

ETHIOPIA

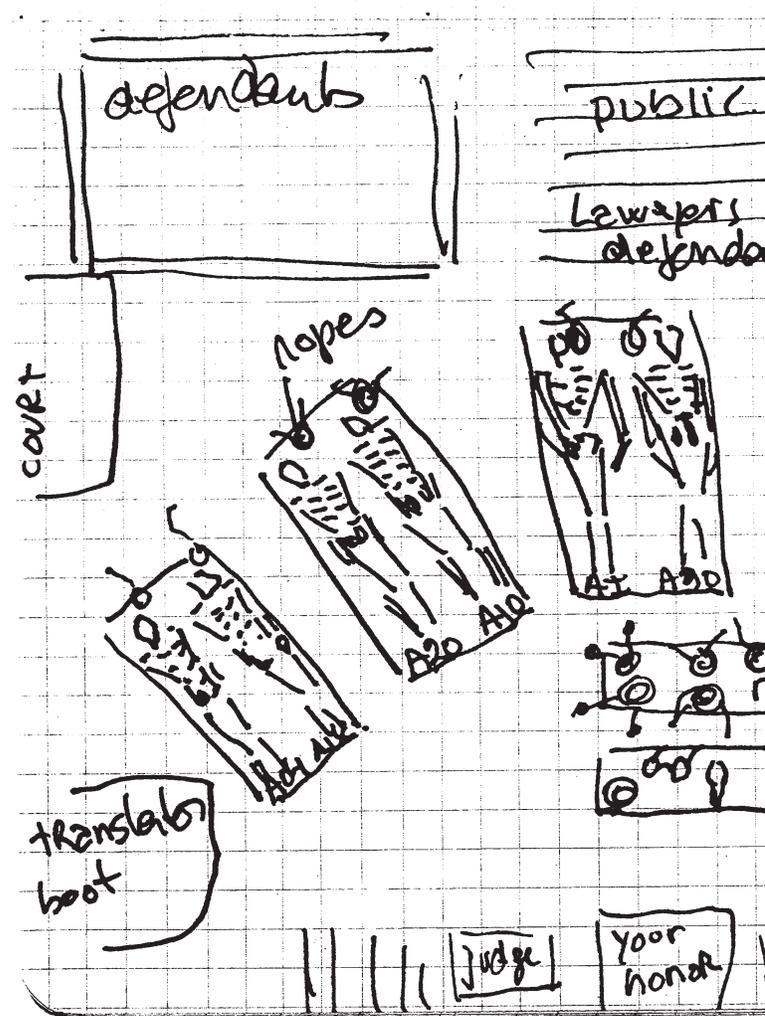
In April 2002, at the request of the Special Prosecutors Office (SPO) of Addis Ababa, Dr. Clyde Snow and two EAAF members returned to Ethiopia to testify on their findings in the Kotebe case, one of the cases in the ongoing trials against the so-called Dergue regime. This trial was the first time that physical evidence from forensic anthropology and archaeology was displayed in a local courtroom.

HISTORICAL BACKGROUND

Between 1974 and 1991, under the leadership of Colonel Mengistu Haile Marian, Ethiopian state security forces tortured and executed thousands of persons suspected of belonging to urban opposition movements. During these same years, the military killed tens of thousands during indiscriminate campaigns against “dissident” ethnic groups in rural areas. The Dergue also bore large responsibility for exacerbating and perpetuating the famine that killed an estimated one million persons during the mid-1980s.¹ According to Amnesty International, the Dergue compiled one of the worst records of human rights abuses in recent history during its seventeen years in power.

In May 1991, a loose coalition including the Ethiopian People’s Revolutionary Democratic Front (EPRDF) and other armed movements overthrew the Dergue and installed a new administration, the Transitional Government of Ethiopia. One of the new government’s first acts was to announce that it would formally prosecute members of the former regime who had committed human rights violations. During 1991 and 1992 the new government arrested hundreds of members of the former regime, and in August 1992, a Special Prosecutor’s Office (SPO) was created to investigate and prosecute their alleged crimes.

In 1994 the SPO charged and brought to trial seventy-three members of the former regime; twenty-seven were tried in absentia, including Colonel Mengistu who was



Evidence displayed in the courtroom in Addis Ababa.
Drawing by M. Doretti/EAAF.

and still is in exile in Zimbabwe. In early 1997, the SPO charged over five thousand people with criminal offenses, particularly genocide and war crimes. Over two thousand of those charged were already in prison, many of them since 1991-1992. Almost three thousand others, including many who had fled the country, were also charged in absentia.

