

AILING CIVIC SPACE IN AN AUTHORITARIAN STATE

The State of Human Rights Defenders
and Cost of Dissent in Ethiopia

The Association for Human Rights in Ethiopia

Ailing Civic Space in an Authoritarian State:

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Association for Human Rights in Ethiopia (AHRE)

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Ailing Civic Space in an Authoritarian State:

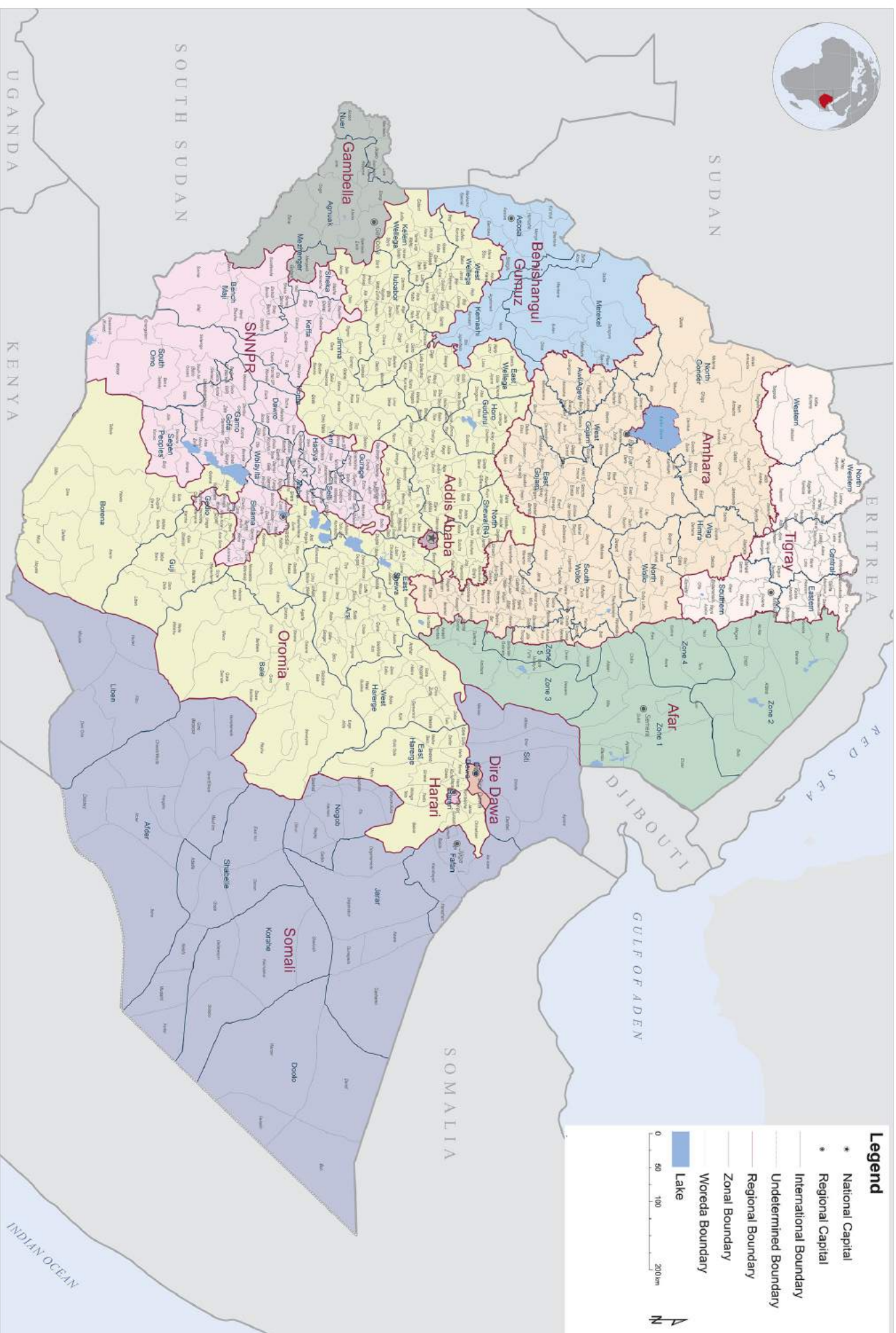
The State of Human Rights Defenders and Cost of Dissent in Ethiopia



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ETHIOPIA: Administrative Map



List of Acronyms

ACHPR	African Commission of Human and Peoples' Rights
AHRE	Association for Human Rights in Ethiopia
ATP	Anti-Terrorism Proclamation
AU	African Union
CETU	Confederation of Ethiopian Trade Unions
CSO	Civil Society Organisation
CUD	Coalition for Unity and Democracy
EFJA	Ethiopian Free Press Journalists' Association
EHRCO	Ethiopian Human Rights Council
EHRP	Ethiopian Human Rights Project
EPRDF	Ethiopian People's Revolutionary Democratic Front
EU	European Union
EWLA	Ethiopian Women Lawyers' Association
FDRE	Federal Democratic Republic of Ethiopia
HRCO	Human Rights Council
HRD	Human Rights Defender
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
NGO	Non-Governmental Organisation
OLF	Oromo Liberation Front
PAHRDN	Pan-African Human Rights Defenders Network
PG-7	Patriotic Ginbot 7
SNNPR	Southern Nations, Nationalities, and Peoples' Region
TPLF	Tigrayan People's Liberation Front
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Foreword

This report aims to provide an overview of the situation of human rights in Ethiopia and to depict the increasingly restricted space in which human rights defenders (HRDs) operate, with particular attention to trends that have developed since the adoption of a series of repressive laws in 2009. Space for human rights dialogue in Ethiopia has gradually disintegrated and HRDs are facing a critical juncture. Many HRDs face detention, torture, and harassment, while growing numbers now choose exile over the risks of remaining in the country. In this case, HRDs are defined not by their professions but by their actions aimed at enabling the protection and advancement of human rights in Ethiopia.

The Association for Human Rights in Ethiopia (AHRE) examines in this report how civic space has deteriorated over the years as the government and ruling party have sought to limit the activities of HRDs, activists, bloggers, and other media professionals. The United Nations (UN) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms¹ defines an HRD as anyone working for the promotion and protection of human rights. This includes actions undertaken through non-governmental organisations, journalism, practicing law, or any other professional and non-professional activity that aims to further the cause of human rights.

This report aims to analyse the deterioration of civic space in Ethiopia in light of the current context, including the mass protest movements in Amhara and Oromia and the declaration of a State of Emergency in October 2016. It also examines the impact of draconian laws adopted in 2009 on civic space and the working environment of HRDs. It is the intention of AHRE that this document provide human rights institutions, civil society, and concerned bodies with adequate source material to direct their efforts in addressing the overall conditions of HRDs and work towards rebuilding and strengthening civic space in Ethiopia.

¹ United Nations General Assembly, "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms," 9 December 1998, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightAndResponsibility.aspx>

About the Association for Human Rights in Ethiopia

The **Association for Human Rights in Ethiopia** (AHRE) is a non-governmental, non-partisan, and not-for-profit organisation dedicated to the advancement of human rights. The organisation is registered and based in Geneva, Switzerland. AHRE is the initiative of an Ethiopian human rights activist that fled the country and other members of the Ethiopian diaspora, as an overseas human rights organisation that carries out activities that are difficult to undertake by organisations based in Ethiopia due to financial and administrative restrictions. It is looking for new ways to continue its support to local organisations and raise awareness about human rights violations in the country on an international level.

AHRE is led by Yared Hailemariam, a longtime HRD who served as a lead investigator at the Human Rights Council (HRCO) for seven years before being forced into exile in the aftermath of the 2005 election crackdown in Ethiopia. The organisation raises international awareness about the human rights situation in Ethiopia through advocacy and research. Through close cooperation with actors inside the country, AHRE seeks to raise the voices of HRDs and act as a catalyst for change. It also works to strengthen the capacity of local actors through trainings and the provision of targeted support.

Executive Summary

Journalists, activists, and other civil society actors play a pivotal role in building a transparent system of governance in any society. The UN Declaration on Human Rights Defenders² affirms that everyone, individually and in association with others, has the right to submit to governmental public bodies, criticism and proposals for improving their functioning, and to draw attention to any aspect of their work that may hinder or impede the promotion, protection, and realisation of human rights and fundamental freedoms. In Ethiopia, many journalists, HRDs, and political figures have endured varying degrees of targeting by authorities including arrests, intimidation, and torture, making their work very difficult and, at times, altogether impossible.

