by the government. The body will be effective, in my opinion, if it compresses representative of the police, ministry of justice, human right groups and civic associations.

5. The government, nongovernment institution, private and public schools and civic association should exert intensive efforts in educating the people about its right and duties in the law. The ultimate purpose here is to create vigilant people who are courageous enough to speak out and to move forward in pursuit of the rights.

6, the police should be refrain from any illegal act in human right protection. They should have to take proper care in the treatment of suspects.

7, there must be effective and efficient legislation in which the polices assume responsibilities for any negligent and abusive acts in implementation of the human right of suspects.

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*V. International covenant on economic, social and cultural rights*

*VI. The united nation charter*

[51] Supra at note 24

*VII. Universal declaration of human rights*

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2. *Interview with alemayo soresa Bale zone major prison police.*
3. *Interview with private mulugeta tafari a senior detective in robe town.*
4. *Interview with Tamam abdela Bale zone major prison police.*

APPENDEX--1

QUATIONARIES

THIS QUESTIONARIES IS PREPARED IN ORDER TO COLLECT INFORMATIONS THAT SERVE IN REASERCHING THE POLICE PRACTICE IN PROTECTING HUMAN RIGHTS AND IT MAINLY CONCERNEDCRIMINAL SUSPECTWHO ARE UNDER ARREST IN POLICE STATION AND PRISON AS IT IS TO ANALYZING THE ROLE AND RESPONSIBILITY OF POLICE IN HUMAN RIGHT PROTECTION,I REQUEST YOU TO FILL ACCURATE AND CORRECT INFORMATION.

**Back ground of the suspects**

Name ----------
---

A, Sex ====== b, Age ======== c, education status ==========

1, what is the reason of your arrest?----------
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2/.do you arrested with court warrant?

a. Yes b.no

how/why?

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A .yes b. no

how/

why?---

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4/.does the arresting police disclose his identity?

A .yes b.no.

how/why?---

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5/. Did the arresting police informed you that you have the right to remain silent?

a.yes b. no

how/

why?----------

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6/.did you informed by investigating police that your word will serve as evidence during confession?

a. yes b.no

how/

why?----------

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---

7/. What kind of injuries you have faced during your arrest by police?

How/

why----------

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8/.did police make search with regard to yourself, property and your house?

a. Yes b. no

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9/,if your answer on QUE .number eight is yes did it made with court warrant?

a. yes b.no

how/

why----------

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10/,if yes, did the seized your properties that are not listed under the court warrant?

a. Yes b, no

11/,from your arrest in what time you presented before the court?

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12/.Have you given the opportunity to be advised by the legal adviser during examination?

a. yes b.no

how/why----------

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13/.have you the right to visited with your family and friends?

a. yes b ,no ho/why

---

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---

14/.by what kind of means you are enforced during examination?

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15/.does the investigating police has executed the court order that to release on bail or other reason on proper time?

a. Yes b.no

how/why----------

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16/.when the arrest to be illegal and released on court order have you claimed against the arresting police for the illegality?

a. yes b. no why/why not----------

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---

---------- 17, which of your human rights do you think is mostly affected?

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18, is there any physical, psychological, and moral affect during your stay in custody?

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APPENDEX-2

THE FOLLOWINGS ARE SOME OF THE QUATIONARIES TO INTERVIEWS POLICES

Do you give court order to the suspects when you arrest them Do you insult or intimidate suspects when you arrest them?

Do you tell who you are to suspects before arresting them?

Do undertake the search with the search warrant?

Do you bring the suspects within 48 hours to the court?

Is it permitted to suspects to visit by their parent and friends?

Do you oblige the suspects to tell you the truth?