

The 2016 Mass Protests and the Responses of Security Forces in ANRS, Ethiopia: Awi and West Gojjam Zones in Focus

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Abstract

This study examined security forces' abuse of power and their accountability in connection with the 2016 mass protests that unfolded in the Amhara National Regional State (ANRS) in general and Awi and West Gojjam Zones in particular. Specifically, the study assessed the nature of the use of force and the consequent investigations to punish security forces who abused their power. To address these objectives, the study employed a mixed methods research approach with a concurrent parallel design. Data for this research was obtained both from primary and secondary data sources. Interview, questionnaire and document analysis were used to collect data. A sample of 384 respondents was selected randomly to complete the questionnaire, whereas key informants were selected for the interview through snowball sampling technique. Based on the data gathered from all these sources, the study revealed that security forces committed arbitrary and extrajudicial killings and inflicted injuries against protesters who were chiefly unarmed and non-violent. The measures taken were found excessive and arbitrary with several civilians risking their lives and physical wellbeing. With few exceptions, the administrations at different levels of the government failed to investigate these extrajudicial and arbitrary killings and injuries inflicted in the process of punishing alleged perpetrators of the protest using civil and criminal laws. It is finally recommended to undertake independent investigations into the legitimacy of the murders, injuries, beatings and other forms of violence committed by the security forces.

Keywords: Accountability, force, security officials, law

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1. Introduction

States have the prime responsibility to maintain law and order throughout their territories over which they have effective control. Their national laws also oblige them to do so, given that disorder can ultimately disrupt their very existence and continuity (UNODC, 2017; Osse, 2006). In the furtherance of this vital interest, the law from domestic and international perspective empowers states and their respective security forces to take a variety of measures, ranging from arresting criminals to that of using regulated force under stringent conditions (ICRC, 2015;

UNODC, 2011; Osse, 2006). This right to use force is a well-established discretion in the United Nations Charter, too. So, force remains one of the mechanisms to safeguard the territorial integrity and endure internal stability of states across the world.

However, the application of force by a state and its security apparatus has its own legal limits. Moreover, the laws governing the use of force are found both in domestic and international legal frameworks. Domestically, the standards guiding state use of force are found within the domestic legal and administrative framework related to security (e.g. laws, military and police manuals, rules of engagement, standard operating procedures) (ICRC, 2015), whereas the general international legal principles regulate the use of force related with the principle of proportionality, legality, military necessity, discrimination, precaution, last resort and accountability (UNODC, 2017; ICRC, 2015). In agreement with all these international norms, the Criminal Code of the Federal Democratic Republic of Ethiopia (FDRE) also empowers police officers to employ force when ‘necessary and reasonable’ during investigations, detecting criminals or in ensuring public order (see Proclamation No.414/2004, p. 133). In case where these fundamental principles are violated, it is the duty of the federal government to properly investigate cases of excessive or arbitrary use of force and impose punishment both on perpetrators of wrongful acts and armed forces (UNODC, 2017; ICRC, 2015).

The experience from the most developed democracies reveals that police and other military personnel positively contribute to the realization of peoples’ rights through preventing crimes, ensuring the rights of citizen to demonstrate peacefully, facilitating smooth political transitions, investigating or otherwise exposing colleagues who commit crimes, and supporting politico-legal reforms (Osse, 2006). To the contrary, in developing countries, like Ethiopia, security forces are found as the major perpetrators of torture, murder and violators of human rights (Merera, 2003). Most importantly, the government backed tortures, detentions and killings of civilians, politicians, journalists and civil society leaders; this was evident in the 2005 election violence and the mass popular protests of the last four years. According to Smith (2007), the 2005 election violence ushered in the deaths of an estimated 193 people, injuries of several others at the capital, Addis Ababa, and the arrest of nearly 30,000 people. The magnitude and intensity of arrests, deaths, physical beatings and injuries with the use of force by the government affiliated security forces were also dolorous since the unfolding of nationwide mass protests in Oromia,

ANRS and *Southern Nations, Nationalities, and Peoples* (SNNP) since 2015. Generally, the death toll from these overall mass protests reached more than 900 (Al Jazeera, 19 April 2017) and thousands of others experienced physical injuries and arrests.

In this regard, previous studies conducted focused on analyzing the influences of politics on policing in the post-1990s Ethiopia (Workeneh, 2016), whereas Namwase (2017) analyzed tensions arising from criminalizing the use of lethal force against a 'civilian population' under the Rome Statute. A related study conducted by Arriola (2013) investigated issues of protesting and policing in a multiethnic-authoritarian Ethiopia while Bayenew (2012) explored the enforcement of international and regional human rights obligations in Ethiopia where policing contributes much in this regard. These and other related studies largely emphasized how government intervention in the function of policing affects their effectiveness, problems of policing in authoritarian and multicultural Ethiopia and enforcing human rights obligations in Ethiopia. Furthermore, contradictory reports were also released both from the government-sponsored EHRC and other non-governmental human rights advocacy organizations. The EHRC reported that police used "proportionate force" in most areas during the unrest whereas the human rights advocacy organizations like Human Rights Watch (2015) and Amnesty International (2017) reported excessive and lethal use of force against largely peaceful riots, which makes this study worthwhile. The nature of use of force by the security officials during the 2016 mass protest and subsequent accountability on the part of the armed forces seem underreported, particularly taking the areas selected for this study. So, this study examines the nature of security officials' use of force and their accountability in the ANRS with particular reference to Dembecha, Finoteselam, Burie, Enjibara and Dangila towns of Awi and West Gojjam Zones. This inquiry specifically investigated the response of security forces, the nature of the application of force and the consequent investigations to punish members of the armed forces who abused power.