This report assesses the overall situation of HRDs in Ethiopia and examines the government's repression of dissent, particularly since the introduction of three restrictive laws almost a decade ago and in light of current developments.

The Ethiopian government has made considerable strides in economic development since coming to power in 1991, which has attracted international recognition and acclaim. Ethiopia, as the seat of the African Union (AU), is also a key political figure on the continent, and partner to many in the fight against terrorism in the region.

Shortly after the highly controversial 2005 national elections, the Ethiopian Parliament enacted legislation that further narrowed civic space, notably: the Charities and Societies Proclamation, Mass Media Proclamation, and the Anti-Terrorism Proclamation. These three laws were criticised for their restrictive provisions, which limit the work of journalists, HRDs, and civil society organisations (CSOs) through broad language and severe punishments. At least 27 journalists and HRDs (excluding the ones charged in *absentia*) have been charged and some convicted to lengthy prison terms because of the nature of their work since then. However this number only represents the known cases that were brought before a judge and prosecuted, and does not include cases where HRDs were not officially charged.

Over the past two years, Ethiopia has been rocked by growing protest movements in different parts of the country, notably in the two most populous regions of the country, Oromia and Amhara, and to a lesser extent the Southern Nations, Nationalities, and Peoples' Region (SNNPR). Although their immediate causes differ, protesters in all regions claim they are in practice being marginalised from participation in key economic and political affairs despite the government's ethnically-based federal structure and regional devolution.

Security officials responded to mass protests in Oromia and Amhara regions with excessive force, which resulted in the killing of over a thousand people and the arrests of tens of thousands of demonstrators since 2014. These actions triggered timid condemnations from Ethiopia's key partners and outcry from international human rights bodies. The widespread and deadly protests led the government to declare a State of Emergency that lasted 10 months, the first of its kind under the current government, which has been in power for over 25 years.

² United Nations General Assembly, "Declaration on Human Rights Defenders," 8 March 1999, <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

This report aims to document the growing restrictions on civic space in Ethiopia, which, in many regards, can be seen as one of the causes of Ethiopia's current political crisis. Civic space represents a forum for citizens to express their opinions and grievances, engage in a dialogue with authorities about governance issues, and is occupied by HRDs and other actors looking to express views on and participate in public affairs.

Recommendations

To the Government of Ethiopia

- Explicitly respect, recognise, and promote constitutionally guaranteed rights to freedom of expression, association, and peaceful assembly;
- Immediately and unconditionally release journalists, HRDs, and peaceful protesters prosecuted for exercising their rights to freedom of expression, association, and peaceful assembly;
- Cease the practice of harassing and intimidating HRDs;
- Engage in a meaningful and inclusive national dialogue with civil society, regional governments, and local elders, to address grievances at the root of protest movements;
- Ensure that the trials of journalists, HRDs, opposition members, and protesters are fair, transparent, and meet international standards;
- Instruct law enforcement and security agents to cease the use of excessive force against peaceful protesters;
- Prohibit the use of torture as a method of interrogation and exclude as legally inadmissible all confessions obtained through ill treatment and torture;
- Ensure the transparency of all criminal trials by providing, in advance, relevant information such as the time and location of hearings, and allow members of the international community to monitor and attend these trials;
- Initiate thorough investigations into all allegations of torture and ill treatment made by prisoners, and ensure that all alleged perpetrators face justice for their actions;
- Grant access to an international, independent, and impartial investigation into the killings of over a thousand demonstrators during protests in different parts of the country, predominantly in Oromia, Amhara, and SNNPR regions;
- Amend the Anti-Terrorism Proclamation, the Charities and Societies Proclamation, and the Mass Media Proclamation to meet international standards;
- Issue a standing invitation to the UN Special Rapporteurs on the situation of human rights defenders, on freedom of peaceful assembly and association, on freedom of expression, and on torture and other cruel, inhuman or degrading treatment or punishment; and
- Implement Resolution 281 adopted by the African Commission on Human and Peoples' Rights' (ACHPR) 51st session, which calls on Ethiopia's government to "remove restrictions on freedom of expression imposed on the Mass Media by the Access to Information Proclamation (2008) and the Anti-Terrorism Proclamation (2009) that do not conform to rights of freedom of expression provided in international human rights law."³

3 ACHPR 51st Session, "218: Resolution on the Human Rights Situation in the Democratic Republic of Ethiopia," May 2012, <http://www.achpr.org/sessions/51st/resolutions/218/>

To the European Union, allies, and donors

- Urge Ethiopia's government to start an open and inclusive national reconciliation process, including all remaining political parties and civil society organisations;
- Publicly call for the Ethiopian government to respect the fundamental rights of its citizens and amend laws that are not in line with Ethiopia's regional and international commitments;
- Implement the European Union (EU) Guidelines on Human Rights Defenders⁴ and provide support to Ethiopian civil society, or, in the absence of concrete steps to open up civil society space within Ethiopia, support diaspora-based or exiled Ethiopian civil society; and
- Publicly support the call for an international, impartial, and independent investigation into the killings, arrests, and detentions during and following the protests in Oromia, Amhara, and SNNPR regions.

To the African Commission on Human and Peoples' Rights

- Renew calls for the Ethiopian government to allow access to an international, independent, and impartial investigation to ensure that those detained under the now-lifted State of Emergency are afforded due process and not denied their non-derogable human rights as they are enshrined in the African Charter on Human and Peoples' Rights and international covenants which Ethiopia has ratified.

To the United Nations

- Urge Ethiopia's government to start a national dialogue that includes all stakeholders, including all political parties and civil society;
- Urge the government of Ethiopia to respect, recognise and promote people's rights to freedom of expression, association, and peaceful assembly;
- Urge the government of Ethiopia to allow an international, impartial, and independent investigation into the killings, arrest, and detention of thousands of protesters, including HRDs; and
- Appoint a Special Rapporteur on human rights in Ethiopia.

⁴ European Union, "EU Guidelines on Human Rights Defenders," 21 June 2016, https://eeas.europa.eu/headquarters/headquarters-homepage_en/3958/EU%20Guidelines%20on%20Human%20Rights%20Defenders

Methodology

Our heartfelt gratitude goes to the HRDs, journalists, and bloggers who participated in our short survey, responded to interviews, and to all the prisoners and initiatives whose stories and data contributed to the report.

This report also contains details of active cases of individuals being tried for terrorism (obtained from the website of Ethio Trial Tracker), and a list of journalists and HRDs that were and are currently prosecuted under the infamous Anti-Terrorism Proclamation (AHRE's collection). Both lists are non-exhaustive. The material is also sourced with several reports and articles from human rights organisations, government bodies, international institutions, and media outlets.

I. Civil Society in Ethiopia

The Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) came to power in 1991 following a coup that ousted the previous Derg military regime, and was formed around a federal political system that aimed to recognise peoples, nations, and nationalities, and give them a higher degree of autonomy. The Federal Democratic Republic of Ethiopia (FDRE) was structured on an ethnically-based federation, whereby the ruling EPRDF was formed as a coalition of four parties structured around ethnicity; ethnic federalism remains an integral element in the EPRDF's political structure.⁵ While this structure has been criticised by some for heightening ethnic tensions, others have praised it for acknowledging and, to some extent, promoting diversity. Ethiopia is home to more than 80 ethnic groups, and has a population of over 102 million as of 2016, according to the World Bank, making it the second most populous nation in Africa.⁶

1. A short history of civil society participation

Ethiopians have a long tradition of forming and relying on informal associations that serve as makeshift social security networks to their members. These socio-economic systems are often set up by geographically close members, or people within a similar socio-cultural background. They are mainly designed to save money as a form of monthly saving schemes (*equb*) or as financial and social aid during emergencies, most commonly funerals (*idir*).

A few formal associations began emerging in the 1930s, but government control of civic space, mainly during the period of the Derg military junta (1974-1991) did not allow the growth of a transparent civil society, and prohibited organisations dealing with human rights.⁷

⁵ Abink, Jon, and Tobias Hagmann, eds. "Reconfiguring Ethiopia: the politics of authoritarian reform," 2016, Routledge.

⁶ The World Bank, "World Populations, 2016," <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=ET>

⁷ The World Bank, "Civil Society, NGOs, and Development in Ethiopia: A Snapshot View," June 2000, <http://siteresources.worldbank.org/>

International organisations that developed activities during previous governments were mainly faith-based and welfare associations, such as the Christian Relief and Development Association, and were visible mainly during the infamous 1984 famine.

