

Efforts and Challenges in Protecting Prisoners' Rights in Ilu Abba Bor and Buno Bedelle Zones

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Abstract: The paper strongly emphasizes on the prisoners' rights in Oromia National Regional State particularly the prisoners' rights of Bunno Bedele and I/A/Boor prison administration. Accordingly, the aim of this research is to test the extent to which rights of prisoners are enforced at the study area and then to suggest possible solutions for intervention or re-intervention (against any gap to be identified) to the stakeholders such as: The Prison Administration, Ethiopian Human Rights Commission and the Judiciary. Thus, in order to identify the problems concerning the protections of prisoners' right in the two zones' Prison Administration, deep interviews and personal observations were conducted with prisoners and with top officials of different prison institutions. In doing so, the paper identified the problems concerning the protection of prisoners' rights to food and water, free medical services, the right to sanitations, the right to bedding and clothing, the right to contact with families. Further, the existing proclamation and regulation regarding to the treatments of prisoners could not properly protect the rights of prisoners because both the proclamation and regulation not clearly provide the rights of prisoners as provided in other International Human Rights that directly related with protection of prisoners. Based on the findings, the researchers proposed the amendments of the existing regulations for the protections of prisoners' rights and the need of a country-wide minimum standards and rules that govern every prisons institution of the country.

Keywords: Prisoners' Rights, Prison Administration, International Human Rights Principle, Minimum Standard Rules, Minimum Standards

1. Background of the Study

Different international instruments explain human rights in different ways. Human right is a fundamental right to which a person is inherently entitled simply because she/he is a human being. Prisoners' right is part and parcel of a human right which is not violated simply for their criminal status except expressly provided by law because human rights are thus conceived as universal and the same for everyone regardless of color, legal status, economic status, political attitude, racial, religion, language and personal status. The preamble of the Universal Declaration of Human Right also provides that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. These rights are including the prisoners' rights which exist as natural rights and it also protected [17].

Furthermore, Art.10 of the International Covenant on Civil and Political Rights provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Hence, to torture or to cruel or degrading treatment or punishment are prohibited. Thus, the Covenant is a legally binding instrument which must be respected by both Governments and prison institutions [11]

However, the reality is that, prisoners are often held in the most restricted conditions, i.e., conditions that in a number of cases are disrespect to human dignity. Prisoners who are in prisons are challenged by a number of problems, such as poor medical services, insufficient provision of food and water, poor sanitations, lack of bed, bedding and clothing, declassifications of prisoners in terms of their age, sex, seriousness of the crime committed, the rights to contact with families, and the way prisoners are handled concerning their

human dignity. Therefore, even if the prisoners' rights have been recognized by different International Human Rights Instruments, still there are problems concerning the handling and treatments of prisoners particularly in the Prison institution [15]

This International standard minimum rules list the rights of the prisoners such as the right to free medical services, the right to accommodation, the right to be provided adequate food and water, the categorization of prisoners in their age and sex, types of crime for which imprisoned, the right to bedding and clothing, the right to sanitation, the right to bring complains and so on. Then after, different countries of the world take in to account the prisoners' right and enshrined it in their constitutions.

Ethiopia also ratified International Human Right Treaties by the 1995 FDRE Constitution. Under the Constitution, the protection of human rights in general and prisoners' right in particular also guaranteed [7]. Moreover, from the time Ethiopia adopted the Federal government in 1995, the prisoner's right also recognized both by the 1995 FDRE Constitution and the States Constitutions. Hence, prisoners in the Oromia Region in general and prisoners in the Ilu Aba Boor and Buno Bedele zones Prison Administration in particular have a right to be treated humanely according to the human rights principles that provided both by the FDRE and Oromia Constitutions

1.1. General Objective of the Study

The purpose of this research is to test the extent to which rights of prisoners are enforced at the study area and then to suggest possible solutions for intervention or re-intervention (against any gap to be identified) to the stakeholders such as: The Prison Administration, Ethiopian Human Rights Commission and the Judiciary

1.2. Specific Objective

- 1) To identify the problems related to rights of prisoners in Bunno Beddele and Ilu Aba Bor zones
- 2) To evaluate the effectiveness of efforts made to fight violation of prisoners' rights in Bunno Beddele and Ilu Aba Bor zones
- 3) To investigate the challenges facing the stakeholders to treat prisoners according to human right norms.