2. Research Methodology

The study employed mixed methods research approach. The selection of this method can be justified by the merit of the method and the nature and purpose of the inquiry. In the first place, the use of more than one method can enhance the findings of a study by providing a fuller and more complete picture of the thing being studied. The approach calls for a clear appreciation of

triangulation, which ultimately enriches the conclusions of a study and makes them more acceptable (Hesse-Biber, 2010). To adequately appraise and examine the nature of use of force and the consequent accountability in the respective study areas, the study demanded the views, opinions, ideas of local residents/dwellers experiencing the problem. Moreover, the use of mixed methods research allows the researcher to reach and include more respondents through the use of questionnaire within a short period of time.

In this study, both primary and secondary data sources were used to address the stated objectives and answer the research questions. The primary data were collected from respective leaders of Amhara youth associations, town police offices, peace and public security offices, mayor offices, regional police commission, state council, local residents, and victims of excessive and arbitrary force through in-depth interview and questionnaire. Key informants from youth association leaders, government and security officials were selected through purposive sampling, whereas victimized local residents were chosen employing the snowball sampling technique. On the other hand, respondents for the questionnaire were selected through simple random sampling technique. The number of key informants was 21, and the size of the respondents for the questionnaire was determined through applying Cochran's (1977) formula:

$$n = \frac{z^2 pq}{(e)^2} \qquad n = \frac{(1.96)^2 (0.5) (0.5)}{(0.05)^2} = 384$$

Where,

n= denotes the sample size required, z= confidence interval of 95% (1.96), q=1-p, e=margin of error (0.05), p=the estimated proportion of an attribute present in the population (p =0.5).

In this research, a combination of data analysis techniques was used to analyze the qualitative and quantitative data. The qualitative data obtained from interviews and documents had been combined in the form of notes and was analyzed according to themes. On the other hand, the quantitative data from questionnaires was analyzed employing simple descriptive statistics. Finally, the two sets of data are displayed side by side and triangulated in the process of drawing conclusions.

3. Results and Discussion

3.1 Security Forces Response to the Mass Protest

The mass protest in ANRS began in the town of Gondar when Tigray militias dressed in Amhara regional police uniform attempted to arrest members of Wolqait Amhara Identity Committees on 12 July, 2016 (Achamyeleh, 2016). With the exception of Col. Demeke Zewde, several committee members had been taken hostage. This incident made people in the Amhara region conclude that TPLF was trying to stifle protests with regard to border issues with Tigray region violently. Triggered by this unlawful move of the militias, anti-government riots and demonstrations occurred in different zonal and *woreda* towns of the region with high degree and intensity. Hundreds of thousands of people took to the street to hold peaceful protests against the annexation of Amhara land and to demand an end to TPLF rule in Ethiopia. In the same token, protests and anti-government movements also took place in zonal and *woreda* towns of Awi and West Gojjam Zones, especially between August and September 2016.

According to Arriola (2013), the post-1991 Ethiopian government used two policing strategies – regional and federal policing – to suppress protests and public political meetings. Deployment of these two security apparatuses was evident over the mass protests held in the country since 2015. Almost all of the key informants from the selected study areas revealed the deployment of federal police and the military during the conduct of the protests besides the regional security forces, which constitute the regional police, *Adma bitena* and militia members. Even though General Samora Yenus (2020) explained that the deployment of national defense forces was in response to the request of the regional states, interviewees from the respective town administrations and security offices said that they did not have clear information about the deployment of the defense forces and federal police. Given that the protests were nationwide and strong, decisions to deploy these forces might be left to the top political figures and security personnel (KI7, 9 March 2020, KI10, 10 March 2020; KI3, 26 February 2020) at the zonal and regional levels of administration (KI5, 27 February 2020). The general conclusion by Arriola (2013) revealed that the deployment of these two forces was done based on the will of the federal executive body, despite the official rhetoric which stated that the intervention was carried out at the request of the region and because it was beyond the region's capacity to quell the protests.

Table 1: Responses to measures taken by security forces

	Alternatives	Frequency	Percentage
Which security forces were deployed to manage the conduct of the mass protests?	Regional police, <i>Adma Bitena</i> and militia members	87	22.7
	Federal Police and National Defense Forces	19	4.9
	All	278	72.4
	Total	384	100.0
What types of forcible measures were taken by the security forces?	Muffling, beating and arresting	58	15.1
	Firing live bullets	18	4.7
	Throwing chemical irritants	18	4.7
	All	290	75.5
	Total	384	100.0
What type of weapons did the security forces use during the protests?	Chemical irritants, police batons and other sticks	77	20.1
	All	307	79.9
	Total	384	100.0

Recognizing the widespread of unauthorized protests and presenting anti-peace ‘ideography’¹, the government (both the federal and regional governments) did not have the will to allow the conduct of these movements and manage them peacefully. Moreover, the security forces from various levels had been commanded to stop any planned protests, and actually stopped demonstrations and movements in violent and ruthless manner (*Pinaud and Raleigh, 2017*). The order was passed by the head of government as well, hence security forces employed both lethal and less lethal means in the towns selected for this inquiry. Instead of using ‘negotiated managements’, the armed forces coerced and silenced the protestors with force believing that the protest is illegal and lacking government authorization (KI7, 9 March 2020; KI11, 10 March 2020; KI2, 26 February 2020; KI9, 10 March 2020; Carothers and Youngs, 2015; Tsega, 2016). To this end, the security forces repeatedly fired tear gas at the demonstrators both *before and after* the actual commencement of the protest (KI2, 26 February 2020; KI1, 27 February 2020), a measure intended to disperse protestors who attempted to perpetrate attacks against institutions and properties as some interviewees posited (KI3, 26 February 2020; KI11, 10 March 2020). It was also common to hear the sound of live bullets and smoking bombs at every stage of the protests (KI2, 26 February 2020; KI3, 26 February 2020; KI5, 27 February 2020; KI7, 9 March

¹ The Ethiopian government consistently characterized the protests as ‘anti-peace, anti-development, anti-democracy, anti-constitution’, all of which warrants the use of power to suppress dissents. The government also maintained that the protests were backed by foreign based opposition fronts like *Ginbot -7*, OLF and ONLF (Arriola, 2013:153).

