



MATTU UNIVERSITY

SCHOOL OF LAW

**APPRAISAL OF ETHIOPIA HUMAN RIGHT OBLIGATIONS
DURING STATE OF EMERGENCY; NON DEROGABLE RIGHT IN
FOCUS**

**A REASERCH PROPOSAL SUBMITTED TO MATTU UNIVERSITY
SCHOOL OF LAW IN PARTIALFULFILLMENT OF THE REQUIREMENTS
OF DEGREE OF BACHLOR IN LAWS (LLB)**

BY: Nasredin Seifu ID, NO: 2044/RU2013

Advisor: Misganu J (LLB, LLM)

MATTU, ETHIOPIA

APRIL, 2016 E.C

Acronyms

ACHPR.....African Charter on Human and Peoples' Rights

ACRWC....African Charter on the Rights and Welfare of the Child

AU.....African Union

CAT.....Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

ECHR.....European Convention on Human Rights

EPRDF.....Ethiopian People's Revolutionary Democratic Front

FDRE.....Federal Democratic Republic of Ethiopia

HoPR.....Houses of Peoples' Representatives

HRC.....Human Rights Committee

ICCPR.....International Covenant on Civil and Political Rights

ICESCR....International Covenant on Economic Social and Cultural Rights

ICJ.....International Court of Justice

UDHR.....Universal Declaration of Human Rights

Table of Contents

Chapter One.....	1
1. An Overview of Human Rights in State of Emergency.....	1
1.1. Introduction.....	1
1.1.2. Background.....	1
1.2. Statement of the Problem.....	7
1.2.1. Objectives of the study.....	8
1.2.2. General objectives.....	9
1.2.3. Specific objectives.....	9
1.2.4. Research questions.....	9
1.3. Research methodology.....	9
1.3.1. Research design.....	9
1.3.2. Types of data and collection instruments.....	10
1.3.3. Data analysis methods.....	10
1.3.4. Scope of the study.....	10
1.4. Limitation of the Study.....	10
1.5. Significance of the study.....	11
1.6. Organization of the Research.....	11
1.7. Bibliography.....	12
Journals and Online Articles.....	14

Chapter One

1. An Overview of Human Rights in State of Emergency

1.1. Introduction

Emergency, as an extra-ordinary situation, is a common phenomenon in human being history due to various factors. Following this, different rulers in various states using state of emergency in *defacto* or *dejure* way and enforce it through various mechanisms including violating human rights. However, in this era it is a burning issue since human rights has been attracting the global concern. This is also true in Ethiopia since derogation clause in the FDRE Constitution has been provided and state of emergency declared in many times within 27 years of the previous regime and also declared as they wish in current regime. As a result, it is a necessity to lookout in to the civilized legal principles and cross checks the legal frame work of the FDRE Constitutions and duty of government during declaration of state of emergency in order to ensure the better protection of human rights by limiting the government power on the suspension of human rights.

Therefore, in this chapter, the researchers will provide a preliminary introduction regarding the status of human rights in case state of emergency and duty of government in protection of human right.

1.1.2. Background

Certain human rights treaties envisage a system of derogations allow in state parties to adjust their obligations temporarily under the treaties in exceptional circumstances, I.e. in times of public emergency threatening nation. State of emergency is one of the decisive moments which open the door to possible abuses of human rights. Examples of emergency

situation include but are not limited to, armed conflict, civil and violent unrest, environmental and natural disasters, etc.

In practice, the actual qualification for, and parameters of, derogation are defined by treaties, general comments by the United Nations Human Rights Committee, judicial decisions, the work of interested parties such as the International Law Association and the International Bar Association, and domestic statutes. Although, exceptional measures are permissible, their validity is subject to the fulfillment of a number of requirements set by the treaties law, such as qualification of sovereignty, temporariness, proclamation and notification, legality, proportionality, consistency with other obligations and international law, non-discrimination, lastly, non-derogability of certain rights recognized as such in the relevant treaty. In essence, derogation clause expresses the concept that state of emergency does not create a legal vacuum. The derogation regimes aim at striking a balance between the protection of individual human rights and the protection of national needs in times of crises¹ by placing reasonable limits on emergency powers.²