Before the EPRDF came to power in 1991, there existed few associations that focused on the provision of basic economic and socio-cultural services and many were subjected to varying degrees of restrictions under different governments. *Mecha Tulama*, an Oromo association founded in January 1963 with the goal of developing roads, educational, health and communication facilities, later became a stimulus for Oromo nationalism but was banned in 1966 following its implication in a bombing incident and a plot to assassinate Emperor Haile Selassie.⁸ The president of the association, Brigadier General Tadesse Biru, was arrested and subsequently released when the Derg came to power. However, he was later executed by the Derg for charges of opposing controversial land reforms.⁹ The association later reopened, but was again closed by the current government in 2004 for alleged involvement in political activities in violation of its charter.

The Confederation of the Ethiopian Labour Unions is another prominent organisation established in 1963.¹⁰ It faced several challenges during the Marxist era, was re-registered in 1977 under the name of All Ethiopian Trade Union, again changed its name to the Ethiopian Trade Union in 1986, and finally to the Confederation of Ethiopian Trade Unions (CETU) in 1993 following changes in the government. In 1994, its head office was raided, its accounts frozen, and its registration cancelled.

INTRANETSOCIALDEVELOPMENT/873204-1111663470099/20489508/CSand-DevEthiopiaSnapshotView.pdf

⁸ Zewde, B., "The Quest for Socialist Utopia: The Ethiopian Student Movement, C. 1960-1974," 2014, Boydell & Brewer Ltd.

⁹ Zewde, B. (2014). *Ibid*

¹⁰ International Centre for Trade Union Rights, "Trade Unions of the World, 2016," 2016, http://www.ictur.org/pdf/ICTUR_TUW_2016_Fiji.pdf

The leaders then went into exile in fear of their safety. In April 1997, CETU was restructured. The Ethiopian Teachers' Association, founded in 1949, has also faced significant setbacks under the current government, including the imprisonment of several of its members.

When the EPRDF came to power in 1991, it enacted a transitional Charter (Transitional Period Charter of Ethiopia)¹¹ that recognised, for the first time, all fundamental rights and freedoms under the Universal Declaration of Human Rights (UDHR), including the rights to freedom of expression, association, and peaceful assembly. This was one of the most significant legislative achievements in the history of modern Ethiopia. In 1995, Ethiopia adopted a new Constitution which once again recognised, among other things, basic human and democratic rights (Article 10, 13, 14-28).¹² Following this, both local and international human rights affiliated organisations began to flourish.

The first independent, non-profit, non-political, and non-partisan association emerged in October 1991 immediately after the introduction of the Transitional Charter under the name Ethiopian Human Rights Council (EHRCO), which was renamed the Human Rights Council (HRCO) in 2009. HRCO still engages in a wide range of human rights activities, including promoting democracy, the rule of law, and respect for human rights in Ethiopia, as well as by monitoring, investigating, and reporting on human rights violations in the country.

Other noteworthy collectives include professional associations such as the Ethiopian Women Lawyers' Association (EWLA) and the Ethiopian Economic Association. Almost all civic organisations were adversely affected when the Ethiopian government introduced its highly

criticised Charities and Societies Proclamation in 2009, forcing some to close down their offices. This is further expanded upon in Section II.

Additionally, Ethiopia is considered home to two dominant religions, Christianity and Islam, that have a long history of practice in the country dating back as early as the 4th and 7th centuries, respectively. Faith-based organisations and places of worship play an important role as platforms to discuss social issues in the complex Ethiopian social fabric.

2. Turning point: Ethiopia's 2005 general election

The country has held five general elections since 1995. Yet, these have been mainly symbolic, and the ruling party has claimed increasingly large margins of victory in all ballots. However, the 2005 election was by far the most controversial, as it began a new chapter in Ethiopia's political history and triggered much of the repression seen today.

The pre-election period saw intense debates, rallies, and zealous campaigns by different political parties. Civil society played an active role engaging with the public and encouraging participation. However, immediately after the votes were cast, both the ruling party and the opposition Coalition for Unity and Democracy (CUD) claimed victory. In June 2005, protests erupted in Addis Ababa when demonstrators took to the streets, accusing the government of election fraud, and security forces responded by killing at least 36 unarmed civilians and wounding more than 100, according to a Human Rights Watch report.¹³ The opposition coalition CUD, which won every seat in Addis Ababa, decided to boycott the newly formed Parliament, opposing new parliamentary regulations and the final election results from the rest of the country.

¹¹ Transitional Period Charter of Ethiopia, 22 August 1991, <https://chilot.files.wordpress.com/2011/11/the-transitional-period-charter-of-ethiopia.pdf>. Emphasis on Article 1.

¹² "Constitution of Ethiopia," 21 August 1995, http://www.servat.unibe.ch/icl/et00000_.html

¹³ Human Rights Watch, "Ethiopia: Events of 2005," 2016, <https://www.hrw.org/world-report/2006/country-chapters/ethiopia>

In November 2005, another round of demonstrations were held in Addis Ababa and in some towns in Amhara and Oromia regions.¹⁴ Security forces used excessive force in response, killing 42 demonstrators in Addis Ababa, and detaining many others. Consequently, several CUD members and journalists were jailed.¹⁵ They were tried on a variety of charges, and several journalists were accused of being complicit with opposition parties.^{16 17}

The 2005 election marked a new juncture in Ethiopia's repressed political arena, and was followed by the introduction of new legislation intended to further restrict the work of journalists, HRDs, and opposition political party members. This strategy allowed Ethiopia's government to formally criminalise dissent by codifying it into law and is explored further in Section II of this report.

¹⁴ Amnesty International, "Ethiopia Prisoners of conscience on trial for treason: opposition party leaders, human rights defenders and journalists," 2 May 2006, <http://www.amnesty.be/IMG/pdf/AFR250132006-2.pdf>

¹⁵ Committee to Protect Journalists, "Attacks on the Press 2006: Ethiopia," 5 February 2007, <https://cpj.org/2007/02/attacks-on-the-press-2006-ethiopia.php>

¹⁶ Amnesty International, "Ethiopia Prisoners of conscience on trial for treason: opposition party leaders, human rights defenders and journalists," 2 May 2006, <http://www.amnesty.be/IMG/pdf/AFR250132006-2.pdf>

¹⁷ Committee to Protect Journalists, "Ethiopia: Poison, Politics, and the Press," 28 April 2006, <https://cpj.org/reports/2006/04/ethiopia-da-spring-06.php>

II. A Restrictive Legal Framework

1. The law and constitutional rights

The 1995 Constitution of the Federal Democratic Republic of Ethiopia¹⁸ (hereafter the Constitution) guarantees citizens a wide range of democratic rights, including the rights to freedom of expression, peaceful assembly, and association. Modern Ethiopia has ratified three constitutions: 1931, 1955, and 1987. The current Constitution is the first to adopt and fully recognise all fundamental rights and freedoms in the country. Article 9(4) of the Constitution states that “all international agreements ratified by Ethiopia are an integral part of the law of the land,” and Article 10 proclaims that human and democratic rights are one of the fundamental principles of the Constitution.

a. Freedom of expression and freedom of the press

According to Article 29 of the Constitution, everyone has, without restriction, the right to hold opinions and freely express them. Accordingly, this includes “freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.” Article 29 also guarantees freedom of the press and other mass media, and affords the press legal protections to ensure its “operational independence and its capacity to entertain diverse opinions.” Furthermore, it stipulates that the press shall enjoy freedom from any form of censorship and have access to information of public interest.

b. Freedom of association and peaceful assembly

Article 30 of the Constitution guarantees the right of individuals to assemble, and hold unarmed and peaceful demonstration. Freedom of association is guaranteed by Article 31 of the Constitution. Accordingly, individuals have the right to freedom of association for any cause or purpose. The only groups explicitly

¹⁸ Constitution of the Federal Democratic Republic of Ethiopia, 21 August 1995, <http://www.wipo.int/edocs/lexdocs/laws/en/et/et007en.pdf>

denied these rights are “organisations formed, in violation of appropriate laws, or to illegally subvert the constitutional order, or which promote such activities.”

c. International human rights treaties

In addition to affirming human rights in the Constitution, Ethiopia is a signatory to all major international and regional human rights treaties which recognise the universal, indivisible, and inalienable rights of human beings regardless of their social, economic, political, and racial backgrounds. These include the UDHR,¹⁹ the African Charter on Human and Peoples’ Rights,²⁰ the International Covenant on Civil and Political Rights (ICCPR),²¹ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).²² These treaties all protect the right to freedom of opinion and expression, peaceful assembly, and association. However, it is worth noting that Ethiopia has never signed or acceded to the Rome Statute, which established the International Criminal Court (ICC).