2020). The armed forces of the time also used sticks or police batons to disperse (KI2, 26 February 2020) and control and prevent unlawful acts of the demonstrators (KI5, 27 February 2020; KI7, 9 March 2020; KI3, 26 February 2020).² Similarly, the majority of the respondents (79.9%) underscored that the security forces used firearms, chemical irritants and police batons during the conduct of the demonstration (see Table 1).

Emphasizing the wide applications of the above mentioned weapons during the protests, the interviewees also said that many protestors were taken into custody, both in official and unofficial places of detention, for the alleged violence and damage to properties. The Ethiopian Human Rights Project (2018) disclosed the mass detention of protestors in police stations and other places, whereas Amnesty International (14 October 2016) reported the imprisonment of many others in military and police training camps without adequate food, water and toilet services. In the same token, protestors from Enjibara, Dangila, Burie, Demebecha and Finoteselam towns were detained at *Birshelko* military training base (KI3, 26 February 2020; KI2, 26 February 2020; KI1, 27 February 2020; KI5, 27 February and 2020; KI7, 9 March 2020; KI8, 9 March 2020; The Ethiopian Human Rights Project, 2018) where other protestors from Dangila town were detained at *Agew Midir* town hall as well (KI11, 10 March 2020; KI9, 10 March 2020; KI10 10 March 2020). KI7 (9 March 2020) from Enjibara town revealed that close to 111 individuals were arrested, of whom 40 of them were detained at the prison and the rest at *Birshelko* camp. Furthermore, close to 122 individuals were detained from Dangila (KI11, 10 March 2020), and another 40 people from Burie were also imprisoned. Undisclosed number of people from Finoteselam and Demebecha towns was also in detention.

Part of the measures carried out by the security forces were linked with physical assaults against detainees and protestors. Several protestors and arbitrarily arrested people experienced physical beatings and other ill-treatments pervasively (KI9, 10 March 2020; KI2, 26 February 2020; KI1,

²KI1-an anonymous interviewees from Demebecha Amhara Youth Association; KI2-anonymous interviewees from Finoteselam town Amhara Youth Association; KI3-an anonymous interviewee from Finoteselam town police office, Finoteselam; KI4- an anonymous interviewee from Finoteselam Town peace and public security office; KI5-an anonymous interviewee from Burie town police office; KI6-anonymous interviewee from Enjibara town police office; KI7-anonymous interviewee from Enjibara town mayor office; KI8- anonymous interviewees from Enjibara peace and public security office; KI9-represents anonymous interviewees from Dangila town Amhara Youth Association; KI10- anonymous interviewee from Dangila town mayor office; KI11-anonymous interviewee from Dangila town police office; KI12-an anonymous interviewee from Amhara police commission; KI13-an anonymous interviewee from law, justice and administration affairs committee members of Amhara region state council.

27 February 2020; Amnesty International, 14 October 2016; The Ethiopian Human Rights Project, 2018; HRC, 2017). Furthermore, sanitary services were inadequately available and the nightly beatings ended in the physical injuries and bodily scars (KI9, 10 March 2020; KI2, 26 February 2020; KI1, 27 February 2020; HRC, 2017). This is against the minimum standards set thereof by international human rights laws.

3.2 Nature of Uses of Force

Part of the concern of this study is the examination of whether the force used during the protests and public demonstrations qualify as legal procedures recognized both by national and international legal frameworks. The most commonly identified principles from these sources are necessity, proportionality, legality, discrimination, precaution, last resort, accountability and the like.

Necessity

This principle on the use of force and firearms constitutes three important elements together. The first aspect determines the application of force for realizing legitimate/lawful objectives, as in the case of preventing violence or crime that imperil the right to life or the right to personal security. The application of force here shall be to the minimum extent necessary to bring the threats under control. Furthermore, the principle dictates the application of force when other means remain ineffective or unpromising to achieve the intended result, thereby prohibit its application against individuals who offer no resistance or direct dangers to the life and integrity of the person or situation. Security officials, therefore, are obliged to arrest potentially violent suspects before resorting to extrajudicial killings (See BPUFF, 1990; United Nations Code of Conduct for Law Enforcement Officials, 17 December 1979). Article 75 of the 2004 Ethiopia's Criminal Code also legitimizes the application of force when it is used to protect the self and others from an imminent and serious danger which could not be averted by other means.

Measuring in the light of this parameter, the data generated from government and security offices, youth association leaders and respondents were different. Acknowledging the illegality of the protests and the absence of protest organizers, KI5 (27 February 2020), KI6 (9 March 2020) and KI11 (10 March 2020) found security officials' uses of force as necessary and legitimate. They justified it with the expected damages to properties and anticipated insecurity to

the wellbeing of the community. Most commonly, the protestors tried to block roads, burn tires, damage properties both under public and private possession and perpetrate attacks against security forces and targeted government officials (KI5, 27 February 2020; KI6, 19 March 2020; KI11, 10 March 2020, see also table 2). These and other unlawful moves hence should be tamed with the employment of force thereof (KI5, 27 February 2020; KI6, 9 March 2020; KI11, 10 March 2020). The justification provided by these interviewees for the application of force is tied with the staging of unauthorized protests, road closures, burning of tires, damages to properties and the likelihood attacks on security forces and government officials.

