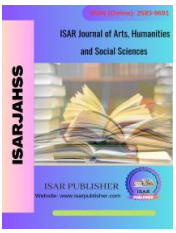
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Traditional Prisons, Legal Codes and Punishments in Ethiopia

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Abstract: *The purpose of this study is to show the historical development, change, and continuity of traditional prisons, legal codes, and punishments in Ethiopia from antiquity to recent times. The researcher used a qualitative method and a descriptive research design. Data were collected through document review, and then the collected data were analyzed both thematically and chronologically. The author used both primary and secondary sources. Traditional prisons, legal codes, and punishments continued until the reign of Menilek II. After a strong king, Menilek, a modern constitution was written in 1931 during the reign of Haile Selassie I, who ruled Ethiopia for a long time. The ancient and traditional prisons revealed by the research, what the early laws were like, and how and what punishments were applied based on these laws and other customs were analyzed in the research. Mainly, the three legendary prisons of Däbrä Damo, Amba Gešän, and Wähni Amba were used to confine the successors to the throne. In other prisons, inmates were occasionally brutalized. Even Fetha Nägäst has cruel laws or articles. According to those cruel laws, criminals were punished severely, from mutilation to the death penalty. Due to the long-standing practice of torture punishments and the influence and legacy of harsh laws, being imprisoned in Ethiopia still means an ordeal and is considered like going to hell.*

Keywords: *prison, tradition, male descendants, confinement, legal codes, Ethiopia, and torture.*

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1. INTRODUCTION

This article is organized into six parts. The first is this introduction portion. Next, methodology of the research. Then, the third part of the paper is about Ethiopia's traditional custodian prisons, and in the fourth, the traditional legal codes of Ethiopia and their functions are incorporated into the paper. Based on the legal codes mainly written by Fetha Nägäst and other habits, punishments were given to the people of Ethiopia. These common punishment types are presented in the fifth portion. The last is the conclusion part of this study.

Ethiopia has a long history of traditional prisons. The purposes of prison and imprisonment have three or four dimensions, even in the modern world. One is to correct and rectify the criminals' bad behavior. And the other is to punish the criminals. The third is to avoid fear of the government or any authorized body and to ensure the security of society. These purposes have been true in Ethiopia from ancient times to the present (Robinson, 1947:450; Yilma, 1973:4). Since ancient times, different ethnic groups in Ethiopia have used traditional prisons and traditional methods of punishment in order to regulate their social security, peace, and order (Rebuma, 2014: 48).

In the northern part of Ethiopia, hills, truncated spurs, and flat places on top were strategic positions for war, settlement, church, and prison. Flat-topped areas, known as *Ambas*, were used for royal prisons. Däbrä Damo, Amba Gešän and Wähni Amba were the most legendary traditional prisons in the Aksumite, Medieval, and Godärine periods, respectively. They have served as valuable positions for the kings and served as prisons for the royal family, which is suspected by the king of being a political offender. Male heirs to the throne were imprisoned in these traditional prisons. High-level criminals who damaged the existing political system were also incarcerated in such places (Bahru, 2002: 2; Jones and Monroe, 1935: 4-5; Kane, 1990: 1472; Getahun, 2012: 96).

2. Methodology

The study conducted in traditional prisons, legal codes and punishments of Ethiopia. This study was employed a qualitative research approach and descriptive research design. Data were collected through library and archival center readings of document review. Sources of data are primary and secondary sources that provide crucial evidence about traditional prisons, legal codes and punishments. Primary sources include travellers' accounts, visitors' accounts, memory books, legal code of Ethiopia and hagiographies. I consulted also secondary sources. Relevant data like articles also collected from the internet. Then the collected data analysed in the combination of thematically and chronologically. The scope of this study is three legendary royal prisons of Ethiopia. A number of other prisons are also included in the study to illustrate what traditional prisons looked like and

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where they were located. "Indeed, in the vocabulary of everyday language imprisonment and punishment are synonymous" (Woinshet, 2008: 15). As punishments were conducted based on Fetha Nägäst, the research scope is limited only the legal codes of on Fetha Nägäst and Kebrä Nägäst.

In order to attain the specified research objectives, the researcher examines, explains, and analyzes traditional prisons, legal codes and punishments in Ethiopia using the qualitative data analysis method. After collecting the necessary data by using the above data collection technique, the next task was categorizing, combining, synthesizing, and thereby analyzing the collected data into manageable and meaningful sets of themes. The collected data was organized based on the purpose of the study to be suitable for analysis and discussion.