The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms²³ is particularly pertinent to the work of HRDs. Though not a legally binding document, it was adopted by consensus by the UN General Assembly and contains a series

¹⁹ United Nations, “Universal Declaration on Human Rights,” 10 December 1948, <http://www.un.org/en/universal-declaration-human-rights/> Emphasis on Articles 19 and 20.

²⁰ ACHPR, “African Charter on Human and Peoples’ Rights,” 1987, <http://www.achpr.org/instruments/achpr/#a9>

²¹ United Nations, “International Covenant on Civil and Political Rights,” 19 December 1966, <https://treaties.un.org/doc/publication/units/volume%20999/volume-999-i-14668-english.pdf> Emphasis on Articles 19, 21 and 22

²² United Nations, “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” 10 December 1984, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

²³ United Nations, “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,” 8 March 1999, <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>, Emphasis on Articles 5 and 6

of principles that are based on human rights standards enshrined in other international instruments that are legally binding. At its core, it recognises that human rights activities are legitimate and must be protected.

In practice, however, the conditions and situation of human rights and HRDs have come under increasing restrictions since the state introduced laws and proclamations deliberately drafted to control civic space after 2009.

2. Legislative restrictions

The development and growth of civil society was cut short when the Ethiopian government introduced a series of proclamations that significantly hindered and interfered with the work of CSOs. After the highly publicised and controversial 2005 election,²⁴ which resulted in the killings of civilians and arrests of journalists and opposition leaders,²⁵ laws were drafted that significantly restricted civic space. These laws were passed between 2008 and 2009, just ahead of the 2010 national election.

a. Charities and Societies Proclamation

The Proclamation to Provide for the Registration and Regulation of Charities and Societies (2009)²⁶ was the country's first comprehensive law governing the registration and regulation of NGOs. Notably, the proclamation restricts NGOs that receive more than 10% of their financing from foreign sources from engaging in human rights and advocacy activities. This contradicts Article 22 of the ICCPR, which states that "no restrictions may be placed on the exercise of [the right to freedom of association] other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others."

The Charities and Societies Agency, the

24 Committee to Protect Journalists, "Ethiopia: Poison, Politics, and the Press," 28 April 2006, <https://cpj.org/reports/2006/04/ethio-pia-da-spring-06.php>

25 Human Rights Watch, "Ethiopia: Events of 2005," 2016, <https://www.hrw.org/world-report/2006/country-chapters/ethiopia>

26 "Proclamation to Provide for the Registration and Regulation of Charities and Societies, No. 621/2009," 13 February 2009, <https://chilot.files.wordpress.com/2011/02/charities20and20societies20proclamation.pdf>

legal body responsible for enforcing the proclamation, outlines as its main objectives to:

1. Enable and encourage charities and societies to develop and achieve their purposes in accordance with the law;
2. Create a situation in which the operation of charities and societies is transparent and accountable; and
3. Ensure that charities and societies operate legally.

After the Charities and Societies Proclamation was enacted, several local CSOs were closed and other influential organisations were forced to change their names and mandates. According to the International Center for Not-for-Profit Law, 174 new CSOs were registered in 2014 alone, but 158 others were shut down, including 133 for failing to implement projects due to lack of funds.²⁷

Similarly, according to Amnesty International, at least 17 organisations, including some of Ethiopia's leading human rights organisations, have changed their mandate or stopped working on human rights altogether.²⁸ Other local organisations have also significantly scaled back their operations, such as the HRCO and the EWLA.

HRCO reported in 2012 that, as a direct consequence of the law, it was forced to close 10 of its 13 branch offices outside Addis Ababa, and drastically lay off around 50 of 62 staff members.²⁹ In order to be able to register, it was also forced to remove election-monitoring activities from its statute. The organisation's bank account was later frozen by the government, and more than 8 million Ethiopian Birr (\$292,000 USD) was seized. Even though the money was transferred to HRCO's account well before the law was enacted, the government retroactively applied the Proclamation.

27 International Center for Not-for Profit Law, "Civic Freedom Monitor: Ethiopia," 7 May 2017, <http://www.icnl.org/research/monitor/ethiopia.html>

28 Amnesty International, "Ethiopia: The 2009 Charities and Societies Proclamation as a Serious Obstacle to the Promotion and Protection of Human Rights in Ethiopia: Amnesty International's Written Statement to the 20th Session of the UN Human Rights Council," 11 June 2012, <https://www.amnesty.org/en/documents/afr25/007/2012/en/>

29 Amnesty International, "Stifling Human Rights Work: The Impact of Civil Society Legislation in Ethiopia," 2012, <http://files.amnesty.org/archives/afr250022012eng.pdf>

The organisation was also forced to change its original name from the Ethiopian Human Rights Council to Human Rights Council, since the Proclamation states that organisations must have at least five offices in different administrative regions of the country to use the term “Ethiopian” in their official name.

In 2008, HRCO investigators documented 9,000 cases of human rights abuses, of which 1,723 were further investigated and reports issued. These included 475 reports of unlawful detention, 435 reports of extra-judicial killings, and 201 reports of torture. However, as a direct consequence of the law, their work was significantly curtailed. In 2008, the organisation had an annual budget of six million Ethiopian Birr (\$219,000 USD), but by 2011 it had been slashed to 441,200 Ethiopian Birr (\$16,103 USD).³⁰

Another prominent organisation significantly affected by the law is EWLA, a nonpartisan and non-profit organisation established in 1995 to specifically address the rights of women in the country. EWLA’s stated objective was promoting the legal, economic, social, and political rights of Ethiopian women under the Constitution by influencing policies, laws, and practices to realise women’s enjoyment of equal rights.³¹ The EWLA had 65 full-time staff members before the law was passed, and conducted vital work on women’s rights and access to justice, and provided legal aid to women, including victims of gender-based violence. Just like HRCO, EWLA’s account was frozen and the organisation lost 10 million Birr (\$365,000 USD), forcing it to reduce its staff by 75%.

In 2008, EWLA provided free legal aid to 17,357 women: 43 cases were taken up for legal representation, 28 clients were referred for protective shelter, 776 clients were provided with financial assistance for court fees, transportation costs, and medical expenses for victims of violence. In the same year, over 10,000 people participated in human rights education activities, trainings were conducted for police

and prison personnel on various rights issues, 70,000 booklets on revised family laws for four regional states and on the revised federal family law were produced and disseminated, a hotline was established which received 7,332 calls in its first eight months, and research was undertaken to inform the revision of the Criminal Procedure Code.

EWLA is a noteworthy example of the devastating consequence of the Charities and Societies Proclamation, particularly regarding limiting foreign funding. Its staff was drastically reduced and could no longer sustain its previously impressive record. This is particularly alarming for a country with no other organisations working exclusively on women’s rights, and for a society that is dominated by a pervasive and often unchallenged patriarchal authority.

Today, in a country of over 100 million people facing significant political and social turmoil, there are no functioning and well-funded national CSOs working freely and effectively on human rights issues. International organisations working on human rights were also affected and condemned the Proclamation. Human Rights Watch noted that it would criminalise human rights-related work carried out by non-Ethiopian organisations while at the same time making it impossible for domestic human rights organisations to operate with any real degree of effectiveness or independence.³²

b. Freedom of the Mass Media and Access to Information Proclamation

The crackdown on the media that followed the 2005 general election reached a new level when the Ethiopian Parliament adopted the Freedom of the Mass Media and Access to Information Proclamation (2008),³³ after six years of debate over its original drafts and despite unaddressed concerns and controversy regarding restrictive provisions. The Ethiopian Free Press Journalists’ Association (EFJA) office was closed down during the time the law was discussed on claims that it had failed to renew its license – the organisation

30 Amnesty International, “Stifling Human Rights Work: The Impact of Civil Society Legislation in Ethiopia,” 2012, <http://files.amnesty.org/archives/afr250022012eng.pdf>

31 Ethiopian Women Lawyers’ Association, “Mission Statement,” <https://www.facebook.com/Ethiopian-Women-Lawyers-Association-173223872751613/>

32 Human Rights Watch, “Analysis of Ethiopia’s Draft Civil Society Law,” 13 October 2008, <https://www.hrw.org/news/2008/10/13/analysis-ethiopia-draft-civil-society-law>

33 “Proclamation No. 590/2008 of 2008, Freedom of the Mass Media and Access to Information Proclamation,” 4 December 2008, <http://www.refworld.org/docid/4ba7a6bf2.html>

had heavily criticised the law.³⁴

The preamble of the Proclamation asserts that it recognises the right of the media to collect and disseminate information, including of a critical nature, and acknowledges the importance of independent mass media in democratic dialogues. Yet, this Proclamation introduced restrictions on journalists through government-controlled licensing and registration systems, and punitive sanctions for violations of the law, including imprisonment of up to five years. Nineteen IFEX members wrote a letter to the then Communication Minister of Ethiopia, Bereket Simon, listing the problematic contents of the law and asking his government “to amend the Draft Proclamation to address these concerns and to bring it into line with the highest international standards on free expression.”³⁵

Article 9 of the Proclamation outlines how “anyone who desires to publish a periodical shall register such periodical by providing the information referred to in sub article (3), with the Ministry of Information where the proposed distribution goes beyond one regional state, or with the Information Bureau of the Region where the proposed distribution is restricted to one regional state.” This Article designates the government as a guardian of the press, giving it arbitrary control over critical reporting through mechanisms of registration, putting into question the notion of free and accountable journalism.

