



Human Rights: The Missing Ingredient in Ethiopia's Effort to Build Democracy
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- I. Summary
- II. Amnesty International and our work on Ethiopia
- III. The Political Transition - Business as Usual
- IV. The Ethiopian Government's Human Rights Obligations
- V. Key Human Rights issues
- VI. The Human Cost of the Ethiopian Government's Repression – Some Individual Cases
- VII. Conclusions and Recommendations
- VIII.

I. Summary

2012 marked the end of the 21 year reign of Meles Zenawi. Under his tenure, the Ethiopian government restricted human rights, aggressively curtailing dissent. Despite this, the Ethiopian government e enjoyed strong support from donors, in particular the United States, based on Ethiopia's support for security operations deemed critical by Washington and also seemingly based on its economic performance and potential as a significant future market. This clampdown was exemplified by the government's brutal retribution against its political opponents and critics following its victory in the 2005 parliamentary elections and by the passage and aggressive implementation of the Anti- Terrorism Proclamation and the Charities and Societies Proclamation, both passed in 2009. The government has used these laws to gut the independent media and throttle human rights organizations and other sectors of civil society. The succession of Prime Minister Hailemariam offers a window for the international community, including the United States, to revisit policies and relationships with the Ethiopian government and press Addis Ababa for change.

II. Amnesty International and our work on Ethiopia

Amnesty International is the world's largest human rights organization, with more than 3 million supporters in more than 150 nations and territories. There are 80 country sections of Amnesty International; here in the United States we have nearly 500,000 supporters whose dedication to human rights has impacted both policy and practice around the world.

AI has documented human rights concerns and communicated our recommendations to the Ethiopian authorities since 1961. In the 1970s Amnesty International reported on abuses under the Dergue government of former head of state Haile Mengistu Mariam, including the persistent pattern of arbitrary detentions, torture, "disappearances" and extrajudicial executions, which peaked in the "Red Terror" campaign against government opponents. In the 1980s Amnesty campaigned against the systematic violation of human rights both in war zones and in the rest of the country.² In the 1990s AI offered specific recommendations to promote and protect human rights to the new government in Eritrea, headed by President Isaias Aferwerki and to the Ethiopian People's Revolutionary Democratic Front (EPRDF) led by the late Meles Zenawi who headed the Transitional Government in 1991 before being elected Prime Minister in 1995. AI was denied permission to visit the country until 1997, after which sporadic visits were conducted, but during the 2000s the Ethiopia researcher was banned from visiting the country. Attempts to visit continued were but in 2011, our current Ethiopia researcher was expelled from the country and AI currently has no access. Despite this, Amnesty has continued to monitor, report and advocate to the Ethiopian authorities on human rights concerns in the country.

III. The Political Transition - Business as Usual

Ethiopia is headed by Hailemariam Desalegn, who was a former Deputy Prime Minister and Minister of Foreign Affairs from 2010 to 2012 under the late Prime Minister Meles Zenawi. Following Meles' death in August 2012, Hailemariam was appointed Acting Prime Minister, before

² *Ethiopia: End of an era of brutal repression - a new chance for human rights*, May 1991 (AI Index: AFR 25/05/91)

being elected as the Chair of the ruling party, the Ethiopian People's Revolutionary Democratic Front (EPRDF), and being appointed Prime Minister on September 15, 2012.

IV. The Ethiopian Government's Human Rights Obligations

The Ethiopian government has committed itself to numerous international and regional treaties, including the International Covenant on Civil and Political Rights, the Geneva Conventions, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the African Charter on Human and Peoples Rights. The human rights standards lay out clearly the obligation of the Ethiopian government to, among other things, promote and protect the rights of the Ethiopian people, including the rights to freedom of expression, association and assembly, to be free from arbitrary arrest and detention, torture and ill treatment, and also obligate the government hold accountable persons guilty of committing human rights abuses. . The Ethiopian government is also a party to the African Charter On Democracy, Elections and Governance which spells out what must be done by the government to hold free, fair and transparent elections.³

The Charter on Democracy also spells out quite clearly the obligation to encourage adherence to the universal values and principles of democracy and respect for human rights, the principle of the rule of law premised upon the respect for, and the supremacy of the Constitution and to promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of governments. The Charter also calls for the promotion and protection the independence of the judiciary and the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs.

Finally the Ethiopian Constitution includes a list of at least 30 human rights provisions in Chapter 3. Fundamental Rights and Freedoms.⁴

V. Key Human Rights issues

Freedom of Expression: Throughout 2011 and 2012, numerous attempts were made by the government to restrict freedom of association, expression, and of the press. On the whole, Ethiopian authorities vigorously stamped out all levels of dissent and criticism, whether in the form of protests, political activities, or media reports in newspapers or on the internet. The issues listed here only touch some of the human rights concerns Amnesty International has with the Ethiopian government. Many of these issues are mirrored in reports by other human rights organizations and the U.S. Department of State's Country Report for Human Rights Practices since 1991.

