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ETHIOPIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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In 2010 and until April 2011, drastic restrictions continued to affect the activities of civil society in Ethiopia, confronted with funding restrictions undermining their very existence, but also with hindrances as regards the monitoring of the elections. Human rights activities were further hampered by a prevailing climate of fear, surveillance and denial of access to zones of rebellion. Early 2011, a journalist reporting on democracy and human rights developments in Egypt was also arrested and warned about possible repercussions he could face because of his activities.

Political context

Mr. Meles Zenawi's Ethiopian People's Revolutionary Democratic Front (EPRDF) and its allied parties won with 99,6% of the votes the May 23, 2010 parliamentary elections. The electoral process was qualified by the European Union observers as falling "short of international commitments for elections, notably regarding the transparency of the process and the lack of a level playing field for all contesting parties"¹. Indeed, in the run-up to the May 2010 general elections², the first since the contested 2005 elections that were followed by violence and a severe repression, the Ethiopian Government sought to muzzle all dissenting opinions, particularly political opponents, journalists and human rights defenders. Voters were reportedly threatened to lose their jobs or other resources if they did not vote for the EPRDF³, numerous opposition members were arrested before the elections and some were still in jail when the election took place, and access to independent information before the elections was restricted.

Moreover, recently enacted laws – such as the 2009 Anti Terrorism Proclamation and the 2009 Charities and Societies Proclamation Law – were successfully used to intimidate and dismantle the independent media and civil society critical of the Government's actions. Although as of April 2011 no journalist had been prosecuted under the Anti-Terrorism Proclamation, the law increased fears and self-censorship. As a consequence, several journalists fled the country for fear of reprisals.

1/ See European Union (EU) Election Observation Mission to Ethiopia, *Final Report*, November 8, 2010.

2/ The elections for the State Councils also took place on May 23, 2010. The EPRDF and affiliated parties won all but four of the 1,904 seats for the State Councils.

3/ See Human Rights Watch (HRW) Statement, May 24, 2010.

In the areas where ethnic federalism remained artificial, particularly in the Oromia and Ogaden regions, the rebellion maintained its operations. At the end of 2010, an estimated 300,000 people remained internally displaced due to fighting between the Government forces and rebellion groups for instance in the Somali region, but also ethnic clashes such as among Nuer in the Gambella region as well as communal violence across the country⁴. In March 2011, around 200 ethnic Oromo opposition members were arrested, including at least 68 people from the Oromo Federalist Democratic Movement (OFDM). On March 30, 2011, the Government reportedly confirmed that 121 were detained without charge and alleged that they were members of the Oromo Liberation Front (OLF), an armed group that is banned in Ethiopia⁵.

Drastic restrictions of civil society activities as a result of the implementation of the 2009 Proclamation on Societies and Charities

Use of the CSO Law to restrict funding of human rights organisations and thereby their activities

In March 2010, the Government rejected recommendations made at the Human Rights Council's Universal Periodic Review (UPR) in December 2009 to modify the Law No. 621/2009 (CSO Law), which was adopted by the Parliament in 2009 and created a very restrictive environment for human rights defenders and forced them to sharply restrict their activities, in particular due to draconian restrictions on their funding sources⁶. As a consequence, NGOs such as the Human Rights Council (HRC), the Ethiopian Women Lawyers Association (EWLA) and the Ethiopian Lawyer Association (ELA)⁷, were almost totally incapacitated to keep pursuing their human rights activities. In August 2010, HRC appealed to the board of the Government-appointed "Charities and Societies Agency" (ChSA), which has wide-ranging discretionary powers related to the registration, functioning and dissolution of NGOs, after its bank account was frozen by the ChSA on December 8, 2009, which alleged that HRC fund was from foreign sources in violation of the CSO Law. Yet, the funds were from pre-existing grants received before the issuance of the law and

4/ See Internal Displacement Monitoring Centre (IDMC) Report, *Internal Displacement: Global Overview of Trends and Developments in 2010 - Ethiopia*, March 23, 2011.

5/ See HRW Press Release, April 6, 2011.

6/ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Ethiopia*, UN Document A/HRC/13/17/Add.1, March 18, 2010.

7/ HRC was named the Ethiopian Human Rights Council (EHRCO) and ELA the Ethiopian Bar Association until 2009, when the Charities and Societies Agency (ChSA), created by the CSO Law, forced them to change their name. In addition, the original name of ELA was given to a pro-Government lawyers group by the ChSA.