3. Ethiopia's Traditional Prisons

3.1. Däbrä Damo

Däbrä Damo is a flat-topped mountain found in Tegray Regional State in the current administrative structure of Ethiopia, on the northern side of the country. Däbrä Damo, a mountainous royal prison, was established by the first Christian king of Ethiopia, Ezana. The prison was captured by a Jew queen, Yodit-Gudit, in the tenth century (Jones and Monroe, 1935: 72). The Scottish traveler James Bruce also stated the destruction of Däbrä Damo prison by Yodit (Bruce, 1790: 7&80). She killed about 400 royal princes and state prisoners at Däbrä Damo (Isenberg and Krapf, 1843: 410). Yodit was well aware of the tradition and function of Däbrä Damo prison, and dreading that they might bring a man of royal descent from the prison and make him king, she destroyed the prison and slaughtered princes in the reign of Anbesa Wudem (Heruy, 1999 E.C.: 27).

In the Zagwé Dynasty, Mount Prison custom was interrupted. Children lived with their fathers and mothers in what they considered the private prison of their home. Not at all; the last king of the Zagwé Dynasty, Yitbaräk, once detained Yekuno Amlak on a mountain top at Mälot in Wadla (Taddesse, 1972: 67&275).

3.2. Amba Gešän

Royal prison tradition was clearly continued with the establishment of Amba Gešän. Pakenham visited Aksumite design feature stone column in the Amba (Baraldo, 2023: 94) After the restoration of the Solomonic Dynasty, the royal prison was established at Mount Gešän to solve the succession problem in 1300 during the reign of Wudemre'ad (r. 1299–1314). The fortress mountain is now found in South Wollo Zone of the Amhara Regional State, northwest of Dässe town. The prison was established in the flat-topped area. Pakenham described the cross-shape mountain at the top as:

> … the mountain had assumed the cruciform shape it was supposed to have; from each arm of the cross the ground fell in flaking terraces of rock and grass and shale; at the eastern arm of the cross which sprang directly from our plateau, a broad staircase was cut in the rock up which I could see, like spirits ascending to Paradise, a caravan of mules and donkeys lightly ascending (Ibid).

Interchangeably, the prison is also called Däbrä Nägäst and Amba Nägäst (Täklätsadeq, 1960: 65). In the prison, male descendants of the royal family were confined. When the emperor died, the designated successor was selected for coronation from the confined princes. And this *Amba* was guarded strictly until the reign of Lebnä Dengel, r. 1508–1540 (Merid, 1971: 60–61, 64; Isenberg and Krapf, 1843: 421). Sometimes the princes were confined with their close relatives, which led to an increment in the prisoners' number and counting in hundred. For example, in the reign of Emperor Zere'aya'eqob (r. 1436–1488), the prisoners were about six hundred (Bahru, 2023: 3).

Kings imprisoned male descendants of their family including their sons (Sergew, 2000 E.C.:169, 176 and 178). The reigning monarch separates male members of the royal family from society through life imprisonment. Due to this fact, many princes lived and died with their families in prison. Because of the boredom of confinement at Amba Geän for a long period of time, once the princes requested the release of them from the boredom of imprisonment. When they requested their release, Francisco Alvarez was at the court of Lebnä Dengel (Jones and Monroe, 1935: 71–72).

Essentially, the purpose of the establishment of Amba Gešän royal prison was to ensure a smooth royal transfer of power after the death of the emperor. However, sometimes the principle and theory to select and coronate those confined princes were not realized. The custom of kings marrying more than one or two wives was one problem. Following the death of a ruling king, each queen intrigues for the succession of her son. For instance, King Dawit's wives plotted against each other. Unexpected deaths and physically injured candidates were the other complicating problems. Such glitches paved the way for the emergence of powerful individuals' intervention in the smooth succession of power without the convention of the former power succession that voided the purpose of the prison establishment. Related to the intervention, Emeritus Professor Bahru compared Amdo (Amdä Mika'el) of the medieval period and Sehul Mika'el of the Zämänä Mäsafent, 1769–1855, both as king makers (Bahru, 2023: 3).

> The case of the above-mentioned Zar'a Ya'eqob clearly illustrates the medieval dilemma of political succession. As the youngest, even if arguably the brightest, son of King Dawit, he had no right of immediate succession to the throne. He was thus confined to the royal prison. Fortunately for him, his confinement was not overly long, his three eldest brothers (Tewodros, Yeshaq and Hezbä-Nañ) ruling in succession for a total of some twenty-two years only, the first one for only nine months and the last for only three years. Thus, he could inaugurate the longest (thirty-four years) and most successful – if arguably most despotic – reign in the medieval history of Ethiopia (Ibid).