- Many journalists and opposition party leaders were put in jail on charges of terrorism, largely for committing such acts as calling for reform, criticizing the government, or being involved in peaceful protests. As well having their rights violated because of their political activities

³ African Commission on Human and Peoples' Rights, <http://www.achpr.org/instruments/charter-democracy/>

⁴ Ethiopian Constitution, adopted December 1994, http://www.servat.unibe.ch/icl/et00000_.html

and exercise of the right to freedom of expression, their subsequent trials were marred by serious irregularities. This included a refusal on the part of the court to further investigate allegations of torture, severe restrictions or outright denial of access to legal counsel, and the use of confessions obtained under coercive interrogative methods as admissible evidence in court.

- Hundreds of Muslims were arrested between July and November of 2012 for participating in nationwide protest rallies. Police openly beat some of these protesters in the street, and several incidents openly fired against them, resulting in deaths and several injuries. These protests were sparked by alleged governmental restrictions on freedom of religion. In July the government arrested many of the leaders in this protest and at least one journalist, and the detainees were subsequently charged under the Anti-Terrorism Proclamation. Correspondents from *Voice of America* were detained and interrogated temporarily for interviewing participants in the protests.
- During 2011 and 2012, the Ethiopian authorities continued targeting the vanishing remnants of independent media. For instance, an independent journalist named Temesgen Desalegn was criminally charged in August for publishing pieces that were critical of the government and that advocated for peaceful protests against the authorities. One month after the incident with Mr. Desalegn, directives were issued to printing houses across the country, requiring an immediate removal of all information deemed “illegal.” The unduly broad provisions of the Anti-Terrorism Proclamation meant that much legitimate content could be deemed illegal. .
- Besides these specific injustices, the Ethiopian government has issued a number of sweeping restrictions, such as blocking a number of politics, news, and human rights websites.

Human Rights Defenders:

- In addition to systematic attacks on freedom of expression, Ethiopian authorities directly attacked the ability to function of human rights groups in the country. The Charities and Societies Proclamation, a 2009 edict, severely hampers the work of human rights groups, particularly by denying them access to essential funding and through the creation of a government regulatory agency with excessive powers of interference in the running and activities of human rights organizations. The law continues to inflict harm upon groups like the Human Rights Council and the Ethiopian Women Lawyers Association. During 2012 both these organizations continued to see large amounts of their assets frozen because of this law.

Torture and other Ill Treatment:

- For Ethiopians held in detention, conditions continue to be extremely harsh. Torture is regularly reported to take place during interrogation in the initial stages of detention, often before the detainees have access to their families or to legal representatives. Prisoners have been slapped, suspended from the walls and ceiling by their wrists, beaten with various objects, denied sleep, electrocuted, and had weights suspended from their genitalia. Solitary

confinement for extended periods is often reported. Within prison facilities, sanitation was often reported to be poor. Amnesty International has received reports of medical resources being withheld, and reports of deaths in custody. Food and water is often in short supply, and is supplemented by visiting family members where access is permitted.

Conflict in the Somali Region:

- The Ethiopian government has been in a two-decade long conflict with the Ogaden National Liberation Front (ONLF) in the Somali region. Amnesty International continues to receive regular information of the commission of serious crimes by the national army, and its proxy militia, the Liyu police, against the civilian population. Allegations regularly reported include arbitrary detention, extrajudicial executions, and rape, all on a significant scale. Torture and other ill-treatment of detainees were widely reported. Talks between the government and the Ogaden National Liberation Front collapsed in October 2012.

Forced Evictions:

- A program called “villagization” has led to the displacement of hundreds of thousands of people. Although this program ostensibly declares such displacement to be voluntary and for the purposes of increasing access to infrastructure and services, there have been many reports of people being forcibly removed from their homes and land.

The legacy of previous elections on Ethiopia’s future

While 2012 did not include any elections, the legacy of the 2010 and the 2005 elections remain a profound challenge to the rule of law and accountable government. The 2012 Department of State Reports for Human Rights Practices entry for Ethiopia noted that concerns by some observers from the European Union about intimidation, harassment and a climate of apprehension that had to be considered in assessing to overall election.⁵

The violence following the 2005 elections was even more alarming. The 2005 Report on Country Practices reported that the government of Prime Minister Meles committed serious human rights abuses including:

“limitation on citizens' right to change their government, unlawful killings, including alleged political killings, and beating, abuse, and mistreatment of detainees and opposition supporters by security forces, arbitrary arrest and detention of thousands of persons, particularly those suspected of sympathizing with or being members of the opposition, detention of thousands without charge, and lengthy pretrial detention, government infringement on citizens' privacy rights, and frequent refusal to follow the law regarding search warrants, government restrictions on freedom of the press; arrest, detention, and harassment of journalists for publishing articles critical of the government; self-censorship by journalists, government restrictions on freedom of assembly including denial of permits, burdensome preconditions or refusal to provide assembly halls to opposition political