While not explicitly stated in article 4(1) of the ICCPR or in other major international instruments such as article 15 of the ECHR (1950) or article 27 of the ACHR (1978), it is generally understood that derogation from respect for human rights is to be both limited in a scope and temporarily in application. In addition, the extent and nature of derogation are to be proportional to a crises' actual threat.³

1J. Hartman, "Derogation from Human Rights Treaties on Public Emergencies: A critique of implementation by the European Commission and Court of Human Rights and the Human Rights Committee of the United Nations," *Harvard International Law Journal*, vol. 22 (1991), p. 2

2 Ibid, p.1

3 Human Rights Committee, General Comment 29, State of Emergency (art. 4 of ICCPR), UN Doc. CCPR/ C/21/ Rev.1/ Add.11(2001), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, UN Doc. HRI/ GEN/1/ Rev.6 at 186(2003); United Nations, Economic and Social Council, UN sub commission on the Prevention of Discrimination and Protection of

As a subsidiary source, it may also be noted that several states of standards for states of emergency have been elaborated by expert meetings⁴, these text are not in theme selves legally binding but they offer violable recommendations on interpretation of existing derogation provisions in legally binding treaties and the interpretive texts are directed to national authorities and international monitoring bodies. The International Law

Association's Paris Minimum Standard of Human Rights Norms in a state of emergency (here in after" Paris Standard") (1984) details requirement including that the declaration of a state of emergency shall never exceed the period required to "restore normal conditions", that the emergency should be for fixed period defined by a constitution, and that extensions should be subject to a prior legislative approval also with regard to the African system many authors and experts have discussed the absence of derogation clause on the charter(i.e. ACHPR).

Murray devotes one chapter on the derogation human rights under the ACHPR and the approval taken by the communication. In particular, marry praises the commission stand on derogation stating that the non-derogablity of human rights in times of war might be the most beneficial approach to international community.⁵ Further Murray stated that the African Charter on Human and Peoples" Rights does not contain any derogation clause. The African Commission on Human and Peoples"

Minorities; Siracusa Principle on the Limitation and Derogation of Provisions on the International Covenant on Civil and Political Rights, Annex, UN Doc. E/CN.4/1984/4(1984); The Paris Minimum Standards of Human Rights Norms in a State of Emergency, Committee on the Enforcement of Human Rights Law, International Law Association(1984).

4 Paris Minimum Standards of Human Rights Norms in a State of Emergency, Siracusa Principle on the Limitation and Derogation Provisions in the ICCPR (1985), Statement on Norms and Procedural in Times of Public Emergency or International Violence (1987), Queens Land Guide lining for Bodies Monitoring Respect for Human Rights during State of Emergency (1990), and Turku/ Abo Declaration of Minimum Humanitarian Standards (1990).

5R.Murray, The African Commission on Human and Peoples Rights and International Law (2000);

Rights has interpreted this omission as prohibition of derogation from the Charter provisions. For instance, the case of Commission

National des Droits de l'Homme et des Libertés v Chad (2000) AHRLR 66 (ACHPR 1995)

Para 2 and Media Rights Agenda and Others v Nigeria (2000) AHRLR 200 (ACHPR 1998) Para 67 implying that all the rights in the African Charter are essentially non-derogable. Some however argue that this should not be the case.

Ourguergouz devotes one chapter on the derogation of human right under the ACHPR and he takes the view that the absence of derogation clause under the ACHPR does not necessarily mean that a state party is deprived of the power to derogate from its obligations.⁶ And suggest that the absence of derogation clause can be resolved if raised on the framework of international responsibility.⁷ With regard to the constitutional provision of emergency, Keith and Poe discussed the effectiveness of the constitutional state of emergency.⁸

In Ethiopia, all three regimes have claimed legitimacy for their respective body politic as a derivation of the „consent“ or the „general will“ of the Ethiopian people⁸: Haile-Selassie as the rightful successor tracing the legendary Solomonic Dynasty for his modern Christian autocracy; Mengistu as the head of a socialist state with the will of the working people; Zenawi as the head of the federal democratic state, with the will of nations/nationalities and Abiy is changes the name of the

6F.Ourguergouz, *The African Charter on Human and Peoples Rights a Comprehensive Agenda for Human Dignity and Sustainable Democracy in Africa* (2003); See also, C Heyns, "Civil and Political Rights in the African Charter", in M Evans & R Murray (ed.), *The African Charter on Human and Peoples " Rights the system in practice, 1986-2000* (2002) p.139

7F.Ourguergouz, cited above at note 6, p.477 ⁸LC.Keith and SC Poe „Are Constitutional State of Emergency Effective? An empirical exploitation“(2004), p. 1071-1097.