The historically well-known royal prison, Amba Gešän had been shattered by Ahmäd Gragñ and he massacred many princes. The remained of the competing royal descents had been left at large after the destruction of the prison in 1540 (Ibid: 72; Taddesse, 1972: 267, 275, 301; Bruce, 1770: 7). Surprisingly, Fra' Mauro showed this historic place on his map when he made his famous map in the year of its destruction (Baraldo, 2023: 85).

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3.3. Wähni Amba

Foreign travelers, in their account of their journey to Ethiopia, inquire about and indicate the continuity of royal prison tradition. The same as the Amba Gəšän royal prison of the medieval period history in Ethiopian, in the Gondärine period Wähni Amba was a royal prison (Isenberg and Krapf, 1843: 42&59). After the conquest of Grañ (left-handed) Ahmäd (Ahmad Ibn Ibrahim Algahazi) to Ethiopia, the court was moved to North-West Ethiopia. The custom of mountain prison has been followed by the kings. Emperor Susnyos (1605–1632) used mountain prisons for the imprisonment and confinement of royal descendants, as did his predecessors. ‘‘top of Awra Amba, which signifies the Great Mountain upon the high ridge, called Gusman, near the banks of the Nile; and, though close confined in the caves on the top of that mountain.” (Bruce, 1790: 270). In the reign of Susnyos Bora, it was also used as an incarceration place for princes (Merid, 1971: 192).

However, the founder of Gondär, Fasilädäs (1632–1667), established the third famous royal mountain prison of Amba Wähni in the 1650s. The prison was found southeast of Gondär town. Fasilädäs adopted the long custom of confining the male descendants of the royal family who are expecting in the same way as the one seated upon the throne. He sent all the princes of male heirs to the Emperor, including his brothers and sons, and exiled them for banishment to the Mount Royal prison, Amba Wähni (Bruce, 1790: 416-7, 420-21, 428-9; Quirin, 1998: 214). Fasilädäs in his reign restricted his son *Abeto* Dawit in Amba Wähni (Sergew, 2000 E.C.: 64). The term Wähni (Amharic: ወኅኒ) is derived and adopted from the name of a village (Amharic: ወይኒ) in the province of Tegray. In the village, the people lived under starvation and adversity (DMMA, 1984: አሰ/2446/214). The derived name Wähni, Wähni-Bet means prison for Ethiopians until present time (Sergew, 2000 E.C.: 217). In the tradition of state prisons, EnÇät Amba, Sar Amba, and Wähni Amba in the village of Çəlga were served as the time-honoured state prisons (Quirin, 1998: 214). After the destruction of Amba Gəšän there was a gap to have the institute of royal prison for the princes. But in the reign of Fasilädäs, rebellion stood against him. Personally, he was a merciful man, as James Bruce stated. For this reason, he had been established as Amba Wähni and sent to this mount instead of executing the renegade. Since the Gondärine period, Amba Wähni had been a royal prison for princes, and the previous tradition was revived (Bruce, 1790: 420–21). From these royal prisons, mainly after the deaths of the king's functionary nobilities, the next candidate king was selected from the reserved group of the confined princes. On January 30, 1714, Dawit, the son of Fasilädäs, was crowned from the accumulation of princes at Mount Wähni (Ibid: 574-5). The royal prison of the princes was established in the northwest of the country and served for the imprisonment of royal families (Isenberg and Krapf, 1843: 421).

In royal mountainous prisons, princes have the monotony of daily life, and they spend much of their days praying for resignation from the prison or for the realization of succession. More at Däbrä Damo and Amba Gešän they lived miserable lives. Prison rules varied in severity. Prisoners live a simple life in houses with cow hides and old carpets. They had a large staff and prepared their food with the support of a few women for grinding flour and providing water or wood. (Tesfaye, 2011: 99-100). In the old tradition, prisoners were required to provide their food and guards (Woinshet, 2008: 16). In the 1850s prisons of Ethiopia were dirty and underground. In the next century, prisons were also in bad condition. “The prisoners being in a cause to be horror condition of health, neglect and disease which lead to the prisons being cleared at intervals by typhus” (Ibid: 17). As Häylä Sellassé I pointed out, prior to the 1930s, prisons were unsuitable, unclear, and lacking in health facilities, including showers, clinics, and guardians (Häylä Sellassé, 1965 E.C.: 52).

In addition to the legendary royal prisons, there were so many traditional prisons in Ethiopia in all directions, including kings' temporary detention centers and those of other rulers. "… each region had its own ruler who has his own particular way of dealing with criminals" (Ibid). We will get an overview of these traditional prisons by following the history of Ethiopia from the earliest to the most recent. For instance, the island of Däq in the Gondärine period was used as a prison (Bruce, 1790: 457-8). In the northern part of the country, there are many prison centers and exiled institutions like Qoraṭṭa Wollätä Ṕétros in Lake Tana (Halls Esq, 1831: 173). To the east of the country, in Adal, there were many exiled places (Getachew: 2001 E.C.: 133).