2. Research Methodology

Researchers identify three different approaches to social science research: qualitative, quantitative and mixed method. In order to attain the intended objectives of the study, the researchers employed qualitative method. According to Creswell [4], the qualitative method enables to properly investigate and understand a social or human problem. This is done based on building a holistic picture formed with words, reporting detailed views of informants, and conducted in a natural setting.

This study is a descriptive type of research. Cases relating

to prisoners' rights of the study area was collected and analyzed. However, emphasis was given to the relevant decision of Mettu zone high court, and Bedelle zone court.

2.1. Sources of Data

For the purpose of this study, both primary and secondary sources of data were employed. Primary sources of data include public employees, service seekers and public managers of the selected woredas whose information to be taken through in-depth interview. In addition, books, journals, reports, articles, website sources and official documents data will be used as secondary sources of data for this study [2]

2.2. Data Collection Instruments

For this matter the researchers employed a variety of methods, which include.

2.2.1. Interviewees

To fill the gaps that may be exhibited in other techniques of study and by way of complement and cross-checking, interviews were conducted to various officials involved in the administration of justice.

2.2.2. Observation

Observations of prisons will be carried out with the view. Besides, informal conversation and personal experience and observation will be employed to aid to understand and interpret the data obtained from the field.

2.2.3. Document Analysis

In order to fill the gap, which created by collecting the data from the respondents, the researchers searched for the documents from the local offices of Bunno beddele and Ilu Aba Bor zones

Different books, articles, journals, local, national and international documents were used for this purpose

2.3. Data Analysis and Interpretations

With regard to data analysis and interpretation, interview summary form and review of written documents was systematically formulated to point out the needed issues. Data analysis and interpretation was carried out by applying relevant approaches to qualitative research.

2.4. The Target Population

The target population for this study includes prison administration, police, judges, representative of prisoners, and responsible persons in Ilu Abba Boor and Bunno Bedele zones.

2.5. Sampling Techniques

For this study, the researchers employed non probability sampling. From that purposive sampling technique was employed. Purposive sampling is used to select relevant public offices for the issue under study in the two zones. Purposive sampling is employed for the purpose of collecting information from some offices including the officials in

prison administration, representative of prisoners, and responsible persons in organizations involved in the promotion and enforcement of prisoners' rights.

3. Data Analysis and Interpretation

3.1. *The Prisoners' Right and Its Challenges in Bunno Beddelle and Ilu Abba Boor Prison Administration*

Bunno beddele and Ilu abba Boor prison is one of the prison administrations found in ONRS and Special Zone of Oromia. This Prison Administration receives criminals from the Zone and different Weredas in the Zones. Accordingly, the Mettu, Gore and Beddele Prison Administration has an obligation to handle prisoners in humane and to provide the basic needs to them because they have every human rights except what they deprived of their liberty by law. Unstructured depth interviews were conducted with a top administrators of the three Prisons (Mettu, Gore and Beddele), Staffs and Prisoners of the two zones to clarify to what extent the constitutional rights of prisoners are protected and how the Administration treat the prisoners according to the international and national laws in the study area. In this section of the research, selected rights of prisoners are assessed as the following.