A major departure from this perspective was made by other interviewees. These interviewees underlined that force was applied to protestors who were largely peaceful and non-violent, particularly during its initial phases. The demonstrators came to the street demanding solutions to multitudes of problems rather than demolishing or robbing properties (KI2, 26 February 2020). They asked for more freedom, good governance, justice, equality and release of political prisoners, journalists and members of Wolqait Amhara Identity Committee (KI3, 26 February 2020; KI1, 27 February 2020; KI9, 10 March 2020; KI2, 26 February 2020), the source of all of these problems was tied to the presence of wicked and inefficient government institutions and political leaderships. Some respondents on their part associated the motive behind the protest as a call for democracy and end of government backed tortures and repression against citizens. Furthermore, with the exception of the infrequent throwing of stones as counter measure from the perceived violent attacks by the security forces, the protestors were largely unarmed and did not take life threatening measures (KI2, 26 February 2020; KI7, 9 March 2020; KI1, 27 February 2020).

Similarly, 91.9% of the respondents also explained that the protestors were chiefly unarmed, which by definition did not invite the employment of weapons which caused deaths and physical injuries on participants (see table 2). Hence, the coercive measures taken by the incumbent government geared towards dispersing the protestors from airing their genuine grievances to the respective administrations (KI2, 26 February 2020), a measure found as unnecessary and illegitimate.

Table 2, Responses to the nature of uses of force

	Alternatives	Frequency	Percentage
Were there compelling/necessitating circumstances for taking these forcible measures?	Yes	120	31.3
	No	264	68.8
	Total	384	100.0
Did the protestors hold firearms and other objects like stone, stick during the conduct of the protest?	Yes	31	8.1
	No	353	91.9
	Total	384	100.0
Do you think that the measures taken by the security forces were proportionate to the anticipated advantages and the recorded losses?	Yes	77	20.1
	No	307	79.9
	Total	384	100.0
Do you think that the security officials used force only out of demand to ensure law and order, prevent crimes and protect the protestors?	Yes	70	18.2
	No	314	81.8
	Total	384	100.0
Do you think that the forcible measures taken by security forces solely targeted criminals and offenders? Or was there a distinction between criminals and civilians?	Yes	86	22.4
	No	298	77.6
	Total	384	100.0
Did they use peaceful mechanisms before resorting to force and firearms?	Yes	115	29.9
	No	269	70.1
	Total	384	100.0
Do you think that force and firearms were used as a last resort/option?	Yes	96	25.0
	No	288	75.0
	Total	384	100.0

Accordingly, these respondents and participants examined the deaths and injuries of protesters with live bullets fired from the security forces as unwarranted. Here is also the story of a victim of a live bullet from Burie town:

I get injured in the leg with a bullet fired from security forces when going home. I was not directly involved in the protest but observed it from nearby. When security forces attempted to disperse the protestors with the use of coercive techniques, I decided to return to my home. I saw security forces on my way home, get frightened and decided to retreat. While retreating, they fired bullets and injured me in the leg. It was done to me without necessary warnings/commands like “Stop! Hands up!” (Burie, 27 February, 2020).

The measure against this individual was taken in violation of Regulation No. 268/2012, which specifies the conditions under which the use of firearms is probably necessary and legitimate. Article 45(2a) and 45(2b) of this Regulation empowers federal police officers to employ firearms, to protect the life and physical wellbeing of the ‘self’ and ‘others’ from imminent attacks, and to arrest or restrain a dangerous criminal or convicted prisoner from escaping (see

also Article 78 of the 2004 criminal code). All these circumstances were unseen in the case specified above. But the *raison d'être* for this and other forcible measures and extrajudicial killings were damaging properties, road closures, undertaking illegal protests, exercising rights to demonstrations and even seeking answers to long lasting governance related problems under the ERPFD administration (KI3, 26 February 2020; KI1, 27 February 2020; KI2, 26 February 2020; Amnesty international, 4 October 2016). The joint letter written by a group of civil society organizations to UN Human Rights Council on Ethiopia uncovers the application of excessive and unnecessary live ammunition to disperse and suppress largely peaceful protesters in Amhara and Oromia Regions.

Though some of the interviewees accepted the necessity of using force to control further losses of property and potential attack on targeted individuals, they strongly opposed the application of lethal weapons – one that ended up in the death and injuries of several individuals – and found it unnecessary (KI5, 27 February 2020; KI6, 9 March 2020; KI10, 10 March 2020; KI11, 10 March 2020). The situation did not invite the taking of bloody measures with lethal means, and opportunities to control the protests without using live ammunition were not totally absent (KI11, 10 March 2020; KI6, 9 March 2020; KI10, 10 March 2020). All the damages and illegal moves could be well managed through employing measures like firing bullets in the air, use of water cannon, tear gas and other less-lethal means (KI10, 10 March 2020; KI11, 10 March 2020; KI3, 26 February 2020) and through careful pre-preparation, efficient collaboration and cooperation (KI11, 10 March 2020). Similarly, substantial number of respondents underlined that property related damages, road closures and other form of violence could be controlled without resorting to the bloodiest measures. From all these viewpoints, it can be inferred that the deaths and physical injuries of protesters with lethal force for the reasons of damaging properties, closing road, burning of tires and/or with the absence of imminent threats to the life or physical wellbeing of the self and others were unjustifiable and unnecessary.