One responsibility of *Balä Gult* in his locality was protecting the criminal inmates (Taddesse, 1972: 85, 102). War captives were incarcerated in different prisons (Ibid: 91, 141, and 146). In the major Christian and Muslim war of our medieval history, both antagonists had the interest of capturing their enemies and imprisoning them massively at different detention centers (Bruce, 1790: 123, 166, 192, 200–201). In the reign of Gälawdiwos (1540–1559), Muslim war leaders became defeated, and they were taken as prisoners in 1548 (Merid, 1971: 160; Jones and Monroe, 1935: 72). There was an important culture of learning in the prisons. As an example, foreigners witnessed illiterate inmates learning the Psalms of David (Ibid: 114-5, 124; Isenberg and Krapf, 1843: 369).

Instead of imprisoned the criminals, in the last days of Gondärine period imprisonment of monarchs weakened the state (Levine, 1972: 43) and it paved the way for the Era of Warlords. In the Era of Princes, the tradition of royal prisons continued, and male descendants of the royal family were imprisoned at different places. In the period when the king died, the appropriate nominee king was selected for the kingdom (Isenberg and Krapf, 1843: 369).

Not only the royal families were detained in a prison, but any violation of customary law, order, or religion in the society led to detention (Ibid: 227, 320). Including higher church officials who opposed the king were detained (Levine, 1972: 176). In addition to known prison centers, the personal houses of governors, lords, kings, and princes served as prisons. Either they used the houses simultaneously for living and imprisonment or built extra houses near their house (Ibid: 369). The tradition of imprisonment at individual houses continued into the twentieth century. The prisoners were loyal when they were detained in personal houses. Prisoners lived faithfully in their homes as house prisoners, without chains or a force to guard them (Temesgen, 2001 E.C.: 4-5). Even if the judgment, imprisonment, and punishment systems were traditional for many centuries in Ethiopia, giving surety and amnesty were known cultures in the country. Such clemency activities were done when new kings came to power (Isenberg and Krapf, 1843: 377; Getachew, 2001 E.C.: 82; Merid, 1971: 109, 563-4) and on merriment days (Sergew, 2000 E.C.: 117).

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Däjjač Kasa Haylu from Quara in the coronation name of Téwodros II (1855-1868), like his predecessors used Mäqdälla Amba as a royal prison (Ibid: 111, 271-2). Mäqdälla is a plateau in the western part of Wällo. The first prisoners of Mäqdälla were the loosen Wällo war leaders in the mid-1855 of Wällo campaign. Menilek of Šäwa was captured and confined in the prison. Despite Menilek escaped in 1865. *Abba* Waṭäw of Wällo was also imprisoned at Mäqdälla Amba. Téwodros II wrote a letter to Queen Victoria, in a heart-rending request for help to breakout of his strong adversaries. The Emperor sent an English man Captain Cameron.[1] In spite of, Cameron failed to bring back a positive response. Tewodros did possess neither positive nor negative response for his letter. The event angered the king; additionally he suspected the captain conspiracy with Egypt. Consequently, Captain Cameron, protestant missionaries and some diplomats of European about 60 Europeans were imprisoned at Mäqdälla (Dima, 2009: 107-9; Bahru, 2002: 36, 42, 45; Jones and Monroe, 1935: 132; Marcus, 1994: 66; Crummy, 1994: 70). *Abunä* Sälama was also imprisoned at Mäqdälla (Marcus, 1994: 111, 122). Mäqdälla Amba was Tewodros's prison upon the last days of the king. *Bitwäddädd* Wasé was among the five Privy Council of the king and in charge of the prisoners of Mäqdälla (Quirin, 1998: 214). The *Amba* served as prison to 1916. *Ras* Mika'él of Wällo detained *Lej* Iyasus's worse opponent Abatä in 1911 and Abatä remained in detention at Mäqdälla until the disastrous battle of Sägälé in 1916 (Bahru, 2002: 121).

In the reign of Menilek (1889–1913), the battle of Adwa in the year 1896 was held, and Italian captives of war were settled in the west of Addis Ababa, in what came to be known as *Ṭalian Säfär* (Italian Quarters) as a prison. But some prisoners were usefully engaged in the construction of roads and bridges in the growing capital of the empire. After a treaty, Italian prisoners were repatriated. In the reign of Menilek, there were guardians of state prisoners. The custodian has the responsibility to take his place if a prisoner escapes (Ibid: 83–4, 87). At Ankobär, Fəčä and Harär were detention centers on the way to the modern era (Ibid: 83, 120, 124, 129, & 144; Sergew, 2000 E.C.: 283). At Addis Aläm, Nazreth, and AfenÇo Bärr, there were different jails (Telahun, 1996 E.C.: 62, 79, 111). Especially, Ankobär was Menilek's royal prison (Sergew, 2000 E.C.: 283) and residence (Baraldo, 2023: 91).