Under Article 43(7), media outlets and individual journalists can be prosecuted for defamation against government bodies on their behalf, regardless of whether the allegedly defamed officials press charges themselves. In this case, the government itself oversees “prosecutions for false accusations and defamation against the constitutionally established legislative, executive or judicial authorities.” In effect, this means journalists can be prosecuted even if there is no victim.

Article 41(2) imposes a hefty fine of up to 100,000 Ethiopian Birr (\$3,650 USD) for moral defamation, depending on the court’s determination of the seriousness of the charge. This amount can put journalists and their respective outlets out of business, or at the very least, intimidate them into silence. Like the Charities and Societies Proclamation, Article 7(5) of the Media Proclamation restricts Ethiopian outlets from being foreign-owned or using foreign funds. It also forbids any foreign entities from providing financial assistance, even temporary, to Ethiopian media organisations. This can effectively prevent critical outlets from reaching out for support if print-run confiscations or defamation charges cripple their budgets.

The Mass Media Proclamation has often been used in conjuncture with the Anti-Terrorism Proclamation (ATP) to intimidate and silence journalists, and has resulted in media outlets shutting down. In addition, the threat of fines and prosecution has fostered a climate of self-censorship among journalists and editors who can be held personally criminally liable for the content of their platform. In December 2009, *Addis Neger*, one of the country’s largest independent Amharic weekly newspapers, was the victim of a campaign of threats and harassment from the government which forced most of its senior staff to flee into exile.³⁶ Since the adoption of the draconian Mass Media Proclamation, dozens of publications have been shut down, including newspapers like *Feteh*, *Ye Kelem Qend*, and *Negere Ethiopia*.

DefendDefenders’ 2017 report “Don’t Shoot the Messenger!: Journalists as Human Rights Defenders in the East and Horn of Africa,” explored how patterns of threats, harassment, and censorship gradually destroyed the space for critical and independent reporting in the country.³⁷

34 Freedom House, “Freedom in the World 2004: Ethiopia,” 2005, <https://freedomhouse.org/report/freedom-world/2004/ethiopia>

35 IFEX, “Nineteen IFEX members sign on to letter expressing concern over draft Proclamation to Provide for the Freedom of the Press,” 28 July 2004, http://www.ifex.org/ethiopia/2004/07/28/nineteen_ifex_members_sign_on_to/

36 Human Rights Watch, “Violations of Media Freedoms in Ethiopia,” 21 January 2015, <https://www.hrw.org/report/2015/01/21/journalism-not-crime/violations-media-freedoms-ethiopia>

37 DefendDefenders, “Don’t Shoot the Messenger!: Journalists as Human Rights Defenders in the East and Horn of Africa,” October 2017, <https://www.defenddefenders.org/wp-content/uploads/2017/11/DontShootTheMessenger.pdf>

This report also concluded that while the Media Proclamation itself is stifling, it is its use alongside the ATP, Penal Code, and most recently, the Computer Crime Proclamation (2016)³⁸, which makes it especially dangerous for media professionals. While many factors contributed to the erosion of fundamental civil and political rights in Ethiopia, the absence of critical media and independent reporting helped the EPRDF consolidate its grip on power during the 2010 parliamentary elections that saw it win 99.6% of seats.³⁹

c. Anti-Terrorism Proclamation

The Anti-Terrorism Proclamation (2009)⁴⁰ begins by acknowledging the threat of terrorism locally and globally, as well as the need for new legal mechanisms to protect citizens from this threat. Much like the previous two proclamations, the ATP has been fiercely criticised by various rights groups and the international community for its broad definition of terrorist activities and its potential to silence and criminalise legitimate dissent.⁴¹ It remains one of the most controversial and most criticised laws adopted by the Ethiopian government due to politically-motivated prosecutions, clear violations of international human rights law, and serious infringements on the rights to freedom of expression, association, and peaceful assembly.⁴²

According to the ATP, a terrorist act is defined as:

“Whosoever or a group intending to advance a political, religious or ideological cause by coercing the government, intimidating the public or section of the public, or destabilising or destroying the fundamental political, constitutional or, economic or social institutions of the country: causes a person’s death or serious bodily injury; creates

serious risk to the safety or health of the public or section of the public; commits kidnapping or hostage taking; causes damage to natural resource, environment, historical or cultural heritages; endangers, seizes or puts under control, causes serious interference or disruption of any public service; or threatens to commit any of the acts stipulated under sub-articles (1) to (6) of this Article.”

The broad definition can easily turn any public dissent into an act of terrorism. For instance, calling for national or regional strikes will undoubtedly “cause[s] serious interference or disruption of public service.” Additionally, demonstrators can be prosecuted as terrorists if a protest leads to the destruction of private property, which is common during large demonstrations, and wrongly puts the responsibility for maintaining public order on the protest organisers rather than public authorities.

The law also broadly and vaguely defines a terrorist organisation as “a group, association, or organisation which is composed of not less than two members with the objective of committing acts of terrorism or assists or incites others in any way to commit acts of terrorism.” This definition could easily target dissenting political organisations or even some NGOs, and thereby criminalise their members. However, as of yet, only five groups have been designated outlawed terrorist organisations: the Oromo Liberation Front (OLF), Ogaden National Liberation Front, Patriotic Ginbot 7 (PG-7), Al Qaeda, and Al Shabaab.⁴³

Article 5 of the ATP defines support for terrorism as knowingly “provid[ing] a skill, expertise or moral support or giv[ing] advice” to terrorist acts or terrorist organisations. It does not specify what kind or form that support may entail, leaving another loophole for potentially criminalising any individual who supports even legitimate, non-violent dissent.

The law considers it an encouragement of terrorism for anyone to publish or cause the publication of a statement “that is likely to be

38 “Computer Crime Proclamation,” 7 July 2016, <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103967/126636/F1922468791/ETH103967.pdf>

39 Human Rights Watch, “Ethiopia: Government Repression Undermines Poll,” 24 May 2010, <https://www.hrw.org/news/2010/05/24/ethiopia-government-repression-undermines-poll>

40 “Proclamation No. 652/2009 of 2009, Anti-Terrorism Proclamation,” 7 July 2009, <http://www.refworld.org/docid/4ba799d32.html>

41 Amnesty International, “Ethiopia: End use of counter-terrorism law to persecute dissenters and opposition members,” 2 June 2016, <https://www.amnesty.org/en/latest/news/2016/06/ethiopia-using-counter-terrorism-law-to-persecute-dissenters/>

42 Human Rights Watch, “Ethiopia: Terrorism Law Decimates Media,” 3 May 2013, <https://www.hrw.org/news/2013/05/03/ethiopia-terrorism-law-decimates-media>

43 U.S. Department of State: “Country Reports on Terrorism 2011 – Chapter 2: Africa Overview,” 30 April 2011, <https://www.state.gov/j/ct/rls/crt/2011/195541.htm>

understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission or preparation or instigation of an act of terrorism.” The vague definition of this criminal act could very well incriminate individuals who, for instance, demonstrate by holding signs against government policies, punishable with a 10 to 20 years prison sentence. As noted above, this broad language has also been used to target journalists, bloggers, and other media professionals.