Proportionality

This principle comes into play when the principle of necessity is met. However, acting in accordance with the principle of necessity may render necessary force unlawful. So, law enforcing officials are obliged to apply force in proportion to the seriousness of the offence and the legitimate objectives to be achieved (BPUFF, 1990). Careful decisions shall be made

between the intensity and degree of threats and the levels of force to be used for the partial and complete control of events. The principle takes into account the moderation of the actions of security forces with the overriding goals of reducing losses, injuries and harms to the lives of humans. The 1990 BPUFF under Article 5(b) emphasizes the importance of respecting and preserving human life during the employment of force and firearms. Especially, the application of force, i.e. lethal force, to situations that do not pose imminent threats to life and physical wellbeing of the self and others could be disproportional. In a similar manner, the regulation on the administration of Ethiopia's federal police officers (Regulation No. 268/2012) under Article 45(1) permits police officers to use firearms when faced with clear resistance in discharging duties and where other options are not available.

KI5 (27 February 2020) from Burie town noted that, with the exception of the death of one individual and physical injuries of five to six others, all the forceful measures taken by the security forces were proportional. Despite the frequent firing of live bullets and stun grenades, the fatalities from these measures were not excessive (KI5, 27 February 2020). Other interviewees from Enjibara town opined that force was used to the minimum as compared with the gravity of the problems and the anticipated losses induced by the protests. Furthermore, all the unfolded losses and damages could be reduced once the security officials applied force during the immediate commencement of the demonstration (KI6, 9 March 2020). Denouncing the loss of a life of an individual, KI3 (26 February 2020) and KI4 (26 February 2020) from Finoteselam town found all the measures taken by the security forces as proportional and the arrests were done through identifying individuals playing key roles in facilitating, heading and organizing the protests.

In contrast, KI7 (9 March 2020), KI9 (10 March 2020), KI2 (26 February 2020) and KI1 (27 February 2020) described the balance between the forcible measures and the consequences as disproportionate. Gun fires were frequent and deaths and physical injuries of civilians were grave. Sources from city administrations and town police officers indicated the death of five to six individuals in Enjibara, six to eight in Dangila, one in Finoteslam and one in Burie. The physical injuries due to the forcible measures by the security forces were also significant.³ These

³ Five to six injuries happened at Burie town (KI5, 27 February 2020), six (KI10, 10 March 2020; KI11, 10 March 2020) to twenty two injuries from Dangila KI9 (10 March 2020) and close to 12 individuals also experienced light physical injury from Enjibara (KI7, 9 March 2020).

deadliest measures were taken on unarmed protesters, who held or even did not hold either stones or sticks which by definition was unnecessary and excessive (KI2, 26 February 2020; KI7, 9 March 2020). Though the application of force (less lethal one) was necessary to protect properties and manage the protests, the deaths and consequent physical injuries with lethal force were found excessive as seen in the spirit and nature of the protests (KI7, 9 March 2020; KI11, 10 March 2020; KI10, 10 March 2020). An informant from Dangila town explained the response as follows:

a sort of mass murder, where the security forces fired live bullets and and threw stun grenades at the demonstrators largely unarmed... and no doubt that they used disproportionate force both during the conduct of the protests and against detainees imprisoned at Agew Midir Town Hall and other unofficial detention centers (Dangila, 10 March 2020).

Correspondingly, the majority of the respondents (79.9%) said that there was use of disproportionate force that brought deaths and injuries to several civilians (see table 2). The extrajudicial killings and injuries with lethal means were carried out against protesters who could not pose life threatening actions. Out of their fear that the protests would degenerate into social unrest and that high ranking officials in the government would be targeted for attacks, the armed forces took lethal actions. The deaths and injuries from these measures were excessive and unjustifiable.

Regarding the type of weapons, KI9 (10 March 2020) from Dangila town maintained that the federal police and national defense forces used very lethal weapons like snipers. The measures taken with these weapons were destructive, and the EHRC found the forcible measures at Dangila town as disproportionate, thereby calling those responsible for the fatalities to be brought before the court to be prosecuted (Liyat, 2017). The mistaken attempt to silence dissents by the security forces ended up in the systematic application of excessive force on protesters largely peaceful (Amnesty International, 8 August 2016). Findings from Abdelhalim (2016) also disclosed the application of excessive force against peaceful protesters in Amhara, Oromia and other regional states. The government tended to justify the actions taken by the security forces by arguing that the protests were backed by foreign elements like Eritrea, Egypt and domestic and foreign based opposition forces.

Recognizing the arbitrary arrests of several individuals at Agew Midir town hall, security forces committed inhuman and humiliating attacks against detainees before proven guilty (KI9, 10 March 2020), an event contested by KI11(2020), and here is the lived experience of a detainee:

I was arrested through a door to door raid by the security forces. They detained me at Agew Midir town hall and the condition at this unofficial detention center was degrading. It was dusty and there were no beds or mattresses. During our stay at this hall, the security forces forced us to roll in the mud and after that they beat us with stick and their shoes degradingly. And the purpose of getting us roll in the mud was to avoid the creation of scars on our bodies (Dangila, 10 March 2020).

An interview conducted with KI13 (12 March 2020) also confirmed the conduct of grave inhuman acts on those detained both in official and unofficial detention places. Hot water was poured on the bodies of detainees besides the physical attacks with sticks, shoes and other projectiles (KI13, 12 March 2020). Some respondents also indicated that several detainees were forced to walk on their bare feet on a ground full of broken glasses. These measures could not be justified by any legal means.

Discrimination

According to KI6 (9 March 2020) from Enjibara town, the application of force targeted protest organizers, leaders and other actors who tried to generate chaos and disturbances. Coming to the arrest of individuals, KI2 (26 February 2020) and KI3 (26 February 2020) from Finote Selam town underlined that those who dispatched papers to call for protests, held placards, organized and headed protests in the front were the prime target of the arbitrary arrest. Other informants revealed that the arrests of some individuals were conducted out of revenge and personal disagreements (KI10, 10 March 2020; KI7, 9 March 2020), which are by definition indiscriminate practices.