In Gojjam, near Däbrä Marqos, the Fortress Mountains of Jebbäla and Mutära served as traditional prison centers (Sergew, 2000 E.C.: 231) and counteracting places. The prisoners of these jails were high criminals, captives of war, and offenders, as well as competitors of the kings. The criminals were exiled to these places. These exiled places are found in Gozamn district. The two exiled places of Jebbäla and Mutära are facing each other. The places are the Island Mountains. The entrance and exit of these fortress mountains are single (Muluabbay et al, 2012: 7-8). In Gijjam, Jebbäla *Amba* prison was the most well-known. Gojjam prisoners were incarcerated in of Jebbäla *Amba* (Sergew, 2000 E.C.: 115, 194, 196, 198 and 205). Zewde imprisoned the prisoners in this *Amba* (Ibid: 53). Jebbäla and Mutära served until the recent period. *Ras* Haylu II's vassal tried to burn down the palace of *Ras* Haylu at Däbrä Marqos. Without a successful attempt, the vassal was then imprisoned in Amba Mutära (Tekle Iyesus: 1-2; Abebaw: 2002: 13–4; Emeru, 2002: 249). Endemata was also the other traditional prison in Gojjam (Sergew, 2000 E.C.: 250).

4. Legal Codes and their Functions

Even if we leave Judaism, Christianity came to Ethiopia at least since the fourth century (Marcus, 1994:7), and Islam also grew and influential in Ethiopia meanwhile in the eighth century (Ibid: 11), Ethiopians were correspondingly governed by religious laws. People developed, or borrowed or adopted different legal codes and laws.

4.1. Kebrä Nägäst

Communities have always developed rules, laws, legal codes and procedures for them to live together or rulers to govern the people. Among such developments Kebrä Nägäst is one legal code in Ethiopia. Kebrä Nägäst literally means Glory of Kings. The document served as a legal code for more than 700 years, from 1270 to 1974. The kings who reigned in Ethiopia and their authority were determined according to the decrees of Kebrä Nägäst. The document states about the source of power, the responsibilities of the authorized person, the rights and responsibilities of the people, the relationship between people and kings, the relationship between Ethiopia and other states, as well as other issues. The book declared that kings have divine authority (Sergew, 2001: VII, X). The narrative center of the book is the fornication of Queen Makeda (Saba-Sheba) of Aksum and King Solomon of Israel. The birth of Menilek I was the result of their illicit union. Menilek was considered the first king of Ethiopia and the founder of the Solomonic dynasty. According to Kebrä Nägäst, the Zagwe Dynasty kings were illegitimate and usurpers (Bahru, 2023:2). According to the person who translated the book into Ge'ez, the kings of Zagwe did not translated the book into Ge'ez because they were afraid that if it was translated into Ge'ez, it would be known that we were illegitimate (Sergew, 2001: IX-X). As a result, the Solomonic Dynasty was restored in Ethiopia in 1270. Ethiopian monarchs from Yekuno-Amlak to Haile-Silassie I claimed descent from Menilek I. (Bahru, 2023:2). According to the legendary document, to legalize their kingship, Ethiopian monarchs held their coronation ceremony at ancient Aksum (Ibid).

4.2. Fetha Nägäst

There was a traditional court system in Ethiopia (Taddesse, 1972: 106). A formal royal court system was started in the fourteenth century by King Amdä-ṣeyon. There were fifteen houses in his court, each with special responsibilities for judgment. In the fifteenth and sixteenth centuries, there was a mobile court (Isenberg and Krapf, 184: 103–104, 268). In the fifteenth century, there was a formal way of giving judgment to criminals based on the only written judicial code in Ethiopia. Historic and monumental compilation of a legal code document is called Fetha Nägäst, which literally means Judgment of Kings. Fetha Nägäst is a collection of religious canons and secular laws, drawn up in the twelfth century by the Coptic Church. The religious content compiled from the Bible of the Old Testament and New Testament as well as the canons of ancient ecclesiastical councils and the secular content from Roman-Byzantine law sources (Ibid; Fetha Nägäst, 1999 E.C.: 9–17 and 450–451). A code has been translated from Arabic to Ge'ez and materialized for judgment in the court system since the reign of Zäre'aya'eqob (1434–1468). It was a primary and basic document of Ethiopia for the judgment of both

[1] Captain Cameron was the British Consul appointed to Ethiopia in 1862.