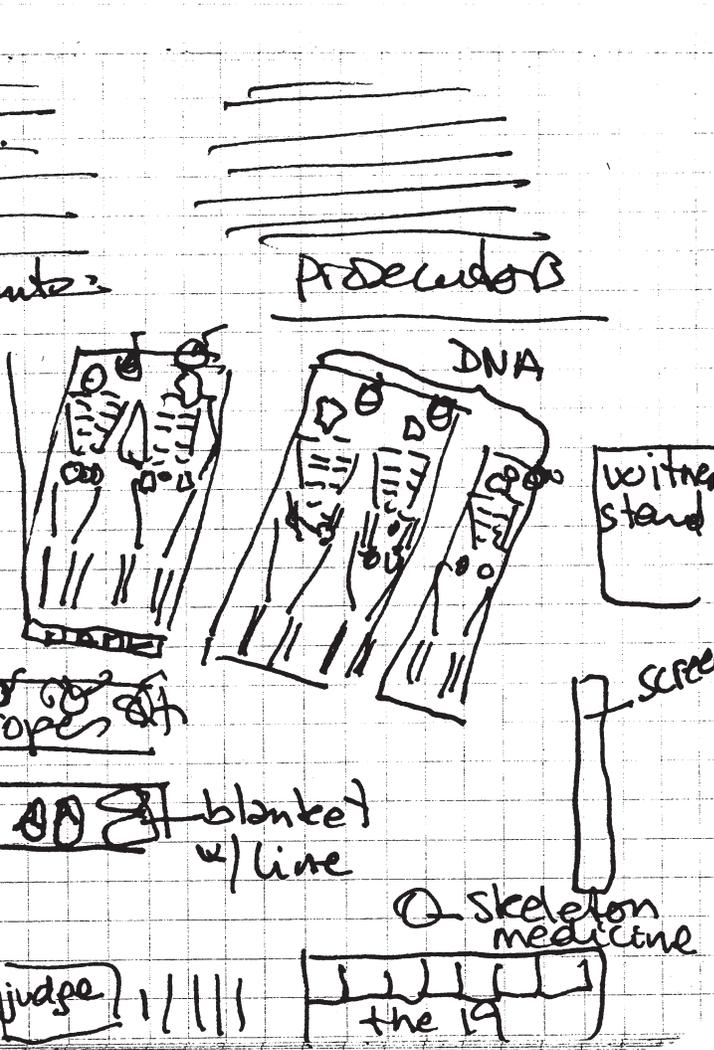
The Ethiopian government has changed substantially since the SPO was created in 1992. In December 1994, a Constituent Assembly, elected through universal suffrage, adopted a new constitution, which established the

country as a Federal Democratic Republic. In March 1995, the Transitional Government was dissolved and new elections were held in August of that year. Many political groups did not participate, claiming that the government had restricted their campaigning activities and curtailed their freedoms of speech and association. Nevertheless, a new government, headed by Prime Minister Meles Zenawi of the EPRDF — a former president of Ethiopia — was elected.

For nearly the first four years of Ethiopia's independence, according to Human Rights Watch, tensions were mounting with Eritrea over the new state's failure to delineate norms regarding nationality and citizenship.ⁱⁱ Despite the fact that the two countries had been longtime allies, war erupted in the border town of Badme in May 1998. The conflict lasted until a peace agreement was signed more than two years later on December 12, 2000. The war is estimated to have killed and wounded tens of thousands of soldiers and civilians and uprooted nearly a million people, rendering many lifelong Ethiopian citizens stateless.ⁱⁱⁱ According to Human Rights Watch 2001 Report on Ethiopia, the war drained Ethiopia of \$3 billion and devastated civilian life through the loss of livestock and agriculture, and the destruction of both the physical and social infrastructures.^{iv}

Human rights groups argue that the Ethiopian government has maintained a firm repressive hold over the Ethiopian people. According to Human Rights Watch, the state and local governments are suspected of intimidation and fraud in local elections, particularly in the Southern region.^v The EPRDF expelled cabinet members who criticized the Peace Agreement as well as those who supported the dissidents, including the Ethiopian President Negaso Gidada, by the end of 2001.^{vi} Thousands of opposition party members, journalists, human rights activists, and students critical of the government have been imprisoned and held without bail.^{vii}

In June 2001, the government amended its "anti-corruption" law to prohibit bail for anyone charged by the police with corruption. Amnesty International reports that some suspected rebel supporters have been held for