part of it had been generated locally. On February 7, 2011, HRC learned by an article published in the *Addis Fortune* that ChSA Appeal Board had upheld the decision to freeze its account as well as EWLA's one. The HRC was only formally notified of the Board's decision on April 19, 2011, after repeated requests. The Board, in its decision, stated that HRC had attempted to delay the implementation of the Proclamation and failed to deliver documents showing that any money generated from local sources had been blocked although HRC had submitted extracts from its annual audit reports for the past eighteen years, showing how much had been collected from local sources and deposited on its account. HRC decided to bring the case before Federal Courts. Moreover, while as a result of the freezing of its bank accounts, HRC had to close nine of its twelve field offices in December 2009, as of April 2011 its office in Nekemet was to close down soon due to lack of funding. Besides, the ChSA prevented HRC from selling the assets from its closed branches and maintained that it should distribute these assets to other organisations having the same aim. Similarly, ELA had to scale down its activities since it was unable to access foreign funds and therefore to reduce its staff from fourteen to five. As its attempts to raise funds locally were unsuccessful, it accepted to operate a legal aid centre within the premises of the Federal High Court in Addis Ababa. At the beginning of 2011, it signed an agreement with the Ethiopian Human Rights Commission for a grant of 10,000 US dollars (about 7,024 euros) to run the legal aid centre and publish articles on human rights in its journal. However, as the Ethiopian Human Rights Commission is a Government creation, ELA independence for carrying out such activities might be questioned in the future. Furthermore, it is worth mentioning that after examining the initial report of Ethiopia in November 2010, the United Nations Committee Against Torture (CAT) noted with concern that "local human rights NGOs previously active in [carrying out prison visits and providing legal aid and other assistance or rehabilitation to victims of torture and ill-treatment], including the Ethiopian Human Rights Council, the Ethiopian Women Lawyers Association, the Ethiopian Bar Association and the Rehabilitation Centre for Victims of Torture in Ethiopia, are no longer fully operational"⁸.

Use of the CSO Law to prevent independent organisations from monitoring the elections

In addition, a number of organisations were prevented from monitoring the 2010 elections as a result of the enforcement of the CSO Law. Indeed, in order to be involved in elections monitoring, NGOs had to obtain a

8 / See CAT, *Concluding Observations of the Committee Against Torture - Ethiopia*, UN Document CAT/C/ETH/CO/1, January 20, 2011.

licence from the National Electoral Board of Ethiopia (NEBE). Yet, eligibility to obtain it was depending on the statute of the organisation. NGOs that had been obliged to abandon their activities on democracy issues when they re-registered in 2009 in order to continue receiving foreign funding were consequently prevented from taking part in the monitoring of the electoral process. Furthermore, as HRC was forced by the ChSA to amend provisions of its statute relating to elections monitoring when it applied for registration in 2009, it was consequently prevented from obtaining a licence from NEBE. As a result, local NGOs that finally obtained the licence had limited “technical ability and freedom to make critical assessments” while the other “made no tangible contribution to the electoral process”⁹. In addition, no NGO could be involved in voters education since NEBE decided to carry out all voters education activities itself¹⁰.

Human rights activities further hampered by a prevailing climate of fear, surveillance and denial of access to zones of rebellion

Other obstacles faced by human rights defenders were the continuous climate of fear prevailing in the country because of the intimidation and arrests conducted in the past years. While several human rights defenders had no other options than to restrict their activities or to flee the country in 2009 and early 2010¹¹, the few who stayed continued to face constant threats. For instance, Mr. **Ato Habtamu**, a member of HRC but also a well-known writer in the field of governance and human rights, was threatened by telephone and by undercover security agents who regularly stopped him in the street and threatened him by saying that “he is an opponent of the regime and a member of Ginbot 7 Party [a banned opposition party] and that his writings reflect his anti-Government stance”¹².

Furthermore, in this climate and as a result of the restrictions on movement in armed conflict zones such as Ogaden and Oromia where identity is checked at checkpoints and anyone coming from another area without permission risks arrest and detention, NGO monitoring activities were seriously hampered.

9/ See EU Election Observation Mission to Ethiopia, *Final Report*, November 8, 2010.

10/ See HRC.

11/ Including Ms. **Elsabet Gizaw**, an HRC investigator and former journalist, and Messrs. **Yoseph Mulugeta**, HRC Secretary General, **Abiy Tekle Mariam**, **Mesfin Negash**, Editor of *Addis Neger*, **Manyawkal Mekonnen**, Director of the Organisation for Social Justice (OSJE), and **Kassahun**, Programme Officer of the Peace and Development Committee. See Annual Report 2010.

12/ See HRC Report, *The State of Human Rights in Ethiopia 34th Regular Report*, November 8, 2010.

Harassment of a journalist reporting on democracy and human rights issues

Early 2011, a journalist reporting on democracy and human rights developments in Egypt was also arrested and warned about possible repercussions he could face because of his activities. On February 11, 2011, Mr. **Eskinder Nega**, a journalist and former owner of several newspapers, was briefly arrested by the police as he was going out of a cyber café in Addis Ababa. He was reportedly warned by the police that his Internet writing were perceived as an incentive to protest in Ethiopia similar to those taking place in Egypt and Tunisia and that if such protest ever starts in Ethiopia he will be held responsible. Mr. Eskinder Nega wrote several articles about the uprising in Tunisia and Egypt and, on February 4, 2011, he had posted an article on *Ethiomedias News* titled “Egypt’s and General Tsadkan’s lesson to Ethiopian Generals”, analysing the role of Egyptian peaceful pro-democracy activists and the non-intervention of the army against them throughout the Egyptian revolution, and analysing to what extent such a scenario could be possible in Ethiopia¹³.

13/ See CPJ Report, *Sub-Saharan Africa censors Mideast protests*, February 2011 and RSF Press Release, March 21, 2011.