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the spiritual and secular lives of the people until the first modern constitution of Ethiopia was ratified in 1931. The Fetha Nägäst also served as the constitution for a long period of time. In the Christian highland-dominated areas of northern Ethiopia, Fetha Nägäst has been considered the sacred legal manuscript (Fisher, 1971: 712). The document is divided into two major parts: spiritual and secular; the secular part is used to judge any person in the country as a penal code and source of judgment (the secular part of Fetha Nägäst is continued from articles 23 to 51). But the document is mostly in the hands and ownership of the Ethiopian Orthodox Church and is available to a few traditional judges and church-educated scholars. Judges were *Däbtära Denkuans* (educated priests), Episcopalians, Popes, and kings (Ar. 43–44, no. 1410–1562). For about 500 years traditional judges punished criminals based on the judicial legal code. The Fetha Nägäst was translated into Amharic in the middle of twentieth century by a church scholar. The criminal law, Fetha Nägäst exercised since the fifteenth century until the 1930s (Woinshet, 2008: 7). Let us see a few examples of the extraction of penalty codes, both in Ge'ez and Amharic of Fetha Nägäst.

> *ወለአመ፡ ተረክበ ፡ ብእሲ፡ ዘናሁ፡ ሰረቀ ፡ ነፍሰ፡ እምኣኃዊሁ ፡ ወቀነያ ፡ እው፡ ሤጣ፡ ቅተሎ፡ ለሰራቂ ፡፡ ከመንድሞቹ ወገን እነሆ ነፍስ የሰረቀ የገዛችም ወይም የሸጣት ሰው ቢገኝ ሌባውን ማደለው (Ar. 45 no. 1598)፡፡ When a thief pinches the soul (man) from his brothers' and sect's side and wants to buy or sell the soul (man), you must kill the thief.*

> *ወለአመ፡ ይደልዎ ለዓሚ ፡ ቅሥፈት ፡ ያሰከብዎ ፡ በከብዱ፡ ወይቅሥፎ፡ በቅድሜሁ፡ በአምካነ ፡ ኃጢአቱ ፡ ይቅሥፎ በኍለቁ ፡ ፵ ፡ ወኢወስኩ ፡ ላዕሌሁ ፡ ምኅተኒ፡፡ ለዓሚኖም ግርፋት ቢገባውበሆዱ ያስተኙት በፊቱም ይግረፈው ፡ በኃጢአቱ ልክ አርባ ቁጥር ይግረፈው ፡ ከአርባ በላይ ምንምአይጨምሩ (Ar. 47 no. 1600)፡፡ To the flaming, it is necessary flogging punishment. To do this, first you should strip the flaming to the ground in his abdomen. And then, equal to his sin, he needs to be flogged forty times in front of his face. No more forty times flog the flaming.*

> *ቀኖናሁሰ ፡ ለውዕይተ ፡ እሳት ፡ ናሁ ፡ ተነ ግረ ፡ ወዘክሱትሰ ፡ በእሳት የሚቃጠል ፍርድ ግን እነሆ ተነገረ (Ar. 47 no. 1674)፡፡ Just the canonical judgment of burning a human body is tolled.*

5. Common Punishment Types

Based on the Fetha Nägäst and other habitual traditions, punishments were done publically. Though the type of punishment for criminals differed from the current situation in the world, the death penalty, flogging, burning human bodies, exile, slavery, and corporal punishments like dismemberment, mutilation, and such penalties are common as the Fetha Nägäst code declaration. (Ibid: Ar. 48, no. 1726; Jones and Monroe, 1935: 70–71). The exile system has a long history in the world generally and in Ethiopia as well. Rulers banished people from their homes to unsuitable places. ''Of the destination of such captives of war, Amdä-Ṣeyon (1314–1344) is made to say elsewhere: I exiled them into another country.'' (Taddesse, 1972: 87). Because of religious conflict, priests, monks, bishops, and other high ecclesiastical abbots were exiled. Taddesse Tamrat, in his book "Church and State," incorporated exiled kinds of punishment in different pages. Abba Bäṣälotä-Mika'él was exiled to Tegre and died at Gilo-Mäkäda. Many monks and saints were exiled from monasteries to cumbersome places for different reasons (Ibid: 102, 115, 117-8, and 121).