3.1.1. *The Right to Health*

The pattern of an access to the health service by the prisoner at different corrective center varies from one another. In some corrective centers totally there were no any means by which the prisoners get an access to health even if they face serious challenges in relation to their health issues. According to interview with the public prosecutor, prisoners got an access to health only while they feel serious illness, again some of respondent responded that they get an access to health during the habitual illness in the prison or the corrective centers they stayed in for the long period of time. Some other respondents suggest that they got an access to health service before and after illness [7]. Generally, the finding of the studies indicates that health is not something that gives a chance for the prisoners once it affect individuals may be its impossible to return it back to the normal situation, therefore attention should be given from the lowest points. Specially, in the recent time when the global pandemic was affecting the live of individuals unless the needed care cannot be provided the risk may exceed the advantage of the whole¹.

Generally, prisoners are suffered from the health matters. In the institution, nothing is available for prisoners concerning medical services. In one way prisoners are not getting enough medicine when they have got sick because of the constraints of budget to provide pharmaceuticals for them and on other hand the institution has no a qualified health officers or nurses who treat them well. Concerning the health care of prisoners, there are serious problems, both the government and the hospitals haven't given an attentions to

prisoners. In the prison's Clinic, no medical equipment is fulfilled and no enough budget are allocated, for this reasons, the numbers of prisoners and the budget allocated for prisoners medication is highly imbalance. And also there is a serious problem of transportation services by which to take the prisoners to the referral hospitals [15]. Due to the lack of transport services, sick prisoners are not in a position to appear to the Hospital on the fixed date. Sometimes even if the prisoners are referred to the hospitals, the hospitals not treat the prisoners in a proper way and they have no interest to accept and to treat them as a citizen. The other problem is that, the clinic is not providing enough pharmaceuticals for prisoners rather than the paracetamols. On the other hand, prisoners haven't presented even after being referred to the civil hospitals by the prison's clinic because the prison's has inadequate human power specially police warden. For these different factors, the prisoners have been faced great problems of the health services [8]

3.1.2. *The Right to Food*

Article 11 of the ICESCR substantiate the need for "adequate food" by stipulating that member states should utilize scientific knowledge and agrarian system. This scientific standard is binding for states who are signatory to the covenant, where Ethiopia is one. Furthermore, the Office for High Commissioner for Human Rights /OHRC/ defines "food" by emphasizing the elements of "availability", "accessibility" and "adequacy" of food. Where "availability" is about food should be found on natural resources from markets, "accessibility"[12] was defined that everyone should able to obtain it in economical and affordable manner for all people including prisoners²

Every living thing including human person started to feed at immediate of the ovum and semen are fused, this is the act of nature and not made by human. This means that, no food no life. Thus, food is considered as a basic human right which is inviolable and inalienable and naturally endowed. The right to food is an inclusive right. This right is not limited to take a minimum ration of calories, proteins and other specific nutrients rather it is a right to all nutritional elements that a person needs to live a healthy and active life. Furthermore, the right to food of specific groups particularly prisoners' right to food has been recognized in several international conventions. Because of the fact that, all human beings, regardless of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or legal status have the right to adequate food and the right to be free from hunger [16]

However, prisoners in the two zones Prison Administration are challenged by the provisions of food. The food provided for prisoners are poor and undernourishment. As such, "the food they feed is too poor both in quality and in quantity. The budget allocated for each prisoners is too imbalance to feed them. Thus, it has not use both for their health and physical strength. Prisoners are starving even 24:00 hours because

1 Interview with Mettu executive affairs of prisoners

2 UN General Assembly Supra note

what provided at breakfast, lunch and dinner has no quantity and they remained as being hungry. Most of the prisoners supported by their relatives but those prisoners who have no relatives to be supported are usually live under hunger. In quality wise, it is unhealthful food. Additionally, they are highly challenged by drinking water and there is no the accessibility of pure drinking water and there is a time stay up to 14 days without getting water [1]. During such time, they drink from a tanker which is ruined.”³

Moreover, The Committee against Torture, which monitors the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [9] has pointed out that lack of adequate food in prisons may be tantamount to inhuman and degrading treatment. Unlikely, “concerning the feeding system of prisoners in the prison Administration, prisoners are eating always only shiro or throughout the year and there is no change. The Injera also prepared from sorghum, and as soon as it was eaten, they are going to hungry [11]. The tea has no sugar, bread at breakfast is overcooked and not fresh and these also affect their health”⁴.