Coming to the use of live bullets, batons and stun grenades, several other interviewees indicated their indiscriminate application as well (KI5, 27 February 2020; KI9, 10 March 2020; KI7, 9 March 2020; KI2, 26 February 2020). According to these interviewees, security officials' use of force did not solely target those who were actors of all the recorded chaos and unlawful moves. KI9 (10 March 2020) believed that the firing of tear gas, gunfire and physical beatings were carried out on civilians who took to the street to criticize government backed tortures and marginalization. The majority of the respondents (77.6%) also divulged the indiscriminate use of

live bullets, batons and stun grenades (see table 2.). Moreover, individuals who were not involved in the protests were exposed to arrests, attacks and injuries with the measures taken by the security forces (KI11, 10 March 2020). As a result, a substantial number of civilians encountered tear gas, deaths, physical beatings and injuries due to the arbitrary actions of security forces. Respondents to this research work mentioned imposition of threats or intimidations against family members of certain individuals who were wanted by the police. This indiscriminate action was aimed at discouraging protesters from protesting again.

Evidence from Burie town shows the physical injuries sustained by two or three civilians for simply walking on the road with bullets fired from security forces (KI5, 27 February 2020). Other individuals also got injured for peacefully airing grievances (KI5, 27 February 2020) and for participating in damaging properties (KI11, 10 March 2020). Another informant from Enjibara disclosed that, with the exception of the death of an individual, other deaths occurred with the arbitrary gunfire from the security forces (KI7, 9 March 2020). Losing life in this way could not be acceptable by any means (KI7, 9 March 2020). A further illustration was also made by a key informant from Dembecha town. Recognizing the indiscriminate use of force by the security officials, KI1 (27 March 2020) mentioned the severe physical attack perpetrated against an old man going to church and a young man going to buy *Enjera* (bread) from a nearby shop after the conclusion of the protests.

Many others also suffered from the arbitrarily fired tear gas by security forces at the time of the demonstrations (KI1, 27 March 2020). This idea was also supported by few respondents as well. And here is the story of a man experiencing smoke from tear gas at Dembecha:

I was watching the protest from a distance of an estimated 50-70 meters. The constraining measures taken by the security forces created disturbance which was followed by firing of bullets, tear gas and physical beatings. The protesters then ran and came close to me for relief. In the process, the stun grenades thrown by the security forces dropped close to my feet while I retreated. The smoke from the chemicals in the tear gas irritated my eyes and I couldn't speak for nearly an hour (Dembecha, 27 February 2020).

Hence, tear gas was fired arbitrarily at civilians and criminals. Protesters who were especially in front of demonstrations sustained injuries. Moreover, some respondents and KI2 (26 February 2020) indicated that the smoke from the stun grenades got into the houses of residents thereby inflicting household members. All these experiences enabled researchers to conclude that the

problematic and indiscriminate use of force to control the protests held in the selected study areas amounted to lack of responsibility. Here, KI3 (26 February 2020), KI11 (10 March 2020) and KI12 (11 March 2020) associated the challenges to make distinction between the civilians and criminals with the mob nature of the protests that involved a large number of participants from the respective towns and the surrounding districts. In the meantime, civilians faced physical attack and tear gas fired from security forces (KI3, 26 February 2020; KI12, 11 March 2020). Few other respondents, on the other hand, associated the problem with the poor capacity of the security forces in crime detection and identification of criminals in the mob.

Last resort

Pursuant to Article 45(1) under Regulation No. 268/2012 of , in time of discharging duties, police officers should employ proportionate force ‘where other options are not available’ and inadequate. The provision, hence, obliges security officials to exhaustively search peaceful mechanisms preceding the application of coercive and lethal techniques. In the light of such provision, the researchers tried to ascertain how the security officials resorted to the application of force and the use firearms during the conduct of protests in the selected study areas.

The interviewees here forwarded different ideas. For instance, KI6 (9 March 2020) and KI3 (26 February 2020) noted that the security forces attempted to control the protests non-forcefully and non-violently, through such things as body gestures, patrolling, and warning and advising. However, lethal force was used when the protesters started to break laws through blocking roads, burning tires, destroying properties and throwing stones at security officials (KI6, 9 March 2020). Therefore, force was used as a last resort based on these interviewees.

Contrary to the above statements, a significant number of interviewees and respondents (70.1%) maintained that the security forces did not exhaustively try peaceful management mechanisms preceding the use of force (KI2, 26 February 2020; KI9, 10 March 2020; KI10, 10 March 2020; see also table 2). With the recognition that the protests did not qualify as legal procedures and that anti-peace elements were present during the protests, the regime was inclined to disperse the protests through utilizing coercive and lethal means. In the process, the protesters encountered physical attack, tear gas and gunfire beginning from the protests’ immediate commencement (KI2, 26 February 2020. Bullets were fired not in the air but at the protesters (KI9, 10 March

2020). As a result, KI2 (26 February 2020) assumed that victims of tear gas were fortunate because several protesters were seriously threatened with live bullets.

In this connection, these interviewees and respondents strongly believed that there was the possibility of managing the protests through the employment of peaceful and negotiated management techniques (KI2, 26 February 2020; KI1, 27 March 2020, and KI10, 10 March 2020), which involves the use of advice, negotiations, warnings, effective guidance and patrolling before applying police batons, stun grenades and gunfire. It could be managed well with measures that did not use force and live ammunitions (KI2, 26 February 2020; KI1, 27 March 2020, and KI10, 10 March 2020), given that the motivation behind the demonstrations was not damaging properties, perpetrating violence and even blocking roads. Even all the damages and riots could be handled through proper use of tear gas, firing of bullets in the air, the use of water cannons and other less-lethal means (KI10, 10 March 2020). Therefore, based on the views of the majority of the respondents and interviewees, it can be deduced that force and firearms were not used as a last resort.