At the 51st Session of the ACHPR, Resolution 281 called on Ethiopia’s government to “remove restrictions on freedom of expression imposed on the Mass Media by the Access to Information Proclamation (2008) and the Anti-Terrorism Proclamation (2009) that do not conform to rights of freedom of expression provided in international human rights law.”⁴⁴

The Ethiopian government nonetheless vigorously defends the law and dismisses all criticism as an attempt to forcibly impose Western liberal ideology onto the country. Officials claim that the ATP was largely drawn from a similar proclamation enacted in the United Kingdom. However, the ATP has important distinctions which leave room for legal ambiguity, allowing attempts to influence public policy to be perceived as “encouraging terrorism” under Ethiopian law.⁴⁵ Additionally, unlike the United Kingdom, Ethiopia has no independent judiciary, which often takes its direction from the government, whether overtly or through more subtle influence.

Draconian provisions of the ATP can lead to long prison terms and even the death penalty for those found guilty. The chilling effect of the ATP, with its vague provisions and definitions, has only contributed to raising the stakes for those who speak out and are critical of the government.

Journalists, bloggers, artists and HRDs charged under the Anti-Terrorism Proclamation



17 journalists



7 bloggers



7 artists



3 CSOs

Terrorism charges: a devastating effect on civil society

Ethio-Trial Tracker, an independent project tracking individuals charged under the ATP, has recorded 923⁴⁶ ongoing individual cases and 526 closed cases⁴⁷, many of which resulted in long prison terms. More broadly, those charged under the ATP include journalists, opposition members and leaders, students, teachers, bloggers, and religious leaders (mainly Muslim leaders, two Orthodox priests, and a Protestant pastor), a lawyer, a doctor, a child as young as 16,⁴⁸ singers and artists, and other professionals. Out of the 81 cases, 28 are alleged to have affiliations with OLF, and 23 with PG-7; both banned opposition groups which are designated as terrorist organisations by the government. In addition, AHRE has collected a list of 27 journalists and HRDs charged under the ATP or the Penal Code since 2009.

⁴⁴ African Commission on Human and Peoples’ Rights, “218: Resolution on the Human Rights Situation in the Democratic Republic of Ethiopia,” 2 May 2012, <http://www.achpr.org/sessions/51st/resolutions/218/>

⁴⁵ Freedom Now, “Ethiopia’s Anti-Terrorism Proclamation and the right to freedom of expression,” 30 August 2013, <http://www.freedom-now.org/news/ethiopias-anti-terrorism-proclamation-and-the-right-to-freedom-of-expression/>

⁴⁶ Ethio Trial Tracker, “Defendants’ Info: Active Cases,” <https://ethio-trialtracker.org/wp-content/uploads/2018/01/Active-DefendantsJAN20181-1.pdf>

⁴⁷ Ethio Trial Tracker, “Defendants’ Info: Closed Cases,” <https://ethio-trialtracker.org/defendants-info-closed-cases/>

⁴⁸ A 16 year old boy is among the recently charged individuals under ATP. Yoseph Gemechu is from Wollega, Oromia region.

Prominent journalists like Eskinder Nega have been charged and sentenced to lengthy prison terms under the ATP. While these are known to many, there are numerous others who have remained anonymous. Independent initiatives such as Ethio-Trial Tracker and the exiled Ethiopian Human Rights Project (EHRP) continue to track and document public trials, as well as publicise defendants' court testimonies and charges.

Befeqadu Hailu, a staunch HRD and social media activist is one of the founding members of Zone 9 blogging collective. He was detained for 18 months in prison along with three journalists and five other members of the Zone 9 collective under terrorism charges in 2014. In prison, Befeqadu says he was beaten repeatedly, physically and psychologically abused, and was forced to sign confession documents. Since being released on bail, he and his colleagues are still facing a downgraded charge of "inciting violence." The case, involving five of members of Zone 9, had been on trial for more than a year before the court finally passed a verdict in April 2017, acquitting two members of all charges. The three others are still in court more than three years since their initial arrest.

Befeqadu was originally briefly detained for taking pictures of a police officer beating peaceful protesters, and was released the next day without charge. Following the declaration of the State of Emergency, he was once again imprisoned for violating the sweeping restrictions by giving an interview to Voice of America. This time, he was taken to the town of Awash, 300 kilometres away from his home, where he was denied access to a lawyer and family visits for 40 days. He was released after forcibly attending a rehabilitation training without appearing in court.

Befeqadu wrote a brief memoir, published by Amnesty International, about what he witnessed in the Awash detention centre:

"Then, our turn came to be paraded, barefooted, to the open pits within the centre's compound. The gravel path was hard to walk on barefoot but the yelling of officers dangling their sticks was enough incentive to run on it. Once we reached the toilet pits, we had to sit side by side and do our business.

None of us was willing to do it the first day. Later on, we accepted it as the new normal.

*There were 17 women among the detainees and one of them was pregnant. There were also about 15 underage boys. We were all in it together and we all survived."*⁴⁹

Many defendants facing terrorism charges often encounter very long court procedures, which sometimes take years until a verdict is reached. Atnaf Berhane, a Zone 9 blogger and activist was released on bail in July 2015 after over 15 months in prison; his case is still open after more than three years since his initial arrest. He says he is banned from travelling and his travel documents were confiscated by government authorities; he also reiterates his call to international human right organisations to work with local journalists and HRDs to expose the human rights violations committed by the government.

The majority of prisoners now being tried for terrorism are charged with offenses related to the Oromo and Amhara protest movements, such as links to the outlawed OLF and PG-7. Testimonies of torture and forced confessions have been collected by EHRP, which document practices including beatings with sticks and metal objects, pulling out fingernails, tying water bottles to men's genitals, and harassment based on prisoners' ethnicity and gender. Overall, the ATP has had a devastating effect on the rights to freedom of expression, association, and peaceful assembly in Ethiopia, instilling a climate of fear among the population. Additionally, chilling testimonies of ill treatment from those who have been prosecuted and sentenced have reinforced the deterring effect of the law.

⁴⁹ Amnesty International, "The torturous fields of Ethiopia's rehabilitation centre," 22 February 2017, <https://www.amnesty.org/en/latest/campaigns/2017/02/the-torturous-fields-of-ethiopias-rehabilitation-centre/>

Cases brought against political groups under the Anti-Terrorism Proclamation

Oromo Liberation Front	28
Patriotic Ginbot 7	23
Unknown	16
5 Ethnic	
2 Fereqetu Lenajeya	
2 Gambela People's Liberation Movement	
1 Al Hawarij	
1 Aqida	
1 Benishangul People's Liberation Movement	
1 Tigrayan People's Democratic Movement	

III. The Cost of Dissent in Ethiopia

HRDs and public dissenters have been confronted with a range of threats and challenges in Ethiopia, making public participation in governance debates extremely challenging. Throughout the years, AHRE has documented cases of harassment, torture, lengthy prison terms, and exile.

Within the ruling coalition, the Tigrayan People's Liberation Front (TPLF) controls the armed forces, national intelligence, and some key government positions. Among other claims, critics from various ethnic groups allege they are excluded from political decision-making, and claim that their land and other resources are exploited by a ruling elite and individuals connected to them.

a. Public participation curtailed

Ethiopia's ambitious 2010-15 Growth and Transformation Plan aimed to foster, among other things, private investment, including by leasing land to foreign agricultural investors. In Ethiopia, land is state property and private ownership is not allowed. Land users cannot sell, mortgage, or exchange in any way the land they lease.⁵⁰ This is especially problematic in rural areas of the country where food scarcity and drought make access to land evermore crucial, notwithstanding the financial, cultural, and identity values also tied to land. Ethiopia's government has come under fire over a series of cases related to forced evictions and inadequate compensation, which are integrally connected to the overarching restrictions on public participation and lack of accountability in governance affairs. The lack of public forums, whether government or civil society-led, for individuals to air their grievances and request compensation is one of the root causes of ongoing civil unrest in Ethiopia.

The Addis Ababa Master Plan aimed to integrate the development of Addis Ababa and its surrounding areas in Oromia state, as the populous capital city continues to grow. The Master Plan, initially published in 2014, triggered protests by large numbers of Oromos over concerns regarding adequate compensation and relocation for evicted farmers. Lack of prior consultation with local communities contributed to growing frustrations and feelings of disenfranchisement.

The protests grew in scale and revived sustained grievances over marginalisation of the ethnic Oromos in the country's political and economic affairs. The government scrapped the plan in 2016, but the protests continued as local communities reacted to the violent response of security forces. The Oromo protest movement was met with a heavy-handed response by the government, characterised by detentions, arrests, killings, and torture of protesters by security officials, which ushered in a new phase in Ethiopia's history of dissent.