3.1.3. Prisoners' Right to Bedding and Clothing

UN Standard Minimum Rules for the Treatment of Prisoners through articles 17-19 provides that prisoners shall be provided with cloths that suited to the health of the prisoner and the prisoners clothing must always kept clean. Prison authorities have to also provide prisoners with separate bed and adequate bedding like blanket and sheet. They must always be clean and changed often enough to ensure its cleanness. Articles 7 and 8 of Regulations No. 138/2007 on treatment of prisoners has similar provision.

Accordingly, different international principles [13], at least in principle, provides that the prisons institution should provide clothes to the prisoners when prisoners not allowed to wear their own clothes and to this effect, facilities should be taken into considerations for keeping clothes in clean and in proper conditions⁵.

Prisoners in Ethiopia are not provided with uniforms. They wear uniforms only when they go out to work in the farms or in the workshops. They provide their own clothing while in detention. In all the prisons, prisoners are not provided with either mattresses or blankets. They are required to provide for themselves. Other basic items such as soap, sheets, and detergents for clothes are equally not provided. Such items are either provided by NGOs or the Prisoners Committees.

From the personal observation, we learned that in all of the police Detention centers, the prison authorities do not provide detainees with bed, mattress or blanket or sheet. Detainees are not provided with cloths. They are not provided with soaps and other detergents [3]. Their cloths are dirty with bad odor.

Even so clothing and bedding are considered as human rights for prisoners, prisoners in beddele prison institution are denied these rights. In Beddele Administration, some

prisoners who have cloths are wearing their own while those who have none live simply by covering their body with pieces of clothes or it could be say they are living naked. In the prison institution, most of the prisoners have no clothes to wear. Some of the prisoners wear the bed sheet because they have no normal clothes.⁶

3.1.4. Prisoners' Right to Sanitation

Supplying sufficient amounts of water is one of the basic services which must be provided without interruption at any aspect the place where persons deprived of their freedom are being held. Water is essential for drinking, for preparing meals, for maintaining personal hygiene, and also for sewage disposal (in water-based evacuation systems) particularly in the prison institution [5]. It is, therefore, a priority task for anyone in charge of a prison to ensure that the water supply is adequate – in terms of both quantity and quality and be regular. However, the water-supply infrastructure in places of detention is always under severe strain. Thus, it must be adapted to cater for the number of detainees present and be regularly maintained.⁷

However, prisoners in all Prison Administration in the Region are challenging both with personal hygiene and sanitations of the whole premises. Accordingly, the Ilu aba bor and Bunno Beddele zones prison administration is at front hand sharing these problems. The institution has no enough toilet facilities and only one latrine is in use with few sections which is not at any aspect balance with the prisoners in the institutions. The prisoners are only using toilets at day time⁸.

3.2. Responsible Organs (Institution) That Promote Prisoners' Rights

There are many institutions which are very important for enhancing the human right of individual to be recognized and create awareness and increasingly focus on the wider in dividable and social issue and democratic governance.

3.2.1. The Role of NGOs in Promoting Human Right

The NGOs many address problems affecting vulnerable groups such as disable, orphaned poor that unable to struggle for their well-being and enhance their right throughout the world the provide relief aide, education, health and vocational training democracy is also closely related the concept of empowerment of vulnerable grope and local community the NGOs were engage in welfare programmed focus on issue related to human rights advocacy and democracy, helping in addressing the challenges and efforts in maintaining about the respect and implementation of the human right. Especially in some selected study areas with the actual involvement of NGO's the problems of prisoners and the corrective center can easily be addressed. The problem of toilet, water pipe, and sanitation problem, dormitory can be easily be addressed only with the involvement of nongovernmental institution in

3 Interviewee conducted with prisoner

4 Ibid

5 SMR for the Treatment of Prisoners of principle

6 Interview conducted with former prisoner in bedelle

7 see, Pier Giorgio Nembrini, (2005): International Committee of the Red Cross, p. 36.