8 S. Toggia, *The State of Emergency, Police and Carceral Regimes in Modern Ethiopia* ,(http://www.jds.sagepub.com/Pietro) last visited March 5, 2016

ruling party from EPRDF to prosperity party by calling himself as democratic government..

And this contrived idea of the “general will” and its empirical derivative, that is, “public order”, has become the „norm“ in modern Ethiopian politics. Any act indicative of the breach of this “contract” is not only intolerable and impermissible, it is also punishable. As these regimes periodically faced serious challenges and resistance to their state powers, they resorted to similar techniques of extensive and intensive control by the police, particularly during periods of “state of emergency”, to reproduce and reassert the prevailing power relations under the guise of maintaining public order.

The Ethiopian Constitution recognizes possibilities that may require the suspension of protected rights.⁹ Derogations do not, however, confer absolute discretion on the executive to act on its whims; there are substantive as well as procedural requirements that govern such emergency situations.¹¹ There are, moreover, certain rights, which may not be suspended even in threatening situations. These preconditions are designed as a protection against possible abuses of human rights on the pretext of emergencies while at the same time authorizing states to secure, maintain and ensure the sustenance of fundamental national and international interests.

Article 93 of the Constitution prescribes the requirements, both procedural and substantive. The only conditions that may justify derogations are occurrence of an external invasion, a breakdown of law and order which cannot be controlled by the regular law enforcement

⁹ Federal Democratic Republic of Ethiopia Constitution, 1995, Art.93, Proc. No 1, Neg. Gaz. Year 95. ¹¹ F.N. Aolain, “The emergence of diversity: Differences in human rights jurisprudence” *FordhamInternationalLawJournal*, vol. 19 (1995), p. 101.

agencies and personnel, or the occurrence of a natural disaster or an epidemic.

The Council of Ministers of the federal Ethiopian government has the power to declare state of emergency under any of the above situations. The Regional states are also allowed to declare state of emergency to avert natural disaster or epidemic within their respective territories. The ultimate power to approve or annul a declaration of emergency made by the Council of Ministers lies with the House of Peoples' Representatives. This decision is required to be made within 48 hours if the HoPR is in session or within 15 days if the HoPR is not in session at the time of the declaration of emergency. Upon approval by a two-third majority vote, the state of emergency may remain up to six months subject to its renewal for up to four months on each occasion through the same procedure. If annulled, the declaration will be repealed forthwith.

The Constitution authorizes the possible suspension of most of the fundamental human rights and freedoms to "the extent necessary" with handful exceptions. This is a significant internal limitation that exacts necessity and proportionality which relates to the severity, duration and scope (geographical) of the application of the emergency declaration.¹⁰ The only non-derogable rights are the prohibition against cruel, inhuman, and degrading treatment or punishment, and slavery or servitude, and trafficking (Article 18), the right to equality and equal protection of the law (Article 25), and the right to self-determination up to secession (Article 39/1 and 2).¹³

The Constitution requires the HoPR to establish, simultaneously with the approval of the state of emergency, an ad hoc State of Emergency inquiry Board consisting of seven members chosen and assigned by the

¹⁰Aly Mokhtar "Human rights obligations vs. Derogations: Article 15 of the European Convention on Human Rights" *International Journal of Human Rights*, vol. 68(2004)

¹³Cited as above at note 10, Article 93(4).

House from among its members and from legal experts.¹¹This body, among others, monitors and follows up the situation to ensure that no measure taken during the state of emergency is inhuman and ensures the “prosecution of perpetrators of inhuman acts”.

Some writers and researchers found that the derogation clause under the FDRE constitution has a defect as the disclosure period of the arrested persons in state of emergency is very long. In addition, they argued that the non derogable right provision exclude the rights listed in article 4 of ICCPR. Besides, during the Ethiopian experience of state of emergency, human rights experts and activists reveal that the Ethiopian government made human rights violation during such extra situation period. As their views this is the consequence of the weak guarantee of the constitution towards the non derogable human rights and enforcement of state of emergency. Consequently, all those writers agreed that the government of Ethiopia abuse the state of emergency power.