HRCO documented in its 140th Special Report a number of violations committed by government officials in Oromia after protests against the Master Plan began. From November 2015 to February 2016, HRCO investigators visited 33 *Woredas* (districts) and documented 102 cases of extra-judicial killings, 81 cases of assault, 84 arbitrary detentions, and 12 enforced disappearances. Moreover, they raise the issue of arson and suggest that hundreds of farmers may have seen their homes and farms destroyed by arson attacks.⁵¹ The report also states that the investigators faced major challenges during their work, including finding witnesses and sources willing to speak, and their ability to travel around Oromia was limited due to "pressure and surveillance by government intelligence and security forces," and limited funding and human resources.⁵²

50 LANDac, "Land to Investors: Large-Scale Land Transfers in Ethiopia," 2011, http://www.landgovernance.org/system/files/Ethiopia_Rahmato_FSS_0.pdf

51 HRCO, 140th Special Report, 14 March 2016, <https://www.ehrco.org/wp-content/uploads/2016/05/140-Special-Report-English-scanned.pdf>

52 *Ibid.* p.5

Human Rights Watch also reported more than 400 deaths, not including enforced disappearances, during the approximately 500 protests that took place in Oromia from November 2015 to May 2016.⁵³

b. The Oromo and Amhara protest movements

Lack of prior consultation with local communities and the absence of space for them to air their grievances, for instance within civil society, have significantly contributed to Ethiopia's ongoing political crisis.

In recent years, protests have flared up in the populous Oromia region, which began in November 2015 and in time spread across several parts of the country. In July 2016, another protests erupted in Gondar, Amhara, following an attempt to arrest Colonel Demeke Zewdu, one of the leaders of the Wolkait Identity and Self Determination Committee. Protesters called for, among other things, an end to arbitrary arrests and the marginalisation of minority groups.⁵⁴ In September 2016, protests began in Southern Ethiopia as dozens of ethnic Konso were killed by security forces in SNNPR following protests over administrative boundaries on traditional Konso land.⁵⁵

The Amhara and Oromo protest movements raised longstanding concerns of ethnic marginalisation, although the authorities' violent repression fuelled greater grievances over human rights violations. Critics allege that the ethnic federal structure has not provided regional autonomy and equitable political representation, as promised, and that the TPLF dominates all key positions in government and the security apparatus.⁵⁶ The violent response to the protests is an example of the government's intolerance of public dissent, and reportedly resulted in more than a thousand deaths and tens of thousands of arrests.

Civil society groups condemned the heavy-handed response by security forces and massive loss of life.⁵⁷ The protest movements further developed after a stampede at the Ireecha Oromo cultural festival on 2 October 2016 resulted in at least dozens of deaths. The authorities reportedly fired tear gas and rubber bullets into the crowd, triggering a deadly stampede and further protests in its wake.

Human rights groups called for an end to the government's use of disproportionate force, and an independent investigation of the arbitrary killings and arrests that have taken place since the beginning of the protest movement in 2015.⁵⁸

The Ethiopian government has repeatedly dismissed calls from the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein,⁵⁹ the ACHPR,⁶⁰ the European Parliament,⁶¹ and members of the United States Congress⁶² for an independent, international, and impartial investigation into the alleged extra-judicial killings and disproportionate use of force by security officials during the protests. The government-sanctioned Ethiopian Human Rights Commission initially released an oral report, and 10 months later a written report, admitting to 669 deaths (civilian and police) in Amhara, Oromia and SNNP regions, but concluded that the measures taken by security officials were largely proportionate.⁶³

57 Amnesty International, "Ethiopia: After a year of protests, time to address grave human rights concerns," 9 November 2016, <https://www.amnesty.org/en/latest/news/2016/11/ethiopia-after-a-year-of-protests-time-to-address-grave-human-rights-concerns/>

58 Human Rights Watch, "Ethiopia: Lethal Force Against Protesters," 18 December 2016, <https://www.hrw.org/news/2016/12/18/ethiopia-lethal-force-against-protesters>

59 OHCHR, "Opening remarks by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at a press conference during his mission to Ethiopia," 4 May 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21582&LangID=E>

60 ACHPR 59, "356: Resolution on the Human Rights Situation in the Federal Democratic Republic of Ethiopia - ACHPR/Res. 356(LIX) 2016," November 2016, <http://www.achpr.org/sessions/59th/resolutions/356/>

61 Parliament of the European Union, "European Parliament resolution of 21 January 2016 on the situation in Ethiopia," 21 January 2016, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0023+0+DOC+XML+V0//EN&language=EN>

62 United States Congress, "H.Res.128 - Supporting respect for human rights and encouraging inclusive governance in Ethiopia," February 15 2017, <https://www.congress.gov/bills/115th-congress/house-resolution/128/text?format=txt>

63 Ethiopian News Agency, "Human Rights Commission Publicizes Findings about the Recent Sporadic Disturbances," 18 April 2017, <http://www.ena.gov.et/en/index.php/politics/item/3068-human-rights-commission-publicizes-findings-about-the-recent-sporadic-disturbances>

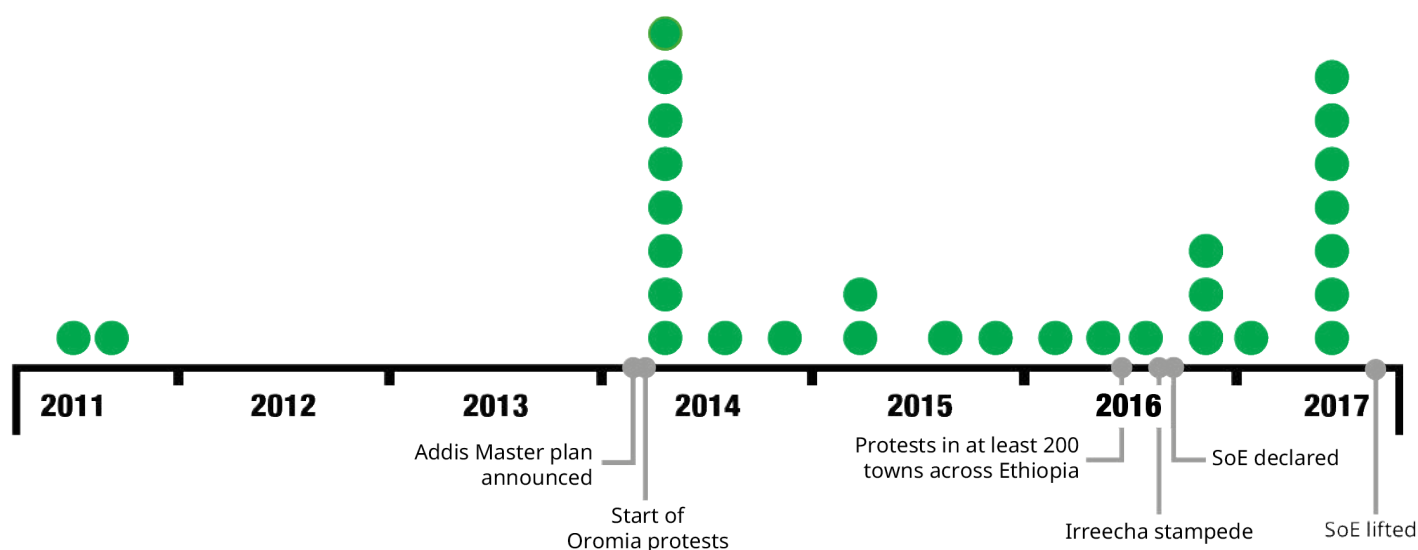
53 Human Rights Watch, "Killings and Arrests in Response to Ethiopia's Oromo Protests," 15 June 2017, <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests>

54 Amnesty International, "Ethiopia: After a year of protests, time to address grave human rights concerns," 9 November 2016, <https://www.amnesty.org/en/latest/news/2016/11/ethiopia-after-a-year-of-protests-time-to-address-grave-human-rights-concerns/>

55 Human Rights Watch, "World Report 2017 - Ethiopia: Events of 2016," <https://www.hrw.org/world-report/2017/country-chapters/ethiopia>

56 Madote, "Ethnic tensions could see Ethiopia descending into civil war," November 2016, <http://www.madote.com/2016/12/ethnic-tensions-could-see-ethiopia.html>

Journalists, bloggers, artists, and HRDs charged under the Anti-Terrorism Proclamation by month of detention (every dot representing a single individual)



The report omitted major violations, including security forces using live ammunition on civilians, mass detentions, and torture, which called into question its claims of impartiality.

c. Dissent under the State of Emergency

The protests reached a new climax in October 2016, when the Ethiopian government officially declared a State of Emergency.

