

Jail Ogaden and the Flawed Judicial System of the Somali Region in Ethiopia

By Karamarda Group

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“There can be no free society without law administered through an Independent judiciary. If one man can be allowed to determine for himself what is law, every man can. That means first chaos, then tyranny”

—U.S. Supreme Court Justice Felix Frankfurter,
(1947)

Political Transparency and good governance promotes justice, participation, pluralism, accountability and the rule of law, in a way that is effective, efficient and lasting. By putting these principles into practice, we see the holding of free, fair and frequent elections, representative legislatures that make laws and provide oversight, and an independent judiciary to interpret those laws.



Any nation’s governance is considered “good” and “democratic” to the degree in which a country’s institutions and processes are transparent. Its institutions refer to such bodies as parliament, judicial system, press and its various ministries are free of corruption and accountable to the people. A country’s success in achieving this standard has become a key measure of its credibility and respect in the world.

The Somali Region’s citizens have been subjected to brutal treatment in the name of fighting ONLF (Ogaden National Liberation Front). According to the human rights group report, dating September 2012, there were 70,000-80,000 prisoners in Ethiopia. Approximately, 20, 000 of these prisoners are believed to be held in the Somali Region. A significant numbers of these prisoners are children incarcerated with their mothers.

This article will try to explore the peculiar judicial system in the Somali Region and the subsequent sub human treatment of prisoners in Jail Ogden.

[Thousands of innocent citizens are arbitrarily detained](#) and arrested every day in the Ethiopian controlled former Somali Republic and the Somali Region. These prisoners are kept in undisclosed ordinary houses rented by the regional administration in various towns, in military

bases such as Garabcase, Ayar Hail and other local military centers and various prison cells in local districts and in the notorious Jail Ogaden in Jigjiga.

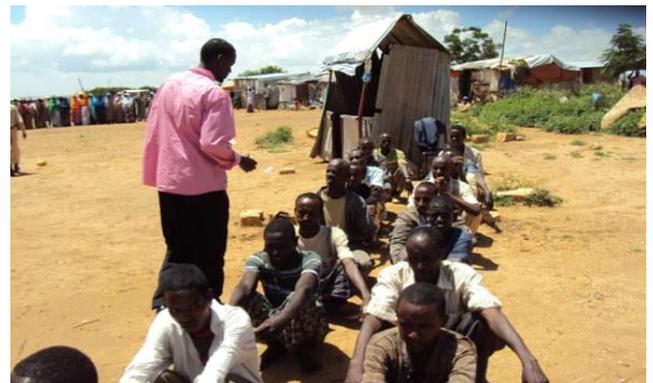
Judicial system in Ethiopia and in the Somali Regions

Ethiopia's system of justice has suffered from long delays that undermined public confidence and the rule of law which disregards rights granted under the Constitution. Lack of institutional capacity in both law enforcement and the judiciary branch are at the root of the problem. In the Somali Region, there is an acute shortage of trained professionals, and the existing judicial personnel are inadequately qualified. Critical procedural components such as court case management, filing, and recording and transcribing systems are nonexistent. The lack of trained judicial system as well as enforcement capacity is greatly serving the ruling group and the paramilitary.

Categorically, there is no due process in the Somali Regional State's court system. Employees that are assigned to work in the system, particularly in the wider zonal and district courts do not possess any judicial training. Security related cases at zonal and district courts are brought forward by the paramilitary known as Liyue Police, as the other criminal and civil cases are mostly handled through the traditional Somali Xeer.

One of the key method information is gathered in the Region is through "Tukoma" or identification. "BeenMashegayaal" The Trustworthy; are ex-members of ONLF that are captured or returned on their own desire. In exchange for their freedom and safety they are tasked to identify and testify against their ex colleagues and serve as a vigilante to notify secret ONLF members and cells that are operating in the region. In rural and remote districts, they are extremely powerful and are feared by the public. Most often, these individuals will provide list of names of alleged ONLF financial supporters and informants. Without any investigations, just based on one individual informant, the life of entire families and children has been shattered forever. They use their new found power to settle old family disputes by fabricating lies against those families, marry any girl they want and collect bribes constantly to keep them salient.

Anyone who is accused with ONLF affiliation would simply get 15 to 20 years. It seems all the courts in the Somali Region pass the same sentence, 15 years and above. No one knows what kind of law book they referring when handing such long ruling for minor cases. The guilt-by-association system applies to all family members. One might be a culprit, but the other four or five members of the family are forced to accept the prison sentence without knowing the charge. There is no consideration for the



precious life of these young man and women; all they care is to show how tough they are by handing such harsh and long years of decree so that they are not suspected as ONLF sympathizers.