At the end of 2005 national election, the Prime Minister of the Federal Democratic Republic of Ethiopia, Mr. Meles ZenawiAsres, issued a decree, the Prime Minister’s declarations were published in a government owned newspaper in Amharic, Addis Zemen, 64th year No. 248, May 2005 (8 Ginbot1997 E.C.) at 1 & 6. As this decree, freedom of assembly including public demonstration was banned in Addis Ababa and its vicinity. After 11 years, in 2016 the EPRDF declared a state of emergency which has 6 month duration, unlike the 2005, at the national level.

The current Prime Minister, Dr.Abiy Ahmed also trying to unify the country. And this contrived idea of the “general will” and its empirical derivative, that is, “public order and peace”, has become the norm in

¹¹ Cited above at note 10, Art 93(5).

modern Ethiopian politics. Any act indicative of the breach of this contract is not only intolerable and impermissible, it is also punishable. As these regimes periodically faced serious challenges and resistance to their state powers, they resorted to similar techniques of extensive and intensive control by the police, particularly during periods of state of emergency, to reproduce and reassert the prevailing power relations under the guise of maintaining public order. But, however, these all regimes always use state of emergency as means to cooling the peaceful demonstration and use it to stay on power, then harming the rights of voiceless people by the name of declaring state of emergency.

However, those researchers and experts are silent with respect to the importance of the state duty or judiciary role on the review of state of emergency and to widen the scope of non derogable rights further than including art 4 of ICCPR.

1.2. Statement of the Problem

Human rights have inalienable attachments with human beings. But, to avoid the extra ordinary situations which faced the state, but not the government, an extraordinary power should be vested for the government which can be derogate from its international obligations and can derogate human rights of its citizens. This emergency power of the government has been explicitly provided under international human rights instrument¹² which contains wide safeguarded to the human rights through providing non-derogable rights with strict enforcement mechanism, judicial review. In line with, such human rights instrument ratified by Ethiopia has a direct application, Monist approach, in Ethiopia according to article 9(4) and 13(2) of the FDRE constitution.

However, the FDRE constitution under article 93 which stated about state of emergency, narrowly provided non-derogable human rights by

12 International Covenant on Civil and Political Rights (ICCPR), Article. 4

excluding basic and sensitive rights, including the supreme rights (the right to life),¹³ and religious, thought and etc. This exclusion has a serious threat for the protection of the citizens of Ethiopia for the following factor:

When we see the practice of the government, it reveals that the government is the main violator of human rights of the citizens. Specially, this is not uncommon in Africa, in general, and in Ethiopia, particular.

The other factor is unincorporated of the non-derogable rights which are listed under international instruments are sensitive for the citizens of any party which can leads to not exercise the other rights and can vex the citizens which quite surly creates riot and this makes the country unstable.

Moreover, unlike other countries" constitution, like South Africa and international human rights instruments, like Paris minimum standard, the FDRE constitution only gives the two political government branches to control the substantive requirements of the state of emergency. This means, the FDRE constitution prohibited the judiciary branch to review the necessity of state of emergency and its proportional measurement. This the core problem of our country constitution when the state of emergency was declared.

Besides, the government of Ethiopia, hasn't used the elements of non derogable rights in light of international human right instrument in non derogable provisions, so that the researcher take this as weakness from the side of the government and it seems that the government is not due diligent to absolute human rights and express its political interest but not the international human rights norms.

13 The Human Rights Commission, General Comment 8.

Therefore, in current times, while the Ethiopian government has been blamed for its violation of such sensitive human rights even in the ordinary days, not for the sake of the state rather for their political power, and the judiciary branch can't review the emergency power of the two political branches in such extra-situation and exclusion of judiciary organ by ruling party makes such human rights derogable by keeping constitutional guarantee to wards it, the protection of human rights of the Ethiopian citizens become under threat and the government can gives himself a self-amnesty from its international liability under the coverage of emergency power in extra ordinary situation. Accordingly, this research tries to find the means of legal framework, and obligations of the government or role of judiciary body which can challenge even non democrat regimes, in which human rights would be protected in time of emergency. Hence, this research is intended to critically analyze the duty or obligations of government in the protection of human right at the time o state of emergency, particularly on non derogable rights enshrined under the FDRE constitution and international human rights instruments ratified by Ethiopia

1.2.1. Objectives of the study

This study has the general and specific objectives to make the research on the right way and to achieve favorable solution for the problem which the study examines.