⁵ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

groups, and at times use of excessive force to disperse demonstrations, government limitations on freedom of association and government interference in union activities.”⁶

VI. The Human Cost of the Ethiopian Government’s Repression – Some Individual Cases

- **Eskinder Nega**, a journalist and writer imprisoned for alleged terrorism-related activities. Eskinder was arrested (for the eighth time) on 14 September 2011 after publishing a column that criticized both the Ethiopian government's detention of journalists as suspected terrorists and the arrest of actor and activist **Debebe Eshetu**. Amnesty International believes the charges against Eskinder were politically motivated. He was found guilty in June 2012, and was sentenced to 18 years’ imprisonment.

In July 2012, members of the committee selected by the Muslim community to present their grievances to the government, along with Editor **Yusuf Getachew**, of the *Muslim Affairs Magazine*, were arrested, and were subsequently charged with terrorism offences.

- Two other journalists from Muslim Affairs magazine, **Akmel Negash** and **Yishak Eshtu** left the country for fear of arrest.
- On August 9 charges were filed against *Feteh* editor in chief **Temesgen Dessaegn** for allegedly inciting the youth to participate in violence. Bail was denied due to concerns that he might continue to write articles offending the government if released.
- On January 19th, 2012: journalists **Woubishet Taye** and **Reyot Alemu**, and opposition leader **Zerihun Gebre-Egziabher Tadesse** were convicted on terrorism charges and given lengthy prison terms. They were tried and convicted alongside **Hirut Kifle Woldeyesus** a former opposition member, and journalist and blogger **Elias Kifle** who was convicted in absentia on same charges.
- In July, **Jemal Kedir** was charged and sentenced for sending text messages supporting the release of the Muslim protest movement detainees.

VII. Conclusions and Recommendations

Mr. Chairman, Amnesty International’s focus is on human rights. We believe that without the full enjoyment of those rights, by all Ethiopians, it will be hard to see how the country will fulfill the promise of individual freedom and dignity that has been espoused since the ouster of Haile Mariam Mengistu in 1991.

Since 2005 the human rights situation in the country has deteriorated still further, with significantly increased restrictions placed on freedom of expression, association and other rights. Sadly the Ethiopian authorities have not acted in a vacuum during this period. The United States and others in the international community have failed to raise concerns over the government’s systematic violation of human rights and flouting of its international obligations. The failure to speak out and press for

⁶ <http://www.state.gov/j/drl/rls/hrrpt/2005/61569.htm>

change has emboldened the government and also allowed Ethiopia to set a dangerous example for other governments in the region to emulate. It is critical that the United States and other members of the international community press the Ethiopian authorities to address human rights concerns and repeal and reform key legislation and policies.

Specifically Amnesty International urges the United States to:

- Urge the Ethiopian government to respect, protect and fulfill the right to freedom of expression, as it is obliged to do under domestic and international law. As a first step toward that end, it should immediately end the practice of arresting those who hold different political opinions;
- Call upon the Ethiopian authorities to cease the targeting of journalists who are conducting their legitimate professional work, which includes reporting on peaceful protests and reporting on the activities of opposition groups, armed groups and groups proscribed as terrorist organizations;
- Urge the Ethiopian authorities to cease the use of criminal prosecutions to silence the freedom of expression of opposition politicians, independent media, and other groups critical of the government;
- Urge the Ethiopian authorities to amend the *Anti-Terrorism Proclamation* to remove provisions that do not conform to rights of freedom of expression guaranteed in international human rights law. Pending such legal reform, do not use charges that criminalize legitimate exercise of the right to freedom of expression;
- Urge Ethiopian authorities to amend the *Charities and Societies Proclamation* to remove the restrictions on human rights activities, and to recognize, respect and protect the vital work of human rights defenders;
- Urge the Ethiopian authorities to ensure that all detainees are promptly charged with a recognizable criminal offense or are released immediately and unconditionally;
- Urge the Ethiopian Government to initiate prompt, thorough, effective and impartial investigations into allegations of torture or other ill-treatment made by detainees, and ensure that, should there be enough admissible evidence, suspected perpetrators are prosecuted and tried in a fair trial in accordance with international standards;
- Call upon the Ethiopian authorities to make available full details of all those arrested in 2011 and 2012, including members of political parties and students. Information must include the names, current location and detention status of all detainees.
- Call upon the Ethiopian authorities to guarantee that arrested persons are never detained in un-gazetted places of detention. Immediately move any detainees currently held in an unofficial place of detention to a recognized detention center.