These measures depict the regime's culture of violence and ruthless measures to bring everything under control (KI2, 26 February 2020; KI1, 27 March 2020). The regime was inclined to use violence, and force remains the *modus operandi* in its years of political rule to totally suppress anti-government movements (KI2, 26 February 2020; KI1, 27 March 2020; KI5, 27 February 2020), which deviates from the modern way of administration, i.e. democracy, where priority is given to the peaceful settlement of disputes rather than suppressing protests at gunpoint. Given this political culture and the anti-government nature of the protests (Down with Woyane), the government suppressed them with force; hence expecting the employment of negotiated management techniques might be unrealistic. As the mouth piece of the government, the security forces terrorized the protesters through firing bullets, throwing irritant chemicals, and beatings as soon as they were deployed.

3.3 Investigations of Abuses and Consequent Punishments

Pursuant to Article 7 of the Basic Principles on the Use of Force and Firearms (BPUFF) by law enforcement officials, national governments are duty-bound to punish the police and other security forces that used force and firearms arbitrarily or abusively. They are expected to undertake systematic investigations and bring the perpetrators before the court for legal

punishments or administrative measures. In the same token, the Criminal Code of Ethiopia (2004) under Articles 68(a), 73 and 74 legalized the imposition of punishment on both high and low ranking and law enforcement officials for the illegal application of force and firearms.

As opposed to the above general provisions of law, interviewees and respondents in this research maintained that the government did not undertake investigations into the legitimacy and legality of force used by the security officials during the 2016 protests in the region (KI5, 27 February 2020; KI1, 27 February 2020; KI7, 9 March 2020; KI11, 10 March 2020; Human Rights Watch, 12 January, 2017).⁴ The issue of how, why and by whom the deadliest measures were taken were largely absent (KI7, 9 March 2020; KI11, 10 March 2020). The administration did not show commitment to determine cases where the security officials used excessive and arbitrary forces. On most occasions, the perpetrators of murders and injuries hence remained unidentified and no legal punishment was taken for using force and firearms abusively (KI5, 27 February 2020; KI7, 9 March 2020). Close to 70.1% of the respondents similarly mentioned the unavailability of administrative and legal measures against security forces that arbitrarily injured and murdered civilians (see Table 3).

The only exception from the selected study areas is the experience from Finote Selam town administration, where a militia commander who killed an individual was sent to prison after court hearings. The verdict of the court proved that the militia commander exceeded the limits of legitimate defense by using disproportionate means or going beyond the acts necessary for averting the danger. Consequently, the court found him guilty, and sentenced him to five years in prison. In fact, the local community was not happy about the sentencing and appealed to higher court so that the criminal could be convicted of aggravated homicide (Art. 539).

⁴ This assertion did not neglect the two investigations carried out by the government sponsored human rights commission (EHRC) whose finding chiefly remained unimplemented and incredible due to limited outreach, neutrality problems and heavy reliance on government sources.

Table 3, Responses to the issue of investigations and punishments

	Alternatives	Frequency	Percent
Were there legal and administrative measures taken against security forces that abused power during the mass protests?	Yes	77	20.1
	No	269	70.1
	I do not know	38	9.9
	Total	384	100.0
If your answer is 'Yes', what types of measures were taken?	Lowering ranks	29	7.6
	All	48	12.5
	Total	77	20.1
	If your answer is 'No', what do you think is the reason/s behind the unavailability of punishment?	Poor controlling system in the security sector	19
Lack of strong and impartial judicial bodies		19	4.9
All		231	60.15
Total		269	69.95

Instead of investigating the legality and legitimacy of the measures, all the post-protest assessment sessions with top political and security officials primarily concentrated on the question of why the respective security officials did not disperse the protesters, why they were unable to control the protest, and why they did not limit the measures they took (KI5, 27 February 2020; KI3, 26 February 2020; KI4, 26 February 2020; KI6, 9 March 2020; KI7, 9 March 2020; KI8, 9 March 2020; KI11, 10 March 2020). The general conclusion from these assessment sessions was that policemen and militiamen showed support to the public in general and protesters in particular, and were incapable of executing their duties accordingly (KI5, 27 February 2020; KI3, 26 February 2020; KI4, 26 February 2020; KI7, 9 March 2020; KI6, 9 March 2020). In light of this understanding, several policemen and militiamen were dismissed from leadership positions, demoted and transferred to other work places as punishment for their inaction and inability to execute their duties properly (KI5, 27 February 2020; KI7, 9 March 2020; KI6, 9 March 2020; KI8, 9 March 2020; KI10, 10 March 2020; KI11, 10 March 2020).

Admitting the wide extrajudicial killings and tortures during the protests, several civil society organizations called for independent international investigations into the nationwide killings, injuries and violation of human rights by the Ethiopian security forces. However, all the call for international investigations was ignored by the Ethiopian government, and the government offered this mandate to the Ethiopian Human Rights Commission (EHRC). Accordingly, the commission produced two separate reports on the response of security officials in three regions, i.e. SNNP, Oromia and Amhara. The reports, in this regard, lacked credibility due to their limited

inclusion of local sources in the investigation, heavy reliance on government sources, limited capacity and doubts about the neutrality and independence of EHRC from the influence of the ruling party. Moreover, most of its recommendations for prosecuting security personnel who committed extrajudicial killings and inhuman acts were highly contingent on the goodwill of the regime governing the country. For instance, with the recognition that the security forces took disproportionate measures at Dangila town, the Commission recommended that the authorities take legal measures against security forces who abused their power (**Liyat, 2017**). Despite this recommendation of the Commission, the regional government in general and local administrations in particular did not take punitive measures against these forces. For example, a police officer who killed one individual and injured two or three others when attempting to remove a *Dashen* beer billboard from his restaurant renovated his restaurant in Bahir Dar (KI10, 10 March 2020; KI9, 10 March 2020; KI11, 10 March 2020), which was seen by the public as a reward for the crime he committed (KI9, 10 March 2020). Instead of undertaking genuine investigations into the actions of this police officer and punishing him, it seems that the local government appreciated the action of this police officer and allowed him to work and live in freedom (KI10, 10 March 2020; KI11, 10 March 2020; KI9, 10 March 2020).