1.2.2. General objectives

To evaluate the obligations of the government during state of emergency and derogation of right under FDRE constitution.

1.2.3. Specific objectives

- ✓ To entertain and evaluate duty of government during state of emergency on protection of human right.
- ✓ To explore the consequence of the Judiciary power to be absent from the power to review the state of emergency proclamation on the protection of non derogable rights.
- ✓ To evaluate the government of Ethiopia whether effectively done its International obligation with regard to non derogable rights.

1.2.4. Research questions

The research question in this study will to address:

- ✓ Do rights stated as non-derogable rights provide the intended protection during a declared state of emergency in Ethiopia?
- ✓ What is the impact of the judiciary power being loose the power to review the state of emergency proclamation on the protection of non derogable rights?
- ✓ Is the government of Ethiopia effectively done its International obligation with related to non derogable rights?

1.3. Research methodology.

1.3.1. Research design

The researcher will use a qualitative method of study due to the fact that this method has appeared to be the most suitable way of addressing the research questions of the study and its high degree of flexibility and case studies will be employed. In addition to this literature reviews and case studies, the jurisprudence which has international standards and the international practice as well as the constitution and the practice of Ethiopia regarding non-derogable rights will be explored.

1.3.2. Types of data and collection instruments

The researcher will use both primary and secondary sources. Thus, laws and policies will be utilized as primary source of data. Books, Journal articles magazines, reports, and publications issued in Ethiopian and outside Ethiopia concerning derogation and non-derogable rights during state of emergency had employed as secondary sources of data. The researcher will review various literature and internet websites to get the required data with required quality.

1.3.3. Data analysis methods

The data will gather through both primary and secondary sources will be analyze by using descriptive design method in which the findings are reported in descriptive way.

1.3.4. Scope of the study

This study shall limits on the laws and jurisprudence of Ethiopia legal system concerning to the obligations of the government on the protection of human right and non derogability of human rights:

Even if Derogation of human rights is a wide concept encompassing wide range human rights areas and state practice but the study shall focus on the laws and jurisprudence of Ethiopia legal system with record to role of government body and non-derogability of human rights during state of emergency. This research will assess the obligations of government body particularly, judiciary organ with compatibility of the FDRE constitution and other domestic law with regard to non-derogable rights.

1.4. Limitation of the Study

Regarding to the limitation in preparing paper of the study, the problem that related to the time, budget, relevant materials for my study and availability of legal profession or government organs that may provide me relevant information to my research were the main bottleneck problems I faced. In addition to those problems researcher was faced problems like that of weak internet connection, lack of well organized, adequate and relevant information sources and insufficiency of time due to workloads such as attending class and taking continues Assessments.

1.5. Significance of the study

This research will have a various advantage for different bodies such as politicians, researchers, and academic personnel as a general, and specifically, by doing this research, the researcher may hope that it will enable to:

To give rational justification for the practical and constitutional problem regarding derogation of human rights, exclusion of judiciary organ during state of emergency and also if the finding make the derogation provision illegitimate, give recommendation for the government of Ethiopia to reform such constitutional provisions and involvement of judiciary organ to implement such constitutional provisions;

Also this research may use for academic purpose and serve as a source of data for further research which can be made in this area.

1.6. Organization of the Research

This research has embodies different parts: which will classifies in to chapters, topics, and sub-topics. For instance, chapter one is the highlight of the basis and structures of the study. Chapter two presents a brief historical evaluation and conceptual framework of the system of

derogation and non-derogable human rights in state of emergency. Chapter Three focuses on the obligations of government organ and laws with regard to non-derogable rights in a state of emergency. Chapter four will discussed the role of government organ and compatibility of non-derogable rights provided in the FDRE constitution. And also chapter five is a conclusion of the overall study stating specific recommendations.

1.7. Bibliography

Books

1. Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers.
2. Belay Frenesh Tessema, A Critical Analysis of Non-Derogable Rights in a State of Emergency Under the African System: The Case of Ethiopia and Mozambique, Center for Human Rights Faculty of Law, Universidade Eduardo Mondlane Maputo, Mozambique ((2005).
3. Daniel Kanyinke Ole Keiwua, A Comparative Study of State of Emergencies: Case Study Kenya and Ethiopia, University of Nairobi school of Law, LLM Thesis (2010).
4. Muluken Kassahun, The Rights of Minorities during State of Emergency: The Case of FDRE Constitution.
5. Heyns, C (eds), Human rights Law in Africa Vol. 2 Leiden/Boston: Martinus Nijhoff Publishers, (2000).