The exile penalty is not a simple type of punishment. In the medieval history of Ethiopia, Gädles and many other abbots recorded cruel exiled kinds of punishments. Due to religious conflict between Amdä-Siyon and his successor Säyfä-Ared (1344–1371) on the one hand and Abunä Ya'eqob and his monastic allies on the other, the monks were temporarily exiled to many directions of the state. Northward to Amhara and Tegré and to the south-east direction of the newly conquered areas beyond the Awash River (Ibid: 186–188). In the fifteenth century, Zärəʾaya'eqob accused and exiled Amdä Mäsqäl for political reasons of treason against the king. The deposition and exile of Abba Indryas by the order of the then-king in 1462 and such are examples of exile punishment (Ibid: 241–285).

In the fifteenth century, the codes of Fetha Nägäst applied to the followers of Abba Eṣṭifanos[2] (Getachew, 2001 E.C.: 17). The movement of Däqiqä Eṣṭifanos was unique to the church. Their movement was followed by penalties and the punishment of monks. To illustrate the prisons, prison system, and punishment types in the medieval history of Ethiopia, it is important to see the rough punishments given to the followers of Abba Eṣṭifanos. Exile, incarceration, flogging, the death penalty, cutting of the tongue and nose (mutilation), and different types of torture were materialized for them (Ibid: 13).

Exiled punishment was common in the reigns of Yeshaq (1413–1430) and Zär'aya'eqob. To obtain the core point of exiled punishment and the prison system of the time, let us see the Bähegg Amlak extractions.

> *ቅዱሱ [አባ እስጢፋኖስ] ሁሉም ማረሩን እንዳበሩ ሲያወቅ ሚዛያውን ትቶ ግፉን ተሸክሞ ተሰደደ፤ ብዙዎች አብረውት ተሰደዱ፡፡ በዚህኛው ስደቱ እሰከ ጣና ባሕር ደረሰ (Ibid: 73)፡፡ When the Saint [Abba Eṣṭifanos-Stephen] knew that all were in agreement about his exile, he left his layover (monastery) carrying atrocities and was exiled; many others were also exiled with him. In this exile, he reached at Lake Ṭana.*

> *... ከዚያ በኋላ ልጆቹን ከእሱ እንዲለዩአቸው አዘዘ፡፡ ወደ ኢፋት ሰደዳቸው፤ ሰማዕትነታቸውን እዚያ ፈጸሙ፡ ቅዱሱን ግን ብቻውን ወደ ጓትር ሰደደው፡ (እዚያ) አስር ቤት ውስጥ እንዲዘጉበት አዘዘ፡፡ ሠኔ መጣቻ ላይ ጓትር አደረሱት፡፡ እጆቹንና እግሮቹን በእግር ብረቶች አስረው ዋዝርማ በምትባል ከተማ ጨለማ ቤት ውስጥ ዘጉበት (Ibid: 110)፡፡ He then gave the order to separate his spiritual sons. He stroked them into Ifat, and they did their martyrdom at Ifat. But the saint was solely obligated and exiled to the Guater. On Säné mäbača (beginning of June), they took him and arrived at Guater, where they ordered him to be put in dungeon prison. Then in the town of Wäzremä they chained his hands and legs with shackles and imprisoned him in the dungeon class.*

In the eastern and northern parts of Ethiopia, there were different exiled places. To expose the prisoners to malaria and different

[2] Abba Eṣṭifanos and his followers did not accepted by the Ethiopian Orthodox Täwahedo Church as saints rather, they are remembered negatively and known as 'Däqiqä Eṣṭifanos'.

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diseases, the desert areas were more preferable exiled places. Mergay, Gasa, and Qefrya were among the exiled places of the medieval period (Ibid: 114).

Corporal punishment, including cutting off the legs, hands, nose, and tongue of a person, combined with the death penalty, was also the other mechanism of chastisement (Ibid: 143, 156, and 171). Firing humans was the other type of punishment. Even such cruel action was done to nuns (female monks). Shackling the inmates by using a manacle (chaining the hands and legs of a prisoner) was one part of the penalty. Incarcerating the inmates in a dungeon class for a long period of time was part of the imprisonment system (Ibid: 74–82). Hanging and vendetta (like an eye for an eye) were other punishment types (Tesfaye, 2011: 100).

The mutilation penalty was continued in the Gondärine period due to political conspiracies. As the king believed, for the time being, the conspirators lost their ears and noses and were then thrown into prison (Bruce, 1790: 546). But the Mutilation was not done once to the criminal. "Whipping was tried at first to break the offender or his bad habit or being put in chains and made to clean up the enclosure of the officials. In this period when a man is met minus a hand or foot, it was considered as a certain sign that he was or is a thief" (Tesfaye, 2011: 100). J. Bruce incorporates Ethiopian prison institutions and punishment customs. He adduced many types of horrifying punishments from Ethiopian custom and information as well as from his eyewitnesses, and he condemned Ethiopian 'Abyssinian' castigation types by comparing them with other countries of the world. Among the cruel examples of punishment are capital punishment in different conditions. Hanging on the tree of Abba Sälama and Gäbrä Dengel- Ras Mika'él's son-in-law, on the same day was his one representative in the reign of Susneyos. Flaying alive, flog, and skinning, done by Wäyzäro Aster and observed in 1769[3] is another cruel example of Abyssinian punishment (Bruce: 1791: 614-5).