Various justifications can be made about the unwillingness of the Ethiopian government and the respective region administrations to investigate cases where the security forces used excessive/arbitrary force. Recognizing the presence of security officials who abused their power, an interviewee from Burie town underlined that investigations and convictions were absent and accountability from low to high ranking security and political officials was lacking (KI5, 27 February 2020) including the former premier, Hailemariam Desalegn.

Though the FDRE Constitution under Article 55(7) empowers the House of People's Representatives to conduct investigations into the conduct of the "national defense force, public security, and a national police force" and take necessary measures, their power is highly curtailed by the party in power. According to the Constitution, the highest political power is entrusted to the House of People's Representatives. In actual practice, however, the highest political power was entrusted to the ruling party (KI13, 12 March 2020; Aalen, 2006), which is not controlled by the executive body and the parliament. A related finding by Adem (2012) also uncovered that the parliament and the executive in Ethiopia are controlled by the ruling party, which is supreme

contrary to the provisions of the Constitution. As a result, the issue of bringing these security forces to follow due process of law was highly contingent on the whim of the regime in power. Furthermore, the Ethiopian parliament itself was wholly occupied by the ruling party, which potentially prevented any serious parliamentary debate and investigations when power was abused (Horne, 2016). This situation practically prevented investigations into the actions of the security forces altogether.

The country also lacks strong institutions in place, and the ruling party dominates every affair of the administration (KI13, 12 March 2020; KI12, 11 March 2020). Courts were not strong and independent in making decisions on politically sensitive issues (Horne, 2016; Aalen, 2006; Abbink, 2009). The respondents, as shown in the above table, associated the unavailability of investigations and consequent punishment against these security forces with the absence of strong and impartial judicial bodies to try cases autonomously (see Table 3). A government funded Human Rights Commission (EHRC) also lacked impartiality and independence, crucial elements to conduct credible and effective investigations into alleged offenses (Human Rights Watch, 2017). The recently introduced repressive laws on terrorism, civil society organizations and the media further weakened the roles and influences of political parties, NGOs, journalists and other concerned bodies from meaningfully contributing to stability in the country. Numerous restrictions on the independent media and non-governmental organizations resulted in little scrutiny of abusive security forces (Horne, 2016).

Furthermore, in most developed democracies the security sector, importantly the defense and police forces are made independent and free from the influences of politicians in the exercise of their power. According to UNODC (2011) and Osse (2006), provisions of relative autonomy, operational and professional independence to law enforcing officials enable national governments to build strong accountability and responsiveness in the security sector. As opposed to this experience, the security forces in Ethiopia are exposed to excessive political interventions from the ruling party. The regime abused and consistently used security forces to harass opposition figures and consolidate power thereof (Center for International Human Rights Law & Advocacy, 2018:5). A large number of interviewees in the present study also emphasized that the issue of independence and impartiality of police were pretentious (KI3, 26 February 2020; KI2, 26 February 2020; KI7, 9 March 2020; KI5, 27 February 2020; KI11, 10 March 2020; KI6 ,

9 March 2020; KI12, 11 March 2020). Political leaders intervene in the affairs of the security forces either through abusing their power or using the administration and security offices. The intervention here ranges from giving commands to stop investigations into suspected offenses to that of forcing to cancel charges filed against criminals. These situations practically marred the undertaking of effective supervision and internal control systems in the security sector, which partly affected the imposition of both disciplinary and criminal punishments against offenders. The police force in Ethiopia did not have scientific control and evaluation standards (KI10, 10 March 2020; see table 3).

4 Conclusion

Deployment of forces ordered by the federal and regional governments was observed during the conduct of the demonstrations. These security forces took a range of measures either to disperse or prevent protesters from demonstrating or to bring illegal activities under control. They muffled, beat, tortured and killed largely peaceful protesters through the employment of both less-lethal and lethal means like live bullets. Part of the security forces' measure was the conduct of arbitrary and forceful arrests of individuals during the protests or through house to house raids. As a result, several protesters lost their lives due to the deadliest measures by the security forces, whereas significant others faced physical abuse and even death. These deaths and physical injuries were mainly committed against civilians and unarmed individuals. Moreover, detainees both in official and unofficial prisons experienced physical abuse in addition to the worsening conditions due to the inadequate provisions of sanitary and life sustaining services. All these unnecessary tragic measures were taken to stop unauthorized protests, road closures, burning tires, damaging properties and to prevent attacks on targeted government officials, individuals and security forces. Based on the data generated from respondents, interviewees and document analysis, it is concluded that the security forces used arbitrary and excessive force against the demonstrators and detainees.

Despite the substantial number of evidence that shows the disproportionate and arbitrary application of force on protesters, who were chiefly unarmed and peaceful, the government at the federal and regional levels did not undertake genuine investigations to make the security officers responsible for their criminal actions. All the post-protest assessment sessions on the response of regional security forces highly concentrated on their inability to disperse the protests, to take

limited measures, to make limited arrests and to avoid deaths rather than investigating whether the killings and injuries with live bullet were justifiable and legitimate. Therefore, the issue of how, why and by whom civilians were injured and murdered left uninvestigated. With the exception of Finote Selam town, no security forces were brought before a court of law for murdering protesters with government provided firearms. However, policemen and militiamen who were thought to be sympathetic to the protesters were demoted or transferred to other work places.

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