Case: Abdulahi Omer was captured in the town of Danood as an ONLF sympathizer. The same day he was captured in 2011 at age 16, he received a 10 year sentence and is serving in Jail Ogaden. His mother left 6 kids back in Dannod just to be close to her son in jigjiga. The misery and agony of the mother is inconceivable. .

In 2013, a land dispute in the Jigjiga zone, on the day of the hearing, one of the two individuals that are disputing the case visited one of his clansmen by the name of Bashir Dool on his way to the court. Bashir Dool, a well-known elder and respected member of the community accompanied his clansman to the court and talked to the judge, who shares a clan affiliation with the other disputer to be fair and partial in the case. Later on the day, the case was ruled in favor for the other gentleman who was not related to Bashir Dool. The Family disagrees with the sentence and took their anger with the judge. Three sons of the man who lost the case invaded the judge's house and knocked him down. Immediately, information about the attack reached every corner of the town, the three youth who committed the crime left in the dark. In the next Morning, Bashir Dool, another close family and the father of the three sons were arrested, within the same day; the court lessoned the case and decided 15, 15 and 20 years respectively for plotting to kill a judge. Bashir was immediately transferred to Fiiq town. After two months and a lot of clan diplomacy, the case was dismissed. (Our intention here is not to take side in this case, simply to show how quick the case was processed and the length of the sentences).

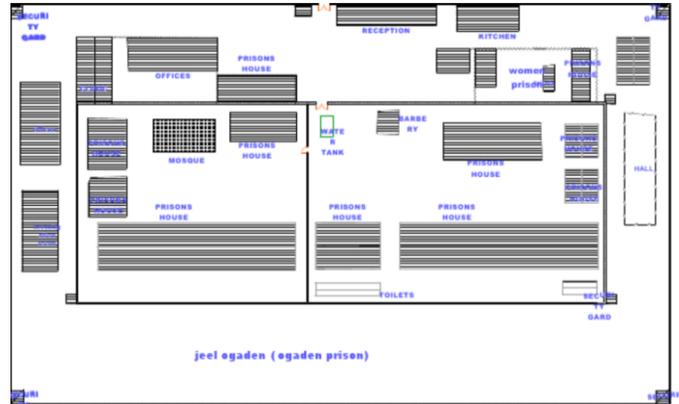
Jail Ogaden

The construction of Jail Ogaden started in 2000 under Khadar Molin Administration. Sometime in 1996, a former Somali Region president by the name of Ahmed Makhil was in the old Havana jail. On sunny afternoon, Ahmed and the other political prisoners received a surprise visit from then current President Iid Tahair, after greet and meet, he Advised Iid Tahir sarcastically to build a better facility as every president in the Somali Region before him passed by the Prison. Iid rejected the notion unequivocally, however without any preparation; he too becomes the next felon. Later when his successor, Khadar started to construct the prison, locals in jigjiga used to call the new big prison construction as Khadra's hotel, assuming at the end of two years in power, as usual, he will come to pass through the jail as his predecessors. Luckily, Khadar and all subsequent Somali Region's presidents that could not play the role as intended, instead of incarceration, they were simply removed from the presidency and assigned to work as ambassadors, advisors to some federal office or assigned as members of the federal Parliament.

The jail become functioning in 2002, it is reported that the first prisoners were eight political prisoners including one woman by the name of Ruun Abdi Omas. It was designed to hold 400 to

600 prisoners. Today, it is estimated to hold 3000 to 5000 prisoners including, infants, toddlers, youth mothers and Elders.

Shown in the diagram, there isn't enough space to accommodate such huge prison population. The condition of the prisoners is very horrible, very crowded and houses with a lot of sick inmates. There is a constant plea of help from sickness and torture.



Originally, there were 5 wards to hold the male population; however, due to high volume of prisoners after 2007, additional small wards were added to accommodate the influx of inmates.

Structurally, the prison has two levels, the first or lower level is for inmates without any political connection or economic power. The second or the upper level is for inmates with connection and influence. The [treatment of the prisoners is](#) beyond human imagination. Injera, the Ethiopian traditional Food is distributed twice a day to prisoners. Water and latrines are the two scarcest resources. All prisoners have to line up their 3 litter's jerkins inline for more than 24 hours to get water. The small amount of water have to be managed for drinking, Udu (Wayso) and latrine use. There are five latrines to be used by all inmates, no wonder why such huge numbers of inmates are dying due to choleras and other communicable diseases.