Addis Ababa, April 2002. Arranging evidence in the courtroom. Dr. Clyde Snow, left, Mercedes Doretti, center, and Chief Prosecutor Ato Gyrma Wakjira, right. Photo by A. Ginarte/ EAAF.

years without charge or trial. According to Human Rights Watch, the Ethiopian government has exerted its power over the judiciary in order to discourage the courts or parliament from intervening in human rights abuses. Therefore, court cases have reportedly lasted for years, during which activists and government dissenters, apparently held for their nonviolent criticism of the government were subjected to severe detention conditions and abuse.^{viii} Amnesty International claims that most of the dissidents did not receive trials or received unfair trials or have been tortured and extrajudicially executed.^{ix}

Many former Dergue officials on trial by the SPO were convicted and sentenced to prison terms. By the end of 2001, however, over 2,200 other former officials still remained in prison awaiting trial. The Special Prosecutor for the trials explained that the delays in bringing people to trial or releasing them was due to the enormous size of the trials and extremely limited resources. This process is expected to terminate in 2004.^x

Despite these challenges, the trials against former Dergue officials have continued. EAAF conducted two missions to Ethiopia in 1993 and 1994, sponsored by the Carter

Center of Atlanta, Georgia, to provide forensic assistance to the SPO in cases under investigation, and a third one in 1996, sponsored by the John Merck Fund.

The Kotebe Case:

In 1994, at the request of Ato Gyrma Wakjira, the chief prosecutor of the SPO, EAAF members worked inside a military intelligence compound in Kotebe, an Addis Ababa suburb, exhuming a clandestine grave suspected to contain the remains of Dergue victims. The excavation took place in a corner of the compound. Immediately underneath the surface soil, a layer of cooking utensils, pieces of glasses and other materials, partly burned, were discovered. Then, below two meters of heavy rocks, a layer of lime, and another of blankets, the commingled skeletons of thirty individuals came to light. The skulls of many were broken by the huge stones used to close the grave. Encircling the disarticulated cervical vertebrae of all but one of the skeletons was a lime-green nylon cord. The skeletons were brought to the morgue of the Black Lion Hospital in Addis Ababa, where we were kindly allowed by the directors to use their morgue and X-ray facilities.

The SPO provided us with a list of thirty individuals whose remains were thought to be in the grave. All had disappeared after being taken into custody by the Dergue regime at different times and places. Through the SPO, we obtained ante mortem information on fifteen families of the victims after interviewing family members and/or former prisoners. Until they disappeared in 1979, the victims had been imprisoned for periods varying from several months to several years. Some had been held in Combolcha Prison in Wollo Province and others in Makalawi Prison in Addis Ababa. During their imprisonment, relatives had been able to visit frequently to bring food and clean clothing. But towards the end of 1979, they were told that further visits were unnecessary since the prisoners were no longer there.

We were also able to interview several former inmates of both prisons at the time of the disappearance. Those in

Combolcha said that on October 7, 1979, an official from Addis Ababa arrived with a list of twenty-two prisoners to be transferred to Makalawi. They were loaded into a truck but at the last moment two were ordered back to their cells. The truck left Combolcha with the remaining twenty men, none of whom ever returned.

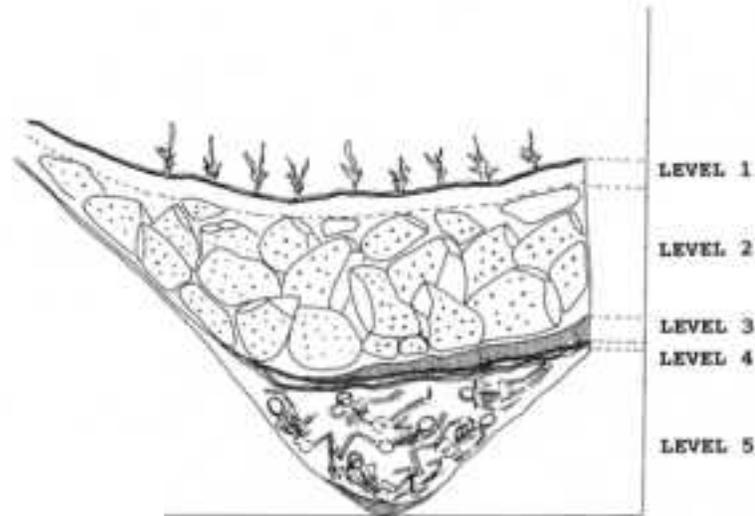
The former Makalawi prisoners that we interviewed said that late on the night of October 7, 1979, a truck arrived in the prison compound and twenty prisoners were offloaded. The night was cold and many of the new prisoners had wrapped themselves in blankets. They were put in holding cells apart from the main cellblock. The next morning, at 10-20 minutes intervals, the guards called out each of the twenty new prisoners by name and, one by one, they were marched away. Ten Makalawi prisoners were similarly called out and taken away. The thirty men never returned, and by late afternoon rumors began to circulate that they had all been executed.