Capital punishment—lapidating or stoning to death—was his other cruel example of punishment. He mentioned the Catholic priests' lapidating on the street of Gondär and his observation of their dead bodies after a long punishment. He strengthened his example by giving three heaps of priests to the Church of Abbo in the first reign of Dawit IV. Cutting off any body is another type of retribution. He has witnessed eyes being plucked out or torn out. Twelve pagan war captives of Fagtta were taken as prisoners by Ras Mika'él and their eyes were torn out. He excretes it. The dropping of the dead bodies of criminals on the streets of Gondär was the other example of cruelty to him (Ibid: 615-7).

Flogging was the other common punishment method (Levine, 1972: 176). Forty (40) flogs or 40 whips were the most known punishment types. Since earlier to recent times, flogging has been the main punishment method in Ethiopia (Getachew, 2001 E.C.: 95, 105, 122–3, and 144-5). In the administration of Ras Haylu, governor of Gojjam, flogging took place against the criminals. Once upon a time, in the first quarter of the twentieth century, many magicians were flogged with the common flogging type of 40, 40 by ox's whip, each with additional punishment. Because of the hardness of the whip, their blood dripped onto the ground. That was done in the square of Däbrä Marqos (Temesgen, 2001 E.C.: 38–9). When Ras Emru became governor of Gojjam, the traditional prison guardians were flogged by others because of their mistreatment of the prisoners (Emeru, 2002: 252).

Quraññña system was the other tradition in Ethiopia. Which means chaining both the accused and the accuser until judgment is given. Even if Lej Iyasu attempted to end this custom, the tradition continued to the end of his reign (Ibid: 67; Bahru, 2002: 121-2).

Antecedent to Fetha Nägät, in Ethiopia there were several non-compiled texts designed to serve as a legal instrument in protecting peace and security of the society (Tesfaye, 2011: 87). Even though many problems; because of the long tradition and existence of legal institutions as prisons and royal court system and the present of legal code of Fetha Nägät, and other texts in Ethiopia there was traditional criminal procedure since the distant past to the recent times. "The traditional system of criminal procedure was very deeply rooted in Ethiopia's religious culture and highly stratified society, and depended for its effectiveness upon a social context of close-knit rural community." (Fisher, 1971: 744).

6. Conclusion

In the long history of Ethiopia, there were traditional prisons. Däbrä Damo in the Aksumite period, Amba Gəšän in the medieval period, and Wähni Amba in the Gondärine period were the most famous custodian prison institutions. In these prisons, male descendants of the royal family were imprisoned until one of them was held for coronation. Guardians protected the royal prison. When the king died, court functionaries escorted the candidate heir and put him on the throne. In addition to the three legendary prisons, there were so many prisons in different directions in Ethiopia. Furthermore, other prisons were also used to imprison criminals and lawbreakers. Kebrä Nägäst and Fetha Nägäst are ancient legal documents in Ethiopia. According to Kebrä Nägäst, Menilek I's descendants considered the Zagwe Kings as usurpers. The document delegitimized the rulers of the Zagwe dynasty. Solomonic offspring restored the Solomonic dynasty in 1270, and the dynasty lasted until 1974. Fetha Nägäst is a judicial written document of Ethiopia translated from Coptic to Ge'ez in the fifteenth century. It used to judge the spiritual and secular lives of Ethiopians for a long period of time. Frankly speaking, nobody doubts Fetha Nägäst's contribution to the strengthening and advanced expansion of the conception of law and order having a divine and earthly origin in Ethiopia. Used as a crucial source of justice. So, based on the canonical book of Fetha Nägäst articles, or laws, so to speak, different punishments were given to the criminals. Conventionally, the emperors and regional rulers banished their political offenders, thieves, and murderers. Ethiopian emperors and other rulers used traditional legal codes and prisons as tools of punishment. Chained prisoners were the habitual punishment type in such prisons. Extreme criminals are punished through the death penalty, exile, flogging, branding, and cutting of body parts. It seems that it has been a long-standing practice in Ethiopia that both prisoners and criminals are not treated properly and their human rights are violated. The violation of human rights includes torture.

[3] The year 1769 was the beginning of the Zämänä Mäsafənt and in the time were such cruel punishments.

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