6. Murray, The African Commission on Human and Peoples' Rights and International Law Oxford and Portland Oregon: Hart Publishing, (2000).

Laws

International

1. Convention on the Elimination of All Forms of Discrimination against Women, opened for signature in New York on 18 December 1979 and entered into force on 3 September 1981. Ethiopia signed and ratified CEDAW on 10 July 1980 and 10 September 1981 respectively. (See United Nations Treaty Collections at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en accessed on 13 November 2012.)
2. Convention on the Rights of the Child, adopted in New York on 20 November 1989 and entered into force on 2 September 1990. Ethiopia ratified the CRC on 14 May 1991.
3. ICCPR, Ethiopia became party to ICCPR on 11 June 1993. See United Nations Treaty Collections at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en (accessed on 13 November 2012.)
4. ICESCR, Ethiopia ratified it on 11 June 1993. See United Nations Treaty Collections at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en accessed on 13 November 2012.)
5. The Universal Declaration of Human Rights (hereafter UDHR) GA Res 217(III) of 10 December 1948, UN Doc A/810.

6. Vienna Declaration and Programme of Action 1993 Distr.
GENERAL A/CONF.157/23 12 July 1993.

Regional

1. African Charter on Human and Peoples' Rights, Nairobi Kenya, adopted in June 1984 and entered into force on 21 October 1986 <<http://www.africaunion.org/home/Welcome.htm>> (accessed on 2 April 2005).
2. African Charter on the Rights and Welfare of the Child, adopted in July 1990, entered into force Nov. 29, 1999 <<http://www.africaunion.org/home/Welcome.htm>> (accessed on 10 October 2005).
3. African Charter, Ethiopia acceded to the African Charter on 15 June 1998. (See OAU/AU Treaties, Conventions, Protocols and Charters at <http://www.au.int/en/treaties> (accessed on 13 November 2012).)
4. American Convention on Human Rights, adopted at the Inter-American Specialized Conference on Human Rights, San José, Costa Rica, 22 November 1969 <<http://www.cidh.oas.org/Basicos/basic3.htm> > (accessed on 2 April 2005).
5. The Convention for the Protection of Human Rights and Fundamental Freedoms (as amended by protocol No. 11 which entered into force as 1 November (The European Convention) (1998)<<http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>> (accessed on 2 April 2005).

National

1. The Constitution of The Federal Democratic Republic of Ethiopia, The Kenyan constitution, Proclamation No 1/1995, Fed. Negarit Gazette, 1st Year No.1, (1995).
2. State of Emergency Proclamation for the Maintenance of Public Peace and Security, Proclamation No.1/2016, Federal Negarit Gazette No.1, 25th (2016)
3. Constitution and Constitutional Order, Defense from Threat State of Emergency Proclamation No.2/2018 Approval Proclamation No. 1083/2018
4. State of Emergency Proclamation for the Maintenance of Public Peace and Security Implementation Council of Ministers Regulation No.391/2016.

Journals and Online Articles

1. Amnesty International, *Commentary on the Ethiopian State of Emergency* (2018), available at <http://www.amnesty.org/documents/2018>, (accessed Sep 15, 2018).
2. Amnesty International, *Ethiopia: Mass Arbitrary Arrest and Detention of Youth Threaten a New Era of Human Rights in Ethiopia Again*, available at <http://www.amnesty.org>, (accessed Sep. 24, 2018).
3. Jibril, Abdi, *Distinguishing limitation on constitutional rights from their suspension: a comment on the CUD Case*" 1 HARAMAYA LAW REVIEW (2012).
4. Macdonald, RSJ *Derogations under Art 15 of the European Convention On Human Rights*" (1997) 6 Columbia Journal Of Transnational Law 225.

5. Gudeta Olana and Bekalu Wachiso ,The State Of Emergency In Ethiopia: Compatibility To Ethiopia's International Human Rights Obligations, 25th May, 2017,Addis Ababa, Ethiopia