Forensic evidence arranged in the courtroom, Addis Ababa. Photo by EAAF.

Site 1 - Grave 1

ADDIS ABABA



Stratigraphy of grave 1, Kotebe, Addis Ababa. Drawing by P. Bernardi/EAAF.

Identifications:

Initially, there was no evidence that the men taken from Combolcha were the same as those brought to Makalewi. At the time, thousands were being held in prisons throughout Ethiopia. But when comparing the statements of the former Makalewi prisoners with those given by the relatives of the missing men it became clear that these men were indeed the Combolcha transferees. One of the Makalewi inmates, Lt. Colonel L. A. said that when the men who had arrived the night before were called out the next morning, he heard the name of a man he knew, Master Sergeant K. A. W. Shortly afterward, he saw the sergeant being brought along the corridor outside his cell. The Sergeant's father stated that his son was arrested 1977 and first detained in Makalewi. One of his fellow prisoners said that he and the sergeant were part of a group of twenty-six inmates transferred to

Combolcha in December 1978. Taken together, these statements firmly linked the twenty Combolcha transferees with the ten from Makalewi who disappeared on October 8, 1979.

Eight individuals were positively identified based on antemortem data collected by EAAF from families and fellow prisoners. These identifications meant that it was highly likely that the remains of relatives of the other seven families interviewed were among the twenty-two unidentified skeletons.

Dr. Mary Claire King, director of the genetic laboratory at University of Washington, Seattle, USA was asked to perform mitochondrial DNA tests on the unidentified individuals. Dr. King has played a key role in the development of genetic testing in human rights cases, including providing free DNA testing in such cases.

However, before she could proceed, she needed control samples to determine the frequency of specific gene sequences in the population. From this, the probability of positive identification could be accurately estimated. The missing men belonged to four Ethiopian ethnic groups: Amharic, Tigrayan, Oromo and Guragee. Blood samples were taken from thirty members of each group. These, along with blood from the maternal relatives of the seven families and two teeth from each unidentified skeleton were submitted to Dr. King. At her laboratory, Dr. Michele Harvey, was able to make five additional identifications, bringing the total to thirteen identified individuals.

2002 MISSION

In April 2002, at the request of the Special Prosecutors Office of Addis Ababa, US forensic anthropologist Dr. Clyde Snow, and EAAF anthropologists Anahi Ginarte and Mercedes Doretti traveled to Addis Ababa to testify on their findings in the Kotebe case.

Few cases on trial in Ethiopia have utilized physical evidence in their proceedings. As a result, chief prosecutor Ato Gyрма Wakjira requested that we display the identified skeletons and associated evidence such as ligatures, blankets, and other findings in the courtroom. The remains that EAAF exhumed in 1994 had remained in the custody of the SPO.

Worried about how family members might feel seeing the remains of their loved ones displayed in a courtroom, we consulted with them at length. At a meeting organized by the SPO before the trial, those family members who were able

to attend agreed that while it would be very difficult for them, they were willing to cooperate in whatever ways possible in the processes of justice.

With the permission of the Court, the day before our testimony we displayed the thirteen identified skeletons on long wooden tables organized in a fan shape before the panel of judges. Each set of remains was displayed with the green ropes next to the neck area. Additional tables were used to show the remaining seventeen ropes and other artifacts found during the exhumation process, including the utensils, blankets, and lime found at different layers during the excavation of the grave (see drawing).

We testified at the Federal High Court at Addis Ababa. Approximately 150 people were present in the courtroom. The testimonial process was conducted respectfully. We testified for several hours, first answering questions from the judges, followed by a cross examination by the defense lawyers. A panel of three judges presided over the court. SPO lawyers, defendants, their lawyers, relatives of victims, and members of the public were also present.



Addis Ababa, April 2002. Examining evidence the day before the trial. Photo A.Ginarte/EAAF.

We were first asked to testify about the case background as it had been introduced to us by the SPO, and the interviews we conducted with families of presumed victims and former prisoners during the preliminary investigation in order to collect ante mortem data that was later used during the identification process.

Using slides to support our testimony, we explained the different steps in the archaeological

excavation of the Kotebe site, showing the judges, lawyers and others present in the courtroom the various artifacts found on each layer and displayed on tables before them.