The State of Emergency imposed severe restrictions on basic liberties such as curfews, writing or sharing material on social media, radio, or online that “could create misunderstanding between people or unrest,” and prohibited access to diaspora-based television stations and other “similar linked terrorist media” (US-based Ethiopian Satellite Television and Oromia Media Network were named explicitly). The use of proportionate force by national security agents to implement the decree was also allowed, drawing criticism for permitting vague and disproportionate restrictions beyond those permitted under the ICCPR.⁶⁴

The State of Emergency was imposed on 8 October 2016, was extended for another four months in March 2017, and finally lifted by Parliament on 4 August 2017. The numbers of prisoners of conscience dramatically increased after the State of Emergency was declared. The UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein has cited the number of arrests

as above 26,000, though many have since been released.⁶⁵

HRCO has investigated human rights violations including killings, arrest, detention, and torture, committed during the State of Emergency. In its 142nd special report,⁶⁶ HRCO indicated their staff experienced difficulties conducting the investigation because of the pervasive state of fear on part of victims, capacity constraints, and lack of cooperation from government authorities. And therefore, the figure is very likely to be much higher, according to HRCO.

HRCO also reported that the conditions of the detention centres and treatment of prisoners were well below international standards. Detainees reported that they were subjected to inhuman treatments, including torture, beatings, denial of access to food, and harsh physical exercise. Many of the detention centres were also located in remote areas away from access to public transportation, and family visits were forbidden in some centres. Many of them also lacked basic prison facilities and detainees were overcrowded into single cells.

⁶⁵ Daily Mail Online, “UN rights chief urges Ethiopia to free prisoners after protests,” 4 May 2017, <http://www.dailymail.co.uk/wires/afp/article-4474334/UN-rights-chief-urges-Ethiopia-free-prisoners-protests.html>

⁶⁶ HRCO, 142 Special Report, May 2017, <https://ehrc.org/wp-content/uploads/2017/07/HRCO-142nd-Special-Report-English-Executive-summary-2.pdf>

⁶⁴ Human Rights Watch, “Legal Analysis of Ethiopia’s State of Emergency,” 30 October 2016, <https://www.hrw.org/news/2016/10/30/legal-analysis-ethiopia-state-emergency>

Anania Sorri, a bold government critic, was imprisoned from 17 November 2016 to 13 March 2017 following the State of Emergency declaration. He recalls of his time in prison:

*"I was incarcerated for four solid months without any charge or due process of law in a very terrible prison cell. I was held alongside my colleague and best friend Elias Gebru in a small 6 by 8 meter room which housed almost 70 people. There were only 4 toilet rooms for 400 prisoners. For most of the time we were not able to get water for bathing. We were denied medical care and any sort of access to information. As a result, most of us are still suffering from many physical and psychological ailments."*⁶⁷

According to Defence Minister Siraj Fergessa, Secretariat of the Command Post, which was established to oversee the State of Emergency, 11,352 prisoners were released in February 2017 after receiving 20 days of "renewal training." These were in addition to the 9,800 prisoners released a month prior after receiving similar training.⁶⁸ The training contained five modules which discussed the country's economic growth, internal and external enemies that are threats to the country's sovereignty, the history of Ethiopia, constitutional democracy, and the Ethiopian renaissance narrative that presents poverty as the number one enemy.

Seyoum Teshome is a university lecturer, blogger, and a fierce government critic. He was arrested in September 2016 and charged with "inciting violence." He said he wasn't at first subjected to physical abuse, because of his prominent status, as prison officials preferred to maintain better relations with high-profile prisoners. But that changed after they found out he had tried to collect information from other prisoners regarding the ill-treatment and physical abuse they were enduring.

He recalls:

"I then came across the real torture. They took me to a backside of the building where more than 30 police officers were eating their lunch. There, out of sight from other detainees, they beat me with wood and plastic sticks; they kicked me with their shoes and fist punched me. Once it started, every police officer took turns to beat me. I think they took it as a showcase to prove that they are brave, for them to show a little bit of humanity is considered cowardice. The torture became unbearable and I fainted three times. Whenever I passed out, they would pour water over my head, and when I regained consciousness, they would hit me again. The torture continued for two and half hours."

During a "graduation ceremony," Prime Minister Hailemariam stated that: "if tomorrow you have questions, you have the right to ask in a peaceful and civilised way. Therefore, if there is anything that is prohibited, it is to try and ask questions and look for answers using force, creating chaos and rebellion and you will pay a price for that."⁶⁹ The government has made claims that these camps are an attempt to address some of the grievances expressed during the protest. However, abusive mistreatment of prisoners during mass detention, which at times amounted to torture, and continued refusal to protect citizens' constitutional right to express their opinions freely, including through peaceful assembly, has simply contributed further to the population's frustrations.

In the context of growing discontent over political restrictions, land rights, unemployment, and rising ethnic tensions it is more important than ever to create space for political dialogue and social justice.

⁶⁷ Testimony collected by AHRE (2017)

⁶⁸ Fana BC, "Ethiopia to release over 11, 000 additional suspects tomorrow," 1 February 2017, <http://www.fanabc.com/english/index.php/news/item/8068-ethiopia-to-release-over-11,-000-additional-suspects-detained-under-state-of-emergency-tomorrow>

⁶⁹ Awramba Times, "Thousands Released After Receiving Training Amid Ongoing State of Emergency," 20 December 2016, <http://www.awrambatimes.com/?p=15799>

Conclusion

The Ethiopian government has increased its crackdown on dissenting voices in recent years and its refusal to accept and engage with legitimate criticism indicates a worrying trend. Journalists, political opposition members, HRDs, and ordinary citizens have been targets of intimidation, arrest, detention, torture, unfair trials, and extra-judicial killings. They have been prosecuted for alleged involvement with different listed terrorist organisations and on other charges.

The stifling laws introduced in Ethiopia between 2008 and 2009 continue to be used as tools to criminalise dissent, and many journalists and HRDs have faced long prison terms under the ATP. The suspension of fundamental constitutional rights during the State of Emergency demonstrated the extent to which the government was willing to suspend constitutional rights in order to maintain its powerful grip over the population.

The government has often claimed to prioritise economic growth over political freedom, and argued that democracy in Ethiopia remains a work in progress. Yet, development and investment without consultations with local populations have proved challenging, and often unsuccessful, leading to accusations of land-grabbing and ethnic marginalisation.

In Ethiopia, the government has severely repressed citizens for little more than promoting fundamental human rights, publishing articles or social media posts criticising the government, or for simply participating in demonstrations. Legitimate concerns should be addressed and public participation in governance issues should be encouraged if Ethiopia is to continue on its path to greater socio-economic development.

Ethiopia has been a strategic regional partner in the fight against terrorism, and one of the top global recipients of foreign aid, mostly due to the country's relative stability and key geopolitical position.⁷⁰ However, increasing instability is likely to worsen in an already turbulent region. The stakes are high for Ethiopia, and the years to come will be critical to its continued growth. Restoring civic space is paramount to allowing citizens to express their views and ensure their human rights are protected in Africa's second most populous country.

⁷⁰ Organisation for Economic Co-operation and Development, "Aid statistics by donor, recipient and sector," 2016, <http://www.oecd.org/statistics/datalab/oda-recipient-sector.htm>

Association for Human Rights in Ethiopia

The Association for Human Rights in Ethiopia (AHRE) is a non-governmental, non-partisan, and not-for-profit organisation dedicated to the advancement of human rights. The organisation is registered and based in Geneva, Switzerland. AHRE is the initiative of an Ethiopian human rights activist that fled the country and other members of the Ethiopian diaspora, as an overseas human rights organisation that carries out activities that are difficult to undertake by Ethiopia-based organisations due to financial and administrative restrictions. It is looking for new ways to continue its support to local organisations and raise awareness about human rights violations in the country on an international level.

AHRE is led by Yared Hailemariam, a longtime HRD who served as a lead investigator at the Human Rights Council (HRCO) for seven years before being forced into exile in the aftermath of the 2005 election crackdown in Ethiopia. The organisation raises international awareness about the human rights situation in Ethiopia through advocacy and research. Through close cooperation with actors inside the country, AHRE seeks to raise the voices of HRDs and act as a catalyst for change. It also works to strengthen the capacity of local actors through trainings and the provision of targeted support.