There is no medical provider present at Jail Ogaden. When the health of an inmate deteriorates, assigned guards transport the sick inmate to karamarda Hospital. Hundreds of inmates die every year without any medical assistance. Deaths from starvation continue to be reported. It is also believed that the Administration uses starvation as a means of control and punishment. Recently, the Administration released a couple of hundred prisoners that were very ill and malnourished, a number of these prisoners died as soon as they were able to eat and drink.

Though there are two official days allowed for inmate to get visitors, there are families without any clue whether their loved ones are alive or dead. Many families have been taking food to the person to feed their loved ones for a long time without seeing them in person, hoping they are alive, yet they hear from released prisoners that so and so die years ago.

Case: Mohamed Jiis was an ONLF supporter in the United States, he moved back to the Region about ten years ago along with his Family. During this time, he has been detained and released a couple of times. Finally, he is now in Jail Ogden, more than a year has passed since any family member has seen him or talked to him .The family is shocked and their elder



son was traumatized by the situation and the possibility he might not see his father again.

The horror and the agony of families in Somali Region can not to be narrated by one or two papers. The systematic weapon of physiological warfare waged on the inmates in the Jail Ogaden is shocking. One of the main tactics used to break the spirit of prisoners is Humiliation and Brainwashing. Many definitions have been applied to this term, but Dr. William E. Mayor chooses to describe brainwashing as simply a well-organized educational program. The entire prison educational program seems directly copied from North Korean practice. After the Korean War (1950-1953), The American Prisoners of War detained in North Korean Camp presented a disease known by Researcher Dr. William E. Mayor as “Mirasums” which he refers to lack of resistance, passivity. The solders called it “**give up-it is**”. Many Americans die in this camp, because they were deprived dignity and emotional support. The Somali Region has borrowed and modified four major programs from the North Korean war Pensioners camp:

Spying: the Somali Region admin encourages all prisoners to report on one another; they reward prisoners who spy against their family, tribe or clan members. The stranger and more bizarre the story is the better accepted and supported by the officials. Therefore, no one trusts each other, even brothers and sisters no longer share information nor debate any political view that is different from the current Somali Regional policy.



Self- Criticism or (Gemgama): Every day in Jail Ogaden, different groups of inmates gathered to participate in a ritual self-Criticism program. Standing in front of their peers and jail officers to confess all of the bad things they had done as well as the good things they could have done. Dr. Mayor describes this as “Corruption of Group Psychotherapy” the tactic is to humiliate by eroding the respect and social position of these individual in their own community.

Killing the Dignity and the Spirit of Defiance: the third and major similarity between the Korean and the Somali Region Program [is to break the spirit of loyalty and defiance by slowly killing the dignity and pride of prisoners.](#) Today in Somali Region, the first strategy for prisoners as well as Diaspora group that is returning to the Region after many years of supporting the rebel group financially and morally is to make a public statement. Once the regional administration manages to put the pictures and the videos of this individual on, the Somali Region official website (Cakaara), ONLF supporter’s websites will respond condemning those individuals as traitors, cowards and deserters. In doing so, with never ending cycle of Tit for tat, the Cakaar pictures will continue to serve their purpose.

Denying All Positive Emotional Support: Prisoners at Jail Ogaden told again and gain the consequence of not collaborating with the government is a serious and grave crime. They were threatened constantly; they were told family members will pay the price. Those who were suspected for not fully collaborating, their family members denied access for visit.

The Federal government lacks any political authority to manage the Somali Region; the military apparatus is in full control of the Somali Region affairs and resources. Particularly General Abraha and his immediate families are directly benefiting from big contracts in Jigjiga; in return, the Somali Region Administration is left without any checks and balance. Therefore, life and death for the Somali Region citizens is in the hands of few individuals, they can put anyone in prison and set free in their own will and time.

Conclusion: Respect for the rule of law and the treatment of Prisoners is not a political stance, it is universal human right issue. Whether one supports the Somali Region administration or ONLF is extraneous, it is every citizen's responsibility regardless of ideology or support to promote justice and hold accountable those who are in position of power in Somali Region. Supporting the Somali Region system does not only mean to cheer for the leaders but to put pressure the administration to respect the rule of law and treat all prisoners with dignity. History should educate all of us; many individuals who were once in charge of Jail Ogaden are currently serving time or at some point imprisoned. Despite the collective punishment, horror and hardship Somalis are forced to live through, once again they have proven their resilience, and this too shall pass.

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