The identification process was explained in general terms and several cases were explained in detail as examples to the court. Photos of the identified victims when they were alive, as well as relevant details regarding the skeletons were also utilized in the testimony. The names of each of the identified victims will remain temporarily undisclosed.

Cause of Death

The following details the complex ways in which the cause of death was investigated and established in the Kotebe case. In his report, Dr. Snow explained:

“Of the 30 Kotebe skeletons, 29 were found with knotted ligatures encircling their cervical vertebrae. A single, loosened ligature was also found within the grave and it seems likely that it was used to strangle the 30th victim but, for some reason, was removed prior to burial. The ligatures were made from lime-green nylon rope 8 mm in diameter. Despite fifteen years of burial, this material showed few signs of deterioration due to soil moisture or chemicals. They had been cut to a near-uniform length of about 160 centimeters. After being cut from the parent stock, their ends had been heat-fused to prevent fraying. In twelve, simple overhand knots had been tied close to the ends, possibly to provide the executioner(s) with a better grip. The ligatures were applied by looping the cords around the neck and securing them with a square (“reef”) knot.

The inside circumference of the ligature loops averaged 28.7 ± 1.6 centimeters. Some indication of the amount of cervical constriction this represents is gained by comparing it with the average neck circumference in the living. To do this, we measured the neck circumference of 40 adult Ethiopian males between 20 and 30 years

old. The mean neck circumference of this sample was 34.6 ± 1.90 centimeters. Thus, the circumferences of the loops averaged about 6 cm. less than those of the necks in the living. This difference is statistically significant (Student's $t = 13.737$, $68df$, $p < .0001$). To gain some idea of the constriction this entails, try buttoning a 14-inch shirt collar on a person who normally wears a size 17 collar.

Dried cutaneous tissue was tightly adherent to the inner margins of some of the ligature loops. When removed from the ligature, these skin fragments revealed deep impressions of the nylon cordage, providing evidence that great force was used in applying and knotting the ligatures. Twelve skeletons showed perimortem blunt force injuries ranging from simple nasal fractures to complete fractures of the bones of the extremities. Most likely, these were inflicted in attempts to subdue or restrain the victims at the time of execution.

Death from ligature strangulation is the result of pressure on the vascular and respiratory structures of the neck. The exact mechanism of death depends on the amount of force applied. The thin-walled jugular veins can be occluded with as little as 2 kg of force resulting in loss of consciousness in 1-3 minutes and death within 5-10 minutes. Forces in the range of 4-8 kg cause carotid artery compression, followed by loss of consciousness in less than a minute and death within 3-5 minutes. Obstruction of the airway, which requires about 15 kg of force in adults, is only rarely a factor in ligature strangulation.

The cords encircling the cervical vertebrae provided clear evidence that the men had been killed by strangulation. These nylon cords were remarkably well preserved after fifteen years in the grave. This was fortunate from the medicolegal standpoint since, had the executioner(s) chosen to use ligatures made of natural fiber it is likely that they would have disappeared leaving no clue to the cause of death. “xi

IDENTIFICATION OF THE BURIAL AND EXHUMATION SITE:

Following our testimony, the next day we were escorted under strict security by the SPO and the Court judges to the Kotebe military intelligence compound, on the outskirts of Addis Ababa. The defendants, their lawyers, and the relatives of victims were also present. At the compound, we were asked to identify the spot where we had excavated the grave containing the remains of thirty individuals. Separately, a number of men who dug the original grave also identified the same spot.

FOOTNOTES

- i. "Evil Days: Thirty Years of War and Famine in Ethiopia," by Alex de Vaal. Africa Watch: New York 1991.
- ii. Human Rights Watch, "The Horn of Africa War," January 2003. Vol. 15, No. 3(A).
- iii. See Human Rights Watch, 2001 Report on Ethiopia.
- iv. Human Rights Watch, 2001 Report on Ethiopia.
- v. See Human Rights Watch World Report 2002.
- vi. Ibid.
- vii. Human Rights Watch World Report 2002, p.54.
- viii. See Human Rights Watch World Report 2002.
- ix. See Amnesty International Ethiopia 2002.
- x. ibid
- xi. From "Forensic Anthropology and Human Rights. The Argentine Experience," by M. Doretto, and C.C. Snow, in *Hard Evidence. Case Studies in Forensic Anthropology*, edited by D.Wolfe Steadman, Prentice Hall, Upper Saddle River, New Jersey 07548, USA.