8 Researchers' personal observation

specific issues for the benefit of the wider society.

3.2.2. The Role of Media in Promoting an Efforts and Challenges of Prisoner Human Right

The media can play a crucial role in developing awareness about the right of the citizens and government responsibility to protect and promote their rights, freedom of expression it respected as guaranteed by article 9 of UDHR open the way for the speed of information education and debate on media can supply important information regarding citizens right and means of redress if they are violated. The exposing of basic civil and political rights is central to any civil education, programs. Beyond describing the very existence of such rights, the information regarding the means of implementing and protecting the right under rule of law [13]. journalists, editors, publishes and other media must be encourage and assisted in developing strategies to disseminate information and incorporate it in to their overall report in on events in their character and elsewhere. The ongoing of media work is cardinal importance in the evolution of a new political cultures, that protect and promotes fundamental freedom under the rule of law [14]

3.2.3. The Role of Civil Society in Promoting the Efforts and Challenges Facing the Protection and promotion of the Prisoner's Human Right

The role of civil society in promoting human right alleviation efforts cannot be successful in the long term without respect for human right, without transparent and full participatory in election and without freedom of press and without freedom of speech and association. The developments of communities have increasingly come to recognize the link between civil and political rights, good governance and economic development. The UN DP explicitly embraces human right approach to poverty alleviation that will emphasize participation and non-discrimination and address vulnerability, marginalized.

According to Office of the United Nations high commissioner for human rights various national actors have important roles to play in realizing economic, social and cultural rights. Government has the primary responsibility to respect, protect and fulfill economic, social and cultural rights. In addition, Various actors in civil society, such as NGOs, social movements, community-based organizations, human rights defenders, professional associations (e.g., associations of lawyers, health professionals, teachers), trade unions, academics and religious institutions, private sector as well as national human rights institutions, donor States and international organizations have crucial roles in working with individuals and groups to promote their economic, social and cultural rights, and in holding the Government accountable for realizing these rights [6].

3.2.4. Factor That Leads to the Ineffectiveness of an Effort Made for Protection Prisoners' Right

As the data collected from respondents in different places show that there were many factors that aggravating the violation of human rights for instance lack of awareness, His

orientation illiteracy which is lack of education that society acquire knowledge about their rights for other dignity as well as to know their rights and obligation within their family and the community role that ensure and protect as well as enhance human rights of the society as a whole this plays the way for the powerful always to violate the powerless for their benefit backward traditional out is another factors that leads to the violation of human right⁹. For instance children and women who are always subjected to male dominated family and are not enjoy their rights and opportunity a male and female they discriminate by the society which is obstacle a was their freedom demand abuse their right children under age forced to work which is heavy work that undermined their dignity and freedom that cause for child salted and affect their physical as well as psychological wellbeing and women do not enjoy they come economic opportunity male in patriarchal family and this is obstacle for females economic wellbeing international society [14].

3.2.5. Factors Challenges an Efforts of Protecting the Prisoner Human Right at Prison

According to the data obtained from interview display they are different factors that affect effective human right protection in Bunno beddele and Illu ababor zone. From this the first one is corruption. Different corruption, especially nepotism and favoritism (which are done to benefit family numbers, relative friends) highly affected effective human right protection. A good example is article 25 which states about that all persons are equal before the law without any discrimination. But the respondent resounded that it is sometimes violated due to the prevalence of corruption. The others factor is poverty and the tendency of rent seeking. Rent seeking activities of different individuals also violates human rights protection since it is away enhancing ones benefit at the expense of the others. The researchers conclude that there are different fact our which affect effective human rights protection in selected study areas such as illegal use of power by police force and the prevalence of poverty as well as low level of awareness to ward human rights protection, absence of strict punishment for those who violate the basic right of individuals either from the police or any ordinary citizen, ignorance of the rule of law, to some extent absences of model rules in some corrective centers of selected studies areas are the factor that affect effective efforts for the human right protection [10].

3.3. Possible Solutions to Reduce Human Right Violation of the Prisoners

The data obtain from interview show that the following basic solution in efforts of protecting the fundamental freedoms of prisoners in the selected study areas:

- 1) creating awareness for the society about the human right protection of the prisoners
- 2) expanding commitment from both sides of government and society,

⁹ Personal interview with stakeholder at work place

- 3) if the possible opening human right commission in Keble,
- 4) Increasing intervention of international government and nongovernmental organization like united nation organization constitutional provision to the gap between the constitutional provision and practical implementation of human right protection.
- 5) Informing the prisoners about their right and responsibilities before they enter in the corrective centers found in the zones

4. Conclusions and Recommendations

4.1. Conclusions

The protection of human right of the prisoners is the basic thing for the realization of socio, economic and cultural wellbeing of individuals and the whole communities. But human right protection in the selected areas of the study of Bunno beddele and Illu Aba bor Zone is not as such uniform which means in some corrective center there was some which should be abolished in the short period of time for the wellbeing of the communities in the center. The access to the basic necessities in the corrective center is low and shows gradual change. According to respondents there are many basic problem for the protection of human right of the prisoners in the two zones, those basic problems are include, lack of awareness towards human right protection, illegalize of power by the police force and others, judging prisoners sometimes on the will and interest of the officials, delaying some cases before it brought to the court, sometimes punishing prisoners with the forced working, poor communication between the officials at different position in the prison center of Bunno bedelle and Illu Aba bor zones.

When there was an effort for the protection of basic right and freedom of prisoners in a given state everyone enjoys a kind of life that was suitable for everyone at different corner of life [12]. So, human right protection supports that the prevention of socio, economic and cultural rights this is why human right protection should incorporate the enhancement of social economic and cultural rights on the other way the relationship between human social and cultural rights are they high because the protection activity address the law level of understanding about social, economic rights and enable everyone his or her own place within the large parts of human rights as well use engorging individuals to advance social and economic rights. So the promoting human right is paramount importance for the human being of each and every person. These kinds of rights must not be taken away at similar status between the different corrective center found in selected study woreda of Bunno beddele and Illu aba bor zones.

4.2. Recommendation

Based on the finding of the study the researchers point out the following recommendations:

- 1) To solve health problems of the prisoners at different

prison center, the concerned bodies should increase the availability of facilities, like adequate health care, infrastructures e.g. hospitals, community health facilities, trained health care professionals.

- 2) Prison has to give due attentions in providing the necessary equipment's for prisoners which are used in common and individually like drugs, chairs, tables, blankets, clean and sufficient beds.
- 3) Establishing and maintain close contact and work together with NGO and civil society for the protection of human right
- 4) Engaging the prisoners as they can actively participate in the overall issues of the prison center rather than making everything hidden from them.
- 5) Teaching about the ethical codes of conduct either in corrective center or in the external world so as to maintain conducive environment in which everyone equally participate in process of decision making mechanism.
- 6) Building Capacity of Employees in the prison center of Bunno Beddele and Illu aba bor zones as they can change with the changing world and facilities for protection of the prisoner's right.
- 7) Independent supervising institute affairs of prisoners at Regional as well as at Federal level should be established. This body should be empowered to supervise concerning: the protection and proper implementations of prisoners' human dignity, the categorization of prisoners, separate and standard of accommodations, the nutritional values of food and clean drinking water, free medical services, discipline and punishment and the sanitations of the total premises of the prisons and personal hygiene of the prisoners.

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